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13 December 2012

## **NOTICE OF MEETING**

A meeting of **ARGYLL AND BUTE COUNCIL** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **THURSDAY, 20 DECEMBER 2012** at **11:00 AM**, which you are requested to attend.

Douglas Hendry  
Executive Director - Customer Services

### **BUSINESS**

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST (IF ANY)**
- 3. MINUTES**  
Argyll and Bute Council – 22 November 2012 (Pages 1 - 10)
- 4. LEADER AND LEAD COUNCILLOR REPORTS**  
Report by Leader of the Council (Pages 11 - 16)
- 5. ADULT PROTECTION COMMITTEE BIENNIAL REPORT 2012**  
Presentation and report by Independent Chair of Argyll and Bute Adult Protection Committee (Pages 17 - 60)
- 6. EQUALITY AND DIVERSITY POLICY**  
Report by Chief Executive (Pages 61 - 76)
- 7. EQUALITY IMPACT ASSESSMENT**  
Report by Chief Executive (Pages 77 - 94)
- 8. ADOPTION OF THE LIVING WAGE**  
Report by Chief Executive (to follow)

9. **A POLICY FRAMEWORK FOR INFORMING COUNCIL SUPPORT TO BUSINESS IMPROVEMENTS DISTRICTS**  
Report by Executive Director – Development and Infrastructure Services (Pages 95 - 98)
10. **DRAFT BUSINESS CASE FOR MULL AND IONA BIDS**  
Extract from Oban, Lorn and the Isles Area Committee held on 10 October 2012 (Pages 99 - 100) and report by Executive Director – Development and Infrastructure Services (to follow)
11. **PROPOSED ARGYLL AND BUTE LOCAL DEVELOPMENT PLAN**  
Extracts from Minutes of Mid Argyll, Kintyre and the Islands; Oban, Lorn and the Isles; Bute and Cowal and Helensburgh and Lomond Area Committees held in December 2012 (to follow) and report by Executive Director – Development and Infrastructure Services (Pages 101 - 108)
12. **PROPOSED ARGYLL AND ISLES COAST AND COUNTRYSIDE TRUST**  
Report by Executive Director – Development and Infrastructure Services (Pages 109 - 116)
13. **INTRODUCTION OF DECRIMINALISED PARKING ENFORCEMENT**  
Report by Executive Director – Development and Infrastructure Services (Pages 117 - 124)
14. **SCOTTISH COURT SERVICE - CONSULTATION ON PROPOSALS FOR A COURT STRUCTURE FOR THE FUTURE**  
Report by Executive Director – Customer Services (to follow)
15. **POLICE AND FIRE AND RESCUE REFORM**  
Report by Executive Director – Customer Services (Pages 125 - 128)
16. **CONSULTATION ON STRATEGIC POLICE PRIORITIES**  
Report by Executive Director – Customer Services (Pages 129 - 134)
17. **NOMINATION OF MEMBER TO ARGYLL AND BUTE AREA SUPPORT TEAM**  
Report by Executive Director – Customer Services (Pages 135 - 138)
- E1 18. **LEASE - DUNOON FOOTBALL LEAGUE - DUNOON STADIUM**  
Extract from Minute of Bute and Cowal Area Committee held on 2 October 2012 and report by Executive Director – Customer Services (Pages 139 - 146)
- E1 19. **LEASE - DUNOON BOXING CLUB - GROUND AT DUNOON STADIUM**  
Extract from Minute of Bute and Cowal Area Committee held on 6 December 2011 and report by Executive Director – Customer Services (Pages 147 - 154)
- E1 20. **HIGHLANDS AND ISLANDS PATHFINDER BROADBAND RE-PROCUREMENT: UPDATE**  
Report by Executive Director – Customer Services (to follow)
- E2 21. **ICT SERVER FAILURE - REVIEW**  
Report by Executive Director – Customer Services (Pages 155 - 162)

## **E3 22. ACTUAL REALITY - UPDATE**

(to follow)

The Committee will be asked to pass a resolution in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for items of business with an "E" on the grounds that it is likely to involve the disclosure of exempt information as defined in the appropriate paragraph of Part I of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraphs are:-

**E1 Paragraph 6** Information relating to the financial or business affairs of any particular person (other than the authority).

**Paragraph 9** Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

**E2 Paragraph 12** Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with-

- (a) any legal proceedings by or against the authority, or
- (b) the determination of any matter affecting the authority, (whether, in either case, proceedings have been commenced or are in contemplation).

**E3 Paragraph 9** Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

## **COUNCIL**

### **ALL MEMBERS**

Contact: Hazel MacInnes Tel: 01546 604269

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**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER, KILMORY,  
LOCHGILPHEAD  
on THURSDAY, 22 NOVEMBER 2012**

**Present:** Provost Isobel Strong (Chair)

Councillor Blair	Councillor R G MacIntyre
Councillor Breslin	Councillor MacMillan
Councillor Colville	Councillor McNaughton
Councillor Currie	Councillor McQueen
Councillor Dance	Councillor Marshall
Councillor Freeman	Councillor A Morton
Councillor Glen-Lee	Councillor E Morton
Councillor Hall	Councillor Philand
Councillor Horn	Councillor Robb
Councillor Kinniburgh	Councillor Robertson
Councillor McAlpine	Councillor Semple
Councillor McCuish	Councillor Taylor
Councillor MacDonald	Councillor Trail
Councillor MacDougall	Councillor Walsh
Councillor R E Macintyre	

**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  
Angus Gilmour, Head of Planning  
Jim Robb, Head of Adult Care  
Louise Long, Head of Children and Families

The Provost extended an invitation for everyone to attend the Kirkin of the Council which was taking place in Rothesay on Sunday 25 November 2012 at 11.00am in the United Church of Bute.

The Provost ruled, and the Council agreed, that the business as dealt with at item 24 of this Minute be dealt with as a matter of urgency by reason of the need to take a decision on the membership of the Appointment Panel before Panel met the following week.

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received by Councillors Corry, Devon, Kelly, D MacIntyre, Mulvaney, Scoullar, William Crossan and David McEwan (church reps) and Alison Palmer and William Marshall (teacher reps).

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest intimated.

**3. MINUTES**

The Minutes of the Meeting of 25 October 2012 were approved as a correct record subject to the following amendments:- on page 8 under item 17 decision 1, to change the word pro-term to pro-tem.

Councillor Currie also asked what the Council would be doing to congratulate the young people who were prize winners at the Mod. The Provost advised that she would be writing to them shortly to congratulate them.

**4. AUDITED ACCOUNTS 2011/12**

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 2012. 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 the Head of Strategic Finance dated 1 November 2012, submitted)

Councillor Donnie MacMillan left the meeting at this point but returned later at item 14.

**5. EXTERNAL AUDIT ANNUAL REPORT 2011/12**

The Council considered a report which introduced the external auditors annual audit report for 2011/12.

**Decision**

The Council noted the audit annual report for 2011/12.

(Ref: Report by Head of Strategic Finance dated 1 November 2012, submitted)

**6. REVENUE BUDGET MONITORING AS AT 30 SEPTEMBER**

The Council considered a report which summarised the revenue budget position of the Council as at 30 September 2012 with the overall outturn variance at the end of the financial year forecast to be an overspend of £228k based on the September budget monitoring exercise.

**Decision**

The Council noted the contents of the report.

(Ref: Report by Head of Strategic Finance dated 22 November 2012, submitted)

**7. CAPITAL PLAN MONITORING AS AT 30 SEPTEMBER**

The Council considered a report which summarised the position for all departments on the Capital Plan as at 30 September 2012. 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

1. The Council noted the capital plan monitoring report.
2. Agreed that budget of £3,638k is transferred from 2012-13 to 2013-14 in respect to Helensburgh Office Project to take account of the delayed start on site.

<b>Project</b>	<b>Request</b>
Milton Burn/Flood Prevention	Transfer of £95k from Flood Prevention to Milton Burn to cover the extra cost of work at John Street
Consolidated Server Replacement/IT Education	Transfer of £49k from IT Education Project 2012-13 and transfer of £77k from IT Education Project 2012-14 to Server Replacement programme to cover cost of 5 year support package which was not originally budgeted for
Consolidated Server Replacement/Applications Project	Transfer of £163k to cover expenditure for the server environment

(Ref: Report by Head of Strategic Finance dated 22 November 2012, submitted)

## 8. TREASURY MANAGEMENT MONITORING AS AT 30 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 2012 was considered.

### Decision

The Council noted the treasury management monitoring report.

(Ref: Report by Head of Strategic Finance dated 18 October 2012, submitted)

## 9. ANNUAL INVESTMENT STRATEGY 2012-13 REVISION

The Council considered a report which set out the consequential changes to the Council's investment strategy arising from the Council's decision on 23 August 2012 to allocated funding towards investment in housing.

### Decision

Agreed to the changes to the investment strategy that are necessary in order to permit the investment in housing agreed by the Council on 23 August 2012 to take effect.

(Ref: Report by Head of Strategic Finance dated 18 October 2012, submitted)

**10. CORPORATE IMPROVEMENT PLAN**

The Council considered a report which set out the main elements of the Corporate Improvement Plan which had been established to take forward corporate improvement, deliver the annual requirement for efficiency savings and support continuous improvement.

**Decision**

The Council noted the content, governance and reporting arrangements in respect of the Corporate Improvement Plan.

(Ref: Report by Head of Strategic Finance dated 7 November 2012, submitted)

**11. BUDGET CONSULTATION**

The Council considered a report which set out the proposals on the budget consultation exercise for 2012-14.

**Decision**

Agreed to the proposals for the budget consultation as detailed in the submitted report with the addition of wording at 3.4 to include Area Community Planning Groups.

(Ref: Report by Head of Strategic Finance dated 14 November 2012, submitted)

**12. YOUTH EMPLOYMENT SKILLS PIPELINE AND ACTION PLAN**

The Council considered a report which set out the Argyll and Bute Youth Employment Skills Pipeline and Action Plan which aimed to build upon and improve the current provision, help and support available to young people across the local authority.

**Decision**

The Council approved and supported the Argyll and Bute Youth Employment Skills Pipeline and Action Plan.

(Ref: Report by Executive Director of Community Services dated 24 October 2012, submitted)

**13. ARGYLL AND BUTE'S PROMISE - GIVE ME A CHANCE**

The Council considered a report which advised of the recent signing of the "Give Me a Chance – Be Fair to a Child in Care" campaign and provided information in relation to the campaign.

**Decision**

The Council endorsed the signing of the "Give Me a Chance – Be Fair to a Child in Care" campaign.

(Ref: Report by Executive Director of Community Services dated 31 October 2012, submitted)

Councillor Donnie MacMillan re-joined the meeting at this point.



**14. CHIEF SOCIAL WORK OFFICER ANNUAL REPORT**

The Council considered a report which introduced the annual Chief Social Work Officer (CSWO) report for 2011/12.

**Decision**

The Council noted the content of the Chief Social Work Officer (CSWO) report for 2011/12.

(Ref: Report by Executive Director of Community Services dated 31 October 2012, submitted)

The Provost adjourned the meeting at 12.35pm and re-convened at 14.05pm.

**15. PROCUREMENT CAPABILITY ASSESSMENT 2012**

The Procurement Capability Assessment (PCA) for Local Authorities is carried out by Scotland Excel between October and December each year. The assessment for Argyll and Bute Council for the year 2012 was carried out on 8 October 2012 and the submitted report provided a brief overview of the assessment.

**Decision**

1. The Council noted the contents of the submitted report and Appendices.
2. The Council supported the Procurement and Commissioning Team in achieving a further improved score next year, which will require a commitment to the various actions in the summary report – Appendix 1.

(Ref: Report by Executive Director of Customer Services dated 24 October 2012, submitted)

Councillor Rory Colville left the meeting at this point.

**16. POLICE FIRE AND RESCUE REFORM - UPDATE**

The Council considered a report which provided an update on the progress that had been made to date with regard to the Police and Fire & Rescue Reform agenda, in preparation for the introduction of the new Police Service for Scotland which goes live on 1 April 2013 and set out the proposed future local scrutiny and engagement arrangements for Argyll and Bute.

**Decision**

1. Noted the progress that had been made in respect of Police and Fire & Rescue Reform at a national level and Argyll and Bute level.
2. Noted that details of proposed future governance and local scrutiny and engagement arrangements are being developed and will be reported to a future meeting.

(Ref: Report by Executive Director of Customer Services dated 17 October 2012, submitted)

**17. INDEPENDENT MEMBER ON AUDIT COMMITTEE**

The Council considered a report which set out the proposals for appointing an independent Member of the Audit Committee.

**Decision**

Noted that four applications had been received for the role of Independent Member of the Audit Committee; and to appoint a Panel of six Members, four from the Administration and two from the Opposition, to interview and appoint a suitable candidate from the applications submitted, the membership of the Panel will be notified in due course.

Agreed unanimously to suspend standing orders and thereafter to agree that the term of office for the appointment be to 30 April 2016 or such other period as the Council may determine and that the panel be authorised to designate the roles of Chair and Vice Chair of the Audit Committee as provided for in the Constitution.

(Ref: Report by Executive Director of Customer Services dated 22 October 2012, submitted)

**18. APPOINTMENT TO OUTSIDE BODY - HEALTH AND WELLBEING PARTNERSHIP**

The Council considered a report which advised of a request from NHS Highland to appoint an elected Member representative to sit on the Health and Wellbeing Partnership.

**Decision**

The Council appointed Councillor Anne Horn to be the elected Member representative to sit on the Health and Wellbeing Partnership.

(Ref: Report by Executive Director of Customer Services dated October 2012, submitted)

Councillor James McQueen left the meeting at this point.

**19. APPOINTMENT TO COSLA SPORT, ARTS AND CULTURE WORKING GROUP**

The Council considered a report which invited the Council to make an appointment to the COSLA Sport, Arts and Culture Working Group.

**Decision**

The Council appointed Councillors Louise Glen-Lee and Douglas Philand to sit on the COSLA Sport, Arts and Culture Working Group.

(Ref: Report by Executive Director of Customer Services dated November 2012, submitted)

**20. PROGRAMME OF MEETINGS 2013-2014**

The Council's Standing Orders for Meetings require that Programme of Meetings be

approved for the Council and its Committees for the forthcoming year. The approved Programme of Meetings runs until April 2013 and the Council considered a report inviting them to approve a Programme of Meetings which would run from May 2013 to April 2014.

### **Decision**

Approved the Programme of Meetings for the year 2013/14 with the amendment to the date for the Audit Committee in March 2014 to be March 14.

(Ref: Report by Executive Director of Customer Services dated November 2012, submitted)

## **21. ALCOHOL BY-LAWS OBAN**

The Council considered a report which advised of the proposal to amend the byelaw prohibiting consumption of alcohol in designated public places to extend the scope thereof to include Soroba, Glengallan and the Pulpit Hill areas of Oban. The Council had previously agreed that the Executive Director of Customer Services be instructed to initiate the process for revision of the existing byelaw to incorporate these areas.

### **Decision**

1. The Council, having due regard to the consultation undertaken with relevant parties and the information gathered to inform the review, agreed to amend the existing byelaws as detailed in the submitted draft byelaws and:
2. Authorised the Head of Governance and Law to advertise the intention to amend as required by the Local Government (Scotland) Act 1973.
3. Authorised the Head of Governance and Law to authenticate the byelaws after the period of one month has expired if no objections received and submit the byelaw to the Scottish Government for confirmation and agree the commencement date with the Scottish Government if confirmed.

(Ref: Report by the Executive Director of Customer Services dated 7 November 2012, submitted)

## **22. HELENSBURGH PIERHEAD MASTERPLAN**

Previously the Executive authorised the Executive Director of Development and Infrastructure to undertake a public consultation on the proposed draft Masterplans for two key development sites in Helensburgh. Following the consultation a summary of the responses made to the finalised Masterplan were highlighted in the submitted report.

### **Decision**

The Council approved the Finalised Pierhead Masterplan as submitted and instructed officers to start its implementation and noted that this is a flexible outline concept which will develop as we go through the planning process.

(Ref: Report by Executive Director of Development and Infrastructure Services dated 22 November 2012, submitted)

**23. TEMPORARY SUSPENSION OF OFF STREET PARKING CHARGES DURING THE CHRISTMAS PERIOD**

The Council considered a report which sought approval for the suspension of parking charges across all areas of Argyll and Bute during the 5 day period up to and including Christmas Eve, 20-24 December 2012, inclusive. Approval was also sought for the suspension of parking charges in Helensburgh car parks for 30 November, 1 December and 2 December for the Helensburgh Winter Festival.

**Decision**

Agreed that the Council instructs the Executive Director of Development and Infrastructure Services to suspend parking charges on off street car parks across all areas of Argyll and Bute during the 5 day period up to and including Christmas Eve and between 30 November and 2 December for the Helensburgh Winter Festival.

(Ref: Report by Executive Director of Development and Infrastructure Services dated 16 November 2012, submitted)

**24. APPOINTMENT TO PERFORMANCE REVIEW AND SCRUTINY COMMITTEE**

The Council heard from the Head of Governance and Law who advised that Councillor Ellen Morton wished to declare an interest on the Appointments Panel as she knew one of the applicants and wished to stand down from the Panel. The Provost had previously ruled that this matter be taken as a matter of urgency and that there had been a material change of circumstances to enable a decision to be taken.

**Decision**

It was agreed to appoint Councillor Vivien Dance to replace Councillor Ellen Morton on the Appointments Panel.

The Council resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for the following items of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraphs 9, 6&9 and 12 of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

Councillor Vivien Dance left the meeting at this point.

**25. ACTUAL REALITY - PROPOSED SALE OF ARDENTINNY**

The Council considered a report which advised on the current position in regard to the proposed sale of the Council's property at Ardentenny to Actual Reality Learning and Leadership Ltd (AR), the current occupiers of the Council properties at both Castle Toward and Ardentenny.

**Decision**

Agreed that no decision be taken today and that Council agrees to a further delegation to the Executive Director of Customer Services and the Chief Executive to finalise the sale of Ardentenny Outdoor Centre facility to Actual reality following discussion and agreement with the Leader of the Council, the Depute Leader, the Lead Councillor for Finance and European Affairs, Lead Councillor for Education and Lifelong Learning and the Leaders of the Opposition, Councillors Morton, Walsh and Mulvaney. The final decision to be taken within 7 days of the November Council Meeting.

(Ref: Report by Executive Director of Customer Services dated 22 November 2012, submitted)

Councillor Robert E Macintyre left the meeting at this point.

**26. NEXT GENERATION BROADBAND - COUNCIL CONTRIBUTION**

The Council considered a report which provided an update on two matters, the two next generation broadband projects covering the Argyll and Bute Council geographic area; and the Broadband Pathfinder re-procurement.

**Decision**

The Council agreed to the recommendations as contained within the report by the Executive Director of Customer Services.

(Ref: Report by Executive Director of Customer Services dated 21 November 2012, submitted)

**27. VAT APPEAL**

The Council considered a report which sought approval for the Council to act as lead appellant in at VAT appeal where the Council could gain a one off reimbursement of VAT and interest.

**Decision**

The Council gave approval for the Council to act as lead appellant in the VAT Tribunal case relating to non business sport.

(Ref: Report by Head of Strategic Finance dated 14 November 2012, submitted)

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**LEADER'S REPORT**
**COUNCIL****ARGYLL & BUTE COUNCIL****20 DECEMBER 2012**


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**LEADER & LEAD COUNCILLOR REPORTS**


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**1. SUMMARY**

- 1.1 This report outlines the arrangements for regular update reports by the Leader of the Council and Lead Councillors in relation to activities undertaken within these roles to support the achievement of shared strategic priorities.
- 1.2 The reports will take the form of an update report to Council which will feature either a quarterly update from the Council Leader or an update from Lead Councillors.
- 1.3 This report includes an update from the Leader of the Council for the period October to December 2012.

**2. RECOMMENDATIONS**

- 2.1 It is recommended that Council notes the report.

**3. DETAILS**

- 3.1 Historically, the Leader of Argyll and Bute Council provided a monthly update report to the Executive Committee of the Council providing detail on key meetings and developments. At the Council meeting on 28<sup>th</sup> June 2012 it was agreed to discontinue the Executive Committee and while all previously delegated powers have reverted to Council it is important to build on positive communication practices and continue to facilitate engagement with the Leader and Lead Councillors across the full spectrum of Councillors on key issues and developments.
- 3.2 Therefore in order to share knowledge and enhance visibility in relation to activities undertaken by the Leader of the Council and Lead Councillors within these leadership roles, regular update reports will be presented to Council as follows:
 

**Council Leader Report** – Quarterly Report - Dec/March/June/Sept  
**Lead Councillors** -Update Report( 2 per year)-Jan/Apr/May/Aug/Oct/Nov

Reports from 3 or 4 individual Lead Councillors will be incorporated into one report with a similar format to the Leaders Report to facilitate alignment and reporting against shared strategic priorities.
- 3.3 In adopting this approach the reports will provide a high-level overview of key Council leadership activities undertaken in support of agreed corporate objectives and strategic priorities and provide an overview on significant developments, meetings and initiatives which impact on the Council and the wider landscape for local government and partner organisations in Scotland.

- 3.4 The reports will provide a high level overview; however, details of meeting agendas and supporting documentation, e.g. COSLA, can be made available to Elected Members through the Leadership Support Officer. Specific details on key priorities will continue to be reported through the Council and Committee reporting processes.

#### 4. LEADER'S REPORT

#### 5. *Working Together to improve the potential of our people*

- 5.1 The public consultation to gather views on the potential sites for the new Campbelltown Grammar School began on the 7<sup>th</sup> November and is now complete following a number of open days and public events. The feedback received from this, together with the results of the options appraisal exercise, will allow plans for the new school, on its selected site to move forward. The estimated cost of the new school is around £13million.

An initial business case is also being developed for the replacement of Oban High School. Once approved by Council, this will allow options for the preferred location of the new facility to be investigated and a preferred site identified. The estimated cost of the new school is between £25 and £30million.

These are both key developments in our schools estate strategy in ensuring we have the right environment to support our young people to accumulate the skills, attitudes and achievements to succeed throughout their lives.

- 5.2 Council will be aware that through successful partnership working and procurement across Local Authorities our Resources Services within Children and Families Services have been involved in the introduction of a national Secure Care Contract. Secure care is a specialist type of care which provides a safe and secure residential environment for young people who require care for their own safety and for those who present a risk to others. This framework agreement will run until July 2013 and therefore through the COSLA Leaders group we are progressing discussions for retendering of this contract to benefit from a collaborative approach and support our aims to improve outcomes for children and young people.

#### 6 *Working together to improve the potential of our communities*

- 6.1 Through the COSLA Leaders Forum we are also continuing to discuss issues associated with Health and Social Care Integration. Further formal public consultation on the draft Bill is unlikely and while we are discussing the best way to engage with the Scottish Government prior to the drafting of the Bill it is important to work collectively on exploring alternative models of delivery which satisfy the key criteria of joint accountability, integrated resources, joint, outcomes and appropriate linkages to community planning. We are also continuing dialogue with NHS Highland in identifying a way forward and developing local solutions. Given the unique challenges which characterise our area it is essential these are fully taken into account as the integration process develops.
- 6.2 The Scottish Government launched 'Opportunities for All' to assist young people in making a positive and sustained transition post-16. This policy makes a commitment to offer a place in learning or training for every 16 – 19 year old not currently in employment, education or training. In support of this the Council hosted the Rural Skills and Employment Summit in the Corran Halls, Oban on 5th November 2012. In attendance at the event were key business people from Argyll



and Bute, community planning partners, further and higher education representatives, training providers, elected members from the Council and Government and young people from the area, along with delegates from other rural authorities. Keynote speakers included Richard Lochhead, Cabinet Secretary for Rural Affairs and the Environment, and Angela Constance, Minister for Youth Employment.

Locally, Community Planning Partners have developed an Argyll and Bute Skills Pipeline which maps the current resources, help and support available to young people and employers to prevent disengagement and to encourage young people to move forward and progress in the workplace. To support the skills pipeline and Opportunities for All, a draft of the Argyll and Bute Youth Employment Action Plan was shared with delegates and feedback sought. Through collaborative discussion we gathered robust information on and identified specific actions that address:-

- the barriers that young people face to secure and sustain employment opportunities across Argyll and Bute.
- the skills and qualifications employers require young people to have in order to access local employment opportunities
- the advice, help and support employers would like to receive in order for them to support young people in local employment opportunities
- the local labour market opportunities that are currently available to young people and what will be the growth sectors over the next 3 – 5 years.

The event was well reported and well received and the information gained and knowledge shared through this process will support us in taking forward our future plans and strategy in this area.

**6.3** As a Council it is critical that we work in close partnership with authorities which face similar challenges (either in the Highlands or with island/sparsity issues) to work jointly on issues which impact on our local communities. Participation in the Convention of the Highlands and Islands supports this and in addition we attend the Highlands and Islands Conveners meetings to optimise our joint-working opportunities prior to COSLA Leaders meetings. This approach is helpful in working collaboratively on issues such as:-

- maintaining pressure on OFCOM to increase Scottish broadband coverage,
- exploring opportunities for using resources from the next round of the European Union Northern Periphery Programme to support potential activity in relation to Health Care and Life Sciences,
- maximising participation of all areas in COHI in the Year of Natural Scotland 2013.

**6.4** The Convention has also been lobbying the UK government in respect of Emergency Towing Vehicles with the aim of restoring the same level of protection as had previously been provided. Future agenda items will include looking at the plans for a proposed rural Parliament.

## **7. *Working together to realise the potential of our area***

**7.1** Engagement with the business community during this quarter has included attendance at the AGM of Federation of Small Businesses and the Association of Scottish Shellfish Growers Annual Conference in Oban. The Scottish Shellfish industry provides important employment opportunities and is vital to our economy.

I was therefore delighted to provide support by delivering the opening speech to the Conference. The industry in Scotland has grown significantly in recent years and now accounts for sales of nearly £10 million, with great potential for further development.

**7.2** We are also working in partnership with Oban Community Council, Highland Council and Visit Scotland, with some input from HIE, to look at options to maximise the potential of the cruise sector with the purpose of stimulating the local economy and therefore we are focusing on improvements in services and facilities within Oban. At a meeting in Oban on the 9<sup>th</sup> November, a number of actions were proposed:-

- To look at opportunities for working with Argyll and the Isles Tourism Ltd for marketing and promotion purposes
- To seek further market intelligence from Visit Scotland
- Identify cruise ship bookings
- Identify length of stay of cruise ships in Argyll ports and identify the routes which the excursions take.

The Council is a member of Cruise Scotland which has just been named 'Destination of the Year' at the prestigious Seatrade Insider Cruise Awards 2012 hosted in France which indicates the potential for growth in this area and highlights the importance of improving facilities.

**7.3** At a recent Argyll and Bute Renewable Alliance continue to drive forward the development of important work in line with the aims of our Renewable Energy Action Plan. The work of the Alliance is very well supported at a high level by representatives from Scottish Government, HIE, Crown Estate, Developers (including Scottish Power Renewables and SSE), Skills Development Scotland and Marine Scotland.

Items that have been discussed at the last two of these meetings include:-

- Wave and tidal power
- Wind farms on and off shore
- Crown Estate policy
- Community benefit opportunities
- Transmission
- Current Developments
- Local information events
- Energy market
- Skills requirement and development

The Renewable Energy agenda is ambitious, however through strong community engagement and a commitment to effective partnership working, we are making significant progress and as such, the Council will take the lead in this area to progress agreed outcomes on behalf of the Convention of Highlands and Islands.

**7.4** Positive developments are taking place in relation to some of our iconic buildings across Argyll and Bute and it was welcome news that the regeneration of Rothesay Pavilion has received initial support for a Heritage Lottery Fund (HLF) bid of £2.7m, including development funding of £103,100.

These types of projects are very important to us in acknowledging our past and seeking to protect our built heritage, while building a viable future, and we will continue to create opportunities to support the vision for new and sustainable use

of such buildings to benefit local communities.

## **8. Working together to improve the potential of our organisation**

- 8.1** In my leadership role I have been working closely with the Chief Executive, Senior Management Team and Lead Councillors on finalising the Corporate Plan prior to going forward for approval by Council. This is the first plan within the life of the new administration and it seeks to build on previous successes and ensure we continue to have the foundations in place to deliver an ambitious agenda of change and improvement which benefit our local communities.
- 8.2** As a Council we are committed to challenging and improving our performance and this will be supported by the Performance Review and Scrutiny Committee. I am therefore pleased to confirm the recent appointment of Ian Ross as an independent member of the Committee who will bring a wealth of experience and insight to the role.

## **9 Additional Highlights**

- 9.1** As keynote speaker at a recent Community Land Scotland event in relation to Community Land Ownership in Argyll & Bute it was an opportunity to highlight the positive actions being taken by the Council to develop policies and processes which complement legislative change whilst optimising the opportunities for this area including:-

- a partnership approach to the development our Economic Development Action Plan to – ‘promote social enterprise and community driven local economic development’
- the development of our Renewable Energy Action Plan and Community Renewables Opportunity Plan which will help communities to realise renewable energy aspirations
- our Third Sector Asset Transfer Policy which was approved by Council in September 2012

This was an excellent opportunity to outline our commitment, underpinned by a transparent and positive process, to enable appropriate Council property assets to be transferred to Third Sector organisations, where a sustainable opportunity is considered to exist. The policy supports the development and role of the Third Sector to provide key services within communities as well as community empowerment and the event participants were interested to note that the policy would be officially launched in the New Year, with the involvement of support agencies (HIE Community Land Unit, Development Trust Association Scotland, Scottish Gov, Big Lottery Fund, Heritage Lottery Fund and others).

## **10 Forthcoming Activities**

- 10.1** This has been a challenging period since May in establishing and leading a new administration and ensuring the Council remains focused on achieving our shared vision in “realising our potential together”. I would thank everyone, council employees, all elected members and colleagues in partner organisations for their contribution and support.
- 10.2** Looking ahead to 2013 we will be commencing consultation on the revised Local Development Plan and on the budget plans for 2013/14. There is no doubt that the financial situation will present significant challenge in ensuring we continue to

provide critical services which benefit our local communities and will require us to approach this process both pragmatically and innovatively, and with a clear focus on our agreed aims.

- 10.3** As we approach the festive season I also wish to acknowledge and say thanks for the good work of all council staff, many of whom I appreciate will still be working and providing a valued service over the Christmas and New Year period. I wish everyone a happy and healthy festive season and look forward to us progressing together with an ambitious programme of service delivery and transformation in the New Year

Roddy McCuish  
Council Leader

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**ARGYLL AND BUTE COUNCIL****COUNCIL****ADULT SUPPORT AND PROTECTION****20 DECEMBER 2012**

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**BIENNIAL REPORT 2012**

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**1.0 SUMMARY**

- 1.1 The Adult Support and Protection (Scotland) Act 2007 set up multi-agency Adult Protection Committees (APCs) in each council area. Each APC has an independent chair whose responsibilities include the submission of a biennial report to the Scottish Government.
- 1.2 The chair of the Argyll and Bute APC prepared the second Biennial Report in conjunction with staff from Social Work, and it was formally agreed by the APC on 1<sup>st</sup> November 2012 before submission to the Scottish Government.
- 1.3 As directed by the Act, the Biennial Report provides general information on the exercise of the APC's functions over the last two years. It follows a format agreed by a working group of independent chairs and is populated with local data covering all aspects of adult protection work in this area.
- 1.4 The report also includes an introduction by the independent chair, Bill Brackenridge, and details of an improvement plan to take this work forward.

**2.0 RECOMMENDATIONS**

- 2.1 Council is asked to note this report.

**3.0 CONCLUSION**

- 3.1 The Biennial Report is a summary of work undertaken by a number of key agencies within Argyll and Bute. The APC believes the report demonstrates that a good start has been made in implementing the Act and that robust plans are in place to continue to work together to identify, support and protect adults at risk of harm in Argyll and Bute.

**4.0 APPENDICES**

Argyll and Bute Adult Protection Committee Biennial Report 2012

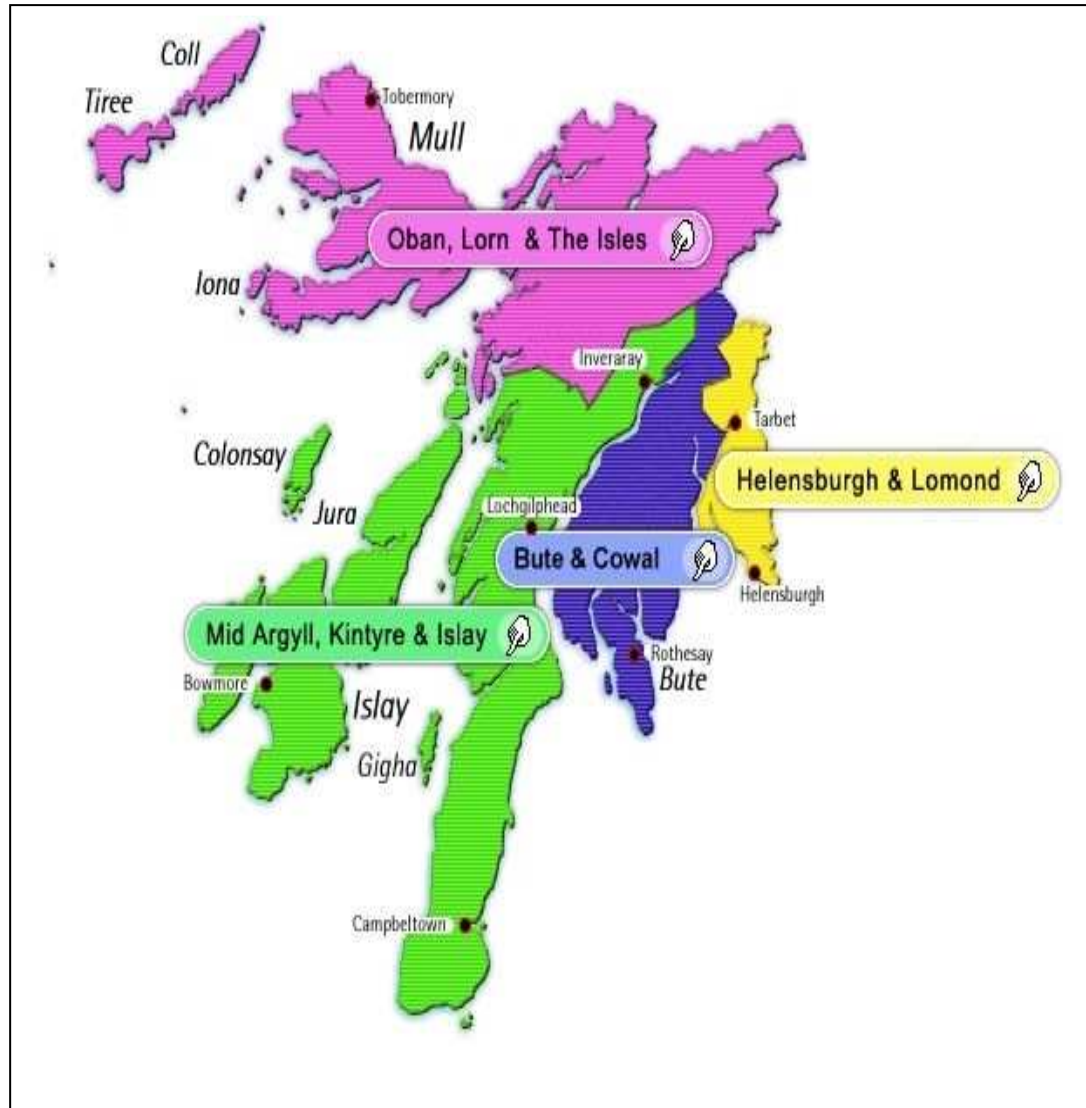
**Bill Brackenridge**  
**Independent Chair Argyll and Bute Adult Protection Committee**  
20 November 2012

For Further information please contact:  
Rebecca Barr, Area Manager Adult Protection

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**Act  
against  
harm**

Argyll and Bute Adult Protection Committee



**Argyll and Bute Adult Protection Committee - Biennial Report April 2010 – March 2012**



## **CHAIRMAN'S FOREWORD**

This is my second Biennial Report as the Independent Chairman of the Argyll and Bute Adult Protection Committee. My first report covered the period from April 2008 to March, 2010. This report covers the period from April 2010 to March 2012.

My message in my first report was essentially, "We are started". My message of this report is more complex. It is, "We are established; we have made much progress but we know there is more progress still to be made." Delivering robust protection to all adults at risk of harm in Argyll and Bute is still to some extent "work in progress"; it probably always will be!

### **Referrals**

Procedures for identifying and referring adults at risk of harm and for dealing with them when they are referred have been developed. These procedures are often being well observed within the Statutory and non-Statutory Agencies. This is not to say that implementation is perfect but the weaknesses are identified and there are plans to improve implementation. The full implementation of these procedures in all parts of all the agencies will require some considerable behavioural change by some. The Committee will be monitoring the achievement of that change closely.

However, I have concerns that there are many adults in Argyll and Bute who are at risk of harm but who are not referred.

I am concerned that the number of referrals coming from most non-Police sources is less than I would have expected.

I am also concerned that referrals from our islands and very remote mainland areas are very low indeed. In these close communities, it is very difficult for professionals to fulfil their responsibilities and refer adults who are at risk; they may well be a close friend or neighbour of the victim – or even of the perpetrator – but they owe it to all to allow their professionalism to shine through. The Committee will be monitoring this position closely.

The majority of referrals have come from Strathclyde Police. Most result in no further action under Adult Support and Protection (ASP) legislation. However, very importantly, these referrals mean that many vulnerable adults are "brought into the system" and are offered support from one agency or another, even although it is not under ASP legislation. Strathclyde Police are to be congratulated on how they have embraced the legislation.



Importantly referrals are increasing rapidly. This is good news. Unless adults at risk are referred, help cannot be offered.

## **Awareness**

Clearly there is a way to go yet in getting the message about the provisions of The Act across not just to the general public but also to professionals who see vulnerable adults in the course of their work. We have now provided training, at various levels, to 1386 people in Argyll and Bute. I believe that the organisations in which these people work need to reinforce the notion that it is the responsibility of all professionals in all the agencies to identify adults at risk of harm and also to follow the procedures for referring these adults at risk.

We have also taken a number of initiatives to make sure that the 90,000 or so people who live in Argyll and Bute are aware of the provisions of the Act. There are posters and handbills around. We have also asked the many local newspapers in Argyll and Bute to help us get the message across. I am grateful to them for their ready co-operation.

Delivering the message to the public locally is very inefficient. It would be much more efficient – and much more effective if this was done nationally. I therefore encourage the Scottish Government act to raise awareness of the provisions of The Act with the public. I was very pleased that we were able to join together with a number of other APCs mostly in the West of Scotland, under the leadership of East Renfrewshire APC, to commission an advertising campaign on STV to significant effect. Such initiatives, however, do not compensate for the lack of national awareness raising campaigns using all the appropriate media.

## **Argyll & Bute Council**

Argyll and Bute Council is the lead Agency for the implementation of the legislation. I am glad that the Council has maintained the budget allocation for Adult Protection. “It is important to note, however, that this is not the only resource committed to Adult Protection in Argyll and Bute. Many front line Social Work staff commit a lot of time to Adult Protection. There is a huge amount of Police time devoted to Adult Protection. Likewise NHS Highland commits substantial resources to Adult Protection – as do many non-Statutory agencies.” However, as the numbers of adults referred continues to rise, the time will come when it will not be possible to deliver adult support and protection within the current modest resources.

As Chair of the APC, I am a member of Argyll and Bute Council’s Child and Adult Protection Chief Officer Group – CAPCOG. I am grateful to my colleagues on CAPCOG for their encouragement and for their well-prepared challenge; their encouragement and challenge help my Committee ensure provisions are in place for adults in Argyll and Bute who are at risk to be offered support and protection.

## **Appreciation of those who deliver**

Importantly, I am grateful to the hundreds of professionals across Argyll and Bute who have reacted to the Act's provisions. Because of their reactions, hundreds of adults in Argyll and Bute who were at risk are now not at risk.

My Committee holds its meeting all around Argyll and Bute, which is only right in such a massive geographical area. My thanks go to my Committee colleagues for undertaking yet more long journeys – even although long journeys are the stuff of working in Argyll and Bute. After each meeting, the Committee meets with local staff to understand how adult protection is being addressed on the ground and to understand how the agencies are working together at the local level. I have been extremely impressed at how professionals from the various agencies work enthusiastically and closely together. I would be happier if their close co-operation was better documented.

## **Ronnie McIlquham**

Since 2009, Ronnie McIlquham, Area Manager, Adult Protection has made a huge contribution to Adult Support and Protection in Argyll and Bute – its introduction, development and operation. He retires in August, 2012. He has inspired hundreds of people to embrace the agenda and, very importantly, has set out clear plans for the way forward now that we have not just “started the journey” (as reported in my last report) but have “identified the issues we need to address” as set out in this report. I am very grateful to Ronnie for the huge contribution he has made.

He will be a very hard act to follow. The Committee and I acknowledge his huge contribution.



Bill Brackenridge

Independent Chair

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## 1. The Argyll & Bute Adult Protection Committee

**'Each Council must establish a committee'** S42 (1) ASP(S)A 2007

The Members of the Argyll & Bute Adult Protection Committee are:

Bill Brackenridge		Independent Chair	Chairman
Ronnie McIlquham	Area Manager Adult Protection	Argyll & Bute Council	Member
John Dreghorn	Project Director (Mental Health Modernisation)	NHS Highland	Member
Barry McEwan	Superintendent	Strathclyde Police	Member
Anne-Lise Dickie	Professional Lead Learning Disability	NHS Highland	Member
Jim Robb	Head of Adult Care	Argyll & Bute Council	Member
Jim Littlejohn	Service Manager Operations	Argyll & Bute Council	Member
Allen Stevenson	Service Development Manager/ Lead Officer	Argyll & Bute Council	Member
Katrina Sayer	Project Co-ordinator	Argyll Voluntary Action	Member
Jon Belton	Service Manager – Criminal Justice	Argyll and Bute Council	Member
Douglas Whyte	Service Officer Homelessness	Argyll & Bute Council	In Attendance
Scott Rorison	Advocacy Manager	Lomond & Argyll Advocacy Service	In Attendance
Peter Robertson	Senior Solicitor	Argyll & Bute Council	In Attendance

There is a standing invitation to the Procurator Fiscal Service, The Public Guardian's Office, the Care Inspectorate and The Mental Welfare Commission for Scotland to attend meetings of the Argyll & Bute APC.

The APC wishes to offer their thanks to the following members who left the committee during this reporting period : Supt Raymond Park (Strathclyde Police), DI David Tassie (Strathclyde Police) and Anne Helstrip (NHS Highland).

## 2. Introduction:

The Argyll and Bute Adult Protection Committee (APC) continues to meet on a quarterly basis to deal with the many and varied challenges of taking forward the adult protection agenda in Argyll and Bute. As noted in my first biennial report the Committee continues to strive for a consistent approach to adult protection across the extended geography in Argyll and Bute and the islands.

To allow the APC and its work to be visible to staff throughout the area the Committee now holds its quarterly meetings across Argyll and Bute. Thus the Committee holds its meetings, on a rotating basis, in Oban, Lochgilphead, Dunoon and Helensburgh.

The Committee conducts its business in the morning and then meets with local staff in the afternoon of the same day. These afternoon meetings have become a key interface with staff allowing the Committee to share key aspects of its deliberations and plans under discussion. Thereafter the meeting is opened to staff comment on their experience of 'the front line' and debate local issues and demands facing front line staff. Feedback from participants at the meetings indicates that they are welcomed by staff and the Committee has appreciated the direct feedback from staff on the challenges facing them in dealing with the complexities of the follow up of adult protection concerns.

To further develop adult protection, the Committee, following its last self-evaluation day, decided to set up a more localised system for the development and management of adult protection. Arrangements are underway to set up Adult Protection Development Forums in Oban Lorne and the Isles, in Mid-Argyll Kintyre and Islay, in Cowal and Bute and in Helensburgh and Lomond. These Groups, initially convened by Area Managers from Social Work will have representation from local managers from the key partners and will take forward the agenda in ways that are more responsive to local needs. The Chair of each Forum will be 'in attendance' at the APC meeting convened in their area/locality and the Agenda for that meeting will, as a primary agenda item, address issues arising from the report of the local Forum. It is the committee's expectation that through such mechanisms the challenge of developing a consistent approach across Argyll and Bute will be addressed.

The Committee has one sub group the Training and Policy sub group which meets on a quarterly basis. With the change in arrangements noted above the role of this group will change to be involved in the development of integrated training plans for the public sector agencies with locality training needs/developments being followed up within the development Forums in localities.

The Committee continues to receive the critical support of the Argyll and Bute Child and Adult Protection Chief Officers Group (CAPCOG) who bring commitment to the development of joint working arrangements between public and third sector partners in addressing the challenges of adult protection. CAPCOG meets on a quarterly basis and it also meets with local managers after

convening its business session. Furthermore, through CAPCOG, the Adult Protection Committee has developed useful links to the Child Protection Committee and to the Alcohol and Drugs Partnership.

The Committee is confident that in our approach to the follow up of adult protection concerns that the 'adult' is at the heart of decision making and where the 'adult' lacks capacity that any 'proxy' is involved in deliberations and decision making. These arrangements, and with the provision of advocacy, leads us to the view that the principles of the Act are complied with.

The Committee is clear that, with the consent of the 'adult', that carers and other representatives are involved in the process of decision making about adult protection responses.

The Committee continues to seek other ways of consulting with service users and carers about the development of adult protection. The independent service user evaluation carried out by the Lomond and Argyll Advocacy Service (Page 10) also gives key information on the 'adult's' experience as subject of adult protection referrals which has been critical to the development of our service in Argyll and Bute.

A recent consultation with adults with learning disabilities has led to the development of a proactive 'STAY SAFE' project being taken forward within the learning disabled communities in Argyll and Bute.

This being noted the Committee continues to identify the need for improvement in this area but is clear that involvement to be meaningful has to be within structures which enable understanding of the issues by users and carers and that this may be best developed within the Development Forum responsibilities.

### 3. Users and Carers

*A public body must have regard to  
and  
‘any views of’*

*‘the adult’s ascertainable wishes and feelings’  
‘the adult’s nearest relative...’  
‘any primary carer, guardian or attorney...’*

S2 (b) & (c) ASP(S) A 2007

In the Minister’s letter following the publication of the 2008 – 2010 biennial report the issue of engagement of service users and carers was identified as an on-going challenge. In the intervening period the Committee has continued to wrestle with the challenges of developing the meaningful involvement of, and dialogue with, service users and also with their carers.

#### **Inquiries**

Our self-assessments lead the Committee to believe that in our approach to inquiring into adult protection concerns, the ‘adult’ is at the heart of decision making and where the ‘adult’ lacks capacity that any ‘proxy’ is involved in deliberations and decision making.

The operational guidance for Argyll and Bute provides for a default to the ‘adult’ being present at case conferences and that where the adult is not present that the reason for this noted. Where necessary arrangements are made to maximise the contribution of the adult identified as being ‘at risk of harm’. Case Conference chairs have responsibility for ensuring that service user involvement in case conferences is maximised. The APC’s ability to report on the effectiveness of this guidance will be improved following the upgrading of electronic reporting systems adopted in April 2012.

The Argyll and Bute guidance also provides for the default that advocacy is offered to all service users who are followed up through adult protection investigations and any reason for non-involvement is noted. Again this will be reported in detail in the 2012 – 2013 Annual Report and thereafter in the biennial report for 2012 - 2014.

The Committee is clear that, with the consent of the ‘adult’, carers and any other representatives the adult may choose are involved appropriately in the process of adult protection case conferences.

### **Service user evaluation**

Following discussion with West Dunbartonshire Council and the Lomond and Argyll Advocacy Service (LAAS) a service user evaluation survey was designed and carried out with 'adults' who had been the subject of adult protection investigations which went to Case Conferences. There follows a report by the Manager of LAAS into the outcomes noted from this survey – thereafter comment by the APC.

### **Independent Advocacy**

Section 6 of The Adult Support & Protection (Scotland) Act (2007) places a duty on the local authority, if it considers that it needs to intervene in order to protect an adult at risk of harm, to consider the provision of appropriate services, including independent advocacy services, to the adult concerned. Independent advocacy services in Argyll and Bute are provided by Lomond and Argyll Advocacy Service (LAAS). The Adult Protection Committee has provided some additional investment to ensure that all adults subject to interventions under the Act are able to access independent advocacy should they require it. During the period covered by the report 18 of the 44 adults who were the subject of an initial case conference received support from an independent advocate, representing an uptake rate of approximately 40%.

### **Service User Evaluation**

Following discussion with West Dunbartonshire Council and Lomond and Argyll Advocacy Service, which operates across both local authority areas, a service user evaluation survey was designed. The evaluation survey aims to offer an opportunity for people who have been subject to adult protection interventions to share their feelings and experiences of the process. The service user evaluation surveys have been facilitated by independent advocates. All of the 18 individuals who received support from an independent advocate in relation to adult protection processes were invited to participate in the service user evaluation. Eleven people accepted the offer to participate and were supported to do so. Over recent months efforts have been made to engage with those individuals, subject to adult protection interventions, who had declined the offer of an independent advocate. Two people who fell into this category have subsequently completed the service user evaluation.

To date a total of 21 people have been invited to participate in the evaluation, with 13 taking up the offer.



Feedback from the service user evaluation shows: (the categories below being drawn from the Scottish Government guidance of 2008)

- **68% of people “felt confident about the process”**
- **64% of people “feel safer because of the process”**
- **85% of people “feel better protected as a result of the process”**
- **67% of people “felt listened to throughout the process”**
- **79% of people “felt well informed throughout the process”**
- **82% of people “were able to access independent advocacy”**
- **100% of people who accessed advocacy “found it helpful”**
- **77% of people “had all the support they needed during the process”**
- **69% of people felt that things are “better” because of the support offered**

Fuller detail of this work can be access though the following link:

[Link to full report](#)

The Adult Protection Committee recognises the importance of getting independent feedback on the service user experiences of adult protection interventions and is committed to continuing this work in coming years.

Whilst the information above gives a sense of the outcomes of the work carried out the detailed comments made by service users (see full report) present particular insights into the widely varying views of the adults, from the person who speaks clearly about the value of the support offered to the woman who felt totally disempowered by the interventions she experienced. This key learning from the service user survey has been taken into training for staff and gives very clear messages to staff and the Committee about our need to seek to improve the knowledge experience and practice of those from all sectors who work with ‘adults at risk’.

## **Consultation**

The Committee continues to develop ways of consulting with service users and carers about the development of adult protection.

A recent consultation with adults with learning disabilities at their Service Development Conference has led to the development of a proactive 'STAY SAFE' project being taken forward within the learning disabled communities in Argyll and Bute. This project was launched in March 2012.

The APC Chair and Adult Protection Area Manager have consulted with each of the four Area Committees in Argyll and Bute at their meetings in Campbeltown, Rothesay, Helensburgh and Oban. These meetings allowed the Chair and Adult Protection Area Manager to raise the profile of Adult Protection with key opinion formers significantly. It is the intention that such engagement will continue on an annual basis, linked to our developing annual reporting structure

The Committee continues to identify the need for improvement in this area but is clear that involvement to be meaningful has to be within structures which enable understanding of the issues by users and carers and that this may be best developed within the Local Adult Protection Development Forum responsibilities with its focus on local issues and communication.

## 4. Management Information

Set out over the next few pages is some important management information about adult protection in Argyll and Bute. A vast suite of data is collected by staff and brought to the Committee for consideration. The information set out here is but a small part of the total.

The Committee analyses all this information closely to identify how volumes are changing over time and how there is variety of practice across Argyll and Bute. The primary purpose is to redirect resources that we might ensure that all adults who are indeed at risk are identified and protected.

While analysis of the position within Argyll and Bute is possible and valuable, it is disappointing not to be able to make robust comparisons with the position in other Authorities or indeed with the position all across Scotland. The Act is silent on what data should be collected and Government Guidelines on the implementation of the Act are also silent on the issue. As a result, each Authority has determined the data it will collect. Not surprisingly, practices vary considerably making accurate or detailed comparisons impossible. Broad comparisons are possible – and these would suggest that the issues in Argyll and Bute are not very different from those elsewhere.

Because of the lack of a National Data Set, APC Conveners, as a group, decided to establish a data set so that robust benchmarking across Scotland might be possible. Unfortunately, the initiative was not a success; authorities have developed their own definitions and ways of collecting data and the initiative's definitions and methods of collection proved to be too different. Therefore, there is still no reliable means to quantify accurately how the position in Argyll and Bute differs from the position elsewhere – or nationally. I am delighted that the Scottish Government will now be taking on the role of collecting a standard set of data. Being able to benchmark is critical to knowing where to direct resources to best effect.

Our data tells an interesting picture of Adult Protection in Argyll and Bute.

- The total number of referrals continues to rise and to rise fast. Until March 2010, there were just 172 referrals. Since then there have been 721 referrals – 274 in 2010-11 and 447 in 2011-12. In 2011-12 (the second year covered by this report) there were 63% more referrals than in the previous year.
- Almost 20% more women than men have been referred in the two years covered by this report.
- Age appears not be a major factor in determining referral.
- However, those with mental health problems are the most significant group referred – by a wide margin. The main other groups, other than age, are those addicted to drugs or alcohol and those with learning disabilities.

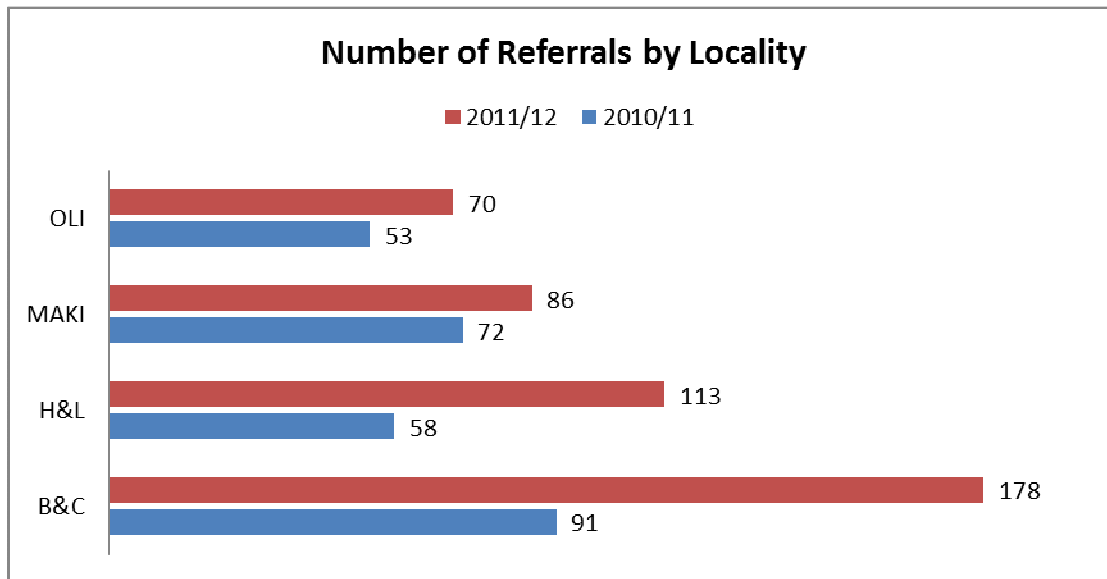
- Self-harm is by far the greatest risk to which those who are referred are exposed, followed by emotional or psychological harm and physical harm.
- Only 6% of those referred had the risk of financial harm as the principal reason for referral. However, professionals of the ground report anecdotally to the APC that there is financial harm element about half the cases referred. The APC is taking steps to investigate this issue further to ensure that vulnerable adults in Argyll and Bute at risk of financial harm are identified and protected. I am pleased that the Scottish Government is undertaking a major study to understand financial harm better.
- The vast majority of referrals in the two year period came from the police. These referrals are most welcome. They identify adults who might be at risk of harm; these adults can then be offered support, whether or not it is ASP support. However, Strathclyde Police are changing their procedures significantly; they will make more detailed assessments of individuals within the force and refer those whom they believe do not meet the criteria for an ASP intervention directly to an agency that can provide the support these vulnerable adults need. This will have the effect of reducing formal police referrals in all probability. This development is to be welcomed. I appreciate Strathclyde Police going to greater lengths to ensure that only adults at risk (as defined by the Act) are referred under the Act's provisions.
- I am surprised that over the two years covered by this report, there have only been 37 referrals from the NHS. This reflects experience all across Scotland. The APC is taking steps to ensure adults at risk in NHS settings are and are all referred.
- Likewise, it is surprising that only 73 referrals have come through Social Work staff, although this reflects practice all across Scotland. Again the APC is redoubling its efforts to make sure those adults identified with a Social Work setting as being at risk are indeed referred.
- It is also surprising that only eleven members of the public have made a referral in the two years. This clearly underlines the need for there to be a powerful national communications campaign to raise awareness of adult protection substantially.
- Less than 15% of referrals result in an ASP case conference being convened. This is not to say that the vast majority of referrals were wrong. About 75% of referrals resulted in some non-ASP intervention. More than 500 people in Argyll and Bute, who would have "fallen through the net" were it not for the ASP Act, received some kind of help and support. That is a huge achievement.
- Throughout the period, about ten people have been subject to Support Plans. It is interesting that this number has not risen in line with referrals.

### i) Total Referrals

The total number of referrals for 2010 – 2011	274
The total Number of Referrals for 2011 – 2012	<u>447</u>
Total	721

Total Number of Referrals 2010 – 2012 172

### ii) Referrals by Locality



The referral numbers have continued to rise significantly over the last two years.

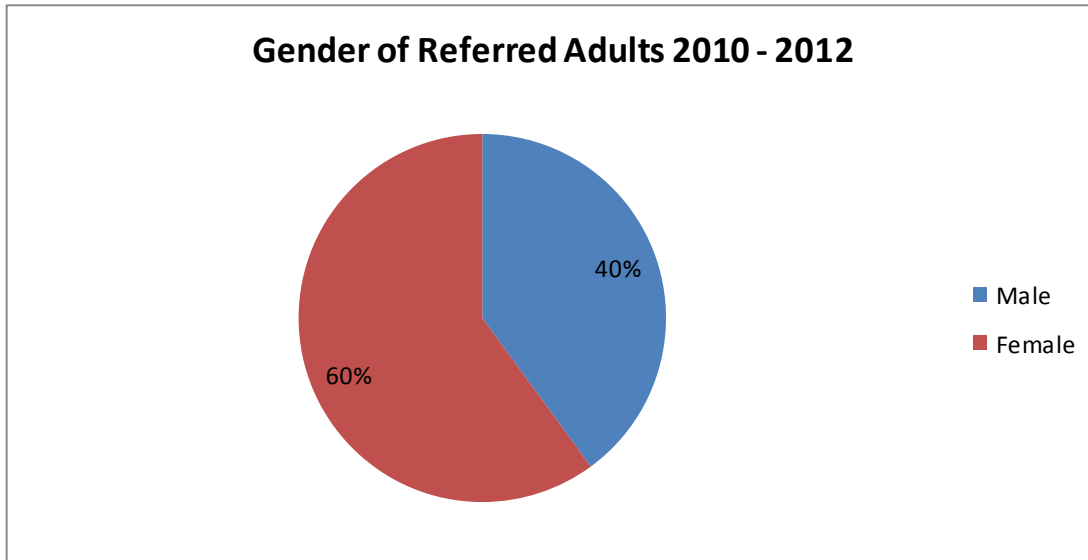
Of significance is the wide variation in referral rates across Argyll and Bute with particular pressure on services in the Bute and Cowal area.

Following a recent decision of the APC the management of police referrals will alter to distinguish 'adults at risk' from referrals of 'vulnerable persons'

OLI	Oban, Lorn and the isles	MAKI	Mid Argyll, Kintyre and Islay
H&L	Helensburgh and Lomond	B&C	Bute and Cowal

### iii) Referrals by Gender

Male	Female
288	433



Figures for 2008 – 2010

54% Female

46% Male

### iv) Ethnicity

99% of all referrals were adults who are of White British origin.

<b>White British</b>	713
<b>White - Other</b>	3
<b>African - Caribbean</b>	1
<b>Mixed Race</b>	3
<b>Asian</b>	1

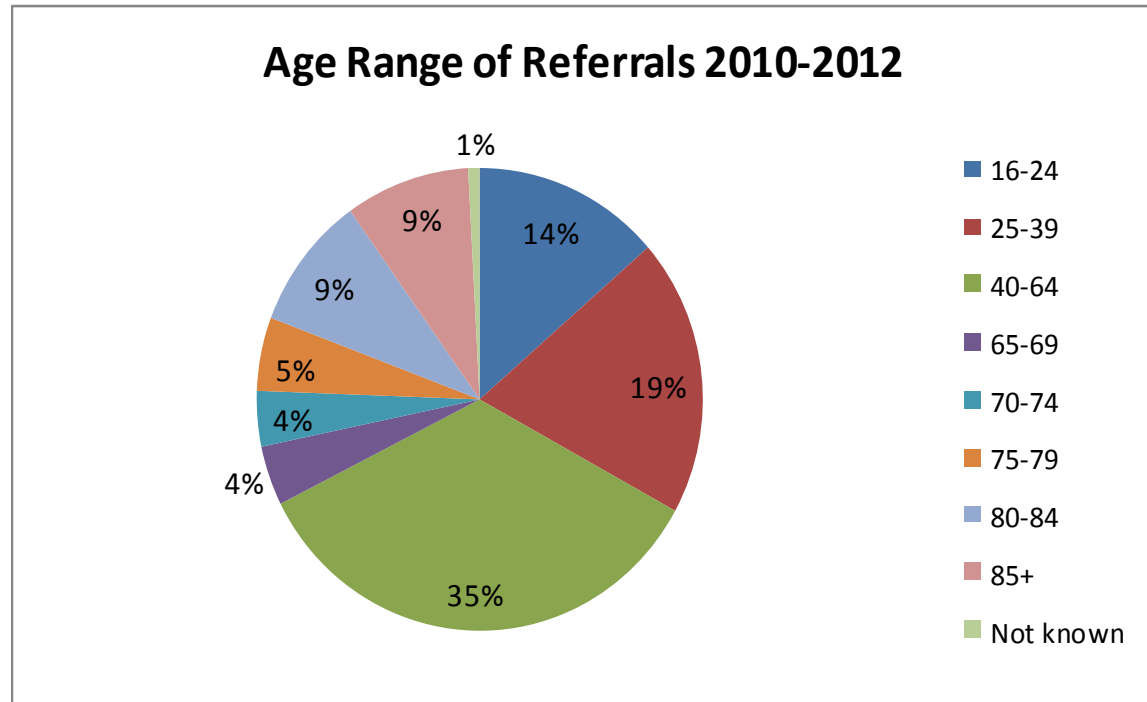
Argyll and Bute population

96.88% of population are of White British origin (Census 2001)

## v) Referrals by Age

### Age Range

AGE RANGE	TOTALS
16-24	98
25-39	140
40-64	249
65-69	30
70-74	28
75-79	37
80-84	68
85+	65
Not known	6
	721

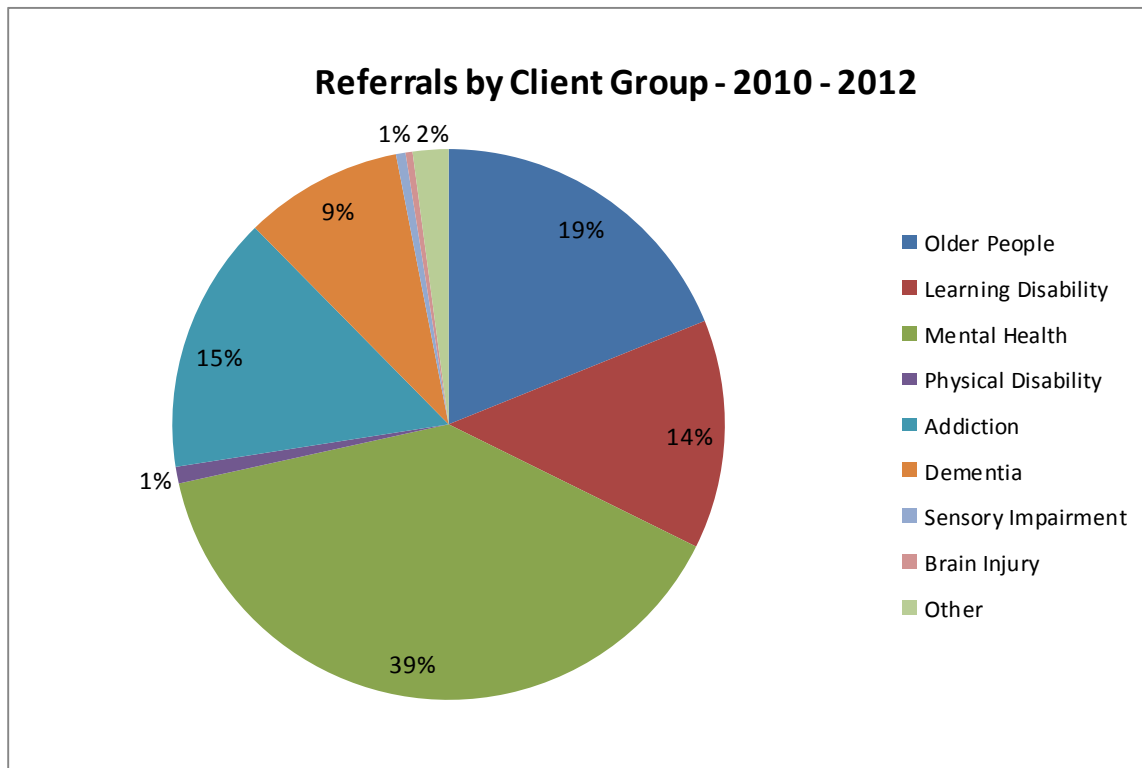


The figures for 2010 – 2012 are categorised differently from those reported in the 2008 – 2010 report and thus direct comparisons are problematic.

Referral rates vary very little indeed with age. Those just past retirement age are a little less likely to be referred than the norm; those over 85 are more likely to be referred.

vi) Referrals by Client Group

Older People	Learning Disability	Mental Health	Physical Disability	Addiction	Dementia	Sensory Impairment	Brain Injury	Other	Total
136	97	283	7	109	67	4	3	15	721



This information reports on the “Client Group” of those referred under the Act. The largest group comprises those identified by the referrer as having mental illness. It should be noted that many of these referrals are of adults already supported by mental health services or those who have no diagnosed mental disorder. Those in this Group are often offered advice re follow up of their health issues through primary care.

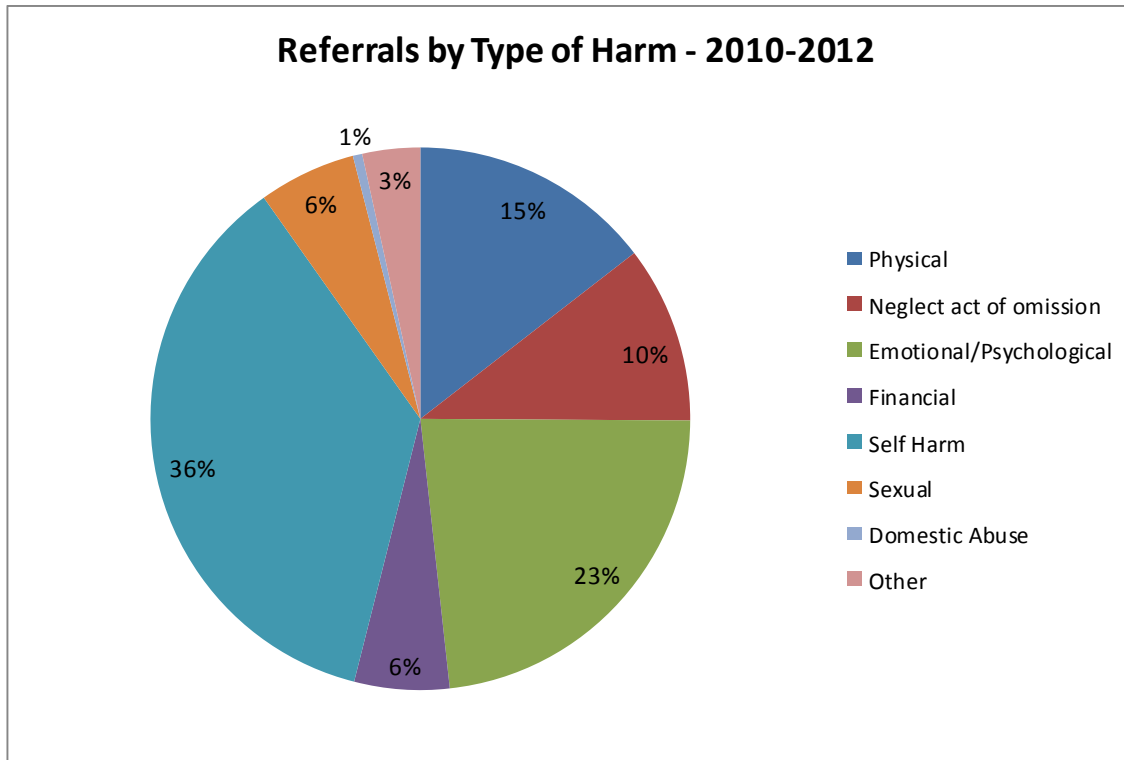
Older people and those with dementia comprise 28% of all referrals – up from 24% in 2008 – 2010.

Referrals of those with Learning Disabilities have declined from 20% to 14% in the same period.



vii) Referrals by Type of Harm

Physical	Neglect act of omission	Emotional/Psychological	Financial	Self Harm	Sexual	Domestic Abuse	Other	Total
105	76	167	41	261	42	4	25	721



The reporting of self-harm incidents remains the biggest category – by far.

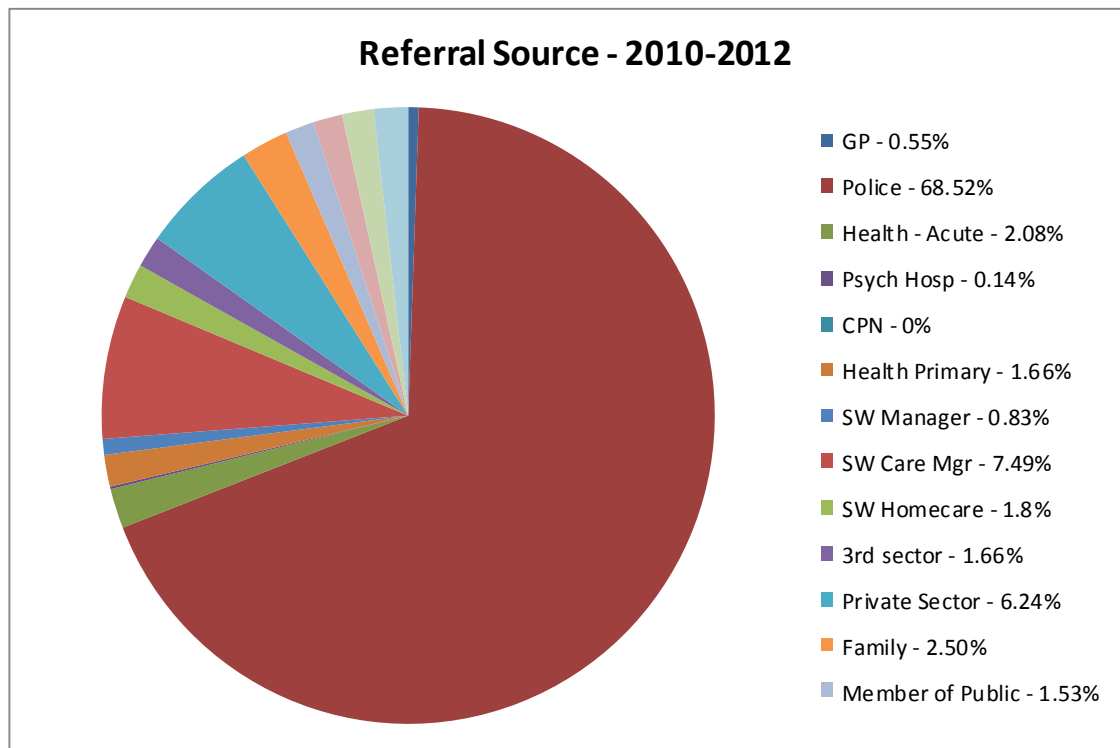
The identification of emotional harm by referrers is also significant and in many cases is linked to intoxication and concerns about mental health.

Concern in relation to neglect has risen from the previous reporting period

Referrals in relation to allegations of financial harm now feature in our referrals – none being recorded in the 2008 – 2010 period.

viii) Referral Source

GP	Police	Health - Acute	Psych Hosp	CPN	Health Primary	SW Manager	SW Care Mgr	SW Homecare	3rd sector	Private Sector	Family	Member of Public	Self	Homeless/ Housing	Care Inspectorate	Other
4	494	15	1	0	12	6	54	13	12	45	18	11	11	12	0	13



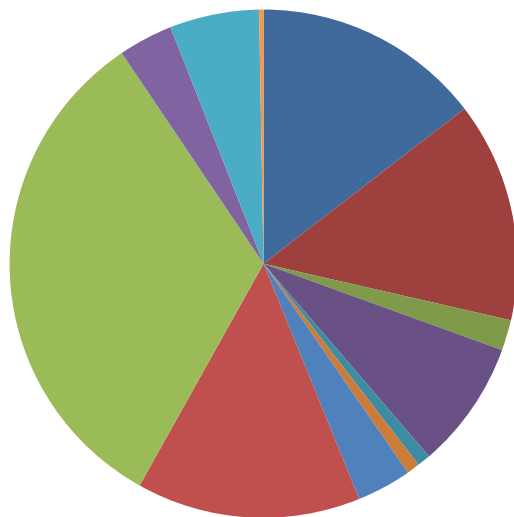
Police referrals continue to dominate however with the change in referral systems agreed by the APC this area may be significantly altered whilst noting that the overall referral rate, inclusive of 'adults at risk' and of 'vulnerable persons' may remain similar to that currently reported.

Several sources of referral are much lighter than was expected when the Act was introduced suggesting that those at risk of harm may not be being noticed and also that, even if noticed, they are not referred. This must be the biggest concern about Adult Protection in Argyll and Bute.

## ix) Outcome of Referrals

Case Conf./ Discussion	Community Mental Health Team	NHS	AWI/ MH ACT Act	Criminal Justice Services	Residential Care Assessment	Refusal	Addictions Team	Community Care/ Social Work	Childrens Services	No Further Action	Other	Total
105	101	14	59	6	6	25	103	234	25	41	2	721

### Outcome of Referrals 2010 - 2012



- Case Conference/ Discussion - 14.56%
- Community Mental Health Team - 14.01%
- NHS - 1.94%
- AWI/ MH ACT Act - 8.18%
- Criminal Justice Services - 0.83%
- Residential Care Assessment - 0.83%
- Refusal - 3.47%
- Addictions Team - 14.29%
- Community Care/ Social Work - 32.45%
- Childrens Services - 3.47%
- No Further Action - 5.69%
- Other - 0.28%

The range of responses to referrals continues to evidence a tailored response to 'adults at risk' and 'vulnerable persons'.

The number of referrals where no action was taken has fallen from 16% to 5.69%. This probably indicates a rise in the quality of referrals.

14.56% of referrals resulted in a case conference being convened this being a rise from 11% in the previous reporting period.

Those refusing to accept support again has fallen from 5% of referrals to 3.47%

In a single case an application was granted for a banning order.

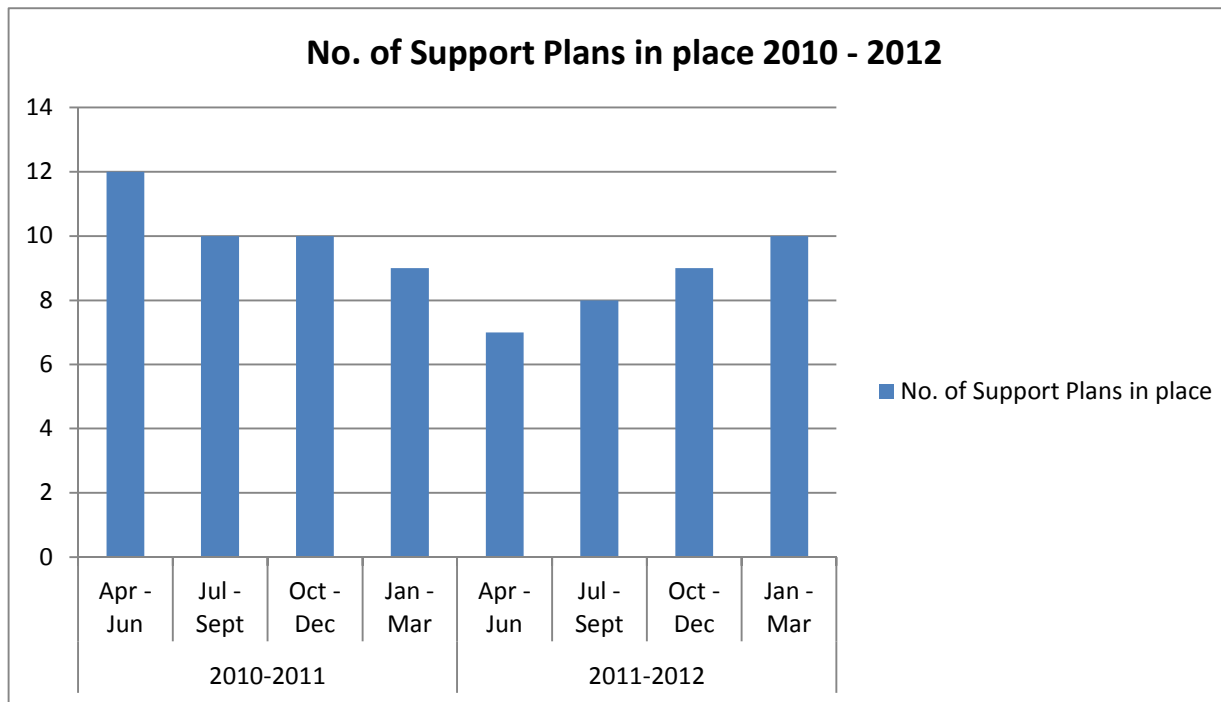
x) Number of Adult Protection Case Conferences

	2010-2011				Total	2011-2012				Total
	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	2010-2011	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	2011-2012
<b>Initial Case Conference</b>	5	8	4	4	<b>21</b>	1	6	6	10	<b>23</b>
<b>Review Case Conference</b>	5	4	5	7	<b>21</b>	8	7	4	10	<b>29</b>
<b>Total</b>	10	12	9	11	<b>42</b>	9	13	10	20	<b>52</b>

Case conferences and reviews held during 2010 – 2012 have amounted to 94.  
 The number of Case Conferences held in 2009-2010 was 47.

xi) Support Plans

	2010-2011				2011-2012			
	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar	Apr - Jun	Jul - Sept	Oct - Dec	Jan - Mar
<b>No. of Support Plans in place</b>	12	10	10	9	7	8	9	10



Total Number of People Supported in 2010 - 2011	<b>20</b>
Total Number of People Supported in 2011 - 2012	<b>17</b>

Support Plans run for variable periods often covering several quarters thus the numbers of adults supported does not directly co-relate to the totals on the bar graph.

## 5. Serious Case Reviews:

The Committee approved its Serious Case Review Procedure at its meeting on 28<sup>th</sup> July 2011.

During this biennial reporting period the Committee has not held a Serious Case Review.

However, in response to an adult protection referral in July 2011 relating to the treatment of a resident of a care home, the following actions are on-going:

- The specific concern was subject to a police investigation and report to the Procurator Fiscal, currently under consideration. A Multi-Agency Liaison Group was established to ensure that the health and welfare needs of all the residents within the Care Home are being met effectively.
- The Multi-Agency Liaison Group, under the chairmanship of the Residential Services Manager, has co-ordinated the work of all the agencies involved in the monitoring of provision of health and of social care support to all the residents of the care home. This has been undertaken - including contract compliance, registration and inspection – in the context of ongoing police and Procurator Fiscal investigations. This approach has been formalised through the approval by the APC of the Argyll and Bute Multi-Agency Liaison Protocol which will be applied to any similar concerns which arise in any similar future cases.
- Through the implementation and review of a Multi-Agency Action Plan, the APC has reported to the Argyll and Bute Child and Adult Protection Chief Officers Group (CAPCOG) on the range of interventions by Health Services, Care Management, the Care Inspectorate and the Commissioning Team. Its proactive monitoring and inspection of this service has led to improvements in the quality of health and social care provision in this service.
- The APC will consider the establishment of a Serious Case Review at the point when there is clarity as to the actions planned by the Procurator Fiscal Service.
- In following up the concerns within this care home the Multi-Agency Liaison Group identified the need for a reconsideration of the structure of reviews within the care home sector. Following a period of consultation a new review structure has been designed which, through the active involvement of health colleagues, ensures that where complex health concerns are present these are reviewed by health staff. While only at the stage of running a pilot, there is confidence that the effective

review of complex health needs will result in a preventative approach to health care management which will reduce risk to this vulnerable population.

## 6. Public Information

Initially the APC adapted the Scottish Government's 'Act Against Harm' publicity information for use in Argyll and Bute with local contact points identified on materials. The Act Against Harm logo remains the identifier for the work of the APC in Argyll and Bute.

In partnership with other West of Scotland Adult Protection Committees and the support of the Renfrewshire Council Media Team the APC supported the development of a series of TV adverts which ran on commercial channels from 2011 onwards. This together with 'stills' from the adverts have now been adopted for publicity throughout Argyll and Bute.

The Committee has developed a range of posters, and information leaflets which have been distributed throughout Argyll and Bute and these alongside the development of a single contact centre number for council services has improved our ability to more effectively respond to inquiries.

We have also had the support of local press and radio in taking the adult protection message forward. With radio stations and 16 local newspapers servicing Argyll and Bute their support is a valued channel of communication with residents of this remote, rural and sparsely populated area.

The committee recognises the complexity of seeking to deliver effective communications across such a wide area.

The issue is to open the 90,000 pairs of eyes and the 90,000 pairs of ears of the people of Argyll and Bute to the issue of adult protection and to have them looking out for their friends, neighbours and relations – even just the people they pass by in the street. For this to happen they need to be aware of the provisions of the ASP Act. While the APC is working to raise awareness in Argyll and Bute, it is something that can be done so more effectively and so much more efficiently if it is undertaken nationally. The APC hope the Scottish Government will embark on another campaign to further raise awareness. It believes that this will be the best approach to ensuring that those at risk are identified and referred. If we are really going to protect all those at risk, we need to have more than just 11 referrals from members of the public in two years.



## 7. Management of Services and Staff

In response to our last report the Minister recognised the appropriateness of our particular response to the deployment of staff resources to cover the increased operational pressures resulting from the implementation of the Act. I am happy to report that staffing resources funded from the adult protection allocation have been maintained in spite of the ongoing financial pressures facing Argyll and Bute Council.

The assessment of adult protection referrals continues to be overseen by operational managers in each of the four service delivery areas of Argyll and Bute, with the duty of inquiry and investigation being carried by all Council Officers based in that area. Currently referrals are allocated to a council officer with the most appropriate experience and knowledge of the area of concern. Thus workers from learning disabilities, mental health, sensory impairment, addictions and operations teams follow up inquiries within their sphere of operation. In recognition of the limited availability of staff there is flexibility built into this system to meet the operational pressures particularly experienced by teams with limited staffing.

The work of adult protection continues to be overseen by the Area Manager, (Adult Protection). He is supported by a dedicated adult protection administrative officer.

It would be remiss if it was not recorded that adult protection in Argyll and Bute benefits from the commitment of a wide range of officers from both public and private sectors. The support of the legal team, training section, finance and staffing sections of the council; the CHP Management Team and operational staff throughout the NHS services and front line officers and managers of Strathclyde Police all give willingly of their time to take forward the protective work in relation to 'adults at risk'.

Recruitment and retention of qualified and experienced staff can be problematic in the more remote parts of Argyll and Bute, however all four Adult Protection funded posts remain filled and will continued to be so following the ongoing restructuring of social work services in Argyll and Bute.

## 8. Communication and Cooperation between Agencies

The Argyll and Bute Adult Protection Committee works within the West of Scotland Network. Links with other APCs, locally and nationally, are supported and there is a commitment to working both within the 'West of Scotland Group' and nationally to address issues covering policy development, audit, training and practice needs.

Having adopted the 'West of Scotland Inter Agency Guidance' the Committee has welcomed the recent update of this guidance which takes into account more recent enactments of legislation and developments in national guidance.

The Argyll and Bute Area Manager for Adult Protection continues to support the West of Scotland Coordinators group which provides a forum for lead officers and co-ordinators to share and learn from developments throughout the area. The APC also welcomed the setting up of the ADSW Adult Protection Sub Group.

Through the reporting period the support and co-operation of statutory and voluntary agencies has been welcomed. We are pleased to have representation from the Argyll and Bute 3<sup>rd</sup> Sector Partnership on the APC this filling a clear gap identified at the time of our last biennial report.

The APC now has appropriate representation from all statutory agencies (membership of the Committee is noted earlier in this report). Continuity of representation at the APC, however, is critical if there is to be the development of a fully effective partnership to take forward the duties placed on the Adult Protection Committee. The level of engagement of partners in relation to the joint planning and delivery of "support and protection" activity will be monitored to ensure that the Committee's functions under the Act are achieved.

This report notes the joint delivery of 'Awareness' training to staff throughout Argyll and Bute. The delivery and uptake of joint training is being monitored to ensure appropriate involvement from all agencies. The commitment to, and uptake of, joint training opportunities is recognised as being at the heart of the development of effective responses to reports of 'adults at risk'. Nevertheless, it has been disappointing at how often people have had to pull out of training at short notice "for operational reasons". The Committee recognises that in the current financial climate, operational priorities may conflict in relation to the uptake of training but the APC is clear that the risk associated with poor understanding of the Act and duties conferred by the Act is one which must be addressed. The Committee hopes that a higher priority will be given to the important issue of training by all agencies.

The development of local Adult Protection Forums is the next key development in building up of strong partnerships between all public, 3<sup>rd</sup> sector and Independent agencies with is at the core of best practice in the following up of reports of 'adults at risk'.

The involvement of the Housing/Homelessness Services in the Committee has been critical to dealing with some of the most vulnerable households in the area. The involvement of the housing sector ensures that housing services know how to access support for 'adults at risk' through use of the single referral process.

The Committee recognises the major challenge it faces in relation to developing effective communications with, and engagement of, the 'Community' in its work. Whilst we are able to report that all remote and Island communities have access training and publicity input within the last two years that this remains a significant challenge especially when there are limited resources available within island communities to 'champion' this area of development.

## 9. Training and Workforce Development:

*'... Making arrangements for improving the skills and knowledge of officers.. of public bodies'* S42(1)(c) ASP(S)A 2007

The APC through the work of its Policy and Training sub group has continued to address the needs of delivering a wide range of training across Argyll and Bute. The training framework and training plan are depicted on the pages following.

In taking forward the training agenda throughout Argyll and Bute the Training and Policy Sub Group recognise the key role of the training team who have delivered a high quality awareness training programme throughout the area.

### Awareness Training

In the period 2010 – 2012 awareness training has been delivered to 874 attendees from both public and private sectors. Awareness training was initially delivered in the training suite in Lochgilphead but in recognition of the time and travel costs of this approach this is now delivered in service areas. During the reporting period awareness training has been delivered in the following places; Helensburgh, Dunoon, Rothesay, Lochgilphead, Campbeltown, Islay, Oban, Mull, Colonsay and Tiree. Whilst the Training and Policy Sub Group and the Training team recognise the value of delivering this training to multi-agency groups there is also recognition of the challenge for smaller agencies in freeing staff for such sessions. In recognition of this training is also delivered in work settings. In the reporting period training has been delivered in Care Homes, Hospital settings, GP Practices, to community groups, community nursing teams and to voluntary agencies.

As we move into the 2012 – 2014 reporting period we can report that the trainers Group has updated/refreshed our Awareness training pack, this to ensure the continued commitment to maintaining active involvement of staff throughout Argyll and Bute.

### Council Officer Training

Council Officer Training is mandatory training for qualified staff and is delivered over 5 days.

This training consists of a one day briefing which focusses on the presentation and discussion of the legislative framework of adult protection, the Code of Practice and Inter Agency Guidance. Thereafter Council Officers complete 2 days Investigative Interviewing training and a further 2 days Risk Assessment and Protection Planning training (JIT Model). This training is delivered

by local staff and by an external trainer. This training is ongoing with the expectation that refresher training will be developed during the next 12 months for those who completed their council officer training some years ago.

At this stage Argyll and Bute Council recognises that with its decision to set up its own Standby system in 2013 that there will be additional challenges to be met to ensure that all professional staff who respond to Standby referrals are suitably trained and experienced in the follow up of adult protection referrals. The APC will take forward arrangements to ensure that any deficits in this area are addressed with an initial introduction to this area being addressed in the ***Adult Protection/Child Protection – Initial Responses*** being delivered in spring 2012.

### **Managing Inquiries**

This training, run as a pilot in 2011 sought to provide a forum for front line Managers who assess and lead on initial adult protection inquiries to share experiences and learning gained during the period following the introduction of the Act. This session was planned and led by our external trainer. Whilst there was positive feedback on this session it was clear that future sessions would benefit from the attendance of the Adult Protection Manager as the identification of operational issues and interpretation of local guidance had to be addressed following this session. Whilst the questions raised at this session were followed up at a later stage it would have been more beneficial to have taken them forward in this key staff grouping.

With the restructuring of operational management of services in Argyll and Bute Council this training will become a priority as new managers take up their new responsibilities.

### **Minute Taking**

This course builds upon the standard training in minute taking in order to prepare minute takers for the technical skills required for this task as well as the potential emotional challenges of listening to reports of adults and children who have been harmed.

This training is assessed by the trainee completing an adult or child protection minute which is reviewed by the case conference chair. Future training of this type may be extended to include the minutes of AWI case conferences.

### **Chronologies**

Following the introduction of the SWIA guidance on 'Chronologies' a training pack relating to this was developed and training delivered to care and case managers in spring 2012. The effectiveness of this training will be assessed in the multi-agency audit of case files.

## Forced Marriage

Following the introduction of legislation and guidance on Forced Marriage a training pack was prepared and this delivered to front line staff in Spring 2012

## Case File (Peer) Audit

Argyll and Bute Council welcomed the support of our Care Inspectorate Lead Inspector who took managers through the process of Case File audit using the SWIA audit guidance and audit tool.

This training was well received and again will be monitored through our Multi-Agency Case File audit process now to be held annually in May of each year.

## Adult and Child Protection – Call Centre Staff

Following the development and launch of an area wide central call management system the call centre staff accessed training on responding to calls about adult and/or child protection.

In addition to the above the following training was delivered:

- On-going development and consultation with Case Conference Chairs.
- Sessions for the Continued Professional Development for G.P. practices (3 sessions), community groups (3 sessions) and specialist services (3 sessions).

## Training for Learning Disabilities Support Staff

- In recognising the specific challenges facing staff that support adults with learning disabilities a specific training programme was prepared and delivered to staff groups throughout Argyll and Bute. This training, which was well received, recognises the challenges facing staff who support adult with learning disabilities as they seek to encourage them to access mainstream community services whilst supporting them to STAY SAFE! This training is now linked to the STAY SAFE! Programme launched on 29<sup>th</sup> March 2012 which seeks to take a consistent and proactive



approach to developing the skills of the service users to be aware of, and to report risks/harmful action they face in their everyday life. This programme will be reported on more fully in the 3<sup>rd</sup> biennial report.

Inter-agency training is and will remain a primary priority going forward. The delivery of training within the four localities is designed to encourage participation by smaller agencies and local groups by reducing time and travel commitments significantly.

The Training and Policy sub group has identified its initial training/development plan which is outlined in tabular form below. The training needs of staff throughout Argyll and Bute is and will remain a continuing priority over coming years.

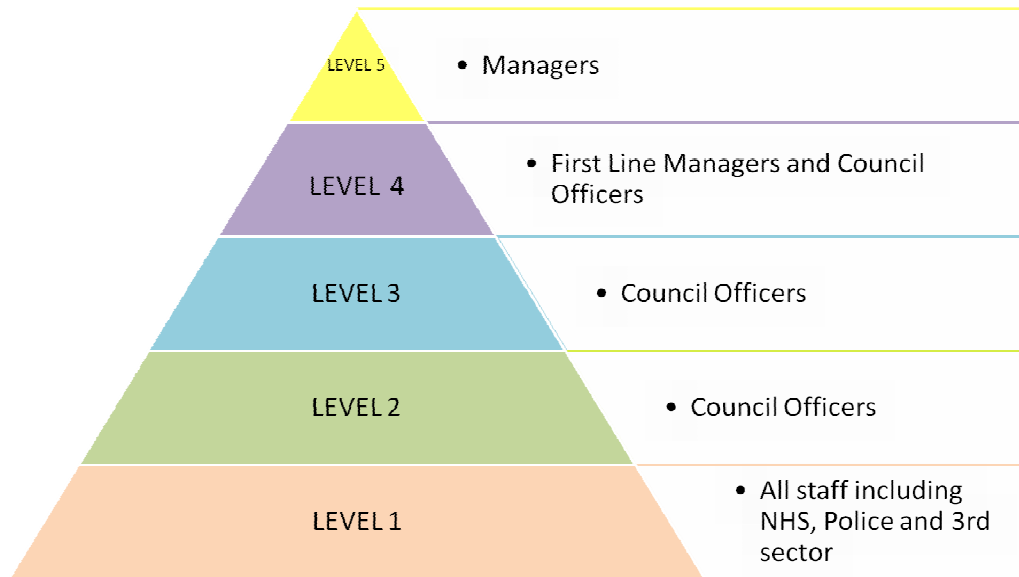
<b>Training Course Title</b>	<b>Course Level</b>	<b>Number of courses 2010 - 2012</b>	<b>Total Number of Attendees</b>	<b>Evaluation</b>
Adult Protection Awareness Training	1	56	874	4.37
Awareness – Learning Disabilities Support Staff	1	4	55	4.51
Council Officer Training - Briefing	4	10	118	4.00
Council Officer Training – Investigative Interviewing	4	6	70	4.00
Council Officer Training – Risk Assessment/Management	4	6	60	4.00
Adult Protection/Child Protection – Initial Responses	3	3	84	3.66
Managing Inquiries	5	1	10	4.00
Adult Protection/Child Protection – Minute Taking	1	1	21 (18 assessed competent)	4.27
Chronologies	3	6	67	4.05

<b>Training Course Title</b>	<b>Course Level</b>	<b>Number of courses 2010 - 2012</b>	<b>Total Number of Attendees</b>	<b>Evaluation</b>
Call Centre staff	1	2	12	N/A
Case File Audit – (Peer training)	4/5	4	15	3.91
Case Conference Chairs Briefings	5	4	7	N/A

Total Training attendances      1386



**Figure 1 Adult Protection Training Framework**



The redesign of management structures in Argyll and Bute Council in 2012 will require the revisiting of some aspects of training with new and promoted staff. Additionally the attention of the training groups will turn to 'refreshing' aspects of training to ensure staff and the public remain engaged with the adult protection agenda.

**Figure 2 Training Plan**

LEVEL	DESCRIPTION	OUTCOME SOUGHT	TARGET GROUP	MANDATORY	NOTES
Level 5	Adult Protection Inquiry Management	Managers training in overseeing responses to referrals, managing inquiries and decision making in relation to AS&P referrals.	Service Managers Area managers Team Managers	Yes (PRD)	Other Managers NHS
	Case Conference Chairing	Chairing of formal Adult Support and Protection Case Conferences and Reviews	Service Managers Lead Professionals NHS Area Managers Team Managers	Yes (PRD)	Social Services NHS
Level 5	Case File Audit Multi-Agency Audit	Skill development for managers involved in Multi-Agency Audit	Social Services NHS File Auditors Police Auditors	Essential requirement to be involved in annual Multi-Agency Case File Audit	Commencing Spring 2013
Level 4	Chairing Core Groups/ Case Discussions	Training for Chairs of Case discussions/ core groups. Chairs aware of task/outcome focus of these groups.	First Line managers/ Council Officers (PRD)	PRD	Commencing 2012 - 2013
Level 4	Investigative Interviewing	Practice development in relation carrying out investigative visits and interviews	Council Officers NHS Professional Staff	Yes As Agreed	
Level 4	Risk Assessment and Management	Practice training in relation to Risk Assessment and Protection Planning	Council Officers NHS Professionals 3 <sup>rd</sup> Sector Managers	Yes On requested On request	Open to all applicants 2012 - 2013
Level 3	Ethical and effective recording	To ensure Council Officers are aware of standards of record keeping and that records are fit for purpose.	Council officers NHS Professional staff	On basis of identified need (PRD) On request	To be developed
Level 3	Chronologies	To develop skill level in relation to this key task	Social services staff NHS Staff 3 <sup>rd</sup> Sector staff	No Mandatory – Identified through PRD	Ongoing
Level 2	Council Officer Briefing	To ensure that Council Officers are fully aware of the Act, the duties of the Council and role and responsibilities of the 'Council Officer.'	All qualified social workers, nurses and OT's employed by Argyll and Bute Council.	Yes	This will be opened to other agencies following initial briefings of qualified Council staff.
Level 2	1st Line Managers in	Awareness of key role of first line	1st Line Managers in all	To be decided	2012 – 2013 onwards

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LEVEL	DESCRIPTION	OUTCOME SOUGHT	TARGET GROUP	MANDATORY	NOTES
	Care Homes	manager in supporting staff through AP and ensuring effective reporting of concerns	Care Homes throughout Argyll and Bute.		
Level 1	Awareness Raising**	To enable staff to recognise and report adult protection concerns, and thereafter to support service users who have experienced abusive situations.	All staff in public, private and 3 <sup>rd</sup> sector who deliver services to adults and children.	All social work staff. Council staff from other departments as per PRD	Open to NHS, Police and 3 <sup>rd</sup> Sector staff.
	Protecting 'Adults at Risk'	Staff supporting 'AAR' to be aware of their role in protection planning.	Support /care staff	Developmental – from PRD	Open to all agencies.
	Core Group Participation	To be developed	Support staff	Developmental – from PRD	Open to all agencies
	Minute taking	Effective minute taking	Minute takers of AP case conferences	All admin staff in partnership with the CPC	Not at this point
Level 1	Awareness LD staff	To enable staff to recognise and report adult protection concerns, and thereafter to support service users who have experienced abusive situations.	Staff working with LD clients. May be developed further for service users (AP Champions)	Opened to all agencies on request	Delivered on request

## 10. Workforce Issues

For the period of this report, the workforce has been remarkably stable. Staff turnover has been minimal. Those recruited to help implement the Act have been well integrated into local teams.

However the demands imposed by Argyll and Bute having many islands and remote and rural mainland locations are substantial. This makes the provision of training much more difficult. It also adds challenges in the undertaking of adult protection inquiries, especially on the islands with no resident Council Officers. Given the huge size of Argyll and Bute, providing cover when staff are absent, off for training or undertaking inquiries presents challenges in maintaining services, and maintained they must be.

Whilst this remains a challenge and impacts upon services the APC is pleased to report that delays in carrying out inquiries has been kept to a minimum. Nevertheless the Committee has accepted the pragmatic judgement that case conferences, inquiries and investigations are best done well, rather than undertaken at a time when all those who ought to be there cannot be present. The Committee, however, monitors the timeliness of action to ensure that action is never delayed without good reason.

All the agencies – statutory and non- statutory – are under huge financial pressures. No doubt, changes will be forthcoming. The Committee hopes that all the agencies will maintain the resources required to provide the necessary level of support. Furthermore, the Committee hopes that agencies will do everything possible to maintain the continuity of staff deployed on ASP duties.

## 11. Formal Evaluation

### Service User Evaluation

As reported on page 7/8 the Lomond and Argyll Advocacy Service (LAAS) undertakes independent service user evaluation and reports to the APC. The APC believes that this reporting lies at the heart of our learning about the impact, intended and unintended, of interventions carried out under adult protection legislation and guidance.

It is our intention to continue with the key action however we do recognise the resource implications of this work on the advocacy service. The APC will continue to seek to prioritise this work however in recognition of the current financial climate may not, as we would wish, be able to extend this work further to gain the views of those whose referrals do not proceed to the Case Conference stage.

### Training

As can be seen from the table of training on page 26 of this report, every course is evaluated by participants. This recording covers key areas of planning, content, participation and 8 other factors. Each aspect is scored on a numerical basis from;- 1 – Poor to 5 – Excellent. As will be seen from the table the average over all courses is 4.07 – this being ‘good’ with a number of courses nearing the excellent standard. The Training and Policy sub group now has the challenge of retaining this standard as we move into the new reporting period.

The APC records its appreciation of the work carried out by the training team and our external trainer in delivering AP training to this high standard.

### Self Evaluation

On an annual basis the APC has convened a self-evaluation event. At these events managers and front line staff from across Argyll and Bute, including those from the island communities, come together to evaluate the effectiveness of the partnership in addressing the needs of ‘adults at risk’. The events are also attended by all the members of the APC and by the Argyll and Bute Lead Inspector from the Care Inspectorate.

On the basis of these discussions areas for improvement are identified and plans for address them developed. Following the most recent event held during November 2011, the APC made the key strategic decision to move from an Argyll and Bute- wide approach to Adult Protection to the development of a more local focus. This key outcome of the self-evaluation event led to the formation of four Adult Protection Area Development Forums. These forums will be convened in Helensburgh and Lomond, in Bute and Cowal, in Mid-Argyll, Kintyre and Islay and in Oban, Lorn and the Isles. They will concentrate on the particular needs of these areas and will develop the necessary partnerships to address the priorities within their areas. The formation of the Forums is agreed in the context of the APC recognising its key role in ensuring the development of consistent practice throughout Argyll and Bute.

## 12. Future Plans

In my introduction to this Biennial Report I indicated that fully implementing the provisions of the ASP Legislation in Argyll and Bute is still “work in progress”. However, I believe that we now have enough experience of the legislation to have robust plans for the coming years.

The [2012-14 Improvement Plan](#) is an important document for Adult Protection in Argyll and Bute. It aims to be a simple and clear plan which sets out what has to be done, and by whom, to achieve success. The Committee will monitor its implementation closely and expect any delays to be made up quickly.

It has two over-riding themes:

1. Making sure that all “Adults at Risk” are identified and referred.
2. Making sure that all those referred are dealt with in line with established procedures.

The plan comprises six core initiatives. These are:

1. To improve the effectiveness of initial responses to “Adults at Risk”.
2. To ensure “Adults at Risk” receive a person centred response.
3. To ensure “Adults at Risk” and their families and carers are involved in all ASP processes.
4. To ensure Adult Protection policies and processes are fully implemented.
5. To ensure there is clear leadership from the Committee and Senior Managers in all Agencies.
6. To ensure we build on our successes and work on our areas for improvement.

Some of the more important specific actions that are part of the plan and some of the cross cutting actions that will ensure we achieve the improvement we seek are worth highlighting:

- Ensuring that all adults who are indeed at risk are identified and referred
  - This will involve training yet more people in all the Agencies.
  - It will involve the APC ensuring each and every Agency – both statutory and non-statutory – makes sure that all their staff look out for Adults at Risk and know how to refer them.
  - It will involve more information going to those 90,000 pairs of eyes and 90,000 pairs of ears in Argyll and Bute about Adult Support and Protection.
  - It will, hopefully, involve the Scottish Government commission a significant public awareness campaign.

- An annual Multi-agency case file audit
  - We have already undertaken one and come to learn how difficult it is.
  - We have now developed a procedure which will first be implemented in May 2013.
- Service User Evaluation
  - We have some modest experience of soliciting the opinion of service users.
  - Offering advocacy is already a default position but we will ensure that the default never fails.
  - We will seek to obtain much more information from service users.
- An annual Self Evaluation
  - We have already held two self-evaluation events.
  - Future self-evaluation events will aim to be significantly more robust.
- The full development of Local Area Development Forums
  - We believe these forums to be a key element to the delivery of the ASP provisions.
  - We will develop a standard agenda and operating procedures.
- Developing the Adult Protection Committee
  - The Committee will review its Standing Orders in the light of the expected revised Guidance from the Scottish Government on the implementation of the Act.
  - The Committee will review its membership to ensure that all those agencies which impact upon Adult Protection are at least connected to the Committee.
  - The Committee will continue to support national, as opposed to local, initiatives where that approach produces economies of scale.

These plans are substantial. They are devised from a now considerable understanding the challenges to fully implement the legislation in Argyll and Bute. The Committee is confident that will move implementation significantly further on. It is, however, utterly critical that *all* the agencies – both statutory and non-statutory – understand and accept their responsibilities under the legislation. They *all* need to look out for adults at risk of harm vigilantly and they *all* need to refer these adults promptly and in line with the established process.

However, it is not just the agencies that need to be looking out and referring. Everyone in Argyll and Bute needs to be involved. To fully engage the 90,000 pairs of eyes and ears, awareness of the Act needs to be raised. The Adult Protection Committee has significant raising awareness initiatives in the Improvement Plan. However, this issue would be best addressed at a national level; it would be both more efficient and more effective. I hope the Scottish Government will take steps to raise awareness in the population at large of the provisions of the Act.



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**ARGYLL AND BUTE COUNCIL**
**COUNCIL****CHIEF EXECUTIVE'S / IMPROVEMENT AND HR****20 DECEMBER 2012**


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**EQUALITY AND DIVERSITY POLICY**


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**1. SUMMARY**

- 1.1. The council has duties in relation to the Equality Act 2010 and a joint Equality and Diversity Policy has been produced to combine the council's duties in relation to employment and to service delivery. This report outlines the changes that have been made and makes recommendations to agree the adoption of the policy.

**2. RECOMMENDATIONS**

- 2.1. Agree to adopt the equality and diversity policy and implement this in the council.

**3. DETAIL****Equality and Diversity Policy**

- 3.1. HR and Improvement and Organisational Development have worked together to produce a joint policy for equality and diversity (Appendix 1). This policy incorporates the council's duties as an employer and as a service provider, taking account of the Equality Act 2010. The policy includes details about individual responsibilities and will be accompanied by guidance documents.
- 3.2. The policy was considered by the HR Board in March, reviewed to take account of guidance on the new specific duties published by the EHRC (Equality and Human Rights Commission) in May, and considered by SMT and Trades Unions in September 2012.

**4. CONCLUSION**

- 4.1. A draft joint Equality and Diversity Policy is recommended for approval by council and implementation throughout the council.

**IMPLICATIONS**

**POLICY** This policy replaces the council's Equal Opportunities Policy and Equality and Diversity Policy

**FINANCIAL**  
**HR**

**EQUALITY** This policy will help the council to meet its duties in relation to the Equality Act 2010.

RISK  
CUSTOMER SERVICE

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Equality and Diversity  
Policy 2013 - 2015

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Document type:  
Policy

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Improvement and HR

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**Document Information**

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<b>Author:</b>	Jennifer Swanson, Lisa Bond, Stephen Colligan
<b>Sponsor:</b>	Jane Fowler
<b>Approved by:</b>	Argyll and Bute Council (to be approved)
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<b>Review frequency:</b>	Every 3 years
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v.0.02	9/2/2012	Considered by HR Board and agreed for consultation
v. 0.03	3/9/2012	Considered by SMT
v. 0.03	7/9/2012	Considered by Trades Unions/HR liaison group
v.1	21/11/2012	Updated for council meeting in December 2012

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DRAFT

**ARGYLL AND BUTE COUNCIL**  
**EQUALITY AND DIVERSITY POLICY**

If you would like this document in another language or format, or if you require the services of an interpreter, please contact us.

Ma tha sibh ag iarraidh an sgrìobhainn seo ann an cànan no riochd eile, no ma tha sibh a' feumachdainn seirbheis eadar, feuch gun leig sibh fios thugainn.

Gaelic

Jeżeli chcieliby Państwo otrzymać ten dokument w innym języku lub w innym formacie albo jeżeli potrzebna jest pomoc tłumacza, to prosimy o kontakt z nami.

Polish

यह दस्तावेज़ यदि आपको किसी अन्य भाषा या अन्य रूप में चाहिये, या आपको आनुवाद-सेवाओं की आवश्यकता हो तो हमसे संपर्क करें

Hindi

یہ دستاویز اگر آپ کو کسی دیگر زبان یا دیگر شکل میں درکار ہو، یا اگر آپ کو ترجمان کی خدمات چاہئیں تو برائے مہربانی ہم سے رابطہ کیجئے۔

Urdu

ਜੇ ਇਹ ਦਸਤਾਵੇਜ਼ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦਾ ਹੈ, ਜਾਂ ਜੇ ਤੁਹਾਨੂੰ ਗੱਲਬਾਤ ਸਮਝਾਉਣ ਲਈ ਕਿਸੇ ਫਿੰਟਰਪ੍ਰੈਟਰ ਦੀ ਲੋੜ ਹੈ, ਤਾਂ ਤੁਸੀਂ ਸਾਨੂੰ ਦੱਸੋ।

Punjabi

本文件可以翻譯為另一語文版本，或製作成另一格式，如有此需要，或需要傳譯員的協助，請與我們聯絡。

Cantonese

本文件可以翻译为另一语文版本，或制作成另一格式，如有此需要，或需要传译员的协助，请与我们联系。

Mandarin

Argyll and Bute Council, Kilmory, Lochgilphead PA31 8RT  
Telephone: 01546 602127

## INTRODUCTION

Our Council is forward looking and ambitious, continuously improving our relationship with our partners, customers and employees to ensure that we deliver the right services, by the best people, in the best way.

Our vision is 'Realising our Potential Together' and this is underpinned by our values:

- We involve and listen to our customers and communities
- We take pride in delivering best value services
- We are open, honest, fair and inclusive
- We respect and value everyone

We recognise that individuals are different and we need to ensure there is equality among our diverse communities. Achieving equality is a driver for improving services to all members of the community and is integral to the Council's overall performance. Equality is about people having equal life chances, equal dignity and worth, and equal participation. We continue to strive to achieve this.

As the major employer in the area, we recognise the need for an Equality and Diversity Policy. We are committed to eliminating discrimination and encouraging diversity amongst our workforce. Our aim is that our workforce will be truly representative of all sections of society and each employee feels respected and able to give of their best.

We carry out equality impact assessments for policy and service delivery to make sure no-one is adversely impacted.

This Equality and Diversity Policy describes how the council will better-address the needs of all its employees and all members of the communities it serves.

As part of the council's commitment to equality we continue to welcome your views on how we are doing and how we can improve.

**Council Leader**

**Chief Executive**

**ARGYLL AND BUTE COUNCIL**

**EQUALITY AND DIVERSITY POLICY**

**SCOPE**

This policy applies to all employees of Argyll and Bute Council. The overall intention is to create a working environment where all forms of discrimination or oppressive behaviour are unacceptable.

The council's equality and diversity policy is underpinned by key principles, focused on equality, stated in our corporate plan.

Our key equality principles are that:

- no-one is disadvantaged because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation
- the differences between people are valued and good relations between groups are promoted
- people are treated fairly and with equal respect
- informed assessments are made on the impact of policies and services
- people are involved in the decisions that affect them and encouraged to participate in public life.

**POLICY STATEMENT**

- The policy will promote equality and improve customer service, to make sure that no-one is disadvantaged because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. We will involve people in the decisions that affect them and not make assumptions about their needs.



- The policy will provide equity and fairness for all employees in our employment. No employee should suffer discrimination because of their age, disability, gender including sex and gender reassignment, sexual orientation, marriage and civil partnership, pregnancy and maternity, race, ethnic origin, colour, nationality, national origin, religion or belief.
- The Council will endeavour to ensure that no employees are disadvantaged in any way by the imposition of conditions or requirements which cannot be shown to be justifiable.
- We will ensure that all elected members, employees, customers and service users are treated equally and fairly, with respect, without victimisation, prejudice or discrimination to ensure that no individual receives less favourable treatment than any other individual on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation
- All employees will be helped and encouraged to develop their full potential and the talents and resources of the workforce will be fully utilised to maximise the efficiency of the organisation.
- If any employee or customer considers that he/she is suffering or has suffered unequal treatment on the grounds stated above, he/she can make a complaint which will be dealt with in accordance with the agreed procedures.
- This statement has been prepared in consultation with the recognised trade unions in order to outline the standards that should be applied to and expected of all employees regarding the implementation of equality and diversity within the Council.

The Council offers services through a range of methods to ensure that we meet the needs of all our customers.

The Policy will be applied across the organisation and with others who deliver services in partnership or on our behalf. Our Corporate Plan emphasises the commitment we have to promoting

equality and this is reflected in both our equality principles and within our corporate objectives.

## **POSITIVE BENEFITS OF EQUALITY AND DIVERSITY**

- **Improving our ability to deliver appropriate services and meeting different needs:** A diverse team understands diverse customers and communities. Argyll and Bute Council is a provider of services and, as such, is committed to equality of provision, access and benefit in the delivery of those services irrespective of age, disability, gender including sex and gender reassignment, sexual orientation, marriage and civil partnership, pregnancy and maternity, race, religion or belief.
- **Social justice and responsibility:** The policy will allow the organisation to take greater responsibility for the welfare of employees as well as the customers and communities we serve.
- **Attraction, retention and development of staff:** The policy can give job applicants and employees confidence they will be treated with dignity and respect;
- **Enhanced individual and organisational performance:** The policy will aid the motivation of employees which in turn should enhance individual and overall performance.
- **Helping to reduce complaints of discrimination:** The policy is key to helping employees and the organisation comply with minimum standards of behaviour;
- **Managing risk and reputation:** The Policy can help minimise the risk of legal action being taken against employees and/or the organisation by demonstrating that complaints of discrimination are taken seriously and that all reasonable steps have been taken to prevent it.

## **RESPONSIBILITY OF THE AUTHORITY AS AN EMPLOYER**

All elected members, senior management, line managers and employees share the responsibility to create an environment where we can make measurable progress on equality and diversity and where we genuinely respect each individual's differences.

### **Council Commitment**

To ensure the equality and diversity policy is effective, the council makes the following commitments:

- To make equalities a part of everyday working practice.
- To promote the objectives of the policy for the benefit of all employees, job applicants, and the overall population of the Argyll and Bute Council area.
- To make available or provide training and guidance for all employees and line managers to ensure an understanding of their responsibilities under the law and the benefits of equality and diversity under the council's equality and diversity policy.
- To monitor, on a regular basis, the composition of the workforce and job applicants in order to evaluate the progress of the policy.
- To monitor, on a regular basis, customer information including perceptions, satisfaction and complaints, in order to evaluate the progress of the policy.
- To examine and regularly review procedures and criteria and make appropriate changes where they are found to be actually, or potentially, discriminating.

## **INDIVIDUAL RESPONSIBILITIES**

Each individual has a responsibility for this commitment when engaging with elected members, employees and service users. Individual roles are outlined below:

### **Elected Members, the Chief Executive, Executive Directors and Heads of Service are responsible for:**

- answering to the public for what the council does and achieves in terms of equality and diversity
- providing leadership direction and support to ensure that the council's equality and diversity policy is fully implemented by managers and employees through service planning
- ensuring all managers and staff participate in learning and development on how to operate the policy
- ensuring that equality impact assessments are completed for all new and revised policies and functions to minimise or eliminate negative impacts on people
- working with partners to help deliver the policy
- involving the local community in the decision-making process
- providing a scrutiny role to ensure compliance with the equality and diversity policy

### **Line Managers are responsible for:**

- ensuring all staff are made aware of the policy
- ensuring all staff participate in learning and development on how to implement the policy
- promoting the aims of the policy
- ensuring their own working practices reflect the principles of the policy
- taking prompt action to stop any discriminatory behaviour
- not discriminating, for example, as line managers or as persons responsible for selection decisions in recruitment,

promotion, redeployment, redundancy or training or when deciding the outcome of disciplinary/grievance hearings

- completing equality impact assessments for all new and revised policies and functions to minimise or eliminate negative impacts on people
- working with partners to help deliver the policy, for example by planning joint training events
- ensuring the principles of equality and diversity are applied in all dealings with members of the public
- gathering and using employee and customer information, as appropriate, to ensure that the policy is complied with and any necessary improvements made.

**Employees are responsible for:**

- being familiar with the content of the policy and its procedures and that they behave in accordance with this policy
- treating each other with dignity and respect
- not harassing, victimising, or intimidating colleagues, other employees and job applicants on any grounds
- challenging any discriminatory behaviour
- not inducing or attempting to induce other employees or unions or management to practice discrimination, for example, by refusing to work with a person who has a disability or has undergone gender reassignment
- ensuring the principles of equality and diversity are applied in all dealings with members of the public
- participating in learning and development associated with these policies
- participating in equality impact assessments to minimise or eliminate negative impacts on people
- co-operating with measures introduced by management to ensure there is equal opportunity and non-discrimination including providing personal information in regard to age, disability, gender including sex and gender reassignment, sexual orientation, marriage and civil partnership, pregnancy and maternity, race, ethnic origin, colour, nationality, national

origin, religion or belief. This will enable the Council to monitor the workforce profile and to identify and address any issues which may be related to discrimination.

Employees must help to ensure equality, assist in preventing discrimination and help to protect themselves and the council from allegations of discrimination. All employees should understand that any discriminatory behaviour is likely to be regarded as serious misconduct which will normally result in disciplinary action being taken.

**Trades Union Representatives are responsible for:**

- working with the council to raise awareness of and promote the importance of the principles of this policy
- offer support and advice to their members regarding this policy

The Council recognises that trade unions, in representing employees, make a valuable contribution to equality. We will continue to work closely with trade unions to develop our equality and diversity policy and action plans.

**Providers of goods and services to and for the council are responsible for:**

- complying with the equality and diversity policy
- complying with the legal duties

**MONITORING AND REVIEWING THE POLICY**

Measures relating to the policy / the action plan will be monitored by {corporate scorecard} {service scorecard} {equality scorecard} by the {HR Board} {SMT} {Council}

Equality issues identified in self-assessments will be included as areas for improvement in service improvement plans.

It is important to review our equality and diversity policy to measure our progress in achieving our agreed aims. We will keep

the policy under review to ensure that it meets the needs of the council as an employer and service provider. The policy will be reviewed at least every 3 years.

## **RELATED POLICIES AND PROCEDURES**

This policy relates to policies and procedures for:

- Recruitment and Selection
- Learning and Development
- Disciplinary and Grievance
- Dismissal and Redundancies
- Equality Impact Assessment
- Complaints

All of these related documents are on the Hub.

Further information about the Equality Act 2010 is available from:  
Scottish Government: [www.scotland.gov.uk](http://www.scotland.gov.uk)  
Equality and Human Rights Commission:  
[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

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**ARGYLL AND BUTE COUNCIL****COUNCIL****CHIEF EXECUTIVE'S / IMPROVEMENT AND HR****20 DECEMBER 2012**

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**EQUALITY IMPACT ASSESSMENT**

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**1. SUMMARY**

- 1.1. A revised equality impact assessment process has been produced in response to the council's duties in relation to the Equality Act 2010. This report outlines the changes that have been made and makes recommendations to agree the adoption and implementation of the assessment process.

**2. RECOMMENDATIONS**

- 2.1. Agree to adopt the equality impact assessment process and implement this in the council.

**3. DETAIL**

- 3.1. The equality impact assessment process (Appendix 1) has been revised to take account of additional responsibilities introduced by the Equality Act 2010. The revised process also takes account of feedback from users of the process to make it easier to complete.
- 3.2. Guidance from the EHRC (Equality and Human Rights Commission), along with their impact assessment process and that of other local authorities, was also considered in the revision of the council's guidance and process.
- 3.3. There has been positive feedback from officers who trialled the process in Improvement and Organisational Development. The process will be put on the Hub and promoted in Cascade.
- 3.4. The equality impact assessment guidance and process was considered by the HR Board in March, and by SMT (Strategic Management Team) and Trades Unions/HR Liaison group in September 2012.

**4. CONCLUSION**

- 4.1. An equality impact assessment is recommended for approval by council and implementation throughout the council.

**IMPLICATIONS**

**POLICY** This assessment process relates to, and helps to implement, the council's Equality and Diversity Policy

FINANCIAL

HR

EQUALITY This assessment process will help the council to meet its duties  
in relation to the Equality Act 2010.

RISK

CUSTOMER SERVICE

Jane Fowler, Head of Improvement and HR, 01546 604466

For further information, please contact:

Jennifer Swanson, Improvement and Organisational Development, 01546  
604298



**Argyll and Bute Council**

**Equality Impact Assessment  
Guidance and Form**

## **Introduction**

We need to make sure that the way we deliver services does not have an adverse impact on people from different equality groups, both customers and employees.

The Equality Impact Assessment (EqIA) is a process that enables you to undertake a comprehensive and robust assessment of the Council's functions and policies.

The EqIA will help you to assess whether we are likely to have an adverse impact on the diverse groups of people within Argyll and Bute. The EqIA will also enable the Council to maximise opportunities to promote equality and good relations between groups. Further, the EqIA will help to ensure that the Council meets the commitments set out in its Equality and Diversity Policy.

The Improvement and Organisational Development team hope you find the EqIA process useful and easy to use. However, if you have any suggestions for improvement please send them to:

Stephen Colligan  
Improvement and Organisational Development  
Chief Executive's Unit,  
Kilmory,  
Lochgilphead PA31 8RT

Email: [stephen.colligan@argyll-bute.gov.uk](mailto:stephen.colligan@argyll-bute.gov.uk)

## **Summary**

An Equality Impact Assessment involves assessing the likely or actual effects of policies or services on people in respect of their race, gender, disability, age, religion or belief, sexual orientation, marriage and civil partnership, gender reassignment and pregnancy and maternity.

There are 2 stages to the Equality Impact Assessment:

### **Stage 1 – deciding if you need to do an equality impact assessment**

This is a short exercise that involves considering the overall policy or service and deciding if it is relevant to equality.

### **Stage 2 – carrying out an equality impact assessment**

Stage 2 examines in detail the proposal to find out what kind of equality impact there might be and which groups of people it will affect most. There are 8 steps in the process:

- Step 1 – identify the purpose of your policy or function
- Step 2 – assess the impact using information and evidence
- Step 3 – remove or reduce a negative impact
- Step 4 – make sure the policy or service promotes equality
- Step 5 – arrange to monitor and evaluate the policy or service
- Step 6 – sign off the equality impact assessment
- Step 7 – arrange to publish the equality impact assessment
- Step 8 – review the policy or service and update the equality impact assessment

## Stage 1

### **What is an Equality Impact Assessment and why do we need to do them?**

The EqIA is a process to ensure that the Council does not discriminate and where possible the Council uses opportunities to promote equality and good relations between groups.

An EqIA involves anticipating the consequences of the Council's functions and policies on different people, making sure that, as far as possible, any negative impacts are minimised or eliminated and that opportunities for promoting equality are maximised.

Carrying out an EqIA involves assessing the likely (or actual) effects of policies on people in respect of what are known as protected characteristics (Equality Act 2010). These are: race, gender, disability, age, religion or belief, sexual orientation, marriage and civil partnership, gender reassignment and pregnancy and maternity.

Under the Equality Act 2010 the Council as a public body, is required to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a characteristic and those who do not; and
- Foster good relations between people who share a characteristic and those who do not.

Having "due regard" means giving appropriate weight to equality in proportion to how relevant it is to a particular policy. A robust and detailed EqIA provides the necessary evidence that the Council has given due regard to equality issues before taking a decision.

The term policy is used throughout the assessment to embrace the full range of policies, functions, procedures, strategies, projects, applications for funding and financial decisions.

Assessing the potential impact on the protected characteristics helps us to consider relevant evidence and decide whether particular groups may be disproportionately affected by decisions; or whether more could be done to foster good relations.

The evidence gathered is important, given the potential for protected groups to be negatively affected by budget and service cuts.

Impact assessment is an effective way of improving policy development and service delivery, ensuring that you consider the needs and experiences of customers and of employees.

Impact assessment enables you to:

- Take effective action on equality
- Develop better policies and practices, based on evidence
- Be more transparent and accountable

### **Which policies should be subject to impact assessment?**

All new and reviewed functions should go through the EqIA process, particularly if people are to be affected e.g. service users, customers, members of staff.

The general equality duty applies to a broader range of protected characteristics than before, so services should assess the impact of existing policies across all of the protected characteristics.

If you think that an existing policy may be potentially discriminatory, then prioritise this to be assessed again at this point, in line with the duty to pay due regard to eliminating discrimination.

### **Who should carry out EqIA's?**

The EqIA should be prepared by the lead officer responsible for developing or reviewing the policy, together with an officer who is familiar with the process (although they don't necessarily have to be familiar with the policy being assessed). Involving other officers is vital to ensure the process is carried out in a robust way. It may be that for some assessments a number of key stakeholders are also involved. Further support and information is available from the Improvement and Organisational Development team.

### **When should you assess impact?**

Assessing the impact is an important part of policy and service development and in decision-making as it should lead to improvements in policies and practices.

For this reason, assessing the impact should be carried out as part of the development and planning stage and thereafter as part of the review stage. Assessing impact should not be a retrospective action taken at the end of the process.

Decision makers, such as elected members and senior officers, need to give due regard to equality and diversity. Decision-makers should seek and take account of the results of completed assessments when considering whether to approve a new policy or function. This will ensure that the impact assessment influences the decision reached.

The impact and relevance of a policy does not just depend on the number of people and groups who are affected but also the significance of the effect that may be experienced.

Introducing a level of scrutiny of equality impact assessments in decision making will help the Council to demonstrate to communities that equality is important.

Assessing the impact does not end with the introduction of a new or revised policy. It is vital that the monitoring of the impact is implemented and that the assessment is revisited as part of any review. In conclusion, impact assessment is an ongoing process.

## **Consultation**

The Equality Impact Assessment process should be informed by consultation. Consultation or involvement with different equality groups will help you to understand the impact of proposals on these groups. By undertaking this approach, employees, service users, trade unions and others who may be affected will have an input to improve policy development and service delivery.

When undertaking engagement with members of the public, community groups and staff, reference should be made to the Council's Community Engagement Strategy which also outlines the National Standards for Community Engagement.



## Stage two

### 1: Policy or function details

<p>Name of policy or function</p> <p><i>(Insert the name of the policy, strategy, project, funding application, initiative or financial decision)</i></p>	
<p>Lead officer/person</p> <p><i>(The name of the officer who is responsible for developing the policy)</i></p>	
<p>Supporting team (names/job titles)</p> <p><i>(This should list all members of the team who are providing support to the lead officer in carrying out the EqIA.</i></p> <p><i>This should include:</i></p> <ul style="list-style-type: none"> <li>• <i>At least one person involved in developing the new policy</i></li> <li>• <i>One person from another service who has not been involved in developing the policy</i></li> </ul> <p><i>If wider expertise is required then it may be helpful to consider inviting one or two others to join the assessment process including representatives from outwith the Council if appropriate</i></p>	

<p>What are the main aims of the policy?</p> <p><i>(bullet points describing the aims of the policy).</i></p> <p><i>(Should also include reference to other relevant Council documents such as the Corporate Plan and Service Plans)</i></p>	
<p>Who will benefit?</p> <p><i>(A summary of the equality groups that are likely to benefit from the policy)</i></p>	
<p>Is the policy intended to increase equality of opportunity by permitting positive action or action to redress disadvantage?</p> <p><i>(You should outline if your policy or function has been <b>specifically</b> developed to increase equality of opportunity by having a positive differential impact on any of the protected characteristics)</i></p>	

## 2: What are the likely impacts of the policy?

For each protected characteristic you should identify any particular impact that the policy may have for the group. Impacts could be positive or negative and both should be described.

If there are no impacts on a particular protected characteristic then state your reasons for this within the response box. This demonstrates that you have considered the impact on each characteristic.

<p>Will the policy impact on the whole population of Argyll and Bute?</p> <p>Will the policy impact on and or/ particular groups within the population of Argyll and Bute?</p> <p><i>(Specify whether the policy will impact upon the whole community or will there be particular emphasis on one or more groups)</i></p>	
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Consider the following protected characteristics, What are the likely impacts for the group or community?

List any positive and/or negative impacts

Protected characteristic	Positive and/or negative impacts
Race: relating to people from different racial groups, ethnic or national origins, ethnic minorities, including gypsy travellers and migrant workers	
Gender: specific to women and/or men	
Disability: relating to people with either mental or physical disability	
Age: relating to different age groups e.g. older people or children and young people	

Religion or Belief: relating to a person's religion or belief (including non-belief)	
Sexual orientation: relating to a person's sexual orientation i.e. lesbian, gay, bi-sexual, heterosexual	
Marriage and civil partnership: Issues relating to people who are married or are in a civil partnership	
Gender reassignment: relating to people who have proposed, started or completed a process to change his or her sex	
Pregnancy and maternity: issues relating to the condition of being pregnant or expecting a baby and the period after the birth	

### 3: Evidence used in developing the policy

Set out the evidence on impacts that you have collected in the development of the policy.

<p><b>Involvement and consultation</b></p> <p>In assessing the impact(s) set out above what evidence has been collected from involvement, engagement or consultation? Who was involved, when and how?</p> <p><i>Both equalities legislation and the duty to achieve best value demand effective consultation and engagement.</i></p> <p><i>Therefore, we need evidence of engagement with those groups that are targeted by the introduction of a new policy.</i></p>	
<p><b>Data and research</b></p> <p>Please specify what research was carried out or data collected, when and how this was done, <b>and what other available research or data did you use.</b></p> <p><i>Set out any local or national data that has been used, in the impact assessment including any relevant guidance that has influenced the development of the policy.</i></p>	

<p><b>Partners' data and research</b></p> <p>What evidence has been provided by partners? Please specify partners.</p> <p><i>Data and information from partner organisations can help to evidence impacts rather than duplicate efforts to consult and involve relevant groups.</i></p>	
<p><b>Gaps and uncertainties</b></p> <p>Have any gaps or uncertainties been identified in your understanding of the issues or impacts that need to be further explored?</p> <p><i>Few policies are developed in the context of perfect information and understanding of all the issues. This part of the assessment offers an opportunity to highlight these gaps and uncertainties.</i></p>	

#### 4: Detailed Action Plan to address identified gaps in evidence and to mitigate negative impacts

No	Action	Responsible Officer(s)	Timescale
1			
2			
3			
4			

Note: Please add extra rows as required.

#### 5: Performance monitoring and reporting

Please describe how the policy will be taken forward. This will act as a record for future reviews and the monitoring of the policy.

<p>When is the policy intended to come into effect?</p> <p><i>Insert the date and name of the Committee meeting that will approve the policy.</i></p>	
<p>When will the policy be reviewed?</p> <p><i>Insert the dates for the planned review of the policy.</i></p>	

**6: Summary**

**Name of policy:** .....

This policy will help the council to meet the general equality duty to eliminate discrimination; advance equality of opportunity; and foster good relations as follows:

<p><b>Eliminate discrimination</b></p> <p>In determining how the policy will eliminate discrimination there is NO evidence to indicate that:</p> <ul style="list-style-type: none"> <li>• the policy will result in less favourable treatment for particular groups;</li> <li>• the policy may give rise to indirect discrimination;</li> <li>• the policy is more likely to impede you in making reasonable adjustments</li> </ul>
<p><b>Advance equality of opportunity</b></p> <p>In determining how the policy will advance equality of opportunity there is evidence that:</p> <ul style="list-style-type: none"> <li>• actions have been taken to remove or minimise disadvantage</li> <li>• the policy meet the needs of different groups; and</li> <li>• the policy encourages increased participation of particular groups</li> </ul>
<p><b>Foster good relations</b></p> <p>In determining how the policy will affect good relations, you should record whether it will help you to:</p> <ul style="list-style-type: none"> <li>• tackle prejudice</li> <li>• promote understanding</li> </ul>

<p>Please state how the information from the EqIA has been used to make decisions about future service.</p>

When completed, the assessment must be signed off by the lead officer and by the relevant Head of Service:

<b>Signed</b>	<b>Date</b>
Lead officer:	
Head of Service:	



Completed assessments must be sent to: Stephen Colligan / Jennifer Swanson, Improvement and Organisational Development, for quality control, recording and publishing on the council's website.

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**A POLICY FRAMEWORK FOR INFORMING COUNCIL SUPPORT TO BUSINESS IMPROVEMENT DISTRICTS**

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**1. INTRODUCTION**

- 1.1.** This paper presents to the Council a framework for informing Council support to Business Improvement District Scotland (BIDS) initiatives within Argyll and Bute. At the Council meeting on 28<sup>th</sup> June 2012, it was agreed that a Policy Framework to decide support for BID proposals would be developed.
- 1.2** Currently two BIDS projects in Argyll and Bute have been considered by the Council: BID4Oban; and PA23 (Dunoon area). Oban held a successful ballot on 5<sup>th</sup> October and launched its initiative on 6<sup>th</sup> November. The Council considered the PA23 Business Plan in October and delegated the approval or veto of the formal proposal to senior officers and the Leader and the Depute Leader. It is anticipated that a Business Plan for Mull, Iona and Ulva BIDS will come forward in December. Other towns are considering the merits of the BIDS initiative for their own localities.
- 1.3** Funding provided to Oban related to supporting the cost of administering the annual levy collection, in addition to a direct financial contribution and the Council's levy contribution based on its property holdings. This funding came from reserves and was built into the budget. In the case of Dunoon, should there be a successful ballot, financial support from the Council will come via the levy on its property holdings and a financial contribution from the Dunoon CHORD budget towards specific marketing activity that aligns with CHORD ambitions and plans.

**2. RECOMMENDATIONS**

- 2.1** The Council agrees to the policy framework in regard to:
- the proposed Council support for BIDS initiatives to be given pre-ballot;
  - the proposed Council support for BIDS initiatives to be given following a successful ballot.

**3. PRE BALLOT SUPPORT**

- 3.1** BIDS initiatives can apply to the Scottish Government BIDS development fund to assist reaching ballot stage. Whilst the local authority provided financial support to the first two BID initiatives for reaching ballot stage (BID4Oban and PA23) through CHORD, in order to test this innovative new model of business development in two CHORD towns, it was agreed that given budget pressures no further financial support would be provided by the local authority at the pre-ballot stage.
- 3.2** It is proposed that a member of the Business Gateway Team will be the point of contact for BIDS initiatives and the Council in relation to general co-ordination and business planning. However, other Council services will provide support to a BIDS initiative and liaise directly with the initiative on relevant technical and operational matters (i.e. Roads and Amenity Services, Customer and Support Services, Governance and Law, Strategic Finance). Before the Council provides such support there must be evidence of a credible and professional approach by the BIDS initiative to its development and demonstration of meaningful engagement and support from the local business community.
- 3.3** It should be noted that significant Council staff time is committed at the pre-ballot stage e.g. assisting the BIDS initiative in identifying properties within the BIDS area and estimating the levy amounts, providing a baseline of Council services provided within the BIDS area.

3.4 The full costs of the ballot process will be paid by the BID proposers.

**4. POST BALLOT SUPPORT**

4.1 Dialogue with regard to the scope and scale of post-ballot support for a BIDS initiative can proceed when officers consider the initial BIDS initiative draft Business Plan. This will allow the BIDS initiative to adjust its Business Plan prior to submission to the Council for veto or approval. Financial support will primarily come via the Council’s contribution to the annual levy based on its property holdings. Where there is demonstration of need and clear strategic and operational alignment with Council ambitions and plans, in exceptional circumstances additional financial support may be available for specific BIDS activities. Each BIDS Business Case will be judged by the Council on its own merits.

4.2 Post-ballot support will be dependent on:

- the Business Plan aligning with Council’s corporate objectives, Single Outcome Agreement (SOA) and Economic Development Action Plan (EDAP)
- BID activities being recognised as credible and taking a holistic approach to the area’s development
- BID activities being a deliverable package of activities and the BID initiative demonstrating that appropriate management arrangements have been considered
- evidence of meaningful additional benefits to be delivered for the community
- sound governance within the BID steering group being clearly evident
- advice from BIDS Scotland / Scottish Government being considered and adopted as appropriate

4.3 Financial support will primarily come via the Council’s contribution to the annual levy based on its property holdings. The list of included Council properties within the scope of the levy must be fair and logical i.e. there must be a rationale for inclusion linked to the Business Plan. It is anticipated that in most instances Council properties such as care homes, schools / educational establishments, nurseries, libraries and day care centres are excluded from the levy.

4.4 Only in exceptional circumstances will the Council consider post ballot funding that is additional to the levy on its property holding. Such funding will only be considered where there is demonstration of need and clear strategic and operational alignment with Council ambitions. Any additional support beyond the Council’s levy contribution should not be used for core, administration or management costs and would not normally exceed 5% of the levy. Each BIDS Business Case will be judged on its own merits.

4.5 There is an expectation that the Council will charge an appropriate administration fee for collection of the levy on behalf of the BIDS initiative which is sufficient to cover the Council’s costs, whilst recognising that each BIDS initiative will be different.

4.6 Complementary capital / revenue funding already committed by Council may be assessed as assisting/supporting the aims of a BID.

**5. IMPLICATIONS**

5.1 The implications for Argyll and Bute Council are as outlined in **Table 5.1** below.

<b>Table 5.1: Implications for Argyll and Bute Council</b>	
<b>Policy</b>	As contained within the paper and recommendations.
<b>Financial</b>	As contained within the paper and recommendations.
<b>Legal</b>	As contained within the paper and recommendations.
<b>HR</b>	The growth of BIDs in Argyll & Bute may require the Council to consider future staffing resource requirements.
<b>Equalities</b>	None.
<b>Customer Service</b>	None.

Sandy Mactaggart  
Executive Director  
Development and Infrastructure  
20 December 2012

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## AGENDA ITEM No

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**ARGYLL AND BUTE COUNCIL****COUNCIL****OBAN, LORN AND THE ISLES AREA COMMITTEE**

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**EXTRACT OF MINUTE OF OBAN, LORN AND THE ISLES AREA COMMITTEE  
MEETING OF 10<sup>TH</sup> OCTOBER 2012**

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**Extract:-**

**12. MULL AND IONA BIDS MEETING - PRESENTATION**

Members heard an informative presentation from the Mull and Iona Bids Group.

Decision

The Committee agreed to recommend that the Council positively support the Mull and Iona Bid initiative when it is considered at the Council.

**Recommendation:**

Oban, Lorn and the Isle Area Committee recommend that the Council positively support the Mull and Iona Bid initiative when it is considered at the Council.

Shirley MacLeod  
Area Governance Manager  
29<sup>th</sup> October 2012

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**ARGYLL AND BUTE COUNCIL****COUNCIL****DEVELOPMENT AND INFRASTRUCTURE  
SERVICES****20 DECEMBER 2012**

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**PROPOSED ARGYLL AND BUTE LOCAL DEVELOPMENT PLAN (LDP)**

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**1. SUMMARY**

1.1 This report sets out the main elements of the Proposed Argyll and Bute Local Development Plan (LDP). The LDP has been developed following extensive consultation and discussion with a wide range of stakeholders over a considerable period of time and taking into account detailed constraints and opportunities. The LDP aims to provide a land-use vision for Argyll and Bute for the next 10 years, subject to a 5-year review, that addresses key challenges facing Argyll and Bute through a clearly identified headline vision, set of aims, key themes and policy responses. The LDP consists of three elements for consideration by the Council in this report prior to recommending approval to publish the proposed LDP for a 3 month public consultation period commencing in mid-January 2013. The three elements of the LDP for approval consist of the Written Statement (**Appendix A**), Proposals Maps Changes (**Appendix B**) and Supplementary Guidance (**Appendix C**).

**2. RECOMMENDATION**

2.1 That members approve the Proposed Argyll and Bute Local Development Plan (LDP) as contained within **Appendix A** (Written Statement), **Appendix B** (Proposals Maps Changes) and **Appendix C** (Supplementary Guidance), subject to any changes they require to be made, for a three month public consultation period commencing in the third week of January 2013.

2.2 That the Executive Director of Development and Infrastructure be given delegated authority to carry out necessary changes to the LDP following the end of the consultation process and come back to the Council for final approval prior to submission to Scottish Ministers.

**3. BACKGROUND**

3.1 Following approval of the Argyll and Bute Local Plan in August 2009 work began on the renewal of the Development Plan (Structure and Local Plan) with their proposed replacement by a single document to be known as the Argyll and Bute Local Development Plan: Initial work included a series of local and

strategic stakeholder meetings to identify future challenges and areas of change. From the findings of this the Main Issues Report (MIR) was produced and then published for a nine week consultation period that ended on the 18<sup>th</sup> July 2011. Over 700 representations were received and their content analysed. A further public consultation was then carried out on a range of potential additional sites that could be included in the LDP and this was concluded on the 20<sup>th</sup> August 2012 with 120 responses received.

**3.2** Both of these public consultation processes, together with contributions from key agencies (such as SNH, SEPA, Historic Scotland and Scottish Water), community organisations such as community councils, other organisations, developers, land owners and private individuals together with monitoring of outputs from the current Development Plan have shaped the content and overall approach taken in the Proposed Local Development Plan.

## **4 KEY ELEMENTS**

**4.1** The new LDP will replace the existing Development Plan (Structure and Local Plan), once adopted, by the Council. It has to ensure that there is a five year supply of effective housing land and ten years for business land and this is primarily done through the allocation of land for specific purposes. The LDP has to contain a clear settlement/spatial strategy and to help mitigate and address the impacts of climate change. In addition the LDP must also be:-

- **Efficient** - up to date, responsive to change, providing certainty, identifying development opportunities;
- **Inclusive** - involvement of local people on local issues;
- **Integrated** – provides spatial dimension to national and local strategies, action plans including EDAP, REAP, Housing Strategy;
- **Fit for purpose** – supports high quality outcomes on the ground and addresses Argyll and Bute's issues in a challenging economic environment;
- **Sustainable** – fully supports sustainable economic growth without harming our outstanding environment;
- **Deliverable** - realistic and accompanied by an agreed action programme with our partners.

**4.2** The LDP consists of three elements for approval consisting of the Written Statement (**Appendix A**), Proposals Maps Changes (**Appendix B**) and Supplementary Guidance (**Appendix C**). Given the size of these Appendices they can all be found here:-

<http://www.argyll-bute.gov.uk/moderngov/ieListDocuments.aspx?CId=257&MIId=5401&Ver=4>

with paper copies also located at Kilmory (Committee Room 1). Member's attention is drawn to a number of key differences of approach proposed in the LDP that include the following:

- Ensuring the central challenge for the LDP is to deliver Sustainable Economic Growth;
- Reducing core policies in the plan to 11 and placing more detail in statutory Supplementary Guidance;
- Spatial approach taken for each council administrative area;
- Creation of Green networks and Wild areas of land;
- Higher densities for development on appropriate housing sites to generate greater economies of scale;
- Introduction of potable water conservation measures in our Islands and parts of Lorn;
- Taking a more flexible and pro-active approach to the need for sustainable economic development particularly in our more economically fragile areas;
- Adjusting the affordable housing policy to better meet local needs and the sustained challenges of the economy;
- Introducing the concept of Strategic Industrial Business Locations;
- Identification of key investment sites in the LDP that require a strategic Masterplan approach;
- Identification of crofting township sites, community ownership and community plan areas;
- The creation of Tourism Development Zones and the identification key tourism development sites
- The creation of 27 Key Rural Settlements;
- The creation of a new Coastal Development Strategy as supplementary guidance;
- The identification of Broad Areas of Search for Wind turbines over 50 meters;
- The merging of the Sensitive Countryside Zone and Countryside Around Settlement to form the Countryside Zone;

- The remodelling of the Rural Opportunity Areas in NSAs and APQs to reflect the findings of the landscape capacity studies;
- Consolidation of strategic and local Areas For Action (AFAs):

## **5 TIMETABLE**

**5.1** Following approval by the Council, incorporating any changes required by Members, the LDP will be subject to a three month period of public consultation beginning the third week of January 2013 to avoid the Christmas/New Year holiday period. Following the consultation necessary changes will be made to the LDP and this will be reported back to the Council for their approval prior to submitting the LDP to Scottish Ministers. It is then anticipated that an examination of the Proposed LDP will be made by a Scottish Government appointed Reporter. Following this the Proposed LDP will be published and with its post examination modifications and subsequently adopted by the Council as Planning Authority. Within three months of that date an Action programme for the implementation of the LDP will be adopted and published. **Annex A** of this report contains additional information on the LDP process and how the different elements of the plan will be dealt with.

## **6 PUBLIC CONSULTATION DETAILS**

**6.1** It is intended to have a three month period for the consultation on the LDP commencing in the third week of January 2013. Following approval an LDP newsletter will be issued to key stakeholders alerting them to the forthcoming consultation and all individuals with major changes (i.e. new housing allocation for example) adjacent to them will be notified. The first month of the consultation is intended primarily for awareness raising of the new LDP through press releases, newspaper adverts, posters, the creation of a LDP portal on the council's web site, area meetings and drop in sessions. It is also intended to employ social media to allow people to engage in the process including the setting up of daily blog raising various key issues throughout the process.

## **7 CONCLUSION**

**7.1** The Proposed Local Development Plan (LDP) has involved the views of over 1,000 individuals and organisations so far in its preparation. The plan provides a ten year land use strategic vision for Argyll and Bute, subject to review every five years, with a set of key objectives and policy responses that aim to address the many different challenges that face our communities in the years ahead. The LDP also addresses the many opportunities that are available in Argyll and Bute by taking a promotional approach that seeks to draw attention to our past successes and our considerable future development potential. Sustainable economic growth therefore remains at the heart of the plan but is re-emphasised as our central

message with additional measures to help stimulate the local economy in the most challenging circumstances. It is only by having a successful economy can we hope to retain and grow our economically active population, retain the essential services and infrastructure we all need and maintain our outstanding environment for future generations to enjoy.

- 7.2 The LDP consists of three elements for consideration by the Council in this report. The three elements of the LDP for approval consist of the Written Statement (**Appendix A**), Proposals Maps Changes (**Appendix B**) and Supplementary Guidance (**Appendix C**) which can be found here.

<http://www.argyll-bute.gov.uk/moderngov/ieListDocuments.aspx?CId=257&MIId=5401&Ver=4>

**Annex A** of this report contains additional information on the LDP process and how the different elements of the plan will be dealt with.

## 8 IMPLICATIONS

- 8.1 **Policy:** The new LDP will replace, once adopted, the existing Development Plan (Structure Plan and Local Plan) with a single document designed to be more flexible and responsible to local circumstances.

**Financial:** No direct consequences arising from this report.

**HR:** None.

**Equalities:** The LDP is subject to an Equalities Impact Assessment

**Risk:** Not having an up to date LDP may ultimately result in the Scottish Government taking action to make better progress.

**Customer Service:** Staff will be employed to deliver the detailed consultation commitments.

For further information contact: Fergus Murray

Telephone 01546 604293

## Annex A

### Proposed Local Development Plan

Scottish Ministers expect the proposed plan to represent the planning authority's settled view as to what the final adopted content of the plan should be. Representations by stakeholders and the general public should be concise, but should fully explain the issues that people wish to be considered at the examination. There is no automatic opportunity for parties to expand on their representation later in the process. It is therefore considered appropriate to offer a longer period, of up to 12 weeks, to give parties sufficient time to formulate the entirety of their case.

Valid representations will be considered and it is recommended that the Executive Director of Development and Infrastructure be given delegated authority to carry out necessary changes to the LDP following the end of the consultation process and come back to the council for final approval prior to submission to Scottish Ministers.

The council will request the Scottish Ministers to appoint a Reporter(s) to deal with any unresolved representations through an Examination. The council must submit:-

- A summary of unresolved issues;
- copies of the unresolved representations;
- the environmental report;
- the proposed action programme;
- the monitoring statement; and
- the current participation statement when the proposed plan was published.
- Any supporting productions should also be submitted at this stage.

There is no provision for those who have made representations or the planning authority to submit any further material to the examination beyond this unless required to do so by the appointed person. The examination may comprise a range of methods including written submissions, hearings and inquiry sessions. Examination reports are largely binding on planning authorities. The council then follows the appropriate process with respect to any modifications and then can proceed to adopt the Local Development Plan.

#### **Supplementary Guidance (SG)**

This can be adopted and issued by a planning authority in connection with an adopted LDP. Any such guidance will form part of the local development plan.

It is proposed that the Supplementary Guidance goes out for consultation at the same time as the proposed LDP. Following consultation the responses will be considered and it is recommended that the Executive Director of Development and Infrastructure be given delegated authority to carry out necessary changes to the Supplementary Guidance following the end of the consultation process and come back to the council for final approval prior to submission to Scottish Ministers along

with a statement setting out the publicity measures they have undertaken, the comments they received, and an explanation of how these comments were taken into account. Supplementary Guidance is submitted to the Scottish Ministers following the Adoption of the LDP.

After 28 days have elapsed, the authority may then adopt the guidance unless Scottish Ministers have directed otherwise. It is not subject to the Examination process.

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**ARGYLL AND BUTE COUNCIL****COUNCIL****DEVELOPMENT AND INFRASTRUCTURE  
SERVICES****20 DECEMBER 2012**

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**PROPOSED ARGYLL AND ISLES COAST AND COUNTRYSIDE TRUST-  
AICCT**

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**1.0 SUMMARY**

**1.1** This report concerns a feasibility study and public consultation that sought to inform decision making on whether the formation of a new Trust is an effective vehicle to address an emerging gap in service delivery of outdoor access physical works, tackling invasive species, small scale environmental improvements and biodiversity projects at a time of falling budgets.

**1.2** A steering group was set up with membership drawn from Argyll and Bute Council, Argyll and Bute Social Enterprise Network, Scottish Natural Heritage, Forestry Commission Scotland and Argyll and Bute Local Services Initiative. The steering group established a draft aim and key objectives for the proposed new Trust and engaged Small Town and Rural Development Group (STAR) to carry out the feasibility study and public consultation.

**1.3** The findings of the consultation have been included in the finalised feasibility study that accompanies this report as **Appendix A** which you can find here:-

<http://www.argyll-bute.gov.uk/moderngov/ieListDocuments.aspx?CId=257&MId=5401&Ver=4>

The study recommends that the Trust should be established with an initial focus on a limited number of project areas based on gaps, needs and opportunities identified by local stakeholders with a strong emphasis on an “enabling role” working with and supporting existing community based groups. Key areas for the Trust to focus on would include:

- § *Developing and promoting improved access networks and related facilities and infrastructure;*
- § *Developing funding and promotion work that helps to raise the profile and activity of existing groups and of the outstanding natural environment and cultural heritage in Argyll and the Isles;*
- § *Taking a strategic lead in developing and promoting larger scale and authority wide projects and initiatives such as the control on invasive species.*

**1.4** Following a series of implemented budget cuts the council can no longer undertake a number of non-statutory works relating to the environment. The establishment of the Trust would help mitigate the impact of the cuts by acting as an independent body with charitable status in order to take advantage of numerous funding opportunities not available to the council including lottery and private sector funding. This external funding could then be used to undertake projects that the council no longer has funding for including path maintenance and ranger services. This will become particularly important following the adoption of the core path plan with the need for the council to maximise this asset for the benefit of the economy and the quality of life for local people. The primary focus of the Trust is consequently to undertake works on the ground that will provide local employment opportunities, assist in the development of further economic activity via the private sector and provide additional social benefits linked to the improvement of the environment. The creation of the Trust will also help to coordinate and assist the activities of existing community groups and take a more strategic approach to area wide initiatives such as tackling non-native invasive species. In the longer term the Trust could also have the potential to address future revenue cost pressures faced by the council.

## **2.0 RECOMMENDATION**

- 2.1** That the Council agree to the establishment of the Argyll and The Isles Coast and Countryside Trust (AICCT) as an independent body for a three year period.
- 2.2** That the Council agree to funding the AICCT with £42k for the next three years (£14k per annum) to match key partners contributions that will enable the appointment of an Executive Officer for up to a three year period.
- 2.3** That the Council release of funding (£14k) be initially to allow the first year of operation of the AICCT with the subsequent release of funding (£28k) being dependant on the Trust's overall performance in relation to **Appendix B** of this report.
- 2.3** That the Council in due course nominate a Councillor to sit on the Board of the AICCT that will be subject to a further report to Council.

## **3.0 DETAIL:**

### **Background:**

**3.1** The main purpose of the feasibility study (which was partner funded) was to assess the potential establishment of the Argyll and the Isles Coast and Countryside Trust (AICCT) utilising the services of STAR consultants to carry out the contract under the following criteria:

- Consider the merits of establishing the Argyll & the Isles Coast & Countryside (AICCT),
- Examine possible options for the future delivery of AICCT and possible finance mechanisms,
- Facilitate a series of consultation events and activities with stakeholders, including interest community organisations, to inform and gauge potential support,
- Identify and evaluate appropriate models for the future delivery of the Trust.

**3.2** The intension of the feasibility study was to investigate the future potential of a Trust, or similar body that will form a catalyst to deliver projects intended to benefit local communities throughout Argyll and the Isles. It was perceived as the most cost effective way of delivery allied with the links with the business community, volunteer groups and those on various training schemes. The Trust mechanism will also allow a range of partners to work together through an independent body to deliver a range of projects and objectives. Collaboration with partners through the Trust is one of the key components in the establishment of the trust to deliver its aim and key objectives that were tested through the consultation process. The findings of the feasibility study are included in **Appendix A** which you can find here:-

<http://www.argyll-bute.gov.uk/moderngov/ieListDocuments.aspx?CId=257&MId=5401&Ver=4>

The initial aim for the proposed AICCT is:

***Working together<sup>1</sup> to sustainably maintain, enhance and promote the coast & countryside of Argyll and the Isles for the benefit of communities, business and visitors.***

The proposed aim received widespread support.

#### **Key Objectives:**

The steering group established eight Key Objectives for the proposed Trust and asked stakeholders to comment on their suitability or otherwise. While all of the objectives received majority support it is proposed that the objectives be reordered to reflect opinions expressed during the consultation.

#### **The following objectives were prioritised as a result of the consultation:**

- § **Objective 1:** Maintain, manage, promote and enhance our biodiversity and historic environment;
- § **Objective 2:** Encourage, facilitate and promote responsible access to the coast and countryside;
- § **Objective 3:** Maximise external funding opportunities for the benefit of the natural and historic environment and its enjoyment;

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<sup>1</sup> This includes partnership working.

- § **Objective 4:** Encourage participation and partnership working of existing groups and sharing of best practice with local communities and partners on all matters relating to the objectives;
- § **Objective 5:** *Deliver a co-ordinated advisory service and education for the benefit of all existing community trusts and other organisations with an interest in the environment;*
- § **Objective 6:** *Create demonstrable social benefits such as opportunities for employment, training and volunteering;*
- § **Objective 7:** *Seek to create an economically sustainable business for delivery of the Coast and Countryside objectives;*
- § **Objective 8:** *The Trust may work with transnational partners or neighbouring authorities where opportunities exist to meet its objectives.*

## Legal Structure

**3.3** While there are a range of other options that could be considered we would recommend that the Trust should be established either as a charitable company limited by guarantee or as a Scottish Charitable Incorporated Organisation (SCIO).

## Governance

**3.4 Membership and Board of Directors** It is recommended that the Argyll & Isles Coast and Countryside Trust develops a 'two tier structure' with an open approach to membership but that it also specifies a number of key organisations as having the right to 'appoint' directors. This will both maintain a link to existing grassroots organisations and provide a link to key organisations (Argyll and Bute Council, Scottish Natural Heritage, Forestry Commission Scotland, ABSEN). We would recommend membership for: community groups, businesses, public agencies, national organisations and individuals. In appointing a board we would recommend that there is a balance of elected board members over appointed directors – and that the elected directors reflect some form of equity across the four administrative areas of Argyll and Bute.

**As an example, a Board of 8 could be made up as follows:**

- § **4 community based elected directors** drawn from the membership (1 from each of the 4 areas)
- § **4 appointed directors** (Scottish Natural Heritage, Argyll and Bute Council, Forestry Commission Scotland, NHS Highland)

**3.5 Finance:** The Trust should aim to become financially sustainable over a 3 – 5 year period. This will be one of its major challenges. It is clear however from the experience of other Trusts that initial core funding from partners is needed to establish and support the Trust in its early years. Key

Partners have committed £70k (SNH £25k; Forestry Commission £15k and NHS Highland £30k) over the next three financial years to support the core activities of the AICCT with additional monies being identified from project budgets to tackle specific projects. It is proposed that the council make a contribution of £42k (£14k per annum to pay for staffing and general administration costs including travel expenses, postage, promotional literature etc.) over the next 3 financial years to match these funds. SNH have also agreed to host the new Executive Officer in their area offices within Argyll and Bute. Negotiations with Historic Scotland and the private sector are continuing to deliver additional funds.

### **Benefits to the Council and Wider Area**

**3.6** Following a series of implemented budget cuts the council can no longer undertake a number of non-statutory works relating to the environment. The establishment of the Trust would help mitigate the impact of the cuts by acting as an independent body with charitable status in order to take advantage of numerous funding opportunities not available to the council including lottery and private sector funding. This external funding could then be used to undertake projects that the council no longer has funding for including path maintenance and ranger services. This will become particularly important following the adoption of the core path plan with the need for the council to maximise this asset for the benefit of the economy and the quality of life for local people.

**3.7** The primary focus of the proposed Trust is to undertake works on the ground that will provide local employment opportunities, assist the development of further economic activity via the private sector and provide additional social benefits linked to the improvement of the environment. The creation of the Trust will also help to coordinate and assist the activities of existing community groups, attract much needed external funding to Argyll and Bute and take a more strategic approach to area wide initiatives such as tackling non-native invasive species.

**3.8** It should also be noted that the activities of the Trust will extend to the full geographic area of Argyll and Bute including the area of our authority covered by the Loch Lomond and Trossachs National Park. This partnership approach with the park authority also has the potential to help direct significant funds to our area through cooperation with their own recently established Trust.

### **Staffing**

**3.8** The Trust should seek funding to appoint its own staff and in the first instance should appoint an Executive Officer with marketing and fundraising skills.

## **4.0 NEXT STEPS**

**4.1** It is intended to ask the council for agreement in principle to establish the AICCT for a three year period subject to range of actions to be delivered in its

first year of operation. These key first year actions have been identified in **Appendix B** of this report and will be subject of a further report to council one year from the commencement of the Trust to measure overall performance and value for money. The remaining funds will all the partners including the council only be released following satisfactory progress with regard to the Action Plan.

## 5.0 CONCLUSION

The feasibility study results lead us to conclude that:

- § There is strong support for establishing the Trust – but it needs to take full account of concerns expressed in the consultation on how it is established and run and how it works with existing groups.
- § Its proposed aim and objectives are seen to be fit for purpose – but the objectives should be re-ordered to reflect the strength of support expressed during the consultation.
- § Top priorities for the work of the Trust should be linked to developing and promoting access networks, and raising funds to support work on the natural and historic environment in Argyll and the Isles.
- § There is scope for the Trust to work to enable local groups, but also to take a strategic view and co-ordinate larger scale partnership bids for funding and development of priority projects.
- § The Trust should be established as an independent charitable company.
- § It should encourage a wide grassroots membership from the outset.
- § Its board of directors should have a mix of elected and appointed directors.
- § There will need to secure commitment from key partners to provide core funding for its establishment and to provide capital funding in its early years.
- § There is potential for the Trust to develop a ‘mixed economy’ business model with a mix of core funding from the public, private and charitable sectors, project funding, and income generation,
- § The evidence from other Trusts is that the proposed Argyll and the Isles Coast and Countryside Trust can provide a cost effective partnership for agencies, communities, businesses and volunteers to work together to add real value to the local environment, heritage and economy.

## 6.0 IMPLICATIONS

**5.1 Policy:** The establishment of the Trust would assist in the delivery of a number of key outcomes contained within the single outcome agreement.

**5.2 Financial:** as a Strategic Stakeholder and working in partnership with Scottish Natural Heritage, Forestry Commission Scotland and the National Health Service, Argyll and Bute Council will be expected to make a financial contribution to core and project funding over the next three years met through the Development and Infrastructure budget.

**5.3 Legal:** assist with setting up of the trust with regard to the option chosen

**5.4 HR:** possible assistance may be required.

**5.5 Equalities:** policy to be adopted by the trust

**5.6 Risk:** the feasibility study illustrates majority support with caveats; the risk to the trust is manageable

**5.7 Customer Service:** Staff will be employed to deliver this.

## 6.0 APPENDICES

**6.1 Appendix A** containing the Full Feasibility Report which you can be found at

<http://www.argyll-bute.gov.uk/moderngov/ieListDocuments.aspx?CId=257&MId=5401&Ver=4> and **Appendix B** containing the Action Plan.

**Executive Director of Development and Infrastructure-** Sandy MacTaggart  
30 October 2012

### **For further information contact:**

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Argyll and Bute Council,  
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Argyll

t: 01546 604293

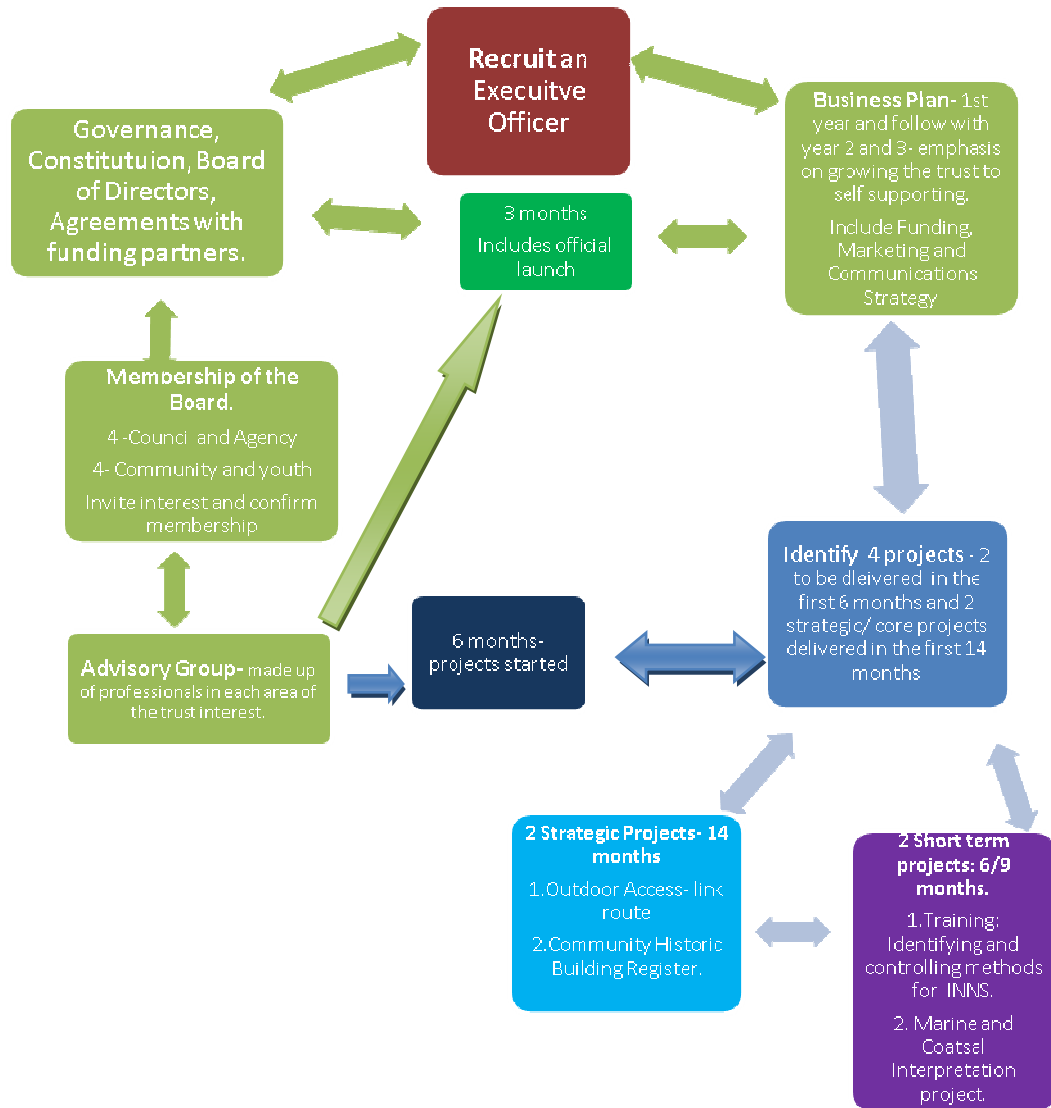
e: [fergus.murray@argyll-bute.gov.uk](mailto:fergus.murray@argyll-bute.gov.uk)

Appendix B

Argyll and the Isles Coast and Countryside Trust- Action Plan

Vision Statement

*'Working together to sustainably maintain, enhance and promote the coast & countryside of Argyll and the Isles for the benefit of communities, business and visitors'.*





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**ARGYLL & BUTE COUNCIL****COUNCIL****DEVELOPMENT &  
INFRASTRUCTURE****December 2012**

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**CAR PARKING – INTRODUCTION OF DECRIMINALISED ENFORCEMENT**

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**1. SUMMARY**

- 1.1 Effective car parking provision, management and enforcement is important to the economy, traffic management and quality of life of our towns and villages within Argyll & Bute.
- 1.2 With the withdrawal of Strathclyde Police's traffic warden service, the Council is asked to consider introducing Decriminalised Parking Enforcement (DPE) , also known as Civil Parking Enforcement, whereby enforcement powers are transferred from the Police to the Council. Once undertaken, this process which allows for enforcement of on street parking, waiting and loading restrictions, cannot be reversed. A financial modelling exercise has been carried out to examine the financial sustainability of DPE against different scenarios. The financial modelling process has demonstrated that the introduction of DPE when applied to the enforcement of existing Council car parking policy is financially sustainable.
- 1.3 The process for the introduction of DPE is summarised within the paper. Subject to Council approval to proceed, DPE will come into force from April /May 2014. In 2013, the Service will put the Implementation Plan into effect which provides for:
  - 1.3.1 Effective enforcement until DPE is introduced – which will be provided by the Council and the Police
  - 1.3.2 Investment required to upgrade car parking assets and lining in advance of DPE commencement
  - 1.3.3 Policy development and associated performance framework which supports corporate objectives and is reflective of local businesses and community needs.
- 1.4 This paper summarises the main issues associated with current car parking management provision and the rationale for the proposed introduction of Decriminalised Parking Enforcement.

**2. RECOMMENDATIONS**

- 2.1 It is recommended that the Council:
  - 2.1.1 Mandates the Executive Director of Development & Infrastructure to commence the process for the introduction of DPE.
  - 2.2 That the Executive Director for Development & Infrastructure provide a further report to the Council in April 2013 which will inform Members with regard to the progress of the DPE Implementation Plan, parking policy development proposals and the Enforcement Plan for 2013.

### 3. DETAIL

3.1 In 2011, following advice from Strathclyde Police that it was their intention to remove traffic wardens from service, Roads & Amenity Services commissioned a DPE feasibility study from RTA Associates Ltd. The feasibility study, whilst useful in terms of providing important information with regard to DPE, was considered to be unrealistic in terms of the scale of the proposed enforcement operation. The feasibility study did not provide a dynamic financial model which could model different scenarios and consequently, the Service was required to develop a Car Parking financial model which was subsequently successfully developed over the period July – September 2012. This model indicates that DPE can be introduced on a financially sustainable basis.

#### 3.2 Car Parking Enforcement

In June 2012, Roads & Amenity Services introduced weekly enforcement performance measures. Streetscene's focus upon enforcement allied with a highly effective pilot project with Strathclyde Police has improved enforcement in all Council areas. A comparator of statistics on the enforcement activity which shows the number of Penalty Charge Notices (PCNs) that were issued during the month of August for off street parking across all areas is at Table 3.2.1.

Table 3.2.1

Area	Tickets
Mid Argyll, Kintyre and Islay	67
Oban, Lorn and the Isles	184
Bute and Cowal	72
Helensburgh and Lomond	56
<b>Total</b>	<b>379</b>

The initiative with the Police in Oban resulted in 176 Fixed Penalty Charges being issued for on street parking during August. This joined up approach produced a sharp rise in car parking income in Oban & Lorn, as summarised in Table 3.2.2, and reversed the first quarter trend.

Table 3.2.2

Month	2009-10	2010-11	2011-12	2012-13
<b>Oban, Lorn and The Isles</b>	<b>-55,058.98</b>	<b>-42,473.32</b>	<b>-39,750.87</b>	<b>-41,788.47</b>
April	-43,621.01	-22,908.61	-5,642.35	-26,820.17
May	-34,152.95	-50,539.88	-63,710.43	-32,229.79
June	-60,012.25	-54,199.38	-54,122.19	-31,726.99
July	-69,690.09	-52,551.98	-41,328.69	-49,097.63
August	-72,169.69	-67,035.77	-37,567.95	-74,330.52
<b>Total</b>	<b>-279,645.99</b>	<b>-247,235.62</b>	<b>-202,371.61</b>	<b>-214,205.10</b>

The total cost to the Council of the initiative was £1625.

3.3 The conclusion reached from this summer's focus on enforcement is that it is possible to deploy effective enforcement in partnership with the Police in 2013 until the planned introduction of DPE in 2014. Following a meeting held with Strathclyde Police in October, the Executive Director has written to the Police with regard to the scope to deploy Wardens and Police staff in an integrated and joined up manner to improve not only enforcement, but also address other community and public nuisance issues.

3.4 Commencement of DPE Process and Interim Enforcement Regime

The timescale for the introduction of DPE typically takes between 15 and 18 months. Approval from the Council to commence the process for the introduction of DPE from April 2014 is therefore sought. In tandem with the introduction of DPE, the Council should put in place an effective enforcement regime for 2013/14 in partnership with Strathclyde Police.

A summary of the DPE process is at Appendix 1.

**4 APPENDIX**

**Appendix 1 Decriminalised Parking Enforcement Summary**

**5 IMPLICATIONS**

- 5.1 Policy                      There are no direct policy implications associated with the decision to commence the DPE process. There requires to be a strategic focus in 2013 on developing car parking policy to make it consistent across Argyll & Bute whilst ensuring that it remains effective and accountable at Area Committee level. The aim must be for an annual review and approval of Car Parking Policy, which will ensure that policy is effected through and is reflective of relevant Traffic Orders, which must underpin charging policy and ensure long term financial sustainability.
- As Car Parking policy has not been considered at a strategic level by the Council since 2004, and is in effect as per local Traffic Orders, it is considered both impractical and unrealistic to seek to amend car parking policy at a strategic level at this time. Clearly changes to car parking policy will require considerable levels of business and community consultation and will require to be exposed to the rigour of scrutiny at Area Committee level prior to being formalised as policy options which can be considered by the Council. Consequently, the financial model for the introduction of DPE has been modelled against existing car parking policy in practical effect.
- 5.2 Financial                      The DPE financial model indicates that the introduction of DPE can maintain the required annual surplus income generation of £480K and payback initial investment costs within 5 years. If DPE is not introduced then the financial impact over the next 5 years represents a minimum cost pressure of £1.5M (£300K per annum) to the Council. The provision of the proposed interim car parking enforcement regime for 2013 in partnership with the Police will be funded from the car parking account and arrangements will be reported to the Council in April 2013. The pilot project undertaken in Oban in 2012 evidenced that this initiative led to a significant upturn in car parking revenues both from on street and off street; a clear business case.
- 5.3 Legal                              The process of introducing DPE is irreversible and will require Scottish Government approval. Support for the DPE process will be required from Legal Services.
- 5.4 HR                                      Details of staffing requirements will be reported to the Council

within the Implementation Plan in April 2013.

5.5 Equalities      There is a requirement to ensure that equality issues are considered in the development of future car parking and charging policy

5.6 Risk              The Executive Director for D&I has written to Strathclyde Police to confirm the continuation of the proposed interim enforcement partnership arrangements for 2013. The Police are supportive of this proposal however agreement on the scope and scale of the proposed community focussed arrangements are yet to be finalised.

Risks associated with the implementation of DPE will be captured and managed through the Implementation Plan which will be governed and project managed in accordance with the Council's PRINCE principles.

5.7 Customer Services      None

### **Executive Director of Development & Infrastructure**

December 2012

**For further information contact:** Jim Smith, Head of Roads & Amenity Services, Tel 01546 604324

### Decriminalised Parking Enforcement

High level summary of the steps required for the introduction of DPE.

- 1) Development of financial model covering all aspects of the introduction of DPE – completed October 2012.
- 2) Development of business case for the introduction of DPE – completed November 2012.
- 3) Council approval to:
  - i. Carry out focused consultation with stakeholders as required by regulations
  - ii. Traffic Regulation Orders within the whole of the Council area to be reviewed, amended and updated (to ensure that the lines and sign align with the schedules in the Orders)
  - iii. Application to Scottish Government for the introduction of DPE throughout Argyll and Bute. To acquire the DPE powers, the Council will have to formally apply to the Scottish Government for a Designation Order which decriminalises parking enforcement across the whole Argyll & Bute. From the date set in this Order, the Police will be unable to enforce the majority of parking related offences, and the Council must be ready to undertake the responsibilities. The Police have indicated that they will support the principle of a Special Parking Area (SPA) which covers the whole of the Council's area, excluding the "Clear Way" order on the A82. Their support is paramount to the success of an Application to the Scottish Government for DPE powers.
  - iv. As part of the DPE process the Council must participate in an independent appeals mechanism, known as the Scottish Parking Appeals Service (SPAS). The SPAS, is now established and functional. The Council should therefore apply to join this service, which will meet the need to have a source of hearings for appeals, when the Application for the powers is made to the Scottish Government.
  - v. Invite tenders for back office support for processing PCNs
  - vi. Invite tenders for procurement of 'management system' to run DPE and to issue and process PCNs.
  - vii. Recruit a Parking Manager to run the day to day operation once DPE has been introduced and also to assist with the implementation.
- 4) Penalties for failing to comply with on-street parking restrictions are currently issued by Strathclyde Police. The penalty is a fine issued under criminal law because a criminal offence has been committed. Fine revenue is collected by the Exchequer and appeals are dealt with by the courts.

The enforcement of restrictions in off-street car parks under their control is the responsibility of Argyll and Bute Council.

In June 2011 Strathclyde Police terminated the Traffic Warden Services as an efficiency saving. Police Officers are still responsible for dealing with parking offences. However, this is only possible when their other duties permit.

- 5) A DPE scheme is able to improve the management of parking, provide better availability of spaces, improve pedestrian safety, improve access for those with impaired mobility, help businesses by providing specific delivery bays and promote a safer and more pleasant town centre environment. Parking Attendants employed by the Council will patrol the streets of all the towns and villages of Argyll and Bute and the controlled car parks in the Council area. The Road Traffic Act, 1991, provides for the decriminalisation of most non-endorsable on-street parking offences. The Act allows local authorities to apply to Scottish Ministers for Orders to decriminalise parking offences within the Council area. This means that Parking Attendants sourced by the Council would enforce parking offences and issue penalty charge notices (PCNs), for non-compliance.

Once DPE is implemented the Police have no role in enforcing parking restrictions. However, endorsable and other 'moving' offences do remain the responsibility of the Police.

Any fines issued by Parking Attendants are treated as civil debts and therefore income generated through the issue of PCNs, is retained by the Council and goes towards scheme running costs or, if in surplus, other transport related schemes. The new *on-street* income surplus from penalty charges is ring-fenced, as defined in S55 of the 1984 Road Traffic Regulation Act. However, the use of *off-street* surplus income is unaffected by this change.

Appeals raised against PCNs are decided by an independent adjudicator. Outstanding debts are dealt with by the Council's existing debt recovery system. As part of the DPE process the Council must participate in an independent appeals mechanism, known as the Scottish Parking Appeals Service (SPAS). The guidance document for DPE, The Department of Transport's "Guidance on Decriminalised Parking Enforcement Outside of London, recommends that a DPE scheme should pay for itself as soon as possible, such that the scheme places no extra burden on the public purse. The revenue generated by the scheme pays for capital loan repayments, running costs and scheme maintenance.

Although it has not been tested to date, the Scottish Government has suggested they may be willing to grant applications for DPE schemes where the scheme does not earn enough revenue to pay for itself and where the Local Authority subsidy is used to make up the shortfall. In this instance, the Financial Model developed by the Council indicates that the DPE business case will be self financing and will be a net contributor to the Council.

Prior to the introduction of DPE, local authorities must:

- i. Review all existing waiting restrictions that they confirm to current regulations;
- ii. Assess the anticipated costs and incomes and prepare a business case; and
- iii. Make a successful application to the Scottish Government for an Order under the Roads Traffic Act 1991, for the implementation for DPE.

DPE is enacted by Statutory Instruments and requires Scottish Ministers' approval using their powers set out in the Road Traffic Act 1991. The decision to introduce DPE is irreversible.

There are a number of advantages and disadvantages to DPE. They are detailed in Table 1.

**Table 1: Advantages and Disadvantages of DPE**

Advantages	Disadvantages
<ul style="list-style-type: none"> <li>• Enforcement under Council control i.e. PAs can be directed to priority areas when required</li> <li>• Parking provision responsive to public needs</li> <li>• Well managed, safer network</li> <li>• Congestion removed</li> <li>• Retain PCN income</li> </ul>	<ul style="list-style-type: none"> <li>• Permanent obligation on the Council - there is no opportunity to reverse the process once an Order is made. This implies that once decriminalised, the Council has to make the system work.</li> <li>• Risk that over time PCN income does not meet all costs</li> <li>• Need to charge for some parking or subsidise scheme</li> <li>• Parking charges are unlikely to be popular</li> </ul>

In Scotland, DPE schemes are being operated in Edinburgh, Glasgow, Dundee, Aberdeen, Perth and Kinross, South Lanarkshire, Renfrewshire and East Ayrshire. Councils actively pursuing DPE include North Ayrshire, South Ayrshire, East Renfrewshire and Inverclyde.

- 6) The key component in the success of the strategy is its enforcement. For this reason it is essential that parking enforcement is decriminalised to allow Argyll and Bute Council to target problem areas throughout Argyll and Bute.
  
- 7) It is proposed that DPE is introduced with the existing charging regimes and TROs in place (albeit the TROs will be reviewed). DPE will result in a higher turnover of 'free' parking spaces being available by enforcing the duration of stay to give everyone a fair chance to park long enough to be able to suit their purposes. On-street charges exist in some streets in Oban. This situation will continue where drivers will purchase a time limited ticket for the duration of their parking. Free on-street parking places will require the driver to park within the parking bay. The time the individual will be allowed to park will be determined by the time restriction of the TRO. Parking Attendants will observe the time and duration of vehicles being parked. Any vehicles exceeding the time limit, where observed, will be subject to a PCN. In the car parks where parking charges are proposed, the driver will be required to "pay and display" a ticket from a machine. Fines will be issued where tickets are not displayed or where tickets or observed times exceed the permitted time limit.

Based on the experience of other authorities and our specialist advisor's assessment, it is unlikely that enough income could be earned by the Council to employ its own fine processing staff. It is proposed that Argyll and Bute Council develop options for fine processing and debt recovery which will include the scope for 'shared service' arrangement with a neighbouring local authority to provide the back office service which processes fines and deals with complaints and challenges.

DPE costs have been split into three parts for ease of understanding: preparation costs, operational set-up costs and annual running costs. Preparation costs cover the work to update the Council's traffic regulation orders, revise their wording to suit the DPE legislation and refurbish all the road markings and signs in Argyll and Bute. Set-up costs include the

capital necessary to buy Parking Attendant uniforms, equipment and computers plus their training. Annual running costs include Parking Attendant wages, the hire of the PCN processing service, the replacement of uniforms and equipment through wear and tear and the purchase of ticket stock and other consumables.



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**ARGYLL AND BUTE COUNCIL****COUNCIL****CUSTOMER SERVICES****20 DECEMBER 2012**

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**POLICE AND FIRE & RESCUE REFORM  
FUTURE SCRUTINY ARRANGEMENTS**

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**1.0 SUMMARY**

- 1.1 An update on the progress that has been made to date with regard to the Police and Fire & Rescue Reform agenda, in preparation for the introduction of the new Police Service for Scotland which goes live on 1 April 2013, was tabled at the Council meeting held on 22 November 2012.
- 1.2 It was agreed that a further report, setting out proposals for future governance and local scrutiny arrangements, be prepared for a future Council meeting.

**2.0 RECOMMENDATIONS**

Members are asked to;

- 2.1 Consider and approve the proposed future governance and local scrutiny arrangements detailed at section 3.2

**3.0 DETAIL****3.1 Background**

- 3.1.1 The Police and Fire Reform (Scotland) Act 2012 came into force on 1 October 2012, the purpose of which is to create a single police service and a single fire and rescue service.
- 3.1.2 In preparation for go live on 1 April 2013 the Argyll and Bute Pathfinder has been meeting on a regular basis to discuss the arrangements that require to be put in place at a local level to comply with the new legislative requirements, and have also been engaging at a national level as part of the Local Scrutiny and Engagement Implementation Network (LSEIN). The LSEIN meets on a quarterly basis in Edinburgh and provides local authorities, and Police and Fire and Rescue Services with the opportunity to meet with and learn from other Pathfinder/Network leads, in terms of developing and implementing local scrutiny frameworks.

### **3.2 Argyll and Bute Pathfinder – Proposed Local Scrutiny and Engagement Arrangements**

Arising from discussions held with the Argyll and Bute Pathfinder leads, and the current review of community planning and development of the Argyll and Bute Community Plan, it is proposed that the following arrangements will be put in place;

a) Approval of Local Police and Fire And Rescue Plans

As part of the new legislative arrangements, both Police and Fire and Rescue Services are required to prepare local plans, in consultation with the local authority, which set out their key priorities and objectives in carrying out their duties within the local authority area. The Plans will be put to Council for its approval. In addition, they will be reviewed by the Argyll and Bute Community Planning Management Committee prior to consideration by the Council.

b) Scrutiny of Local Police and Fire and Rescue Plans by Elected Members

It is proposed that performance against the Plans will be scrutinised by the Performance Review and Scrutiny Committee, with any issues being reported to the full Council.

c) Scrutiny of Local Police and Fire and Rescue Plans at Community Planning Level

As part of the development of the new Argyll and Bute Community Plan, a set of key outcomes for the area will be established, and there will be clear links/actions to show the contribution that each of the Community Planning partners will make in achieving these outcomes, including the key priorities derived from the Local Police and Fire & Rescue Plans.

Performance against the key outcomes from the new Community Plan will be scrutinised by the CPP Management Committee.

The Performance Review and Scrutiny Committee also have a remit to review performance when viewed against policy objectives arising from the Community Planning Partnership.

## **4.0 SUMMARY**

4.1 Following the update report to Council on 22 November 2012 in regard to Police and Fire Reform, this report sets out the proposed future local scrutiny and engagement arrangements for Argyll and Bute, and invites members to consider and approve the proposals.

## **5.0 IMPLICATIONS**

5.1. Policy – none

- 5.2. Finance – none
- 5.3. Legal - none
- 5.4. Equal Opportunities - none
- 5.5. HR – none
- 5.6 Risk - none
- 5.7 Customer Service – none

**28 November 2012**

**Douglas Hendry**  
**Executive Director – Customer Services**

For more information please contact;  
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Executive Support Officer  
Customer Services  
Tel: 01546 604325

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ARGYLL AND BUTE COUNCIL  
CUSTOMER SERVICES

COUNCIL  
20th DECEMBER 2012

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## CONSULTATION ON THE STRATEGIC POLICE PRIORITIES

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### 1. PURPOSE

- 1.1 To approve the draft response to the Cabinet Secretary for Justice in relation to consultation on the strategic police priorities for the new national Scottish Police Authority which goes live on April 1 2013.

### 2. RECOMMENDATIONS

- 2.1 The Council is asked to approve the attached draft response to the Consultation.
- 2.2 The Council is asked to delegate authority to the Director of Customer Services to incorporate comments from the Community Planning Committee into the draft response prior to submission to the Scottish Ministers by the consultation deadline of 10th January 2013.

### 3. BACKGROUND

- 3.1 The new Police Service of Scotland and the new national Scottish Police Authority (SPA) go live on April 1 2013 and Scottish Ministers are required to set strategic police priorities for the SPA to provide clear strategic direction in relation to policing in Scotland. In order to support this a consultation exercise is being undertaken with all key stakeholders lead by the Cabinet Secretary for Justice
- 3.2 The Cabinet Secretary has highlighted that the strategic police priorities should be stretching and ambitious, reflecting the crucial role policing plays in supporting the delivery of the Scottish Government's wider purpose and national outcomes. This role is reflected in the new policing principles set out in section 32 of the Police and Fire Reform (Scotland) Act 2012:
- a) That the main purpose of policing is to improve the safety and well-being of persons, localities and communities in Scotland;
  - b) that the Police Service, working in collaboration with others where appropriate, should seek to achieve that main purpose by policing in a way which –
    - (i) is accessible to, and engaged with, local communities, *and*
    - (ii) promotes measures to prevent crime, harm and disorder.
- 3.3 An early priority for the SPA will be to work closely with the Chief Constable to establish the new service and to ensure the benefits of reform are realised. The strategic police priorities will inform the SPA's own three year strategic plan and feed into the development of the Chief Constable's annual plan and local plans. These plans will include specific actions to deliver the outcomes described in the strategic police priorities

to communities across Scotland. Taken together, the strategic police priorities and plans will form the basis against which progress on achieving positive outcomes for Scotland's communities is monitored. National and local priorities are not mutually exclusive - so a focus on preventing violent crime as a national priority may translate into a focus on preventing knife crime or alcohol related crime locally. National priorities often emerge from issues identified locally.

- 3.4 The Council, in conjunction with other stakeholders, is invited to comment on the draft strategic priorities attached at Annex A and in particular to respond to 3 key questions as outlined in Section 4.
- 3.5 The Police are integral partners within the Argyll and Bute Community Partnership and the Community Planning Committee will also consider the consultation documentation at their meeting on 12<sup>th</sup> December. Their feedback and comments will be incorporated into the final response.

#### 4. DETAILS

- 4.1 The proposed response to the 3 key questions contained within the Consultation is as follows:

- 4.2 *1) Do the strategic police priorities adequately reflect the Scottish Government's purpose and outcomes and the new policing principles?*

Argyll and Bute Council support a clear national priority for the Police Service in Scotland to fully participate in multi-agency working at national and local level. A strategic priority that policing in Scotland is delivered on partnership basis is vitally important and also that local commanders work directly with partners and local communities within the community planning framework.

- 4.3 *2) Do the strategic police priorities cover the important issues as a stakeholder you would expect to see?*

The strategic police priorities cover, as we would expect, strategic direction to develop an operational framework based upon prevention, effective partnerships, multi-agency arrangements, engagement with communities and cross boundary responses. Importantly this is consistent with wider public sector reform of a decisive shift towards prevention and early intervention achieved through integration and greater collaboration.

In relation to thematic priorities, such as reducing violent crime, we would highlight the need to ensure that tension does not exist between police national priorities and locally determined thematic priorities by the Community Planning Partnership. We acknowledge that national priorities will, as indicated in the consultation document, often translate into a focus on a related crime locally. There should, however, be an appropriate balance struck between action to deliver on national issues, whether thematic or cross border, and issues that are locally determined policing priorities

- 4.4 *3) The purpose of strategic police priorities is to provide strategic direction over the medium to long term. Are these priorities pitched at the right level? In terms of the three year strategic plan produced by the SPA, what*

*should that plan contain? Are there more specific deliverables flowing from the strategic priorities which you would expect to be delivered by the SPA and the PSoS?*

Argyll and Bute Council agree the priorities contained within the consultation document provide a basis from which the strategic direction of the Police Service of Scotland is determined. The three year strategic plan produced by the Scottish Police Authority should contain specific direction on key issues for communities and partners, including local authorities, arising from policing reform in Scotland. These are:

- Commitment to partnership working and clear statement on how this will be achieved
- Local governance and accountability including planning, budgeting and funding
- Integration with Community Planning Partnerships
- Strengthening community trust and public confidence
- Promoting an outcome based approach

## 5. SUMMARY

- 4.1 Council is requested to approve the proposed response to consultation on key strategic police priorities.
- 4.2 The Community Planning Committee will also consider the consultation documentation at its Committee Meeting on 12<sup>th</sup> December and their response will be incorporated into the final submission to the Scottish Ministers to meet the deadline of 10<sup>th</sup> January 2013.
- 4.3 In order to meet the submission deadline the Council is requested to delegate authority to the Executive Director of Customer Services to incorporate feedback from the Community Planning Committee into the final response.

## 6. IMPLICATIONS

**Policy:** the recommendations support focus on effective partnership working through the Community Planning framework.

**Financial:** Not applicable

**Legal:** Not applicable

**HR:** Not applicable

**Equalities:** Not applicable

**Risk:** Not applicable

**Customer Service:** Not applicable

## 7. APPENDICES

- 7.1 Draft Strategic Police Priorities - Annex A

**DRAFT STRATEGIC POLICE PRIORITIES**

The SPA and the Police Service of Scotland will deliver the policing principles and realise the statutory principles of policing as set out in the Police & Fire Reform (Scotland) Act 2012. The SPA is the national body responsible for the governance of policing in Scotland. It will allocate resources to the Chief Constable and hold him to account for the policing of Scotland and the delivery of statutory functions.

The priorities as drafted are intended to clearly incorporate the contribution which policing can make to achieving the Scottish Government's national outcomes and the priorities within the Strategy for Justice. Consistent with our wider ambitions for public service reform, these are strongly underpinned by an ethos of prevention, rooted within a partnership approach.

They are intended to set clear national priorities but also to empower local commanders to work with partners in the public, private and third sectors, and local communities within the community planning framework to deliver greater integration of services at a local level driven by better partnership, collaboration and effective local delivery.

We expect that further specific and measurable deliverables relating to Scottish Government's national outcomes will be included in the Strategic Plan which the SPA will draft on the basis of the strategic priorities.

Make communities safer and reduce crime by demonstrating pioneering approaches to partnership and collaboration at a national and local level.

Actively support a decisive shift towards prevention by promoting evidence based preventative practice and effective partnerships which make the most of collective resource, knowledge and expertise, especially around reducing violence, substance misuse, promoting better outcomes for young people who offend and protecting children, young people and vulnerable adults.

Supports:

National outcome 5: Our children have the best start in life and are ready to succeed

National outcome 8: We have improved the life chances for children, young people and families at risk

National outcome 9: We live our lives safe from crime, disorder and danger

Strengthen Scotland's reputation as a successful and safe country by demonstrating excellence in effectively planning for and responding to major national events and threats.

Work across national, international and organisational boundaries to ensure a safe and secure Commonwealth Games; contribute effectively to multi agency arrangements to deal with emergencies; and minimise threats to our communities more generally.

Supports:

National outcome 9: We live our lives safe from crime, disorder and danger

National outcome 11: We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others

Provide an efficient, effective service and deliver the benefits of reform.

Deliver the three benefits of reform<sup>1</sup> and work with others to ensure that the criminal justice system is fair and accessible, cost effective and efficient.



Make communities stronger by increasing public confidence and reducing fear of crime, making the new Police Service of Scotland an exemplar of visible and responsive policing.

Ensure that victims, witnesses and communities experience positive engagement with the police by providing inspirational leadership and embedding a culture, identity and values which provide a highly skilled and motivated workforce to deliver improved local services with the consent and involvement of communities.

Supports:

National outcome 7: We have tackled the significant inequalities in Scottish society.

National outcome 9: We live our lives safe from crime, disorder and danger

National outcome 11: We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others

National outcome 13: We take pride in a strong, fair and inclusive national identity

National outcome 16: Our public services are high quality, continually improving, efficient and responsive to local people's needs

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<sup>1</sup> Protect and improve local services despite financial cuts, by stopping duplication of support services eight times over and not cutting front line services.

Create more equal access to specialist support and national capacity where and when they are needed.

Strengthen the connection between services and communities, by creating a new formal relationship with each of the 32 local authorities, involving many more local councillors and better integrating with community planning partnerships.

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**ARGYLL AND BUTE COUNCIL**  
**CUSTOMER SERVICES**

**COUNCIL**  
**20 DECEMBER 2012**

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**NOMINATION OF LOCAL AUTHORITY MEMBER TO THE ARGYLL AND BUTE AREA SUPPORT TEAM**

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**1. SUMMARY**

- 1.1 The Children's Hearings (Scotland) Act 2011 will come into force on 24 June 2013 and the introduction of Area Support Teams is one of the important changes being introduced by the Act.
- 1.2 Area Support Teams will replace the current Children's Panel Advisory Committees.
- 1.3 The Council has been invited to nominate a representative to the Argyll and Bute Area Support Team.

**2. RECOMMENDATIONS**

- 2.1 The Council should consider the nomination of a representative to the Argyll and Bute Area Support Team.

**3. DETAIL**

- 3.1 The Leader of the Council has received an invitation from Children's Hearings Scotland to nominate a representative to sit on the Argyll and Bute Area Support Team. These nominees will ordinarily be elected members but this is not a requirement under the Act.
- 3.2 Local Authority nominees will have an overview of the Children's hearing System and the Children's Panel in their area. They will act as an important link between the Children's Panel and Local Authority Elected Members and relevant local authority senior officials and departments. They will not be directly involved in the recruitment, selection, recommendation for appointment or reappointment or practice observation and review processes undertaken by the Area Support Team panel practice advisors.

**5. IMPLICATIONS**

- Policy - This is in-keeping with the Council's commitment to work with other agencies in partnership to benefit the people of Argyll and Bute

Financial –	Possible Travel and Subsistence Costs
Legal -	None
HR -	None
Equalities -	None
Risk -	None
Customer	None
Service -	

**Executive Director of Customer Services**  
**27 November 2012**

For further information contact: Charles Reppke Tel: 01546 604192



## 6.6 Local authority member of the AST

### 6.6.1 Purpose and functions

Each local authority can nominate at least one member to the AST of which they are a part. The current practice is that these nominees will ordinarily be elected members but this is not a requirement under the Act.

Local authority nominees will have an overview of the Children's Hearings System and the Children's Panel in their area. They will be aware of local issues and act as an important link between the Children's Panel and the local authority elected members and relevant local authority senior officials and departments. They will not be directly involved in the recruitment, selection, recommendation for appointment or reappointment, or practice observation and review processes undertaken by the AST panel practice advisors.

### 6.6.2 Support and development for local authority AST members

The local authority members may be elected members or officers employed by the local authority or one of the local authorities who have signed up to the Partnership Agreement with CHS for the AST.

The local authority members are accountable to their local authority but in joining the AST they agree to respect the CHS vision, mission and values.

### 6.6.3 Key relationships

- Area Convener/Depute Area Convener(s)
- all other AST members
- panel members
- AST clerk and their team
- local authority elected members and relevant officers

### 6.6.4 Key responsibilities

- undertake training to ensure sound knowledge of the role of panel members and the functions of and roles within ASTs
- act as the key link between the local authority and the AST
- work closely with the Area Convener and AST members and advise on the local authority perspective on particular matters, emerging issues etc
- meet with appropriate local authority officials (e.g. social work and education directors) at regular intervals to ensure that there is continuing dialogue between the Children's Panel and the local authority
- consider where and how the local authority might provide any additional assistance to panel members locally



- facilitate partnership working and effective communication between the AST, panel members and other partners and the local authority

### 6.6.5 Skills, behaviours and knowledge

The local authority member of the AST will:

- understand the CHS vision, mission and values
- uphold the national standards for the Children's Panel at local level
- promote the vision for the reform and modernisation of the Children's Hearings System
- have a sound understanding of the role of the Children's Panel within the Children's Hearings System
- be aware of the legal framework for the Children's Hearings System
- develop a good understanding of the competence framework for panel members and of the learning and development opportunities available to panel members
- have a good understanding of both the local authority environment and the relationship with the Children's Hearings System
- be able to engage with key partners locally and build and maintain good links and communication with local partners
- have a good understanding of needs in terms of hearings in the local area
- promote constructive dialogue and decision making

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