

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Customer Services
Executive Director: Douglas Hendry



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17 September 2014

NOTICE OF MEETING

A meeting of **ARGYLL AND BUTE COUNCIL** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **THURSDAY, 25 SEPTEMBER 2014** at **10:00 AM**, which you are requested to attend.

Douglas Hendry
Director of Customer Services

BUSINESS

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTERESTS (IF ANY)

3. MINUTES

Argyll and Bute Council held on 26 June 2014 (Pages 1 - 16)

4. MINUTES OF COMMITTEES

(a) Environment, Development and Infrastructure Committee held on 14 August 2014 (Pages 17 - 20)

E1 * (b) Policy and Resources Committee held on 21 August 2014 and appendix containing detail of recommendation in respect of exempt item 26 (Rothesay Pavilion) for members information (Pages 21 - 36)

(c) Community Services Committee held on 11 September 2014 (Pages 37 - 46)

The above minutes are submitted to the Council for approval of any recommendations on the items which the Committee does not have delegated powers. These items are marked with an asterisk (*).

5. LEADER'S REPORT

Report by Leader of the Council (Pages 47 - 66)

- 6. POLICY LEAD COUNCILLORS' REPORTS**
 - (a) Report by Depute Leader of the Council and Policy Lead Councillor for Roads and Amenity Services, Infrastructure, Asset Management and Strategic Projects (Pages 67 - 72)
 - (b) Report by Policy Lead Councillor for Island Affairs (Pages 73 - 78)
- 7. ADULT PROTECTION COMMITTEE BIENNIAL REPORT TO THE SCOTTISH GOVERNMENT**

Report by Independent Chair – Argyll and Bute Adult Protection Committee (Pages 79 - 142)
- 8. STRATEGIC RISK REGISTER - 6 MONTHLY REVIEW**

Report by Head of Strategic Finance (Pages 143 - 156)
- 9. AUDIT OF FINANCIAL STATEMENTS - ISA260 REPORT**

Report by Head of Strategic Finance (Pages 157 - 158) and ISA260 report (to follow)
- 10. ACCOUNTS COMMISSION - FOLLOW UP REPORT**

Report by Executive Director – Customer Services (Pages 159 - 198)
- 11. COMPOSITION OF THE COUNCIL - UPDATE**
- 12. VACANCIES ON COMMITTEES AND OTHER BODIES**

Report by Executive Director – Customer Services (Pages 199 - 202)
- 13. RE-ORGANISATION OF TRUSTS**

Report by Executive Director – Customer Services (Pages 203 - 212)
- 14. CHARLES AND BARBARA TYRE TRUST: APPOINTMENT OF GOVERNORS**

Report by Executive Director – Customer Services (Pages 213 - 214)
- 15. CARBON MANAGEMENT UPDATE: SOLAR PV IN SCHOOLS**

Report by Executive Director – Customer Services (Pages 215 - 220)
- 16. HOLIDAY PAY ENTITLEMENT**

Report by Executive Director – Customer Services (Pages 221 - 226)
- 17. CHORD PROGRAMME - PARKING UPDATE - HELENSBURGH**

Report by Executive Director – Development and Infrastructure Services (Pages 227 - 230)
- E2 18. ROTHESAY PAVILION - REVENUE FUNDING**

Report by Executive Director – Development and Infrastructure Services (Pages 231 - 236)
- E3 19. OBAN CHORD - PUBLIC REALM SCHEME - PHASE ONE AND TWO - FULL BUSINESS CASE**

Extract from Minute of Oban, Lorn and the Isles Area Committee held on 10 September 2014 and report by Executive Director – Development and Infrastructure Services (accompanying appendices available in the Members' Room) (Pages 237 - 246)

E4 20. OBAN CHORD - NORTH PIER MARITIME VISITOR FACILITY - FULL BUSINESS CASE

Extract from Minute of Oban, Lorn and the Isles Area Committee held on 10 September 2014 and report by Executive Director – Development and Infrastructure Services (accompanying appendices available in the Members' Room)
(Pages 247 - 252)

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 paragraph is:-

E1&E2 Paragraph 8 The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.

E3&E4 Paragraph 8 The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.

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, 26 JUNE 2014**

Present:

Councillor Len Scoullar (Chair)

Councillor Gordon Blair	Councillor Robert E Macintyre
Councillor Michael Breslin	Councillor Robert G MacIntyre
Councillor Rory Colville	Councillor Donald MacMillan
Councillor Maurice Corry	Councillor Alex McNaughton
Councillor Robin Currie	Councillor James McQueen
Councillor Vivien Dance	Councillor Bruce Marshall
Councillor Mary-Jean Devon	Councillor Gary Mulvaney
Councillor George Freeman	Councillor Douglas Philand
Councillor Anne Horn	Councillor Elaine Robertson
Councillor Donald Kelly	Councillor James Robb
Councillor David Kinniburgh	Councillor John Semple
Councillor Roderick McCuish	Councillor Isobel Strong
Councillor Iain MacDonald	Councillor Sandy Taylor
Councillor Alistair MacDougall	Councillor Richard Trail
Councillor Duncan MacIntyre	Councillor Dick Walsh
Councillor Neil MacIntyre	

Attending:

Sally Loudon, Chief Executive
 Douglas Hendry, Executive Director – Customer Services
 Cleland Sneddon, Executive Director – Community Services
 Pippa Milne, Executive Director – Development and Infrastructure Services
 Bruce West, Head of Strategic Finance
 Charles Reppke, Head of Governance and Law
 Carol Walker, Head of Education
 Donald MacVicar, Head of Community and Culture
 Mike Casey, Project Officer

The Provost advised that the Council would be presenting Carol Evans, Head of Education with a token of their respect and appreciation on the occasion of her retirement. He invited the Leader of the Council to speak who expressed the appreciation of the Council for her Service. The Provost then presented Carol with a Quaich on behalf of the Council and thanked her for her years of service.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors John McAlpine, Aileen Morton and Ellen Morton.

2. DECLARATIONS OF INTERESTS

Councillor Richard Trail declared a non-financial interest in item 22 of the agenda (Events Proposal – Chamber Of Commerce) due to the fact that a close family member was the Chair of the Chamber of Commerce.

Councillor Vivien Dance declared a non-financial interest in item 22 of the

agenda (Events Proposal – Chamber Of Commerce) due to her membership of the Chamber of Commerce.

Councillor Gary Mulvaney declared a non-financial interest in item 22 of the agenda (Events Proposal – Chamber Of Commerce) due to the fact that his company was a participant in, but not a beneficiary from, the events proposed by the Chamber of Commerce over the summer.

Councillors Gordon Blair, Bruce Marshall, Donald MacMillan, Roddy McCuish, Sandy Taylor and Richard Trail declared a non-financial interest in item 27 of the agenda (Rockfield Primary School, Oban) due to their membership on the Board of ACHA.

3. MINUTES

The Minutes of the meeting of Argyll and Bute Council held on 24 April 2014 were approved as a correct record.

4. MINUTES OF COMMITTEES

(a) ENVIRONMENT, DEVELOPMENT AND INFRASTRUCTURE COMMITTEE HELD ON 10 APRIL 2014

The Minutes of the meeting of the Environment, Development and Infrastructure Committee held on 10 April 2014 were noted.

(b) COMMUNITY SERVICES COMMITTEE HELD ON 8 MAY 2014

The Minutes of the meeting of the Community Services Committee held on 8 May 2014 were noted.

Arising from item 14 of the Minute the Council considered the recommendation made by the Community Services Committee to make an appointment of an elected member to the Cultural Assembly; which the Council agreed would be notified by the Leader.

Arising from item 18 of the Minute the Council noted that the item had been forwarded to the Policy and Resources Committee for adoption before full Council.

(c) POLICY AND RESOURCES COMMITTEE HELD ON 15 MAY 2014

The Minutes of the meeting of the Policy and Resources Committee held on 15 May 2014 were noted.

Arising from item 8 of the Minute the Council agreed to the recommendation made by the Policy and Resources Committee to approve adoption of the Gaelic Language Plan 2013 – 2018.

5. OBAN SOUTH AND THE ISLES BY-ELECTION

The Returning Officer reported on the results of the election for the return of a Councillor to Ward 4 – Oban South and the Isles which was held on 22 May 2014. Neil MacIntyre had been duly elected a Councillor to the ward and the Provost congratulated Councillor MacIntyre on his election.

6. LEADER'S REPORT

The Leader of the Council submitted a report which outlined the key

activities undertaken by him in his role since 24 April 2014. The report detailed participation in meetings which included; two COSLA Leaders Meetings, Argyll and Bute Renewables Alliance Meeting, Programme Board for integration, The Highlands and Islands European Partnership Meeting, a meeting with Derek MacKay MSP in relation to Islands and associated issues, A83 Rest and be Thankful Stakeholders Consultation Meeting and Highlands and Islands Leaders Group Meetings.

The Leader of the Council advised verbally that the Scottish Government had awarded to an additional in-service day to Primary Schools in Argyll and Bute. He advised that it was proposed that this would be taken on 26 September 2014, in line with the in-service day already allocated to secondary schools. He added that measures should be put in place to notify parents as soon as possible.

Decision

The Council –

1. Noted the report and that additional documents are available in a Leaders Report Pack through the Leadership Support Officer.
2. Agreed that an additional in-service day would be allocated to all primary schools across Argyll and Bute and that this would be held on 26 September 2014 in line with that already allocated to secondary schools.
3. Noted that a report would be presented to the next Environment, Development and Infrastructure Committee providing an update on the A83.

(Reference: Report by Leader of the Council dated June 2014, submitted)

7. POLICY LEAD COUNCILLORS' REPORTS

(a) REPORT BY POLICY LEAD COUNCILLOR FOR COMMUNITY & CULTURE; AND STRATEGIC HOUSING

The Policy Lead Councillor for Community & Culture; and Strategic Housing submitted his first report which highlighted developments within his portfolio between 1 November 2013 and 31 May 2014.

Decision

The Council noted the report.

(Reference: Report by Policy Lead Councillor for Community & Culture; and Strategic Housing dated 10 June 2014, submitted)

(b) REPORT BY POLICY LEAD COUNCILLOR FOR SUSTAINABLE ENVIRONMENT, RENEWABLES AND STRATEGIC TOURISM

The Policy Lead Councillor for Sustainable Environment, Renewables and Strategic Tourism submitted her first report which

highlighted significant economic developments within her portfolio covering the period 1 November 2013 to 9 June 2014.

Decision

The Council noted the report.

(Reference: Report by Policy Lead Councillor for Sustainable Environment, Renewables and Strategic Tourism dated 9 June 2014, submitted)

The Provost advised that the Depute Leader of the Council had become unwell earlier that morning and had intimated her apologies to the meeting. He further advised that he had since received a message from her daughter, Councillor Aileen Morton, that she wished to tender her apologies for the meeting due to her mothers illness. He therefore wished the Depute Leader a speedy recovery on behalf of the Council.

(c) REPORT BY POLICY LEAD COUNCILLOR FOR EUROPEAN AFFAIRS, SUSTAINABLE ECONOMIC GROWTH AND STRATEGIC TRANSPORTATION

The Policy Lead Councillor for European Affairs, Sustainable Economic Growth and Strategic Transportation tabled his first report which highlighted his recent activity in his role as Policy Lead.

Decision

The Council noted the report.

(Reference: Report by Policy Lead Councillor for European Affairs, Sustainable Economic Growth and Strategic Transportation dated 26 June 2014, tabled)

8. SINGLE OUTCOME AGREEMENT DELIVERY PLAN

A report which provided an update on the development of the delivery plans for Argyll and Bute's Single Outcome Agreement 2013-2023 was considered. The report sought endorsement and agreement of the plans for submission to the Scottish Government.

Motion

That the Council endorse and agree that the delivery plans for the Single Outcome Agreement be submitted to the Scottish Government.

Moved Councillor Walsh, seconded Councillor Mulvaney.

Amendment

That the Council note and agree that the delivery plans for the Single Outcome Agreement be submitted to the Scottish Government.

Moved Councillor Semple, seconded Councillor Taylor.

Decision

On a show of hands vote, the Motion was carried by 22 votes to 7 and the Council resolved accordingly.

Councillor Robb, having moved an amendment that failed to find a seconder, requested that his dissent be recorded from the foregoing decision.

(Reference: Report by Chief Executive dated 22 May 2014, submitted)

9. ARGYLL AND BUTE HEALTH AND SOCIAL CARE PARTNERSHIP - SCOPE OF INTEGRATION

A report was considered which set out key recommendations in relation to the proposed scope of integration regarding Council and NHS Highland Services; as the partnership moves towards integration by 1 April 2015.

Decision

The Council –

1. Noted the robust options appraisal work relating to the scope of integration which highlights the strengths, opportunities, weaknesses and risks in relation to each model.
2. Endorsed the preferred scope of integration outlined in section 4.3 and appendix one of the report and confirmed option 2 is accepted as the preferred option.
3. Delegated the Chief Executive to work with the Chief Executive of NHS Highland to oversee the work required to deliver the new partnership arrangements in line with the statutory timescales outlined in legislation.
4. Noted that NHS Highland presented a scoping paper to the Board on 3rd June 2014 which confirmed the scope of NHS Services being delegated to the new Health and Social Care Partnership as outlined in 4.6 of the report.

(Reference: Report by Chief Executive dated 3 June 2014, submitted)

Councillor James McQueen left the meeting at this point.

10. END OF 2013/14 FINANCIAL YEAR REPORTS

(a) EARMARKED RESERVES - 2013-14 YEAR END

The Council considered a report which provided information on progress with balances already earmarked within the General Fund.

Decision

The Council –

1. Approved the three new unspent budget earmarked reserve proposals, as per the business cases submitted.
2. Noted the previously approved unspent budget earmarked reserves and the justification for continuing to earmark these.
3. Noted the other balances currently earmarked within the General Fund, both the previously earmarked amounts and the new balances to be earmarked at the 2013-14 year-end.
4. Noted that £0.274m of previously earmarked amounts are to be released back into the uncommitted General Fund - an increase of £0.112m from the position reported in the reserves and balances report as part of the budget pack approved by Council on 13 February 2014.

(Reference: Report by Head of Strategic Finance dated 17 June 2014, submitted)

(b) 2013-14 UNAUDITED FINANCIAL STATEMENTS

A report which provided an overview of the financial statements for 2013-14 and a summary of the significant movements from 2012-13 was considered. The report also gave information on the revenue outturn for 2013-14.

Decision

The Council noted the unaudited accounts.

(Reference: Report by Head of Strategic Finance dated 18 June 2014, submitted)

(c) REVENUE BUDGET MONITORING REPORT 2013-14 - CORPORATE OVERVIEW

A report which advised of the revenue budget position of the Council at the end of the financial year 2013-14 was considered. The report also summarised the movement in the General Fund Reserve.

Decision

The Council noted the revenue budget monitoring position as at the end of the financial year 2013-14.

(Reference: Report by Head of Strategic Finance dated 17 June 2014, submitted)

(d) CAPITAL PLAN MONITORING REPORT – 31 MARCH 2014

A report which provided an update on the position with the capital plan as at 31 March 2014 was considered. The report provided information on the financial position in respect of the capital plan and also the performance in terms of delivery of the capital plan projects.

Decision

The Council noted the capital plan position.

(Reference: Report by Head of Strategic Finance dated 18 June 2014, submitted)

(e) **ANNUAL TREASURY REPORT 2013-14**

The Council is required by regulations issued under the Local Government in Scotland Act 2003 to produce an annual review of treasury management activities and the actual prudential and treasury indicators and to submit this review to the full Council. A report which outlined the Council's Treasury Management position for 2013-14 was considered.

Decision

The Council approved the Treasury Management Annual Report.

(Reference: Report by Head of Strategic Finance dated 4 June 2014, submitted)

(f) **ANNUAL EFFICIENCY STATEMENT 2013-14**

A report which presented the draft Annual Efficiency Statement for 2013-14 which would be submitted to COSLA by 22 August 2014 was considered.

Decision

The Council noted the content of the Council's draft annual efficiency statement.

(Reference: Report by Head of Strategic Finance dated 17 June 2014, submitted)

(g) **STRATEGIC HOUSING FUND ANNUAL REPORT 2013-14**

A report outlining the Strategic Housing Fund (SHF) income and expenditure pertaining to financial year 2013-14, the current balance on the SHF and all future commitments against this balance was considered.

Decision

The Council –

1. Noted the report on income and expenditure for 2013-14 and the balance on the SHF as at 31 March 2014.
2. Noted the future income for the SHF for 2014-15.
3. Agreed that a single report is submitted to the Council each June with details of the income, expenditure and balance on the SHF for the previous financial year and forecast income for the current

financial year.

(Reference: Report by Head of Strategic Finance dated 17 June 2014, submitted)

11. STRATEGIC RISK REGISTER UPDATE

A report which gave a progress update on the strategic risk register (SRR) together with outline detail of amendments made which includes revision to scoring, narrative, ordering and formatting was considered. The report also showed any risks added to or deleted from the SRR.

Decision

The Council approved the revised strategic risk register.

(Reference: Report by Head of Strategic Finance dated June 2014, submitted)

12. VACANCIES ON COMMITTEES AND OTHER BODIES

A report inviting the Council to give further consideration to filling a number of vacancies on various Council Committees and Outside Bodies as a result of Councillor Fred Hall's resignation on 14 March 2014, Councillor Louise Glen Lee's resignation on 1 May 2014; and also consequential appointments resulting from decisions made at the Council meeting held on 24 April 2014, was considered.

Decision

The Council agreed to defer consideration of this item until after the result of the Oban North and Lorn Ward by-election in July.

(Reference: Report by Executive Director – Customer Services dated 29 May 2014, submitted)

13. SCHEME OF REMUNERATION FOR COUNCILLORS

A report was considered advising members of adjustments that have been made to remuneration arrangements for Councillors in accordance with the Local Governance (Scotland) Act 2004 (Remuneration) Amendment Regulations 2013 which came into force on 18th February 2014.

Decision

The Council –

1. Noted the increased payments as detailed in the report and noted that the arrears due will be paid in the July pay run.
2. Agreed to increase the remuneration of Policy Leads/ Lead Councillors by 1% for 2013/14 and 2014/15 and that payments are backdated to be consistent with national decisions on payments determined by statutory instrument.

3. Noted that the appropriate amounts due where Councillors have ceased to be a Policy Lead/ Lead Councillor and /or the Provost or Leader will be accounted for when paying the arrears in July.

(Reference: Report by Executive Director – Customer Services dated 2 June 2014, submitted)

14. AUDIT SCOTLAND/ACCOUNTS COMMISSION - UPDATE REPORT

A report that confirmed that the Follow –up Audit Report undertaken by Audit Scotland in April/May 2014 had been submitted by the Controller of Audit to the Accounts Commission for consideration at their meeting on 19th June was considered.

Decision

The Council –

1. Noted the status of the Follow-up Audit Report.
2. Noted that the necessary arrangements would be put in place to bring the Accounts Commission findings to a Council meeting within 3 months of receipt.

(Reference: Report by Executive Director – Customer Services dated 14 June 2014, submitted)

15. PROVISION OF P1 - P3 FREE SCHOOL MEALS

A report was considered which outlined the approach being taken by Council to ensure that free school meals are provided to all pupils in P1 – P3 from January 2015 as required by the Children and Young People (Scotland) Act 2014. The report also highlighted the financial and service implications that were likely to arise from the implementation of the policy.

Decision

The Council –

1. Noted the approach being taken by the Council in order to ensure safe implementation of the policy.
2. Noted the likely revenue and capital implications arising from the policy.
3. Noted the envisaged implications for affected schools.
4. Agreed a pilot approach to implementation beginning in October 2014.

(Reference: Report by Executive Director of Customer Services dated 4 June 2014, submitted)

The Provost ruled and the Council agreed to adjourn the meeting for lunch at 1.30pm and to reconvene at 2.00pm.

Councillor Duncan MacIntyre left the meeting at this point.

16. FUTURE MODEL FOR COMMUNITY JUSTICE IN SCOTLAND

A report which sought approval of the response on behalf of Argyll and Bute Council to the consultation regarding the future model for community justice in Scotland was considered. The response was required to be approved by the full Council in advance of its submission to the Scottish Government by 2 July 2014.

Decision

The Council approved the response to the consultation regarding the future model for community justice in Scotland.

(Reference: Report by Executive Director – Community Services dated 21 May 2014, submitted)

17. NEW SCHOOLS - KIRN PRIMARY: AFFORDABILITY POSITION AND ISSUE OF NEW PROJECT REQUEST

A report was considered that provided an updated affordability calculation for the proposed new Kirn Primary school together with information in regard to the process to lodge a New Project Request (NPR) with the Scottish Futures Trust (SFT) and hubNorth Scotland (hubNorth).

Decision

The Council –

1. Noted the potential impact of the population demographics and socio-economic factors on the design capacity requirements for Kirn Primary school;
2. Approved the design capacity for Kirn Primary school as 320 pupils and with an associated pre-5 provision of 30 places (3-5 year olds) in terms of the Education base case;
3. Noted the assessment of affordability for the proposed new Kirn Primary school at Appendix 1 of the report which highlighted the likely budget requirement to include the capital contribution, over the duration of the 25 year project on the basis that the project for provisions of the school facility would be a Design, Build, Finance and Maintenance contract (DBFM);
4. Noted the capital contribution required for Kirn Primary school of £4.9M;
5. Agreed that any potential surplus capital sum from that required for the delivery of the new Kirn Primary school be earmarked to improve the condition of schools within the school estate;
6. Noted that the provision of Kirn Primary school should be a Design, Build, Direct Agreement (DBDA) project as outlined at paragraph 4.6

of the report;

7. Authorised the Executive Director of Community Services to issue the NPR on the basis of the agreed design capacities and as a DBDA; and
8. Delegated all matters in respect of the provision of the new Kirm Primary School facility to the Council's Policy and Resources Committee.

(Reference: Report by Executive Director - Community Services dated 4 June 2014, submitted)

18. LOCAL FRAMEWORK RECOGNITION AND PROCEDURE AGREEMENT

The Council considered a report which sought endorsement of the content of the Local Framework and Procedure Agreement as approved at the Argyll and Bute LNCT meeting on 26 March 2014.

Decision

The Council endorsed the content of the Local Framework and Procedure Agreement.

(Reference: Report by Executive Director – Community Services dated 3 June 2014, submitted)

19. CARS ROUND SIX FUNDING BIDS

A report which sought Council approval of submission of a Conservation Area Regeneration Scheme (CARS) bid to Historic Scotland (HS) under the CARS Round 6 funding stream was considered.

Decision

The Council –

1. Agreed that a CARS bid be submitted for Campbeltown.
2. Agreed to fund the development works necessary for the preparation of the Campbeltown CARS bid as well as the preparatory work for a future CARS bid for Dunoon to a sum of £40,000.
3. Agreed that if match funding cannot be provided from existing budgets that a further report is presented to the appropriate committee before the Campbeltown CARS bid is submitted.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 29 June 2014, submitted)

20. WASTE PPP AREA - ALTERNATE WEEKLY CO-MINGLED RECYCLING COLLECTION

A report was considered which set out the progress made in developing the arrangements for the introduction of alternate weekly co-mingled (recycling

paper, card, plastic bottles/tubs/trays, cartons and cans in the same blue bin) collections into the Mid Argyll, Oban and Lorn and Cowal areas covered by the Waste PPP contract. The report identified the current progress with Shanks and Project Funders to vary the Waste PPP contract and the likely implementation start dates for the new collections in these areas.

Decision

The Council noted, subject to the variation being agreed by Shanks' Funders in June 2014, the proposed implementation dates for the new alternate weekly co-mingled recycling collections in the Mid Argyll, Oban and Lorn and Cowal areas.

(Reference: Report by Executive Director – Development and Infrastructure Services dated Jun 2014, submitted)

21. SHORT LIFE WORKING GROUP - OUR ISLANDS: OUR FUTURE - UPDATE ON PROGRESS AND CHANGE OF NAME

A report seeking approval to change the name of the Short Life Working Group to Argyll Islands Task Force and which provided an update on the work of the Group was considered.

Decision

The Council –

1. Agreed that the name of the short life working group be changed to the Argyll Islands Task Force.
2. Agreed to the proposed priorities and actions as contained within the report and to the continued work of the Task Force to ensure delivery of the actions.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 6 June 2014, submitted)

Having previously declared an interest in the following item of business, Councillors Vivien Dance, Gary Mulvaney and Richard Trail left the meeting and took no part in the consideration of this item.

22. EVENTS PROPOSAL - CHAMBER OF COMMERCE

The Council considered a recommendation from a Special Meeting of the Helensburgh and Lomond Committee held on 13 May 2014 with regards to a request for the inclusion of the programme of summer events in the town centre in the Council's Strategic Events Programme.

Decision

The Council agreed the recommendation by the Helensburgh and Lomond Area Committee held on 13 May 2014.

(Reference: Extract from Minute of Helensburgh and Lomond Area

Committee held on 13 May 2014, submitted and Report by Executive Director – Development and Infrastructure Services dated 2 May 2014, submitted)

Councillors Vivien Dance, Gary Mulvaney and Richard Trail rejoined the meeting.

23. SCOTTISH RURAL PARLIAMENT

The Council considered a recommendation from the Oban, Lorn and the Isles Area Committee held on 11 June 2014 to provide some measure of hospitality to the participants of the inaugural meeting of Scotland's first rural Parliament to be held in Oban between 6 and 8 November 2014.

Decision

The Council agreed the recommendation by Oban, Lorn and the Isles Area Committee, and noted that this would be dealt with in accordance with normal procedures.

(Reference: Extract of Minute of Oban, Lorn and the Isles Area Committee held on 11 June 2014, submitted and report by Executive Director – Customer Services dated 4 June 2014, submitted)

Motion

Councillor Robb moved that item 26 (CASTLE TOWARD – PROPOSED COMMUNITY RIGHT TO BUY) be taken in public other than those matters that could not be discussed within the public domain.

Moved Councillor Robb, seconded Councillor Breslin.

Amendment

To exclude the press and public for the consideration of the whole item.

Moved Councillor Walsh, seconded Councillor Mulvaney

Decision

After a show of hands vote the amendment was carried by 22 votes to 8 and the Council resolved accordingly.

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for the following 5 items of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraphs 8&9; 8; 9; 8&9 and 6 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

24. CHORD CAMPBELTOWN BERTHING FACILITY - FULL BUSINESS CASE

A report giving a summary of the key points of the completed Full Business Case (FBC) plus supplementary information for the CHORD

Campbeltown Berthing Facility Project was considered.

Decision

The Council agreed the recommendations contained within the report by the Executive Director.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 20 May 2014, submitted)

25. CARBON MANAGEMENT: PROVISIONAL FULL BUSINESS CASE - SOLAR PV IN NPDO SCHOOLS

A report providing an update on progress with the installation of solar photovoltaic panels at 5 NPDO schools was considered.

Decision

The Council agreed the recommendations contained within the report by the Executive Director.

(Reference: Report by Executive Director – Customer Services dated 21 May 2014, submitted)

Councillor Donald Kelly left the meeting at this point.

26. CASTLE TOWARD

The submitted report updated the Council on events that had taken place in connection with a community right to buy application in respect of Castle Toward.

Motion

To agree the recommendations within the joint report by the Executive Directors of Customer Services and Community Services.

Moved Councillor Robb, seconded Councillor Trail.

Amendment

Agree the recommendations in the joint report from the Executive Directors of Community and Customer Services, with the addition of;

- e) Extend the delegation to the Executive Director – Customer Services and Executive Director – Community Services in consultation with the Chair and Vice Chair of the Policy and Resources Committee agreed at the meeting of the Committee on 15 May 2014 so as to include the Leader of the SNP Group in the members to be consulted, and to authorise the Executive Director – Customer Services and Executive Director – Community Services to have further discussions with SCCDC in relation to their proposed purchase and to take such other actions as may be deemed appropriate, including other public agencies, to enable a detailed report with clear recommendations in relation to the proposed purchase to be presented to the meeting of the Policy and Resources Committee on

21 August 2014 for final determination.

Moved Councillor Walsh, seconded Councillor Mulvaney.

The requisite number of members present required the vote to be taken by calling the roll and Members voted as follows –

Motion	Amendment	No Vote
Councillor Robb	Councillor Colville	Councillor Blair
Councillor Semple	Councillor Corry	Councillor Breslin
Councillor Taylor	Councillor Currie	Councillor Freeman
Councillor Trail	Councillor Dance	Councillor Horn
	Councillor Devon	Councillor MacDonald
	Councillor Kinniburgh	Councillor Marshall
	Councillor McCuish	Councillor Strong
	Councillor MacDougall	
	Councillor N MacIntyre	
	Councillor R E Macintyre	
	Councillor R G MacIntyre	
	Councillor MacMillan	
	Councillor MacNaughton	
	Councillor Mulvaney	
	Councillor Philand	
	Councillor Robertson	
	Councillor Scoullar	
	Councillor Walsh	

Decision

The amendment was carried by 18 votes to 4 with 7 members abstaining and the Council resolved accordingly.

(Reference: Report by Executive Director – Customer Services dated 10 June 2014, submitted)

Councillors George Freeman and Robert E MacIntyre left the meeting at this point.

Councillors Gordon Blair, Bruce Marshall, Donald MacMillan, Roddy McCuish, Sandy Taylor and Richard Trail having previously declared an interest in the following item of business left the meeting and took no part in the consideration of this item.

27. ROCKFIELD PRIMARY SCHOOL, OBAN

The Council considered a recommendation by Oban, Lorn and the Isles Area Committee held on 11 June 2014 regarding the sale of the former Rockfield Primary School.

The Council heard from the Executive Director of Customer Services in respect of new information relating to this matter.

Decision

The Council agreed that in light of the new information, a closing date be set for offers to be reported back to the Area Committee.

(Reference: Extract of Minute of Oban, Lorn and the Isles Area Committee held on 11 June 2014, submitted and report by Executive Director – Customer Services dated 22 May 2014, submitted)

Councillors Devon, Robertson, Corry and Semple left the meeting at this point.

Councillors Gordon Blair, Roddy McCuish and Sandy Taylor rejoined the meeting. Councillors Marshall, MacMillan and Trail did not return.

28. REQUEST FOR FINANCIAL ASSISTANCE - BUTE ADVICE CENTRE

A report which detailed a request for financial assistance from Bute Advice Centre was considered.

Decision

The Council agreed the recommendations contained within the report.

(Reference: Report by Executive Director – Development and Infrastructure Services dated June 2014, submitted)

**MINUTES of MEETING of ENVIRONMENT, DEVELOPMENT AND INFRASTRUCTURE
COMMITTEE held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on THURSDAY, 14 AUGUST 2014**

Present: Councillor Ellen Morton (Chair)

Councillor Vivien Dance	Councillor Alex McNaughton
Councillor David Kinniburgh	Councillor Sandy Taylor
Councillor Bruce Marshall	Councillor Richard Trail
Councillor Donald MacMillan	Councillor Dick Walsh

Also Present: Councillor George Freeman Councillor Len Scoullar

Attending: Pippa Milne, Executive Director – Development and Infrastructure Services
Charles Reppke, Head of Governance and Law
Jim Smith, Head of Roads and Amenity Services
Lesley Sweetman, Performance and Business Manager

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Anne Horn, Iain Angus MacDonald, Alistair MacDougall, Duncan MacIntyre, Robert G MacIntyre and Elaine Robertson.

Councillor MacMillan had advised that he would be attending a funeral and would join the Committee later in the morning.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. MINUTES

The Minutes of the meeting of the Environment, Development and Infrastructure Committee held on 10 April 2014 were approved as a correct record.

4. DRAFT PARKING POLICY FRAMEWORK

The Committee considered a report proposing a draft Parking Policy Framework for Argyll and Bute which would provide a framework to ensure a consistent area based approach while recognising the uniqueness of some of the towns and settlements. The report also set out proposals for reviewing the existing Traffic Regulation Orders and charging regimes following the introduction of Decriminalised Parking Enforcement in May 2014.

Decision

The Committee –

1. Endorsed the proposed draft Policy and recommended to the Policy and Resources Committee that the draft Policy be recommended for adoption by the Council subject to the amendments agreed by the

Committee being incorporated into the document.

2. Endorsed the proposal for reviewing Traffic Regulation Orders by Area Committees.
3. Delegated the Head of Roads and Amenity Services to work in consultation with the Communications Manager and Policy Lead for Tourism to ensure that appropriate information in respect of coach and HGV parking be made available on the website.

(Reference: Report by Executive Director – Development and Infrastructure Services dated July 2014 and draft Parking Policy Framework, submitted)

5. POLICY FOR PROVISION OF WOODLAND AND GREEN BURIALS

The Committee considered a report proposing a draft Policy for green and woodland burials. This Policy had been designed to provide choice for individuals and bereaved families who seek an alternative to a traditional burial.

Decision

The Committee –

1. Noted and endorsed the report.
2. Approved that the draft Green and Woodland Burials Policy be taken to the Policy and Resources Committee for recommendation for approval by the Council.
3. Noted that community groups and private land owners can seek to work with the Council in respect of the provision of privately owned land for burials, if so minded.

(Reference: Report by Executive Director – Development and Infrastructure Services dated June 2014 and draft Policy for the Provision of Woodland and Green Burial Services, submitted)

6. FLOOD RISK MANAGEMENT - STRATEGIC APPRAISAL OF MEASURES: INITIAL OBJECTIVES

A report which set out the arrangements of how flood risk is being managed within Scotland through SEPA and other responsible authorities was considered. The report updated Members on the process and sought endorsement of initial objectives.

Decision

The Committee endorsed the ongoing work in the production of local flood risk management plans.

(Reference: Report by Executive Director – Development and Infrastructure Services dated July 2014, submitted)

7. APPRAISAL OF OPTIONS FOR THE UPGRADING OR REPLACEMENT OF STREET LIGHTING COLUMNS , LAMPS AND CABLING - UPDATE REPORT

A report which provided an update in relation to ongoing works associated with street lighting was considered. The report provided background to the general condition of the lighting stock including cable infrastructure. The report also provided detail on how additional funding allocated to lighting would be invested and gave an outline programme for the collection of data, preparation of an energy model and business case.

Decision

The Committee noted and endorsed the content of the report.

(Reference: Report by Executive Director – Development and Infrastructure Services dated June 2014, submitted)

8. UPDATE ON A83 REST AND BE THANKFUL

A report was considered that gave a brief update in respect of the A83 and which advised members of a Seminar to be held on 8 September 2014 in the Council Chamber, Kilmory, Lochgilphead. Transport Scotland would be in attendance to deliver a presentation on the resilience of the A83, the works completed and the works proposed. The improvement works on the A82 between Tarbet and Inverarnan would also be considered at this Seminar. All elected members would be invited to attend.

Decision

The Committee noted the content of the report.

(Reference: Report by Executive Director – Development and Infrastructure Services dated July 2014, submitted)

9. WINTER SERVICE POLICY 2014/15

The Committee considered a report presenting the draft Winter Service Policy for 2014/15. The Policy for 2014/15 remained in a similar format and covered a similar network to the Policy passed by the Council in 2011; with any amendments being highlighted within the report.

Decision

The Committee approved –

1. The 2014/15 Winter Maintenance Policy and Appendix 1 to the report by the Executive Director.
2. The Salt Use Reduction and Preservation of Stocks Protocol at Appendix 3 to the report by the Executive Director.

(Reference: Report by Executive Director – Development and Infrastructure Services dated July 2014 and draft Winter Service Policy 2014/15, submitted)

Councillor MacMillan joined the meeting at this point.

10. FINANCIAL QUARTER ONE PERFORMANCE SCORECARD SCRUTINY

A report which presented the financial quarter one scorecard for the Development and Infrastructure Services department was considered.

Decision

The Committee –

1. Noted that the quarterly performance scorecards would be programmed into the Committee's meeting schedule.
2. Reviewed and noted the performance for financial quarter one.
3. Noted that feedback from the Committee Development Day and from the Committee meetings would be used to ensure ongoing improvement to the performance, review and scrutiny process.

(Reference: Report by Executive Directors – Development and Infrastructure Services and Customer Services dated August 2014, tabled)

The Provost, who was in attendance at the meeting, expressed his sincere thanks to staff involved with the regeneration work in respect of Rothesay Pavilion. The Committee formally recorded their appreciation to the staff involved for their exceptional work.

11. PROPOSED ARGYLL AND BUTE SUSTAINABLE ECONOMIC FORUM

A report that proposed the creation of a new Argyll and Bute Sustainable Economic Forum was considered. The Forum would take forward a partnership approach between key representatives of the public, private and voluntary sector to help deliver sustainable economic growth throughout Argyll and Bute.

Decision

The Committee –

1. Noted the report.
2. Agreed to establish an Argyll and Bute Sustainable Economic Forum.
3. Delegated authority to the Executive Director – Development and Infrastructure Services in consultation with the Leader of the Council, Deputy Leader and Policy Lead for Economic Growth to approach suitable individuals and invite them to serve on the Forum.

(Reference: Report by Executive Director – Development and Infrastructure Services dated July 2014, submitted)

**MINUTES of MEETING of POLICY AND RESOURCES COMMITTEE held in the COUNCIL
CHAMBER, KILMORY, LOCHGILPHEAD
on THURSDAY, 21 AUGUST 2014**

Present:

Councillor Dick Walsh (Chair)

Councillor Robin Currie	Councillor Gary Mulvaney
Councillor Vivien Dance	Councillor Douglas Philand
Councillor Bruce Marshall	Councillor James Robb
Councillor Roderick McCuish	Councillor Len Scoullar
Councillor Aileen Morton	Councillor Isobel Strong
Councillor Ellen Morton	Councillor Sandy Taylor

Also Present:

Councillor Gordon Blair	Councillor John MacAlpine
Councillor Michael Breslin	Councillor James McQueen
Councillor George Freeman	

Attending:

Sally Loudon, Chief Executive
 Douglas Hendry, Executive Director – Customer Services
 Pippa Milne, Executive Director – Development and Infrastructure Services
 Bruce West, Head of Strategic Finance
 Charles Reppke, Head of Governance and Law
 Jane Fowler, Head of Improvement and HR
 Judy Orr, Head of ICT and Support Services
 Jim Smith, Head of Roads and Amenity Services
 Fergus Murray, Head of Economic Development
 Mike Casey, Project Officer
 Donald Kelly, Legal Services Manager
 Ishabel Bremner, Economic Development Manager

The Chair advised of two requests he had received under Standing Order 22.1, from Councillors Breslin and Blair, to speak and vote in respect of item 23 of the agenda (Castle Toward). The Chair ruled that he would permit Councillor Breslin to speak and vote on the item as it directly affected his ward. The Chair ruled that he would permit Councillor Blair to speak on the item but not vote as it was not a particular issue affecting his ward.

The Chair further advised that, as had been his practice, if any Member present, not on the Committee, wished to speak on any item on the agenda then he would permit this also.

The Chair welcomed Anne Cairns of Audit Scotland to the meeting advising that she was in attendance to assist with the presentation of item 11 of the agenda (Audit Scotland Risk Assessment of Housing Benefit). The Chair ruled and the Committee agreed to change the order of the agenda to allow consideration of this item after item 2 (Declarations of Interest) to allow Anne Cairns to speak to this item and leave the meeting given the distance that she needed to travel. This item is dealt with at item 3 of this Minute.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Donald Kelly, Duncan MacIntyre and John Semple.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. AUDIT SCOTLAND RISK ASSESSMENT OF HOUSING BENEFIT

A report was considered that advised that Audit Scotland had undertaken a Housing Benefit Risk Assessment as part of their national risk assessment programme. The report also advised that the Council had submitted an action plan to mitigate the risks that had been identified during the Audit. The Action Plan had been accepted by Audit Scotland and no further scrutiny was required.

Decision

The Committee -

1. Noted the content of the Audit Scotland Risk Assessment report on the Council's performance in Housing Benefit Administration and the associated action plan.
2. Noted Audit Scotland's view that there had been significant progress made by the Council and recorded the Committees' appreciation of the work done by staff.

(Reference: Report by Executive Director – Customer Services dated 8 August 2014, submitted)

4. MINUTES

The Minutes of the meeting of the Policy and Resources Committee held on 15 May 2014 were approved as a correct record.

5. FINANCIAL REPORTS MONITORING PACK

The Committee considered the financial reports monitoring pack as at the end of June 2014. There were seven reports which formed the pack including the revenue budget report, monitoring of efficiency savings, up to date 15/16 budget, monitoring of financial risks, reserves and balances, capital plan monitoring and treasury monitoring.

Decision

The Committee noted –

1. The revenue budget monitoring report as at 30 June 2014.
2. The progress towards the 1% efficiency savings target for 2014-15 and 2015-16.
3. The updates to the 2015-16 budget as at 30 June 2014.
4. The current assessment of the Council's financial risks.

5. The overall level of reserves and balances and note the monitoring of the earmarked reserves.
6. The capital plan monitoring report as at 30 June 2014.
7. The treasury monitoring report as at 30 June 2014.

(Reference: Report by Head of Strategic Finance dated 16 July 2014 and financial monitoring reports pack, submitted)

6. FEES AND CHARGES 2014-15 - FERRIES, PIERS AND HARBOURS

The Committee gave consideration to a report that requested a change to two charges within ferries, piers and harbours for 2014-15.

Decision

The Committee agreed to revise two charges within ferries, piers and harbours for 2014-15 as follows –

1. All vessels operating a scheduled ferry or pleasure service per gross registered tonne (staffed pier) – charge for 2014-15 to be changed to 8.24p per tonne.
2. All vessels operating a scheduled ferry or pleasure service per gross registered tonne (unstaffed pier) – charge for 2014-15 to be changed to 8.24p per tonne.

(Reference: Report by Head of Strategic Finance dated 29 July 2014, submitted)

7. USE OF GENERAL FUND RESERVE

A report which set out options for the use of the free balance on the general fund reserve was considered. The report was provided in response to a request by the Council in February 2014 to bring a report to the August meeting of the Policy and Resources Committee. The options, depending on the decision of the Policy and Resources Committee, would be developed into more detailed proposals by Officers.

Decision

The Committee –

1. Agreed the use of the free balance on the general fund be directed exclusively to the theme of economy and jobs and proposals to increase income / reduce costs for the Council.
2. Agreed that further investigation be carried out on the scope to undertake further borrowing which would create further investment in the areas set out at 1 above and which would not result in a net increase in the burden on the Council's revenue budget.
3. Noted that officers would investigate the decisions taken at 1 and 2

above and bring a more detailed report back to the October meeting of the Policy and Resources Committee.

Councillor James Robb who had moved an amendment which failed to find a seconder requested that his dissent be recorded from the foregoing decision.

(Reference: Report by Head of Strategic Finance dated 12 August 2014, submitted)

8. NEW SCHOOLS REDEVELOPMENT PROJECT- CAMPBELTOWN, OBAN AND KIRN

The Committee considered a report providing an update on the issue of the New Project Requests to HubNorth Scotland Ltd in respect of the new Campbeltown Grammar School and Oban High School; and for the new Kirn Primary School.

Decision

The Committee –

1. Noted the content of the paper with regard to the issue of and the content of the NPR's for the new Campbeltown Grammar, Oban High and Kirn Primary schools.
2. Authorised the Executive Director, Customer Services, to take such steps as are necessary by negotiation or if required by instituting appropriate court action to secure vacant possession of the land presently occupied by various parties and used as garage sites at Kintyre Park, Campbeltown, shown delineated within the boundaries coloured red on the plan forming Appendix 1 to the report by the Executive Director.
3. Authorised the Executive Director, Customer Services, to take such steps as are necessary by negotiation or if required by instituting appropriate court action to secure vacant possession of the land presently used as horse grazing and purposes associated therewith at Dalintart Farm, Oban, shown delineated within the boundaries coloured red on the plan forming Appendix 2a and 2b to the report by the Executive Director.

(Reference: Report by Executive Director – Community Services dated 15 July 2014, submitted)

9. FINANCIAL QUARTER ONE PERFORMANCE SCORECARD SCRUTINY

A report was considered which presented the Customer Services department financial quarter one performance scorecard for review and scrutiny.

Decision

The Committee –

1. Noted that the quarterly performance scorecards will be programmed into the Committee's meeting schedule.
2. Reviewed performance for the quarter.
3. Noted that feedback from the Committee Development Day and from the Committee meetings will be used to ensure ongoing improvement to the performance review and scrutiny process.

(Reference: Report by Executive Director – Customer Services dated August 2014 and Customer Services Scorecard, submitted)

10. EQUALITY OUTCOMES

The Committee considered a report which outlined revised changes to the Equality Outcomes as required by the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012.

Decision

The Committee –

1. Approved the revised changes to the set of published Equality Outcomes.
2. Agreed to consult on the proposed Equality Outcomes.

(Reference: Report by Executive Director – Customer Services dated 25 July 2014, submitted)

11. HR AND ORGANISATIONAL DEVELOPMENT STRATEGY

The Committee considered a report presenting the draft Argyll and Bute Council Human Resources and Organisational Development Strategy for adoption.

Decision

The Committee –

1. Adopted the Human Resources and Organisational Development Strategy.
2. Noted that the Strategy incorporates workforce development.
3. Noted that the Strategy will be progressed through an action plan, which has been agreed by SMT; that quarterly reporting will be made through the HR Board and to SMT and that progress will be reported to the Policy and Resources Committee through Customer Services performance reporting.

(Reference: Report by Executive Director – Customer Services dated August 2014, submitted)

12. DISCRETIONARY HOUSING PAYMENTS POLICY

The Committee considered a report which requested approval of changes to the DHP Policy to allow DHPs to be paid for all under occupancy cases without any assessment of hardship and through a simplified process. Approval was also sought to allow such payments to be backdated to 1 April 2014, or such date as the under occupancy restriction commenced.

Decision

The Committee –

1. Approved the amendment to the DHP Policy as detailed at appendix 1 to the report by the Executive Director.
2. Approved that such payments be backdated to 1 April 2014 or such later date when the under occupancy restriction commenced.
3. Noted that a further paper would be brought forward in respect of 2015-16 and beyond once the funding position in relation to those years is known.

(Reference: Report by Executive Director – Customer Services dated 21 July 2014, submitted)

13. CONSULTATION ON WELFARE FUNDS (SCOTLAND) BILL

The Committee considered a report presenting a draft response to The Scottish Parliament Welfare Reform Committee consultation which provided views on the draft Welfare Funds (Scotland) Bill. The Finance Committee had also requested views in relation to the financial memorandum relating to this Bill and the Committee considered a draft consultation response to this as well.

Decision

The Committee approved –

1. The draft response to the consultation from the Welfare Reform Committee attached at Appendix 1 to the report by the Executive Director.
2. The draft response to the consultation from the Finance Committee attached at Appendix 2 to the report by the Executive Director, subject to the addition of some wording in the preamble to each of the consultation responses highlighting that the Council cannot sustain the high costs of administering payments.

(Reference: Report by Executive Director – Customer Services dated 15 July 2014, submitted)

14. MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) ACT 2014

A report was considered advising that the Marriage and Civil Partnership (Scotland) Act 2014 had been passed by the Scottish Parliament,

receiving Royal Assent on 12 March 2014. The report provided a summary of the Sections of the Act that had come into force on 21 May 2014 and outlined the main implications for the Council's Registration Service.

Decision

The Committee –

1. Noted the implications of the Marriage and Civil Partnership (Scotland) Act 2014 for the Registration Service.
2. Approved partial refunds for period approvals granted from 1 April 2014 where fewer than 3 marriages have taken place before 1 September 2014.
3. Delegated authority to the Executive Director of Customer Services in consultation with the Leader and Depute Leader to set revised fees for outside marriages which include the costs of Health and Safety inspections following the abolition of period and temporary approvals for venues.

(Reference: Report by Executive Director – Customer Services dated 8 August 2014, submitted)

15. COMMUNITY EMPOWERMENT (SCOTLAND) BILL - CALL FOR WRITTEN EVIDENCE

A report was considered requesting the Committee to approve a proposed response to the Local Government and Regeneration Committee call for written evidence as part of its Stage 1 consideration of the Community Empowerment (Scotland) Bill.

Decision

The Committee –

1. Approved the proposed response set out at section 4.4 of the report by the Executive Director subject to amendments as requested by the Members in relation to sharpening up some of the language used.
2. Agreed that it be submitted to the Scottish Parliament's Local Government and Regeneration Committee by the 5th September 2014 deadline.

(Reference: Report by Executive Director – Customer Services dated 1 July 2014, submitted)

16. CRC ENERGY EFFICIENCY SCHEME

The Committee considered a report providing an indication of the current position in respect of Council participation in Phase 2 of the CRC (Carbon Reduction Commitment) Efficiency Scheme.

Decision

The Committee noted -

1. The Council's qualification for participation in Phase 2 of the CRC and the nominations of Senior Officer, Primary Contact, Secondary Contact and Invoice Contact for the Council's participation in CRC;
2. The CRC scheme detail and implications, especially financial, of participation in Phase 2 of the CRC.
3. That after consultation with the Head of Strategic Finance, an order was placed for the purchase of CRC allowances at the 'forecast sale', and was paid in June 2014.
4. The proposed mitigating actions and next steps.

Reference: Report by Executive Director – Customer Services dated 3 July 2014, submitted)

17. PROVISION OF P1 TO P3 FREE SCHOOL MEALS – FUNDING UPDATE

Consideration was given to a report providing an update on the estimated costs and additional funding required to offset cost implications of expanding the catering service to deliver free school meals for all P1-3 pupils from January 2015. The report outlined the recent announcement from the Scottish Government confirming the revenue funding allocation and noted that there was still no indication of the level of capital funding.

Decision

The Committee –

1. Noted the estimated revenue costs and notification from the Scottish Government on the allocation of funding to offset these costs.
2. Noted the updated estimated capital costs together the fact that the Scottish Government are yet to announce capital funding allocations.
3. Approved the request by the Service to invest in some of the capital requirements in advance of the funding notification from the Scottish Government. This would be an estimated £191,500 of forward investment in equipment and storage costs to ensure smooth implementation of the policy in January 2015.

(Reference: Report by Executive Director – Customer Services dated 28 July 2014, submitted)

18. ELECTED MEMBER TRAINING

A report was considered that updated the Committee on Elected Member training activity since August 2013 and sought their endorsement for the

key focus of activity in drawing up a programme for the next year.

Decision

The Committee –

1. Noted the activity that has been undertaken to support elected member training since August 2013.
2. Noted that feedback that has been gained through the Elected Member Seminar Survey and recent Committee Development Days which will inform the training programme for the next year.
3. Endorsed the approach to be adopted in the development of the forthcoming programme and agreed that this be delegated to the Director of Customer Services to take forward through discussion with the Chief Executive, the Leader of the Council, Depute Leader of the Council and Group Leaders.

(Reference: Report by Executive Director – Customer Services dated 18 August 2014, tabled)

* **19. DRAFT PARKING POLICY FRAMEWORK**

The Committee considered a recommendation from the Environment, Development and Infrastructure Committee held on 14 August 2014 in respect of draft Parking Policy Framework.

Motion

The Committee –

1. Agreed that the draft Policy be recommended for adoption by the Council.
2. Agreed to recommend to the Council endorsement of the proposal for reviewing Traffic Regulation Orders by Area Committees.
3. Noted that officers would work with the relevant Policy Leads to improve information available for coach and LGV drivers.

Moved Councillor Dick Walsh, seconded Councillor Gary Mulvaney.

Amendment

1. All parking and related matters be delegated to Area Committees together with the associated revenues and finances and requests a detailed paper to achieve this be brought to the next Policy and Resources Committee meeting.
2. The draft Parking Policy Framework be adopted as guidance for Area Committees.

3. Delegate to appropriate Officers the publication of appropriate information in respect of coach and HGV parking within Argyll and Bute.

Moved Councillor James Robb, seconded Councillor Isobel Strong.

Decision

On a show of hands vote the Motion was carried by 9 votes to 2 and the Committee resolved accordingly.

(Reference: Recommendation from Environment, Development and Infrastructure Committee held on 14 August 2014, report by Executive Director – Development and Infrastructure Services dated 20 August 2014 and draft Parking Policy Framework, submitted)

* **20. POLICY FOR PROVISION OF WOODLAND AND GREEN BURIALS**

The Committee considered a recommendation from the Environment, Development and Infrastructure Committee held on 14 August 2014 in respect of a Policy for the Provision of Woodland and Green Burials.

Decision

The Committee –

1. Noted and endorsed the report.
2. Approved that the draft Green and Woodland Burials Policy be recommended for approval by the Council.
3. Noted that community groups and private land owners can seek to work with the Council in respect of the provision of privately owned land for burials, if so minded.

(Reference: Recommendation from Environment, Development and Infrastructure Committee held on 14 August 2014, report by Executive Director – Development and Infrastructure Services dated 20 August 2014 and draft Policy for the Provision of Woodland and Green Burial Services, submitted)

The Chair ruled and the Committee agreed to adjourn for lunch from 1.00pm to 1.30pm.

Vivien Dance left the meeting at this point.

* **21. WEST OF SCOTLAND LOAN FUND - OPPORTUNITY TO WIDEN AVAILABILITY ACROSS ARGYLL AND BUTE**

A report was considered that sought approval for the West of Scotland Loan Fund (WSLF) delivery area to be extended to include all of Argyll and Bute, rather than remaining restricted to Helensburgh and Lomond based businesses.

Decision

The Committee -

1. Endorsed the proposal to extend the WSLF delivery area to include all of Argyll and Bute, if uptake in Helensburgh and Lomond remains below target.
2. Agreed that this proposal should be presented at the full Council meeting in September 2014 to endorse the view of the Committee in terms of the extension of the delivery of WSLF to the whole of Argyll and Bute.
3. Agreed to support the development of a new Scotland wide loan fund which could incorporate WSLF after April 2015.

Councillor James Robb, who had moved an amendment that failed to find a seconder requested that his dissent be recorded from the foregoing decision.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 14 August 2014, submitted)

22. NOTICE OF MOTION UNDER STANDING ORDER 13

The following Notice of Motion, submitted under Standing Order 13, had been included on the Agenda for the meeting –

In light of the second cancellation of a cornerstone summit meeting which would embed the 10 year objective of our Community Planning Partnership's Single Outcome Agreement as "Argyll and Bute's economic success is built on a growing population" The Single Outcome Agreement was due to be complete in June.

The Policy and Resources Committee -

Reaffirms the Council's commitment to the 10 year objective – "Argyll and Bute's economic success is built on a growing population"

Requests that the Chief Executive organises a seminar for Council Members and Community Planning Partners in June so that greater detail on how this will be achieved can be developed ahead of a future meeting with Mr Swinney.

Moved Councillor Semple, seconded Councillor Taylor.

Decision

Councillor Sandy Taylor advised that due to progressions since the Motion was first submitted in May 2014, it was now not necessary to consider the content and advised that he, with the prior agreement of Councillor Semple, wished to withdraw the Motion.

(Reference: Notice of Motion by Councillor John Semple, seconded by Councillor Sandy Taylor)

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for the following item of business on the grounds that it was likely to involve the disclosure of exempt information as defined in Paragraphs 8&9; 9; 9 and 9 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

23. CASTLE TOWARD

The Committee considered a report providing advice in relation to the proposed community buy out of Castle Toward.

Motion

The Leader of the Council moved the recommendations contained within the report subject to the amendments as suggested by the Executive Director – Customer Services which was seconded by Councillor Ellen Morton.

Amendment

Councillor Breslin moved an amendment which was seconded by Councillor Bruce Marshall.

Decision

On a show of hands vote the Motion was carried by 9 votes to 3 and the Committee resolved accordingly.

(Reference: Joint report by Executive Director – Customer Services and Executive Director – Community Services dated 20 August 2014, tabled)

24. CHORD PROGRESS UPDATE

The Committee considered a report providing an update on the progress in delivering the eleven CHORD projects.

Decision

The Committee agreed the recommendations as contained within the report by the Executive Director.

(Reference: Report by Executive Director – Development and Infrastructure Services dated August 2014, submitted)

25. DUNOON WOODEN PIER REDEVELOPMENT APPROVAL TO DRAW DOWN FUNDS

The Committee considered a report which sought approval to draw down funds from the Council's capital budget to undertake essential works to the Dunoon Wooden Pier.

Decision

The Committee agreed the recommendations as contained within the report by the Executive Director.

(Reference: Report by Executive Director – Development and Infrastructure Services dated August 2014, submitted)

* **26. ROTHESAY PAVILION**

The Committee considered a report outlining urgent issues affecting the condition of the building fabric of the Category A Listed Rothesay Pavilion.

Decision

The Committee agreed to make a recommendation to the Council as per the recommendations contained within the report by the Executive Director.

(Reference: Report by Executive Director – Development and Infrastructure Services dated August 2014, submitted)

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**MINUTES of MEETING of COMMUNITY SERVICES COMMITTEE held in the COUNCIL
CHAMBERS, KILMORY, LOCHGILPHEAD
on THURSDAY, 11 SEPTEMBER 2014**

Present: Councillor Rory Colville Councillor Aileen Morton
Councillor Robin Currie Councillor Douglas Philand
Councillor George Freeman Councillor Elaine Robertson
Councillor Anne Horn Councillor Isobel Strong
Councillor Donald Kelly William Marshall
Councillor John McAlpine Alison Palmer
Councillor James McQueen

Also Present: Provost Len Scoullar

Attending: Cleland Sneddon, Executive Director – Community Services
Charles Reppke, Head of Governance and Law
Stephen Whiston, Head of Planning Contracting and Performance,
NHS Highland
Louise Long, Head of Children and Families
Jim Robb, Head of Adult Care
Bruce West, Head of Strategic Finance
Jane Fowler, Head of Improvement and HR
Morag Brown, Business Improvement Manager
Helen MacLeod, Executive Support Officer
Nicola Hackett, Active Schools Manager
Bill Halliday, Area Private Sector Officer
Mark Lines, Service Manager – Operations
Alison MacKenzie, Principal Officer Early Years
Liz Strang, Early Years Programme Manager
Mark Johnson, Performance Improvement Officer
Chris Carr, Improvement and Organisational Development Project
Officer

Councillor Aileen Morton, Policy Lead for Education, Lifelong Learning and Strategic IT Services, took the Chair at this point.

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Mary-Jean Devon and Robert E Macintyre and from William Crossan, Church representative.

2. DECLARATIONS OF INTEREST

Councillor Robin Currie declared a non financial interest in respect of West Highland Housing Association's application for funding. He left the room and took no part in the discussion of this application which is dealt with at item 11 of this Minute.

3. MINUTES

The Minute of the Community Services Committee of 8 May 2014 was approved as a correct record.

4. NHS HIGHLAND SLA WITH GREATER GLASGOW AND CLYDE HEALTH BOARD

Stephen Whiston of NHS Highland presented a report providing an indicative profile of the range, type and value of SLA/Contracts Argyll and Bute Community Health Partnership (CHP) commissioned and managed within NHS and with other partner services. Thereafter he responded to a number of questions arising from the report.

Decision

1. Noted the range, type and value of SLA/Contracts that Argyll and Bute CHP commissions and manages within the NHS and other partner services; and
2. Noted that a copy of the SLA document would be circulated to Members of the Committee.

(Reference: Report by NHS Highland dated 16 July 2014, submitted)

5. SCHOOL CATCHMENT AREAS POLICY ISSUES

Following consideration of a request to alter the catchment area of Strone Primary School at the Council meeting on 20 March 2014, a report was before the Committee which considered the principles, options and implications for the development of a Council policy on school rezoning taking account of Schedule 1 of the Schools (Consultation) (Scotland) Act 2010 recently amended by the Children and Young Person (Scotland) Act 2014.

Decision

The Committee agreed to:-

1. note the amendments to the Schools (Consultation) (Scotland) Act 2010, the revised timeline and process for the public consultation as detailed in sections 4.1 and 4.2;
2. approve the process by which future requests to alter the catchment area of a school be considered as detailed in sections 4.3 – 4.10;
3. that any proposal received from a Parent Council being taken forward to a public consultation would require to have the support all parent councils affected by the proposal; and
4. that subsequent requests for altering the catchment area of a school following either a decision to refuse a request to do so or a decision following the publication of the consultation report not to proceed with such an alteration will only be considered if there has been a material change of circumstances from those originally considered.

Having moved an Amendment which failed to find a seconder, Councillor

Anne Horn required her dissent from the foregoing decision to be recorded.

(Reference: Report by Executive Director – Community Services dated 30 July 2014, submitted)

6. THE EDUCATION (ADDITIONAL SUPPORT FOR LEARNING) (SCOTLAND) ACT 2004 (AS AMENDED)

Consideration was given to a report updating the Committee on the implementation of The Education (Additional Support for Learning) (Scotland) Act 2004.

Decision

The Committee agreed to:-

1. note the figures contained within the report relating to pupils with Additional Support Needs (ASN) across Scotland and in particular the number of pupils within Argyll and Bute with additional support needs as a percentage of the total school roll and that a copy of these figures broken down into the four administrative areas of the Council would be circulated to Members;
2. acknowledge the higher number of ASN pupils in Argyll and Bute with Coordinated Support Plans (CSPs), Individualised Education Plan (IEP) and assessed or declared as disabled in comparison to the national figures; and
3. note the ongoing review of ASN resource allocation procedures which will be reported on completion to the Community Services Committee.

(Reference: Report by Executive Director – Community Services dated 14 July 2014, submitted)

7. FINANCIAL QUARTER ONE PERFORMANCE SCORECARD SCRUTINY

Consideration was given to the Community Services financial quarter one performance scorecard.

Decision

1. Noted that the quarterly performance scorecards will be programmed into the Committee's meeting schedule;
2. Reviewed performance for the quarter;
3. Noted that feedback from the Committee Development Day and from the Committee meetings would be used to ensure ongoing improvement to the performance review and scrutiny process; and

4. Noted that report on the funding secured by Creative Scotland to help boost youth arts provision across Argyll and Bute would be brought to a future meeting of the Committee.

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

8. EXTERNAL INSPECTION/AUDIT REPORTING JANUARY TO JUNE 2014

A report providing details of all external inspection/audit reports received within Community Services during the period 1 January to 30 June 2014 was considered.

Decision

Noted the contents of the report and appendix.

(Reference: Report by Executive Director – Community Services dated 28 July, 2014, submitted)

Councillor Robin Currie, Policy Lead for Community & Culture and Strategic Housing took the Chair at this point.

9. ARGYLL AND BUTE QUEENS BATON RELAY

Consideration was given to a report outlining the key successes of the Argyll and Bute leg of the Queens Baton Relay on Sunday 13 July 2014, highlighting the multi-agency approach to the planning and delivery of a high quality sporting and cultural event across Argyll and Bute.

Decision

1. Noted the outstanding contribution made by Services across the Council and from Partner agencies and extended their thanks to the many individuals for their contribution;
2. Noted that there was now a unique opportunity to continue to build on the Council's commitment to increasing high quality physical education, physical activity and sport for young people as part of the Council's Commonwealth Games Legacy Plan which can be taken forward by effective partnership working between internal service areas, external partners and volunteers; and
3. Endorsed Provost Scoullar's appreciation of the wonderful work undertaken by staff across the whole of Argyll and Bute in respect of the event.

(Reference: Report by Executive Director – Community Services dated 7 August 2014, submitted)

Alison Palmer and William Marshall left the meeting.

10. HOME ENERGY EFFICIENCY PROGRAMME: AREA BASED SCHEMES (HEEPS: ABS)

A report providing the Committee with information about the Scottish Government's Home Energy Efficiency Programmes for Scotland Area Based Scheme and its application within Argyll and Bute was considered. The report provided background to the programme, which was managed by Alienergy on behalf of the Council, and included the information required by the Scottish Government application process and informed the Committee about what the programme would deliver in 2014/15 and beyond.

Decision

Noted the content of the programme and the associated benefits from it.

(Reference: Report by Executive Director – Community Services dated 1 July 2014, submitted)

Having previously declared an interest in the following item Councillor Robin Currie left the room and took no part in consideration of the application for funding received from West Highland Housing Association.

Councillor Elaine Robertson also declared a non financial interest in respect of West Highland Housing Association's application for funding. She left the room and took no part in the discussion of this application

Councillor Douglas Philand took the Chair at this point.

11. HOUSING DEVELOPMENT - LOAN APPLICATIONS

Consideration was given to an application from West Highland Housing Association for a 25 year loan to deliver the 18 house development at Imerval, Port Ellen, Isle of Islay.

The Chair ruled, and the Committee agreed to adjourn the meeting at 1.00 pm for lunch.

The Committee reconvened at 1.30 pm and resumed consideration of the application received from West Highland Housing Association.

Decision

The Committee agreed to approve a twenty five year loan of £955,024.54 to West Highland Housing Association to build 18 properties for affordable rent at Imerval, Port Ellen, Isle of Islay.

Councillors Robin Currie and Elaine Robertson returned to the meeting and Councillor Currie resumed the Chair.

Consideration was given to an application for an extension to an existing loan from Fyne Homes, subsidiary Fyne Initiatives for bridging finance for the Old Courthouse Development in central Rothesay.

Decision

The Committee agreed to approve the extension to existing loan at the reduced figure of £1,145,700 to Fyne Initiatives until 31 March 2018 on the terms set out in paragraph 4.1 of the report.

(Reference: Report by Executive Director – Community Services dated 23 July 2014, submitted)

Councillor Rory Colville returned to the meeting during consideration of the application from Fyne Homes

Councillor Douglas Philand, Policy Lead for Adult Care took the Chair at this point.

12. EARLY YEARS COLLABORATIVE

A report providing an update on the progress of the Early Years Collaborative in Argyll and Bute and outlining a number of new developments across the Community Planning Partnership area was considered.

Decision

1. Noted the current actions being progressed by the Argyll and Bute Early Years Collaborative; and
2. Noted the implementation of a series of Leadership Walk Rounds which commenced in April 2014, displaying commitment to local Early Years Collaborative developments by Community Planning Partnership leaders.

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

13. SERVICE REVIEW - CHILDREN AND FAMILIES

A reporting providing an update on the implementation of the Children and Families Service Review which was nearing completion was considered.

Decision

Noted the approach being taken by Children and Families to implement the new structure.

(Reference: Report by Executive Director – Community Services dated 31 July 2014, submitted)

14. UPDATE ON THE FINANCIAL CONSEQUENCES OF THE CHILDREN AND YOUNG PEOPLE'S (SCOTLAND) ACT 2014

The Children and Young People Bill was introduced to Parliament on 17

April 2013. The Bill was passed by the Scottish Parliament on 19 February 2014, and it received Royal Assent on 27 March 2014, making the Bill an Act of the Scottish Parliament. Reconfiguring the Council's services to meet the requirements of the Act will have cost implications for the Council and consideration was given to a report providing the Committee with an update on the cost estimates and the allocation of funding to support delivery.

Decision

1. Noted the cost estimates and Scottish Government funding allocations as detailed in Appendix 1 of the report; and
2. Noted that the remaining financial consequences of the Act were currently the subject of detailed negotiation between the Scottish Government and COSLA and that any aspect of the Act not fully funded on a recurring basis could introduce a cost or demand pressure to the Council.

(Reference: Report by Executive Director – Community Services dated 28 July 2014, submitted)

15. RESHAPING CARE FOR OLDER PEOPLE: CHANGE FUND

A report providing a summary and update on the investment of the Change Fund revenue in Argyll and Bute and confirming the timescale and process for when recurring funds will/will not be allocated to existing services from April 2015 when the fund ends was considered.

Decision

1. Noted the content of the report; and
2. Noted that decisions relating to the future recurring funds from 1 April 2015 will be made by the Argyll and Bute Partnership during September/October 2014.

(Reference: Report by Executive Director – Community Services dated 8 July 2014, submitted)

16. RESIDENTIAL CARE PLACEMENTS - CONTRACTUAL ARRANGEMENTS

Social Work Services have a requirement to commission residential care services for a range of car groups, across both adults and children and families services. Given the specialist nature of some services, many are located out with the Council area and provided by the third and independent sectors. A number of the national level contracts area facilitated through joint contract negotiation by COSLA on behalf of all local authorities or through Scotland Excel. A report providing an overview of the current national residential care commissioning and procurement arrangements available to the Council was considered.

Decision

The Committee agreed:-

1. to note the information contained in the report relating to the procurement of care services through national framework contracts;
2. to support retention of the National Care Home Contract (NCHC) model, as the preferred option, for future commissioning of older people's residential and nursing care;
3. if the option of the NCHC is not available, the Council should consider options for collaborative commissioning with other bodies;
4. that the Council should continue to utilise existing Scotland Excel national agreements wherever possible; and
5. that the Council should continue to support the development of Scotland Excel's additional national framework agreements.

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

17. INTEGRATION HEALTH AND SOCIAL CARE

An initial report relating to Integration was presented to full Council on 20 March and to NHS Highland Board on 1 April 2014. A report providing an update on progress with the Integration of Health and Social Care was considered.

Decision

The Committee noted:-

1. that Argyll and Bute Council and NHS Highland have agreed the scope of services to be delegated to the new Health and Social Care Partnership at their respective Council and Board meetings in June 2014;
2. that the first meeting of the Shadow Integration Board took place on 10th September 2014 where Councillor Philand was appointed as Chair of the Board and Councillors Mary-Jean Devon, Anne Horn and Elaine Robertson were appointed as representatives of the Council;
3. that a Programme Board and Joint Project Team to deliver the work required to meet the statutory requirements of the Public Bodies(Joint Working) (Scotland) Act 2014 has been formed;
4. the progress being made to recruit a Chief Officer in line with the statutory requirements of the Act; and
5. the requirement to produce an Integration Scheme in line with the statutory regulations and guidance from Scottish Government. The

Integration Scheme must be signed off by the Government before 1st April 2015.

(Reference: Report by Executive Director – Community Services dated 4 August 2014, submitted)

18. PUBLIC PROTECTION REPORT

Consideration was given to the Care Inspectorate's report to the Scottish Government Ministers on the effectiveness of child protection and adult protection arrangements across Scotland. The Care Inspectorate also analysed inspections and data information to produce a statement position for Argyll and Bute.

Decision

1. Noted the content of the report;
2. Agreed that the report be distributed through the Child Protection Committee and Adult Protection Committee structures; and
3. Noted that the report was considered by the Community Planning Partnership Management Committee at its meeting on 19 August 2014.

(Reference: Report by Executive Director – Community Services dated 29 August 2014 and Care Inspectorate Report on the effectiveness of Public Protection arrangements, submitted)

Councillors John McAlpine and James McQueen left the meeting.

The following three items were considered collectively by the Committee.

19. NRS' 2012-BASED POPULATION PROJECTIONS FOR ARGYLL AND BUTE

NRS published 2012-based population projections for sub-national areas on 14 May 2014. A report describing the projections as they relate to Argyll and Bute was considered.

Decision

Noted the content of the report.

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

20. NRS' 2013-BASED MID YEAR ESTIMATES FOR ARGYLL AND BUTE

NRS published its Mid Year Estimates for local authority and health board areas on 26 June 2013. A report outlining the estimates for Argyll and Bute was considered.

Decision

Noted the population estimates.

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

21. NRS' 2012-BASED HOUSEHOLD PROJECTIONS FOR ARGYLL AND BUTE

NRS published its 2012-based Household Projections for Scotland and for Council areas on 30 July 2014. The projections cover the period 2012 to 2037 and a report advising on the projections for Argyll and Bute was considered.

Decision

Noted the content of the report.

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

ARGYLL & BUTE COUNCIL**COUNCIL****25 September 2014**

LEADER'S REPORT

1 SUMMARY

- 1.1** This report outlines key activities undertaken within the role of Council Leader since 2nd June, through participation in meetings, as follow; A83 Rest and be Thankful Taskforce, Chief Officer – Senior Officer (COSO), Programme Board, Accounts Commission, Fraser Durie (Argyll College), COSLA Convention, Michael Russell MSP, HIEP Board, COSLA Leaders, ABRA, EJCC, and a visit from a delegation from Amberg Sulzbach. This Report also provides an update to Members in relation to Policy Lead activities on Strategic Finance, and Customer and Support Services including; Council Tax, Scottish Welfare Fund, Discretionary Housing Payments, Local Support Services Framework Trial, Empty Homes Policy, Joint Working with Highland Council, IT Service Contract with ACHA, Information Management, Public Services Network, Customer Service Centre, Digital Agenda and Admin Review.

2 RECOMMENDATIONS

- 2.1** It is recommended that the Council notes the report and also notes that additional documents are available in a Leaders Report Pack through the Leadership Support Officer.

3. Rest and be Thankful Taskforce, 10 June, Three Villages Hall, Arrochar

- 3.1** The full minute from the above meeting is available on-line at http://www.transportscotland.gov.uk/system/files/documents/projects/A83/A83_Taskforce_meeting_7_Minutes.pdf as well as within the Leaders Report pack.

- 3.2** I have also summarised the main points from the meeting for you below.

The meeting was well represented with attendees including Keith Brown MSP – Minister for Transport and Veterans; Sean Clemie, Morag Mackay, Graham Edmond and David Hamilton, (Transport Scotland); Eddie Ross, John Wrigley and Gary Allan (BEAR Scotland), Mike Story – Chair of A83 Marketing Sub-Group, Gordon Ross – Western Ferries, Neil McRae – Hitrans, Councillor Duncan MacIntyre, Councillor Donald Kelly and Jim Smith (Argyll and Bute Council); Jane MacLeod and Alison Hay (Mid Argyll Chamber of Commerce), Ian Nicholson – Loch Lomond & Trossachs National Park, John Hair – Forestry Commission and Ian MacInnes – Lochgilphead

Community Council (part).

During the meeting, the Minister restated the Scottish Government's commitment to reducing the risk of landslides impacting upon the A83 and provided a breakdown of the investment that had been made in the route so far.

The meeting then progressed onto the works that had been completed so far including; debris fencing (the effectiveness of which will continue to be monitored), remote monitoring points, drainage repair works and slope maintenance. It was confirmed that where there was risk from landslide/slip in other areas, measures which had proved successful at the Rest and be Thankful could be employed where appropriate.

The 2014/15 programme was discussed including the investments planned for Loch Shira and Glenkinglas there was also an update on other planned works including; Strone Point realignment scheme design works, Dunderave phased works, a feasibility report which is currently being considered in relation to Balmore Road Tarbert, Tarbet Tea Rooms Corner resurfacing works to be carried out this year, the trunking of the A83 from Kennacraig to Campbeltown which includes initial works such as resurfacing, improved road markings and increased drainage.

There followed an up-date on the work of the Marketing sub-group in which Keith Brown highlighted that he was content that procedures which had been developed had now been implemented to ensure that a consistent message was being put out by stakeholders. Mike Storey, however, confirmed that he still had concerns about the way information was being interpreted by the media; the BBC in particular. Issues around communication and social media were discussed resulting in an agreement to continue pushing for improvements.

A discussion, question and answer item provided an opportunity for debate around important issues such as; resilience (which was agreed to have improved due to increased rail and ferry services around the area), the importance of prompt announcements when the road reopened, communication with the BBC, the announcement of the additional £6m for 2014/15, the search for a permanent solution to the A83 issues, slope planting, maintenance expenditure, condition monitoring and associated closures, signage and diversions, convoy systems, military road landowner agreement and potential bus facilities at Ardgarten and the Rest and be Thankful. It was suggested that the next meeting be held in December; date and time to be confirmed.

4 COSO, 13 June 2014

- 4.1 I was pleased to be able to attend the above meeting, which was held in Dunoon. The theme for the day was Leadership and while I gave a presentation on my experience of political Leadership to date, we were also

fortunate to have guest speakers such as Iain Jurgenson from Portavadie Marina speaking about Leadership in the Private Sector and Sir Peter Housden, Permanent Secretary, speaking about Leadership in the Public Sector. Carol Evans gave a general but memorable presentation on Effective Leadership and Jane Fowler led an HR perspective on Leadership for Healthy working Lives.

Additional presentations included; a Corporate Update from Sally Loudon, Chief Executive, an introduction and observations from Pippa Milne, speaking as our new Executive Director for Development and Infrastructure, an explanation and briefing on the Referendum on Independence in relation to the Council's Roles and Responsibilities for Senior Officers by Charles Reppke, Head of Governance and Law and an overview of Committee Processes and Reports by Douglas Hendry, Executive Director of Customer Services.

Strong Leadership will be an extremely important issue as we tackle the challenges that we will be facing over the next few years it is an essential element of surviving change. It is important that Chief and Senior Officers continue to enhance skills to lead effective teams through the challenges that we face going forward.

5 Programme Board Meeting (Health and Social Care Integration), 16th June 2014

- 5.1** Chief Executive - Sally Loudon, Executive Director for Community Services – Cleland Sneddon and I met with the other members of the Programme Board for Integration in Oban. This was the second meeting of the board. Governance, was the first item on the agenda, although will not become the business of the empowered decision making body until the 1st April 2015 and it was acknowledged that until this date, decisions around Governance will be the focus for the Shadow Integration Board.

The meeting moved on to discuss the arrangements for the Shadow Integration Board. Details relating to Standing Orders were discussed and a document entitled Arrangements for the Shadow Integration Board was accepted as suitable for purpose.

In addition to the above, other issues which were discussed on the day included; Terms of Reference; Joint Project Team Workstreams terms of reference; Project Execution Plan Draft (PEP), Scope of Integration, The appointment of a Chief Officer, a Funding Paper (which was taken away by board members for consideration), a Trade Union/staff side update, the Risk Register, Issues Log, the Draft Communication, Engagement and Development Plan, a presentation designed to up-date staff on progress with integration, the schedule of meetings.

Through the discussion of Any other Competent Business, attendees considered a presentation by the Alison McCrossan from Scottish Health

Council in relation to COSMIC; its purpose, its process, its application and the role-out of its associated training. In addition, a letter from the Health and Social Care Directorate in relation to CEOs and Leaders was shared with the programme Board and its contents were noted.

Following the meeting, a time critical action log describing the tasks required for action by named individual board members was updated and circulated.

6 Visit by a delegation from Amberg Sulzbach, 17 June

- 6.1 I was absolutely delighted to again welcome our twinning partners from Amberg Sulzbach on their first visit since 2011. Of course, as a region, they had held their own elections and it was a different group of politicians and officers in attendance although there were a few of the visitors that had been here before.

Their visit to the Council marked just one appointment in their five day schedule of visits around the region which also included visits to Oban, Inveraray and Rothesay. The themes of their visit were wide ranging from business to public sector and education.

Of particular interest to me was the presentation that they made to us in the Council Chamber which explained the work that they had been doing as a region, to strengthen their local economy and the ways in which they had overcome some of their challenges to development through methodically and progressively working on and investing in infrastructure solutions. Further information will be shared on how this progress is being achieved.

7 Accounts Commission Meeting, 19 June

- 7.1 Chief Executive, Sally Loudon and I attended a meeting with the Accounts Commission in Edinburgh on the 19th June. Further information on the Audit Scotland/Accounts Commission and the Council's Updated Action Plan is contained within the Council papers.

8 Meeting with Fraser Durie, Argyll College, 25 June.

- 8.1 Chief Executive – Sally Loudon, Executive Director Community Services – Cleland Sneddon and I met with Fraser Durie, Principal of Argyll College in June. The partnership between the Council and the College is important to the delivery of the SOA and the associated outcomes.

The discussion was very positive and wide ranging on areas of mutual support and collaboration. The discussion covered areas such as the H&I Skills Plan focus on Argyll and Bute and the link to SOA; the recommendations of the Wood Commission on Youth Employment and the anticipated response from the Scottish Government; the joint use of property

estate between the college and the council; the Scottish Funding Council Resource Allocation to the college and projections for the future; the development of teacher and Gaelic teacher training opportunities in Argyll and Bute; the development of Health and Social Care Academic/ Career Pathways; the development of a suite of new courses and qualifications including those linked to our cultural heritage.

9 COSLA Convention, 27 June

9.1 I attended the above meeting which was held in Verity House, Edinburgh. All items on the agenda, apart from the minutes from previous Leaders' etc meetings were taken in public session. Where particular sections of reports are referenced, they are available for view within the Leaders Report Pack which is available from the Leadership Support Officer. I have provided an overview of the items discussed below:-

9.2 Item 1. Review of Constitution

The purpose of this report was to allow Convention delegates to receive the detailed work of the short life Task Group set up to review COSLA's Constitution which has been reported to Leaders and passed by them to the Convention for their decision regarding changes which should be made to COSLA's current Constitution.

It was recommended that Convention:

- (i) Approve all of the specific changes, including all omissions and additions that are outlined in the Annex to this report (see Leaders Report Pack). In doing so, Convention should note that the provision regarding proportionality at paragraph 4.8(a) will not be enacted until 2017; and
- (ii) Consider the three general items referred to them by Leaders. In doing so, Convention must decide which additional alterations they wish to see to the Constitution to reflect:
 - a. Gender balance – three potential options are outlined in the main report but Convention delegates may choose another course of action.
 - b. Definition of political groups – a proposal for resolving this issue is outlined in paragraph 17(see Referenced Paragraphs below)
 - c. Clarity regarding how referrals of information between Convention and Leaders will be handled.

Argyll and Bute Council Position

Our position was to agree with the recommendations of the paper

Outcome

There was a wide-ranging discussion with a number of points put across. On the basis of that discussion, the Convention agreed the recommendations of the paper and agreed that an assessment take place after one year of how

all the changes within the Constitution had settled in and during that time, COSLA would liaise with local authorities individually for their views.

Item 1 – Review of Constitution - Referenced paragraphs:-

4.8(a) - The membership of meetings of the Convention shall comprise:

representatives appointed by member councils whose number shall be in accordance with Appendix I (which assumes membership by all eligible councils) and on a basis which reflects the balance of political strength (including non-party political representation) within each member council;

17. Staffing and Property

17.1 The Association shall employ a suitable person to be the Chief Executive of the Association and such staff as may be reasonably required.

17.2 The Chief Executive shall be the Head of the Paid Service of the Association and shall also be responsible for the collection, custody and accounting for the expenditure of the Association's finances.

17.3 The Association may purchase, take on lease or otherwise obtain land and buildings for use as offices to provide accommodation for the business of the Association, and for the use of staff, and may sell, renounce or otherwise dispose of such land and buildings, all on such terms and in such manner as it considers suitable.

All feu writs, dispositions, leases, assignations or renunciations shall be granted by or taken in the name of the President, the Vice President and the Chief Executive of the Association and their respective successors in office for the time being, as trustees ex officio on behalf of the Association. Any such writs etc. shall be binding on the Association and on its individual constituent member councils jointly and severally, and any superior, grantor, landlord, disponent or assignee shall not require to enquire into the authority for such actions.

9.3 Item 2. ICT Collaboration Hub

The purpose of this paper was to provide an update on the progress of the Local Government ICT strategy which was previously approved by COSLA Leaders and in particular, to gain approval for a proposed Collaboration Hub which will be used to coordinate Local Government activity on ICT.

It was recommended that Convention:

- i. Note the progress on the Local Government ICT action plan;
- ii. Approve the arrangements for the establishment of the Collaborative

- Hub outlined in the paper; and
- iii. Approve the governance arrangements for the Collaborative Hub as outlined in the paper.

Argyll and Bute Council Position

Our position was to agree with the recommendations of the paper

Outcome

The Convention agreed the recommendations of the paper.

9.4 Item 3. Underground Drilling Access

The purpose of this report was inform Convention of a consultation from the Department of Energy and Climate Change (DECC) on Underground Drilling Access for the extraction of Unconventional Gas and Oil as well as Geothermal Energy and to seek approval of the parameters of a COSLA response.

Recommendations

Convention was invited to:-

- i. Discuss the implications for Scottish Local Government of the proposed simplification of the legislative framework for Underground Drilling Access;
- ii. Agree the main issues and parameters for a COSLA response outlined within the paper; and
- iii. Agree to mandate the President and Development, Economy and Sustainability Spokesperson to respond formally on behalf of Convention by 15 August 2014.

Argyll and Bute Council Position

Our position was to agree with the recommendations of the paper

Outcome

During discussion, it was suggested that underground drilling or anything of this nature should be subject to scrutiny of planning committees at local authorities.

The Convention agreed the recommendations of the paper.

9.5 Item 4. Scottish Landfill Tax Consultation

The purpose of this report was to summarise the current Scottish Government consultation on the proposed regulations for the new Scottish Landfill Tax from April 2015 onwards, outline the main implications for Scottish councils and propose the parameters for a COSLA response.

Recommendations

Convention was invited to:

- i. Note the summary of the consultation on the new Scottish Landfill Tax system to be implemented from April 2015 onwards;
- ii. Agree the proposed key points to inform a final response;
- iii. Agree to mandate the Spokespersons for Development, Economy

- and Sustainability, and Resources and Capacity to sign off a final COSLA response;
- iv. Note that, in preparing the final consultation response, SOLACE, Waste Managers Network and Directors of Finance will be actively consulted for their views; and
 - v. Agree that the Spokespersons seek an early meeting with the Cabinet Secretaries for Finance and Sustainable Growth and Environment and Rural Affairs to discuss the proposed implementation of the Scottish Landfill Tax.

Argyll and Bute Council Position

Our position was to agree with the recommendations of the paper.

Outcome

The convention:-

- i. accepted the Commission's work as the third stage of COSLA's strategy for developing further fiscal empowerment and changes to the resourcing of local government in Scotland; and
- ii. agreed to develop a Task Group to drive the work forward with Terms of Reference based on the final paragraph of the report.

9.6 Item 5, Community Justice Redesign

The purpose of this paper was to for the Convention members to discuss and agree the draft COSLA response to the Scottish Government consultation on the redesign of Community Justice in Scotland and to request that sign off of the final submission be delegated to the Spokesperson for Community Well-being.

Recommendations

Convention is asked to:

- i. Agree the content of the draft consultation response;
- ii. Agree that the final response is signed off by the Community Well-being Spokesperson, once the various local consultation events have taken place; and
- iii. Ensure that their own Councils are submitting a supporting response.

Argyll and Bute Council Position

Our position was to agree with the recommendations of the paper

Outcome

It was highlighted that the workload and budget of Community Justice Services had increased significantly in recent years, which had put pressures on other budgets and this should be monitored closely going forward.

The Convention agreed the recommendations of the paper

9.7 Item 6. Fifth Reviews of Local Government Electoral Arrangements

The purpose of this report was to allow Convention to consider the nature of its response to the Local Boundary Commission's consultation on proposals

for councillor numbers.

It was recommended that:-

- i. The convention decide whether or not they accept the proposed link between deprivation and representation outlined in the Boundary Commission's documents. Our consultation response will then reflect Convention's judgement on this matter; and
- ii. Should Convention agree to accept the link between councillor numbers and deprivation, it should also consider whether that link should be reflected in the redistribution of councillor numbers outlined in the paper or whether we should demand an increase in the overall number of councillors in Scotland to reflect the importance of deprivation on effective representation.

Argyll and Bute Council Position

Our position is that we would seek to rebut the proposals from the Commission

Outcome

There were a number of reservations and concerns expressed about the proposals put forward. In particular, there was unanimous agreement from those present that deprivation was not the only driver of councillor's workload and that a reduction in councillor numbers to benefit others was not acceptable.

The Convention:-

- i. agreed that they did not accept the proposed link between deprivation and representation outlined in the Boundary Commission's documents;
- ii. agreed that the Boundary Commission's work on councillors workload be accelerated at least as a basis for future discussions;
- iii. noted the concerns raised at the meeting and that they would be relayed to the Boundary Commission; and
- iv. agreed that the Boundary Commission be invited to a future meeting of Leaders or Convention.

9.8 Item 7. Fiscal Empowerment

The purpose of this report was to update Convention in regard to COSLA's campaign for fiscal autonomy for local government in the light of the Commission for Strengthening Local Democracy's final report.

It was recommended that Convention:

- i. Endorse the work of the Commission on Strengthening Local Democracy with regard to fiscal empowerment for local government;
- ii. Accept the Commission's work as the third stage of COSLA's strategy for developing further fiscal empowerment and changes to the resourcing of local government in Scotland; and

- iii. Develops a Task Group to drive this work forward with Terms of Reference based on the final paragraph of the Fiscal Empowerment Report.

Argyll and Bute Council Position

Our position was to agree with the recommendations of the paper, although the likelihood of a successful outcome was questioned.

Outcome

The Convention agreed to the recommendations of the paper

9.9 Item 8. COSLA's Audited Financial Statements for the Year ending 31 March 2014

The purpose of this report was to provide members with the audited financial statements for COSLA for the year ending 31st March 2014.

Recommendations

Convention was invited to adopt the audited financial statements appended to the report.

Argyll and Bute Council Position

Our position was to agree with the recommendations of the paper to approve COSLA's accounts.

Outcome

The Convention agreed to adopt the audited financial statements as appended to the report.

9.10 Item 9. Recast budget for financial year 2014/15

The purpose of this report was to provide Convention with a revised budget for the current financial year (2014/15) and to seek approval for it.

Recommendations

Convention was invited to approve the budget which was a revised budget for the current financial year.

Background

Convention approved the current 2014/15 budget at their meeting on 22nd March 2013. At that time, Convention approved both the 2013/14 budget and the 2014/15 budget. Therefore, Convention did not have the opportunity to review the 2014/15 budget prior to the start of the financial year. In light of the notices provided by eight Councils of their intention to leave in April 2015, work has now commenced on preparing for the outcome of that. However, COSLA recognises that four of the notices have a condition attached which may mean that the notice to withdraw is not actioned in April 2015. Nevertheless, COSLA is preparing a number of scenarios for the future and these are part of the ongoing discussions with the Audit Group. The first step in the considerations is a review of the current year budget and Convention is now being asked to consider a revised budget.

Argyll and Bute Council Position

Our position was to agree with the recommendations of the paper to approve the revised budget

Outcome

The Convention agreed to the recommendation of the paper.

9.11 Item 10. Subsidiarity and Proportionality – Influencing the EU Agenda

The purpose of this paper was for Convention members to agree, with any amendments, key messages for COSLA's and Scottish Local Government's involvement in the EU policy-making and pre-legislative consultation processes, in keeping with the subsidiarity principle.

Recommendations

The Convention was invited to:

1. Note the impact that EU policy and legislation has on Scottish Local Government competences and services;
2. Agree, with any amendments, a refresh to key political messages on how to strengthen the engagement with key partners on EU policy and legislation; and
3. Agree that COSLA's more detailed submission to the UK Balance of Competence review on Subsidiarity and Proportionality be based around the above-mentioned points, and submitted by the President.

Argyll and Bute Council Position

Our position was to agree with the recommendations of the paper

Outcome

The Convention considered a report which sought agreement to key messages for COSLA's and Scottish Local Government's involvement in the EU policy-making and pre-legislative consultation processes, in keeping with the subsidiarity principle.

The Convention agreed to the recommendations of the paper.

9.12 Item 11. COSLA EU Committee of the Regions Nominations

The purpose of this paper was to agree arrangements for arriving at COSLA's nominations for the EU Committee of the Regions.

Recommendations

1. Convention was invited to:
 - i. Agree the nomination arrangements for the four Scottish CoR Members as follows:
 - two full places going to the Labour and SNP Political Groups and
 - two alternate places going to the Independent and Conservative Political Groups;
 - ii. Note the terms of office for CoR Members who will be nominated by and act on behalf of COSLA during the 2015-2020 period; and

- iii. Agree that the nominees' names be submitted by the President of COSLA as soon as possible.

Outcome

The Convention agreed the nomination arrangements for the four Scottish CoR Members as follows:

- two full places going to the Labour and SNP Political Groups and
- two alternate places going to the Independent and Conservative Political Groups;

Noted were:-

- the terms of office for CoR Members who would be nominated by and act on behalf of COSLA during the 2015-2020 period;
- the nominations put forward the Group Leaders at the meeting;
- and agreed that the nominees' names be submitted by the President of COSLA as soon as possible.

9.13 Item 12. Community Empowerment (Scotland) Bill Task Group

The purpose of this report was to ask the Convention to establish a short term elected member Task Group that can react quickly to issues arising while the Community Empowerment (Scotland) Bill goes through the Scottish Parliamentary stages.

Recommendations

Convention was asked to;

- Agree to establish a short term Task Group, which can react quickly and timeously to issues arising from the Community Empowerment (Scotland) Bill going through the Scottish Parliament;
- Agree the remit and the political composition of this Group;
- Agree that Political Group Leaders be asked to consider their nominations for the Group; and
- Require the Task Group to report back to the Community Well-being Executive Group and Leaders, as required.

Argyll and Bute Council Position

Our position was to agree with the recommendations of the paper

Outcome

It was suggested that, as far as possible, members of the Community Well-being Executive Group be nominated to sit on the Task Group.

The Convention agreed the recommendations of the paper.

10 Meeting with Michael Russell MSP, 11th August.

- 10.1** I attended the above meeting with Sally Loudon, Chief Executive and Councillor Ellen Morton, Depute Leader, attended the meeting via Lync.

The agenda facilitated an exchange of information, ideas and opinions on the following items items; Castle Toward, Rockfield, Kilbowie, Mull roads,

Dervaig Public Toilets, Audit Scotland, Population Summit, specific unadopted roads, litter at roadsides, Bridge of Orchy – social care and school house, School Transport – Loch Awe /Dalmally, Ferries and Piers, CHORD Project – progress in Oban and Dunoon, Rothesay Window Policy, Rothesay Pier, Oban Airport, TIFF and Piers in Oban, The David Hayman Play, Gaelic Probationers, Health and Social Care Integration, School Meals and Finance.

The meeting provided a useful opportunity to explain the council's position on many of the above issues and to seek mutually agreeable solutions and Scottish Government support.

11 Meeting with HIE, 12th August

11.1 On 12th August, Chief Executive – Sally Loudon, Executive Director Development and Infrastructure Services – Pippa Milne and I met with HIE's; Chief Executive – Alex Paterson, Chairman - Professor Lorne Crerar and Area Manager (Argyll and the Islands) – Douglas Cowan.

The purpose of the meeting was to establish joint approach to priorities and issues of mutual interest; especially work aligned to the Single Outcome Agreement.

The outcomes from the meeting included:-

- agreement that HIE and Argyll and Bute Council would work more closely together and that HIE would commit to more regular meetings
- that the Single Outcome Agreement (SOA) would provide a focus for outcomes
- that opportunities for alignment of work would be sought and further discussion would follow on how this would be implemented
- agreement to look at priorities collectively
- agreement that the two organisations would seek opportunities to align investment for maximum impact; capital projects, renewables, digital, marine science, Clyde crossing etc
- agreement that the Single Outcome Agreement was a working document forming a basis for development work as a partnership but that the Economic Summit and Economic Forum should be used to “harness possibilities”
- that Local Action Plans would provide a focus for looking at each area together
- that HIE would provide support on project and plan maximisation
- that other partners, particularly SE and SDS would be “brought to the table” where joint input would bring benefits.

12 Meeting with Rt Hon Alistair Carmichael MP, Secretary of State for Scotland. 18 August

12.1 Chief Executive – Sally Loudon, Executive Director, Customer Services –

Douglas Hendry, Executive Director, Economic Development and Infrastructure – Pippa Milne and I met with Rt Hon Alistair Carmichael MP, Secretary of State for Scotland on the 18th August.

The purpose of the meeting was to discuss matters which are of significant importance to Argyll and Bute and relevant to the MP in his capacity of Secretary of State for Scotland.

The key issues which were discussed on the day included;

1. **Defence** – we discussed the UK Government position regarding Faslane and the potential implications for Argyll and Bute in relation to potential personnel changes.
2. **National Grid** – we discussed the aspirations of Island Communities in relation to energy generating renewables projects and the support mechanisms available to us from the UK Government as well as how we can input to policy regarding connectivity
3. **Crown Estate** - we discussed current proposals which may have impacts on the operation of Coastal Communities Fund, the possibilities for increased levels of funding and the need for local authorities to have more control over resources.
4. **Port Security** – we discussed the demand from Department of Transport that Oban should become a Port Authority, and the concerns of the Council and key stakeholders in relation to the properly funded management of such a burden.
5. **Population and Economic Issues** – we up-dated the Secretary of State on the work being carried out in preparation for the forthcoming summit and discussed whether any assistance could be made available to us
6. **Island Issues** – we discussed the work of the Council’s Short Life Working Group, the meetings with Derek MacKay and the assurances of the extension of benefits arising from the Ministerial Task Group for Islands to Argyll and Bute. In addition we spoke about the commitments contained in the UK Governments Framework for the Islands to our council’s islands.

13 HIEP Board Meeting, 25 August

- 13.1 I attended the above meeting via VC from Kilmory. The meeting focused on three main topics; national and regional funding priorities, draft programme documents for submission to the European Commission and the delivery and governance structures for the European Structural and Investment (ESI) funds which has been the subject of development work over recent months. Meeting delegates were updated on HIEP’s involvement with:-

1. The submission of the UK Partnership Agreement (UKPA) to the European Commission. This document outlines the strategic focus taken by the UK Government and the devolved administrations and indicates the thematic focus for investment of ESI funds. HIEP and individual partners had provided comment to several iterations of the Scottish chapter of the UKPA to ensure that it reflects the challenges and opportunities of the Highlands and Islands Transition region.
2. The submission of three Scottish Operational Programmes – ERDF, ESF and EAFRD (Rural Development). These documents detail the proposed investments by each of the funds and include detail on the particular issues and proposed investments in the Highlands and Islands Transition region. HIEP partners have provided input to strengthen the analysis of need, proposed investment priorities and financial allocations for the Highlands and Islands transition region. The EMFF fisheries programme will be submitted as a UK programme.
3. Further development of strategic interventions, including identification of specific project activities, expected outcomes, consideration of cost models and potential delivery arrangements. For some strategic interventions HIEP partners are lead bodies – for example HIE leading on Business Competitiveness and Innovation; Local Authorities leading on Employability and the Business Gateway element of the Business Competitiveness and Innovation SI. In others, HIEP partners are likely to be delivery bodies – for example UHI delivering on Workforce Development. In all cases the HIEP priority is to influence where necessary to ensure that proposed activities clearly address the challenges and opportunities present in the region
4. Outlining of programme governance arrangements, including the Highlands and Islands Territorial Committee – HIEP are working to ensure that there is representation on the HITC to influence the programme and that it is not restricted to having a reporting function.

There was an explanation of the further work that would be required in each of these areas, particularly in 3 and 4 above, as we move towards programme commencement. We were advised that the timeline for completion of negotiations, approval of programme documents and commencement of programmes had slipped as a result of later than anticipated submission of the Partnership Agreement and Operational Programmes with the programmes anticipated to begin in January 2015 at the earliest. Also that there would be further negotiations between the European Commission and UK / Scottish Governments on establishing administration and governance arrangements.

14 Meeting with CalMac, 2nd September

14.1 Councillor Ellen Morton, Councillor Duncan MacIntyre, Chief Executive – Sally

Loudon, Executive Director, Development and Infrastructure Services – Pippa Milne and I attended a meeting with Caledonian MacBrayne Ltd's CEO - Martin Dorchester and Marketing Manager - Cathy Craig.

Issues of mutual concern, including those relating to the Single Outcome Agreement were discussed at this meeting including; employment and training, supporting the local supply chain, CalMac's routes and network as an enabling factor for people and businesses (including infrastructure investment and future service planning), working with partners to promote CalMac destinations (and therefore tourism) and improving partnership working to assist with the population growing aspect of the SOA.

The proposal to improve collaboration between the two organisations and the wider partnership was welcomed and it was agreed that a more structured approach would facilitate more effective progress towards mutual objectives.

15 ABRA, 6 September

15.1 I chaired the meeting of the Argyll and Bute Renewable Alliance, which took place on 4th September in Inveraray. The meeting focused on the opportunities associated with planned improvements to the grid network and we heard specifically about the work that SSE have been undertaking through their "Open 4 Business" Portal which seeks to engage small and medium sized enterprises in their supply chain. A local event will be taking place to promote these opportunities to a wide range of our businesses.

With these opportunities comes the need for an appropriately skilled workforce and we also heard from the Energy Skills Partnership, National Academy for Skills and Argyll College on how we can ensure appropriate training is in place. Further analysis work will be undertaken with a view to developing a skills plan to cover the renewables industry.

ABRA is now in its third year and we took the opportunity to review how best to move it forward, we will be refreshing the Renewable Energy Action Plan and will continue to use ABRA as a mechanism for its delivery.

16 EJCC, 5 September

16.1 At the EJCC on 5 September I was pleased to be able to reassure the trades unions that we continue on a course of financial stability as set out in our budget strategy. They were also presented with the recent paper considered by the Policy and Resources Committee on the use of the general fund reserve. I outlined the discussions that are taking place on how we can maximise the benefit to the council and to services from this reserve to support our Single Outcome Agreement objectives of growth and

development.

The EJCC was also advised of the joint working that is underway between officers and trade union colleagues from both the Council and the NHS to support the transition arrangements for Health and Social Care Integration.

The next meeting of the EJCC will be in February to consider the budget, but I have offered to meet on a more informal basis with TU colleagues before then.

17 Strategic Finance

17.1 Detailed financial monitoring reports covering Revenue Budget 2014-15, Budget Savings, 2015-16 Budget, Financial Risks, Reserves And Balances, Capital Plan and Treasury Management were submitted to Policy and Resources Committee on 21st August. These set out a comprehensive picture of the Council's financial position.

18 Up-dates for Members in relation to Council Tax, Scottish Welfare Fund, Discretionary Housing Payments, Local Support Services Framework Trial, Empty Homes Policy, Joint Working with Highland Council, IT Service Contract with ACHA, Information Management, Public Services Network, Customer Service Centre, Digital Agenda and Admin Review.

18.1 Local Tax Collections

Collections of Council Tax to the end of August stand at 47.66%, which is 0.27% down on last year at this time. At the end of July, the collection figure was down 0.20%, so there has been some deterioration here. Sheriff Officer collections are down by c £174k, which equates to 0.30% on collections. This is because the first summary warrant was issued three weeks behind schedule this year, due to a delay in awarding the new Sheriff Officer contract. In-month Sheriff Officer collections were down by £7k, but it is expected that this will start to improve shortly. A progress review meeting with the new Sheriff Officers, in relation to the above, is planned.

In contrast, collections are going well on the 2013/14 year, where 96.92% have been collected, which is 0.14% up on last year at this time. This is better than at the end of last month, when the figure was 0.12% up. It is possible that Sheriff Officer collections are being allocated slightly differently than in the past and this is affecting the collections.

Collections of non-domestic rates are 61.61% at end of August, which is 0.05% up on this time last year.

18.2 Scottish Welfare Fund

In August, £59,422 was spent from the Scottish Welfare Fund, compared to

the monthly profile of £36,796. The increase in spend is, in part, due to adjustments relating to the previous financial year where there were some difficulties with invoices from the main supplier, which have now been resolved. This is the first month this year that spend has been higher than the profile. Cumulatively, £131,720 has been spent for this year's applications compared to £155,320 profiled spend (85% of profiled spend). Low priority items are also currently being funded and have been since June. 16 community care grants currently await processing and a further 42 were part paid at the end of August.

18.3 Discretionary Housing Payments

£393,632 has now been either paid out or committed, compared to the Department of Work and Pensions allocation of £409,580 – 96%. The Scottish Government allocation has not yet been tapped into. All the registered social landlords have been contacted and given new simple forms to ensure that their tenants affected by under-occupancy apply for this. A meeting was held with representatives from all 4 main Registered Social Landlords and they are happy with the process. All cases previously refused have now been granted and others who have not yet applied will receive communications in this regard.

18.4 Local Support Services Framework Trial

The UK Government has been working with local authorities and other organisations to form a comprehensive view of the type of services that may be required, as Universal Credit is rolled out. The UK Government views partnership working as essential to the success of this roll-out and is looking to local authorities, as key partners, to help to provide targeted local support. This Local Support Services Framework, produced collaboratively with local authorities, sets out the principles for that support. It covers the type of support that DWP would be willing to fund, how current partnerships work and how a partnership approach might work in the future, as well as outlining areas that require further development such as the funding model.

Insight from staff and organisations that support claimants with additional needs is being gathered and Argyll and Bute Council is one of the two Scottish Local Authorities which are engaged in a trial which commenced on Monday 1 September. The trial is now being branded “Universal Support – Delivered Locally” and will cover 3 elements; triage, digital skills support and personal budgeting support. Dundee City Council is the other Local Authority taking part in the trial.

18.5 Empty Homes Policy

Argyll and Bute Council's joint working with Community Services on empty homes, has been short-listed for a national IRRV award in innovation. This will be judged in early October. As at end of August, our council had billed an additional £648,043 in double Council Tax charge. In the first 3 months of this year, 469 homes were brought back into use. Information has been received from over 600 empty home owners about their properties.

18.6 Joint working with Highland Council

The pilot to roll out Lync to 500 Highland Council users is now gathering pace. Initial roll out has covered IT users and will now be extended to all 500 Dingwall users by the end of this month.

18.7 IT Service Contract with ACHA

Argyll and Bute Council currently provide IT services, under contract, to ACHA. This contract expires in November 2015. ACHA have already started their re-procurement process and have issued the pre-qualification questionnaire. The Council has to respond to this by end of September.

18.8 Information Management

An Information Management strategy and high level action plan has been drafted and is being reviewed at present. Following review by DMT and SMT, this will be brought forward to the Policy & Resources Committee for approval. Work has commenced on an Outline Business Case to support additional investment in this area. Progress in the area of Records Management is important to us, as a Council, and is subject to audit.

18.7 Public Services Network

The aim of the Public Services Network (PSN) is to substantially reduce the cost of communication across public services and enable new, joined-up and shared public services for the benefit of citizens. As such, it is required to meet stringent criteria and it is therefore accredited. As our council's current accreditation runs out in January, a "health check" has been commissioned to be carried out within the required 6 months of the expiry date. It is extremely important to retain this accreditation.

18.10 Customer Service Centre

Our council's Customer Service Centre launched a "Community Lets" service, following the earlier "go live" for Decriminalised Parking Enforcement. The next new area is Co-mingled Waste. Our customer service staff are starting to work on a new Customer Services Strategy. This will come to the Policy & Resources Committee in due course for approval. Customer Services has been researching alternative Customer Relationship Management (CRM) suppliers and are now likely to go out to tender as a step change in the market and in market leaders seems to be taking place. There may be an opportunity here to work with Highland Council as they are similarly minded and potentially other councils also.

18.11 Digital Agenda

Socitm is the professional body for people involved in the leadership and management of IT and digitally enabled services delivered for public benefit.

Their purpose is to; help maximise the effectiveness of IT and digital in delivering services for public benefit, to help members to develop professionally and to deliver their outcomes, to help public service organisations and citizens get maximum value from IT and digital services.

As a Local Authority using IT for public benefit, Argyll and Bute Council is

gearing up for the next Socitm “Better Connected” assessment at the end of October. This process has started with the improvement of school websites and other IT services will be subject to a process of evaluation and improvement.

18.12 Admin Review

The centralised main handling project is now live for parts of Customer Services in Lochgilphead area, with the remaining parts of Customer Services to go live later this month. The education sourcing team pilot is now covering all schools. Further business process re-engineering is being planned within Development and Infrastructure to iron out some difficulties in the purchasing process. This is now scheduled for end of November.

POLICY LEAD REPORT**COUNCIL****ARGYLL & BUTE COUNCIL****25 September 2014**

REPORT BY DEPUTE LEADER OF THE COUNCIL AND POLICY LEAD FOR ROADS AND AMENITY SERVICES, INFRASTRUCTURE, ASSET MANAGEMENT AND STRATEGIC PROJECTS.

1 DEPUTE LEADER

- 1.1** Much of my focus as Depute Leader has been on securing the continuation of a stable and focussed administration with clear objectives and agreed priorities so that the Audit Commission has no need in the future to describe us as “fragile”. We are making good progress in relation to this both formally through seminars, training, etc and also through informal meetings and discussions. I have also taken part in a number of meetings with senior politicians outwith the Council, including Michael Russell, the Cabinet Secretary for Education, in his capacity as local MSP, and with Alastair Carmichael, the Secretary of State for Scotland.

I think these meetings are helpful in allowing the Leader and me to promote the issues important to Argyll & Bute and highlight issues of significance. For example we were able to explain to both politicians our aspirations for the economy of the area and interest them in some of the detail around the economic summit to be held in October. I hope that either or both of them will be able to bring their significant influence to assist us in ensuring that the summit is meaningful and produces quantifiable outcomes.

In April I attended the Convention of Highlands and Islands, which met in Arran on this occasion. It was interesting to see how other authorities were tackling many of the same issues we are faced with and I again took the opportunity to highlight our concerns with the senior politicians present, in particular with the Minister for Local Government Derek MacKay.

I have also attended the COSLA Convention as well as taking part in meetings with other bodies such as Calmac, Babcock's, Helensburgh Chamber of Commerce and the EJCC, and again I have found these important in ensuring that the Council and different partner organisations are working in cooperation not in competition. I found the recent meeting with Scottish Enterprise particularly important as we were able to focus very clearly on our growth agenda and identify a number of key areas where we felt that SE could assist us in delivering that agenda.

2 POLICY LEAD FOR ROADS AND AMENITY SERVICES, INFRASTRUCTURE, ASSET MANAGEMENT AND STRATEGIC PROJECTS.

2.1 CHORD

The delivery of the CHORD projects continues to be an important piece of work for our Council. I have summarised, below, up-dates for each of the CHORD towns.

2.1.1 Oban

Work continues with officers and OLI Elected Members to deliver the Oban CHORD projects. With the agreement of the desired outcomes now in place, planning consent for phase 1 of Oban CHORD street works and the creation of the North pier visitor facility has now been approved by the PPSL committee. Consent is expected shortly for phase 2 of the street works.

The full business cases for these projects have been approved by OLI members for consideration at today's Council meeting. Discussions are also ongoing with Oban Bay Marine to progress the step ashore and transit marina facility and a report on this matter will be presented to members in due course.

2.1.2 Rothesay

Rothesay Townscape Heritage Initiative (THI) work continues with a number of significant projects that are starting to make a real difference on the ground. This THI has been very well received by the community and all the money has now been committed to improving the town's built heritage.

Work also continues on the proposed refurbishment of the Rothesay Pavilion to create a cultural and community hub. I have taken part in a number of site visits here and spoken to key stakeholders involved in the process to ensure local people's aspirations are realised as part of this investment. The funding of this project remains complex and challenging; a large number of different funders are required to make the project a reality. That said, in recent months the building has received positive stage 1 passes from both the Scottish Government's Regional Capital Grants Fund (£900k) and the Coastal Communities Fund (£600k). Applications are shortly to be submitted for stage 2 funding bids and discussions are ongoing with the Heritage Lottery Fund and HIE to bring in other funding. Given the deteriorating condition of the building it has also been necessary to undertake essential repairs to its fabric to allow it to remain operational as we deliver a project that has great potential to make a significant improvement to Rothesay's economy.

2.1.3 Dunoon

In Dunoon, I have taken part in a number of discussions to assist the implementation of the refurbishment of the Queens Hall. The building has now had its detailed design approved, including enhanced public realm works, and the Compulsory Purchase Order (CPO) is now underway, following Council approval. It is intended that the Queens Hall will provide

a modern venue that supports learning, skills development and wellbeing. I feel that we now have a very focussed deliverable plan for the Hall and the area around it and am confident that it will bring significant benefit to the town.

Whilst not a CHORD funded project, progress has also been made in connection with Dunoon's wooden pier with approval of £350k from the Regeneration Capital Grant Fund (RCGF). The project has also been refocused on making sure the structure of the pier is improved before we move forward in securing new uses for the Pier buildings.

2.1.4 Campbeltown

In Campbeltown, a number of projects are being progressed with all of the THI money now fully committed. It is hoped that work on the former Campbeltown Town Hall and 50 Main Street will soon be starting. It is pleasing to note the changes the CHORD project and other Council funding has made to the townscape of Campbeltown and it is hoped that this will assist with turning around the economic fortunes of the town as well as the wider Kintyre area.

The Campbeltown berthing facility has also had its full business case approved and the tendering exercise is now underway.

2.1.5 Helensburgh

In Helensburgh I am pleased to note that the public realm works are nearing completion for phases 1 and 2. This has made a transformational change to this part of Helensburgh's town centre with work now started on the final phases. While there is a sense of frustration in the time it has taken to complete these phases, the quality of the work has been very high and I hope this will continue as we look to complete the works as quickly as possible. However one issue of concern to me is our ability to maintain the new pavements and I am actively pursuing that matter with officers. Work on the new Council Offices/Civic Centre continues to progress well and I am also looking forward to moving ahead with the refurbishment of the Helensburgh Pier and the creation of a new leisure centre/swimming pool. Recruitment for a new project officer for this is underway and I expect an appointment shortly.

2.2 The Lorn Arc project - TIF

Final approval for the implementation of the Lorn Arc project has been given by the Scottish Government. An Officer has been appointed to take the development work forward. This is an important project, not only for Lorn but also for the whole of Argyll and Bute, with discussions now taking place with interested parties on possible investments associated with the Lorn Arc and the approved business case. The governance of the project will be important and a report will be coming to members before the end of the year with the first works aiming to be on site before April of next year.

2.3 Roads and Amenity Services

2.3.1 Co-mingled Waste Collection

The Contract Variation between the Council, Shanks and the contract funders has now been signed. This allows the co-mingled collections to commence at households in the Oban, Lorn and Mid Argyll areas from 27 October this year and in Cowal from April next year. This service will provide an enhanced kerbside recycling collection from households. Information packs are being posted out to some 13,000 households from Monday 22 September, member briefing sessions have taken place and a robust communications plan is in place to ensure the roll out of this service takes place smoothly, as it did in the Helensburgh & Lomond area a few years ago.

2.3.2 Decriminalised Parking Enforcement (DPE)

Scottish Statutory Instruments came into place on 12th May this year and, following a four week period of issuing warning notices, we started to issue Penalty Charge Notices (PCNs) in June. The recently appointed wardens seem to be settling in well to their new roles and arrangements will be made for them to come to Area Committees to meet local Members where Members wish that to happen. Officers are also arranging Member workshops over the autumn/winter period to allow the existing Traffic Regulation Orders to be reviewed and, where required, amended in line with the Council's new Parking Policy. This will be a significant amount of work for Members and officers to ensure that the review meets the needs of the local areas and it will be important that there are robust arrangements in place for engaging with the local communities.

2.3.3 Street Lighting

Good progress is being made on the lighting inventory assessment with a detailed on-site survey of all street lighting being undertaken to gather information relating to; type of Lamp (light source), type of lantern (bulb holder), control box, cut out (trip switch), column condition, cable type and condition and the point of control (electrical supply)

Scottish Government has made an allocation of £43,000 to allow the Council to take forward aspects of Scotland's ambitious climate change targets in relation to street lighting. The Council topped up the allocation to a total of £200,000.

This funding is being used to develop, in partnership with Scottish Futures Trust, a full business case and implementation plan for the replacement of current street lighting with more energy efficient alternatives.

A high proportion of the stock is in a poor condition, 50% is estimated to be in need of replacement either because of the condition of the column or cabling. The existing model for energy costs relies on estimates. This will be updated, based on the inventory, to ensure that energy costs are accurately calculated.

Scottish Futures Trust has developed an options appraisal model. This model will be populated with the inventory data and form the basis of the business case for the replacement of street lighting.

That business case will be reported to the Environment, Development and Infrastructure Committee on completion.

2.3.4 A83 and A82 – Transport Scotland Seminar

Officials from Transport Scotland addressed an audience of Elected Members and Stakeholders on Monday 8th September in the Council Chamber. The seminar covered an update on the A83 and the A82. Transport Scotland presentations focused on the resilience of the A83, the works completed and the works proposed. The seminar also covered the proposed improvement works on the A82 between Tarbet and Inverarnan and how the design of these works would need to ensure that they could be built in such a way that the route could be easily returned to service in the event of the A83 not being available.

The seminar also noted that there had been more issues recently with road closures following road traffic collisions than landslips. This issue has already been identified as a priority in the Single Outcome Agreement and the Local Policing Plan 2014 – 17 report, tabled at the recent PRS Committee, has highlighted that key priorities to tackle road safety and enforcement issues will be:

- *To work with partners to develop a strategy to reduce the numbers of those killed and seriously injured on the Argyll and Bute road network.*
- *To increase enforcement activity to improve driver behaviour.*
- *To improve road safety through enhanced partnership working and preventative initiatives within the community.*

The Fire and Rescue Service have also highlighted that Road Safety remains a concern for all partners across Argyll & Bute and will continue to focus the attention of all emergency services. This year so far has seen an increase in activity with regard to Road Traffic Collisions and they will continue their efforts to provide information and education to everyone who lives, works and visits Argyll & Bute.

It is therefore critical that we continue to work closely with all our partners to not only improve the roads infrastructure but also to improve road safety.

2.3.5 Council Road Improvements

I think we are beginning to see the benefit of the increased investment in our roads for the last 3 years and I hope that will be reflected in our next roads condition survey due to come to the EDI Committee in the next few months. That increase in funding comes to an end this year so it will be an important issue for us in our Budget discussions. Improved connectivity is an essential strand of our economic development action plan, and better roads are a key ingredient in that. I am pleased to report significant improvement in the condition of the B842 after Councillor Currie took me on a visit to Carradale and showed me the damage being done by the heavy vehicles engaged in the SSE work. Arising from that visit, negotiations took place with officers and the planning conditions were then complied with, leading to a significant improvement in the state of the road. While I was in the area I met with Network Carradale, discussed their aspirations for the area and visited the slipway there. Again I am pleased to report that the work on the slipway is now well under way and due for completion by the end of next month.

Councillor Ellen Morton

Depute Leader of the Council and Policy Lead for Roads and Amenity Services,
Infrastructure, Asset Management and Strategic Projects

17 September 2014

REPORT BY POLICY LEAD COUNCILLOR FOR ISLAND AFFAIRS

1. INTRODUCTION

This report provides an update to the work in relation to islands over the 2014 period.

2. UPDATEArgyll Islands Taskforce

- 2.1 The short life working group – the Argyll Islands Taskforce – has met on four separate occasions to discuss the issues affecting the Argyll islands. These discussions have been centred around the Single Outcome Agreement (SOA) and how we can assist our islands to ensure that over the next 10 years we deliver on the overall objective which is **“Argyll and Bute’s economic success is built on a growing population”**.
- 2.2 Work has been undertaken to analyse and better understand what is happening on each of our islands and to identify exactly what the key issues and challenges are going forward. Whilst Argyll and Bute’s island population fell by 5% over the period 2001 to 2011 the patterns of population change vary between and within islands. In regard to the variations in population trends, as a general rule, it is those islands with populations in the hundreds that have experienced the largest rates of population growth. An exception is Tiree, where the population has fallen by 15% over the period 2001 to 2011. While these islands show large population changes in percentage terms, the numbers of people involved may be small.

2.3 A number of overarching issues have been identified as being common to all our islands. These are as follows:

- Climate change impacts
- Digital connectivity (mobile phone and broadband)
- Economic Activities
- Governance Issues
- Healthcare provision
- Island Culture – language, history and natural resource
- Island specific skills and training
- Local responsibility for local resources
- Marketing and promotion – highlighting successes and opportunities
- Public services
- Secure and adequate electricity connections
- Transport connectivity (integration between ferry, bus train and plane). This also includes the issue of transport provision and timetabling on islands to allow access by those working out with normal work patterns
- Ferry services that are fit for purpose, support the needs of the islands and are reliable – mainland to island as well as island to island
- Transport infrastructure and costs of travel and fuel

These issues have been collated onto a matrix which will be used to focus the work of the Argyll Islands Taskforce.

SURF has agreed to undertake a study on Bute looking at how the public pound has been spent on the islands and what impact it has done. This work has the potential to influence where the Council and its community planning partners may decide to concentrate their efforts to be to stimulate the island economy. A presentation on their proposals will be presented to the next available Bute and Cowal business day. HIE are funding SURF with officer assistance from the Council.

2.4 Twelve actions for the Taskforce were agreed by Council on 26 June 2014 and an update on these is contained below:

Ref	Action	Time Frame	Comment
1	Undertake further analysis of the population census data to determine the demographics relating to each island	30/09/14	Work ongoing
2	Gather further information relating to those islands that were not directly part of the SOA consultation	Ongoing	Matrix of issues to be kept up to date.
3	Review the recently published Rural Scotland in Focus 2014 report and feed in any relevant information to the island analysis.	Next available committee	Report prepared to be reported to EDI Committee
4	Develop a position/vision statement for Argyll Islands which reflects the important role that our islands play in our economic future and in the delivery of the SOA objectives of economic success and population growth. The position/vision statement will be informed by the current analysis work and will be used to drive forward key actions and to lobby for the Argyll islands.	By next taskforce meeting	Draft vision being developed.
5	Give further consideration to the "island proofing" of the SOA and examine all new policies and legislation (EU, UK and Scottish Government) coming forward that have a relevance to and could have an impact on the Argyll islands. Consider the development of a template to inform the "island proofing" and use this in the development of all new council policy.	Next available Policy and Resources Committee	Report with template to be submitted to next Policy and Resources Committee.
6	Write to the Leader of the Three Islands Council, Western Isles, Orkney and Shetland and invite them to a future meeting of the Group.	Following completion of item 8	

7	Maintain a watching brief in regard to the Three Islands Partnership. The Our Islands: Our Future	Ongoing	
8	Meet with Highland Council and North Ayrshire	Not later than 07/10/14, preferably before	Officers meeting has taken place, seeking agreement that members will attend the next taskforce.
9	Work with Scottish Islands Federation and other partners to ensure that we maximise the opportunities for the Argyll islands from projects such as the Smilegov project.	Ongoing	ABC are already part of Smilegov which has a focus on renewables, regular reports will be made on this project. Work will also be required with HITrans, SPT, CALMAC and CMAL.
10	Maintain a watching brief in regard to new legislation and policy and future EU funding that may have an impact on Argyll islands and make representation on any issues.	Ongoing	All officers advised.
11	Write to and meet with relevant Scottish and UK Minister(s) to lobby for the Argyll Islands.	Ongoing	Derek MacKay has already been contacted. Arranging a date with UK Scottish Minister.
12	Work with and support Argyll island communities in the development of their community development plans and in their delivery	Ongoing	Include work by HIE with Tiree and SURF work which will be reported back to BC committee.

2.5 At the last meeting of the taskforce, an additional issue with regards to out of hours working for GPs on Mull was also raised, the Taskforce lent its support to the Mull group which is seeking to remove the ability for doctors to opt out of providing an out of hours service. A briefing is also being sought from the NHS. Following consultation with the Leader of the Council a letter was sent to NHS Highland outlining the Council's concerns with this important matter for our islands communities.

2.6 The following are updates in relation to specific projects:

Iona pier slipway repairs

The Council had appointed a design consultant to prepare a scheme to implement slipway repairs on Iona. The most recent tendering exercise generated several expressions of interest but by the closing date the Council only received one compliant bid. This is currently being considered to ensure that best value is being achieved. If the tender is awarded then it is anticipated that works will commence this calendar year.

2.7 Procurement of PSO Air Services to Tiree, Coll and Colonsay

Argyll and Bute Council have initiated the process for procuring the subsidised Public Service Obligation (PSO) air services between Oban, Tiree, Coll and Colonsay. The existing services are operated by Hebridean Air Services and the current air services contract expires in May 2015. Argyll and Bute Council are currently undertaking a public consultation with residents on the islands to seek views on local air services so that we can work towards achieving services which meet the aspirations and requirements of island communities whilst being financially sustainable to operate. The deadline for returning the questionnaires is 12 September and copies of the questionnaire can also be downloaded from <http://obanandtheislesairports.com>. Argyll and Bute Council officers are also in consultation with Transport Scotland about undertaking a 'Re-assessment of PSO Adequacy' which requires to be approved by the European Commission prior to the publishing of the Invitation to Tender in the Official Journal of the European Union.

2.8 Digital Connectivity

Work has commenced on laying the subsea cables which will bring the fibre backbone to a number of Argyll's islands and allow them to receive next generation broadband. This work will be ongoing through 2014.

The Scottish Government Pilot seeking to provide mobile phone coverage to Coll was erected during August and is expected to go live during early September. The Council is supporting the project through a contribution to the maintenance costs for the first five years.

2.9 RET

The Scottish Government made an announcement that RET will be applied to all islands by October 2015. While this move is welcomed by the Council there still remains a considerable concern that some islands that have already had RET applied and others like Arran where it will shortly be introduced will have a competitive advantage in terms of ferry fares. This could have a detrimental impact on the fragile economy of Bute for example and as such the Council will continue to lobby the Scottish Government for the early introduction of RET to all islands as soon as possible rather than wait until October 2015.

2.10 Fisheries

Following an approach from the Scottish Government a place has been secured on the negotiating table for our island communities to be represented at talks for fishing quota in addition to representatives from the industry. This has been done in an effort to make clear the importance of the fishing industry to our small island communities economy and indeed social fabric. Account will also be taken of the needs of our remote peninsulas in Argyll and Bute.

Councillor Len Scoullar
Policy Lead Councillor for Island Affairs
8 September 2014

ARGYLL AND BUTE COUNCIL**COUNCIL****COMMUNITY SERVICES****25 SEPTEMBER 2014**

**ARGYLL AND BUTE ADULT PROTECTION COMMITTEE –
BIENNIAL REPORT APRIL 2012 – MARCH 2014**

1.0 SUMMARY

- 1.1 The Biennial Report of the Argyll and Bute Adult Protection Committee covers all aspects of adult support and protection activity between April 2012 and March 2014.

2.0 RECOMMENDATIONS

- 2.1 The Council is asked to note the developments that have taken place over the 2 year period and the challenges that lie ahead for the Committee.

3.0 DETAIL

- 3.1 The Argyll and Bute Adult Protection Committee (APC) meets on a quarterly basis to take forward all aspects of the adult protection agenda. Membership of the committee includes Argyll and Bute Council, NHS Highland, Police Scotland, Scottish Fire & Rescue, Argyll Voluntary Action, Lomond & Argyll Advocacy Service, Procurator Fiscal Service, the Public Guardian's Office, the Care Inspectorate and the Mental Welfare Commission for Scotland.
- 3.2 As detailed within the report, a number of pieces of work have taken place in the last 2 years to build on the work done by the APC since the Adult Support and Protection (Scotland) Act 2007 was introduced including;
- the updating of the Governance Framework for the APC to include the wider public protection agenda
 - the development of a comprehensive, free, multi-agency training programme covering all mainland areas of Argyll and Bute plus four of the larger islands
 - the development of new publicity materials and their launch to raise awareness of adult support and protection; and
 - the development of a pro-active quality assurance framework for care homes.

- 3.3 The report also notes the challenges which continue to face the group which include:
- service user feedback is inadequate and needs to be re-considered
 - the baseline for public awareness is low and more needs to be done to make the public aware of this area of work
 - the management data appears to demonstrate that harm is most common amongst the elderly; and
 - the introduction of self-directed support and the potential for care and support to be provided by informally recruited and poorly trained and monitored staff has raised concerns that incidents of harm may go undetected and unreported.

4.0 CONCLUSION

- 4.1 The Biennial Report of the Argyll and Bute Adult Protection Committee covers all aspects of adult support and protection activity between April 2012 and March 2014, it outlines the key developments that have taken place and highlights the key challenges facing the committee.

5.0 IMPLICATIONS

- 5.1 Policy – None.
- 5.2 Financial – None.
- 5.3 Legal – None.
- 5.4 HR – None.
- 5.5 Equalities – None.
- 5.6 Risk – None.
- 5.7 Customer Service – None.

Bill Brackenridge

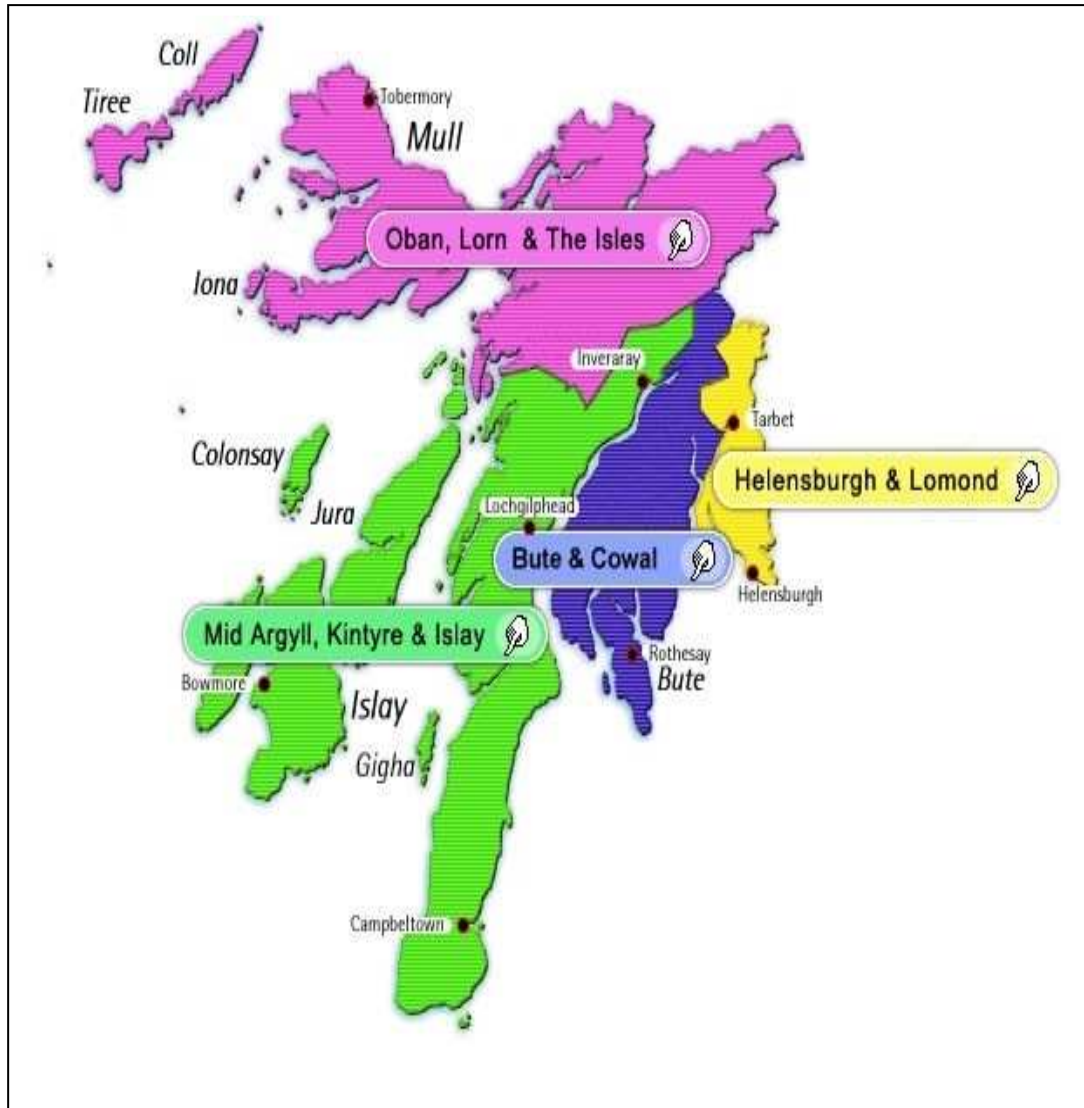
Independent Chair – Argyll and Bute Adult Protection Committee

2nd September 2014

For further information contact: Helen MacLeod – Community Services Directorate, 01546 604127

**Act
against
harm**

Argyll and Bute Adult Protection Committee





CHAIRMAN'S FOREWORD

This is my third Biennial Report as the Independent Chairman of the Argyll and Bute Adult Protection Committee. My last report covered the period from April 2010 to March 2012. This report covers all aspects of adult support and protection activity between April 2012 and March 2014.

I am inordinately grateful to the those individuals in Argyll and Bute in the period covered by this report who have noticed an adult at risk of harm and taken the bold step of telling someone. They have done what the best relatives, friends, neighbours and professionals should do.

I ask that each and every one of us in Argyll and Bute continues to consider if our patients, clients, neighbours, friends and relatives are at risk and, even if we have only the very slightest suspicion that they are indeed at risk, we tell someone.

Adult support and protection is no longer “the new kid on the block”. Our processes have been developed and refined. Awareness of our responsibilities is rising – but has a long, long way to go. We now understand better where to look for those at risk and we have honed the means by which we direct our resources to those who need help.

With this maturity comes a raising of the bar. In Argyll and Bute we assess very carefully how we are measuring up to that rising bar. I hope this report convinces you that we are doing well. We are not at all convinced that we could not do better – and that is the focus of our efforts going forward. My aim is that eyes and ears of everyone in Argyll and Bute consider who may be at risk of harm and that they are empowered to tell someone.

I am grateful to all the agencies involved in Adult Support and Protection. In each and every one, they have driven the issue up their agenda. I am impressed at how the issue is addressed by every top team in our partner agencies.

I am grateful too for the support given to Adult Support and Protection by the Chief Officer Group – once CAPCOG, now COGPP; acronyms are the stuff of life! That support has come in many forms – interest, encouragement, advice, even challenge. It has, I am sure, helped us deliver a more robust engagement.

I am also incredibly indebted to Rebecca Barr who joined us as Area Manager, Adult Protection in October 2012. She has raised our game significantly. She has worked with countless professionals in all the agencies to afford Adult Support and Protection the attention it requires.

In line with the legislation, this report is mine – to the minister, to our partner agencies and to the people of Argyll and Bute. It has been approved by the Adult Protection Committee and noted by COGPP. Within it, however, are four sections that are reports from our principal agencies – Police Scotland, the Argyll & Bute CHP, Scottish Fire and Rescue and the Social Work Department of Argyll and Bute Council. These reports are to be found in Section 7 of this report. I am grateful to these agencies for contributing to this report – a contribution which highlights how people are working together in Argyll and Bute to support adults at risk.

I am, however, more than concerned at the public's lack of awareness of the objectives and provisions of our Act. Our regular investigations indicate that only about one third of all adults in Argyll and Bute know about Adult Support and Protection. It could be said that we should do more locally to promote awareness. However, people do not get their information primarily from the local media or as a result of local initiatives. Information comes through national media and that communication is much more cost effective. I urge the Scottish Government to help us deliver Adult Support and Protection by mounting an interesting and exciting national awareness campaign.



Bill Brackenridge

Independent Chair

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1. INTRODUCTION AND CONTEXT: The Argyll & Bute Adult Protection Committee

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

Those who have served as members of the Argyll & Bute Adult Protection Committee during this period are:

Bill Brackenridge	Independent Chair		Chairman
Rebecca Barr	Area Manager Adult Protection	Argyll & Bute Council	Member
John Dreghorn	Project Director (Mental Health Modernisation)	NHS Highland	Member
Derek Leslie	Director of Operations Argyll and Bute CHP	NHS Highland	Member
Jan Baird	Director of Adult Care	NHS Highland	Member
Alistair Davidson	Detective Inspector	Police Scotland	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
Eddie Renfrew	Group Commander	Scottish Fire and Rescue	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
Graeme Forrester	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.

Committee Meetings

The Adult Protection Committee (APC) continues to meet quarterly, with good attendance from each of the key agencies. From April 2012, a representative of Scottish Fire and Rescue was welcomed as a member of the Committee.

As described in the previous Biennial Report, during 2012 and 2013 the APC continued to meet at a variety of venues across Argyll and Bute so that the Committee and its work would be visible and accountable to local staff. APC meetings in the mornings were followed by meetings with staff groups in the afternoon so that an update on the work of the APC could be provided to them, with an opportunity for their questions to be answered. This approach was evaluated throughout 2013 as it was clear that the number of staff who attended was variable and tended not to be representative of all agencies.

It was then agreed that from January 2014 the peripatetic meetings would end and a new way of engaging with local staff would be adopted. APC meetings now all take place at a central location, and selected members of the Committee attend the local Area Development Forums on a rotational basis. To date this is working well, and the feedback from the Forums has been extremely positive.

Governance Arrangements

The APC has an independent convenor who reports to the Chief Officers Group Public Protection (COGPP), as described in Section 7.

All members of the Committee have the authority to make decisions on behalf of their agency, and the lines of accountability for each agency are provided through the senior managers represented on COGPP

Adult Protection Committee Agendas

Standing items on the APC agenda include the minutes of the National Convenors' quarterly meetings, the Policy Forum and the APC sub-group, together with reports from each of the key agencies and the Advocacy Service. The last quarter's management data is presented with a comprehensive analysis, and an update on the Improvement Plan. Short reports are also expected from each of the Area Development Forums. At appropriate times of the year planning will take place for case file audits and the annual self-evaluation day, and reports from these activities will then be presented.

Where Inquiries or Serious Case Reviews are published that raise important issues for adult protection, these are brought to the APC for discussion and any identified local action. The APC established its own Serious Case Review (SCR) procedure in 2011,

but to date has not needed to use it to review a case. The fact that the procedure is in place but not yet used has been the subject of some debate at the APC and it is likely that if no SCR is required within the next 6 months, the key agencies will work together to identify an appropriate case to examine jointly both to trial the process and as an additional tool to examine the way that joint working is taking place in Argyll and Bute.

Other items on the agenda will depend on current issues locally and nationally.

Sub-Committee

The APC has one sub-committee with responsibility for all aspects of multi-agency policy, training and public awareness. Its members are drawn from the NHS, police, social work and third sector. It meets quarterly between APC meetings. Recent pieces of work have included:

- Developing second worker guidance for adult protection investigations
- Updating of the training framework and plan,
- Monitoring of training attendees and those who fail to take up booked places
- Monitoring of training evaluations
- Developing the new publicity materials and their launch
- Developing questions for the Citizens Panel

Area Development Forums

The challenging geography of Argyll and Bute makes the development of a consistent approach to adult protection across the area extremely difficult. 4 Area Development Forums have been established for senior staff from the key agencies to take forward the adult protection agenda in their area. The Forums were set up in 2011, but have taken some time to develop their own momentum. Not all Forums met as regularly as the Committee would have wanted, so action was taken to refresh the terms of reference for these groups in January 2013 and develop a standard reporting framework. Over the last year the groups have started to meet on a more regular basis, chaired by the Area Managers for the social work teams. Reports from their meetings go to the APC, and any issues raised by them are considered by the Committee. The final responsibility of the current chairs will be to present a summary of the work of their Forum at the next self-evaluation day in November 2014, before the chairing role passes to another agency.

2. EXECUTIVE SUMMARY

The format for this report is based on the Guidance for the Convenor's Biennial Report produced by a small working group reporting to the Convenors' group in May 2014. This third Biennial report builds on the two previous reports, and specifically provides an update on work done, progress made and issues identified since the submission of the last report submitted in October 2012.

The Minister's response to the last Biennial Report noted a number of initiatives taking place in this area and the wide range of work done here.

Overall the Minister concluded by saying

"There is much to be applauded in the work undertaken over the reporting period in Argyll and Bute, and I thank you and your committee for all the efforts you have made to take the work forward."

The Committee welcomed this response and have continued to work together to take forward all aspects of the adult protection agenda.

Key Workstreams and Achievements

There has been a large number of pieces of work that have taken place in the last 2 years to build on the work done by the APC since the Adult Support and Protection (Scotland) was introduced. These include:

- Updating of the Governance Framework for the APC to include the wider public protection agenda
- The ongoing programme of self-evaluation and audit that was expanded to include a large scale internal audit within social work for cases that were not taken forward under adult protection
- Work to comprehensively update the adult support and protection procedures and forms for social work staff dealing with referrals
- The development of a comprehensive, free, multi-agency training programme covering all the mainland areas of Argyll and Bute plus four of the larger islands

- Work to re-launch and revitalise the local Area Development Forums that maintain an overview of all aspects of joint working in adult protection in their area
- The development of new publicity materials and their launch to raise awareness of adult support and protection
- The development of a pro-active quality assurance framework for care homes

Challenges

Despite considerable amounts of work by every agency represented on the APC, challenges continue:

- The APC is aware that despite its best efforts, work to gain the feedback of service users who have been through the adult protection process is inadequate and needs to be re-considered
- Work has been done to raise public awareness of adult support and protection and this will be measured again through questions to the Citizens Panel in early summer 2014. However, the baseline for awareness is low and more needs to be done to make the public aware of this important area of work
- The management data appears to demonstrate that harm is most common (or most commonly reported) amongst the elderly. If this is the case there are challenges ahead for Argyll and Bute where the average age of the population is predicted to continue to rise
- The introduction of self-directed support and the potential for care and support to be provided by informally recruited and poorly trained and monitored staff has raised concerns that incidents of harm may go undetected and unreported. At this point it is too early to be sure whether this concern is grounded in fact but it will be monitored as far as possible over the next two years
- Argyll and Bute is an area with a statistically disproportionately high level of current and ex-services personnel. Anecdotal information suggests that there may be a higher level of self-harm incidents associated with this population (as well as increased levels of domestic violence, mental health and addictions issues) and a start has been made to gather this information, where possible. To date the data collected is too sparse to draw any firm conclusions, but this is an important area of future work for all agencies in this area.

3. NATIONAL PRIORITIES AND IMPROVEMENT PLAN

The APC noted the 5 national priorities selected by the Scottish Government prior to the last Biennial report. While some work has been done in a number of these areas, they do not – at this stage – form the basis of the APC Improvement Plan. APC members are aware that working groups were established to take forward each of these topics and that reports on their findings and recommendations have only recently become available, outside the timescale for this report. The reports will now be scrutinised by the APC so that national strategies and details of acknowledged good practice may be incorporated into its own workplans.

I. Adult Protection in Care Home Settings

Following the submission of a brief project plan, Argyll and Bute was selected as one of the council areas funded to take part in this workstream. Work was done with a small number of homes in the area, and discussions undertaken with a number of families and carers in order to inform a wide ranging scrutiny of the approach to adult support and protection in care homes. As requested by the Scottish Government, the report produced from the work undertaken took the form of guidance for all agencies with stakeholder responsibilities in ensuring that residents in care homes are appropriately protected.

The guidance covered a wide range of elements from prevention of harm in care homes to the early identification of harm when it occurs, dealing with individual cases of harm and also dealing with wider concerns of poor standards of care and support in homes. The report was submitted to the Scottish Government by the end of March 2014 and has been shared with the care homes in Argyll and Bute through the Care Homes Network meetings.

As a result of the work undertaken, a number of specific changes have been made here with work continuing in a number of areas.

Examination of and Provision of Updated Adult Support and Protection Procedures

All care homes were asked to provide their adult support and protection procedures, and these were scrutinised by social work staff. It was discovered that large numbers had policies that reflected English wording rather than the Scottish legislation, and others made reference to contacts in other council areas rather than Argyll and Bute. All homes where this was the case have been asked to update their paperwork. A sample adult support and protection procedure with detailed guidance for managers and a short section for frontline care staff was provided as a model for those homes who required additional support in developing this.

Updated Review Process

Some time ago Argyll and Bute developed a comprehensive review process for all residents of care homes, to include the scrutiny of a resident's health needs by community nursing staff as well as the overall review of the resident's care needs and the way the placement was meeting these by social work staff. This was in response to an incident of harm by neglect within a home where the learning points from the case review highlighted the importance of such a multi-agency approach. Work has continued to refine the process and documents for this practice and it is now being trialled in 2 areas. Once the trial is complete, work will be done by social work and nursing staff to make any final amendments and the procedure will be rolled out across the area.

Pro-active Multi-Agency Quality Assurance of Care Homes

As part of the care homes project, discussions took place with a wide range of professionals who have contact with care homes, all of whom have valuable information about the functioning of the home and the care and support provided by the staff team. Following work done in Midlothian, a "risk rating" process, based on information sharing meetings including contracts and commissioning staff, community nurses, social work staff, adult protection staff, Scottish Fire and Rescue and the Care Inspectorate was introduced. The first of these meetings provided invaluable information about all aspects of the work of the care homes, and included staff highlighting areas of good practice as well as any areas of concerns. All concerned acknowledged the value of such regular meetings and the procedure for such a pro-active quality assurance process continues to be developed and will be refined as further meetings take place. A new care homes feedback form based on the early indicators of harm research by the University of Hull has been rolled out to replace the previous service concern form and will be used to inform the discussions taking place at these meetings and feedback to the Care Homes Network.

Large Scale Investigation Process

Until recently Argyll and Bute dealt with issues relating to low standards of care and support in a home through an agreed Multi-Agency Liaison protocol. This has recently been superseded by a Large Scale investigation Procedure, agreed by the APC in January 2014 and based on the work done by the West of Scotland authorities who produced Large Scale Investigation Guidance.

II. Accident and Emergency

Although Argyll and Bute APC acknowledge the importance of the work done in this area of national priority for adult support and protection, little direct work has been done here. To some extent this is because a large proportion of the population of Argyll and Bute is served by A&E departments outwith this council area. There has also been a piece of work done by NHS Highland (excluding Argyll and Bute CHP) on adult support and protection in A&E, with the expectation that learning from it will be cascaded to this area in due course.

III. Adults at Risk from Financial Harm

Again, no specific work has been done in this area on financial harm, although it is clear from management information that referrals for financial harm have risen over the last 2 years from 41 in years 2010-12 to 78 in years 2012-14.

As in other council areas, the issue of “scam hubs” has arisen through the link with Trading Standards. Guided by Police Scotland, the approach taken in Argyll and Bute has been low key, and has involved the provision of general information to the public about scams as well as a small number of individual approaches to particularly vulnerable individuals. The important role of Trading Standards was highlighted through this exercise, and staff from Trading Standards were invited to speak at a provider seminar held in early 2014 to ensure that those who work with adults who require a service in the community are aware of potential signs of scams and how to report these.

IV. Data Collection

Over the last two years Argyll and Bute has done a considerable amount of work to improve its data collection in relation to adult support and protection. Adult protection referrals were recorded electronically for the first time from April 2012, which assisted with this, but inevitably improvements in electronic systems continued to be required, and further changes were made in April 2013. Argyll and Bute is now confident that its data capture systems provide the APC with accurate and relevant information to assist with its duty to scrutinise all aspects of adult support and protection work.

The data collection processes now developed mean that Argyll and Bute is well placed to submit the data required by the Scottish Government for 1 April – 30 June 2014 as part of this national priority.

The APC scrutinises all aspects of adult protection referrals, investigations and case conferences at its meetings on a quarterly basis and a number of elements of the data captured are pulled through to the scorecard that sits behind the APC Improvement Plan.

V. Service User and Carer Engagement

In common with other APC's, the Committee in Argyll and Bute grapples with the difficulty of appropriately engaging service users and carers with the work of the APC. The decision not to invite a service user onto the Committee was made at the outset and although this has been reconsidered on a number of occasions, there has been no change to the views of members that such attendance would be tokenistic and unlikely to represent the views of a range of others. The wider community is represented on the APC by the manager of the advocacy service and the third sector organisation Argyll Voluntary Action. The manager of the advocacy service provides some feedback on the experiences of service users, and the representative from AVA provides an excellent conduit for information to a wide range of community groups and interested individuals.

A project to gather the feedback of adults who had been the subject of adult protection investigations was developed with West Dunbartonshire Council and Lomond and Argyll Advocacy Service, as described in the previous Biennial Report. Unfortunately this has provided more limited data than was anticipated as described in Section 4.

APC Improvement Plan

The Adult Protection Committee developed its improvement plan for 2012-14 following the Self-Evaluation day in November 2011. As described in the last Biennial Report it covered a number of areas core to the adult support and protection process. These included:

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.

The Plan comprised elements that were specific as well as others that were strategic and high level. Considerable progress was reported against all during this 2 year period. Additional data collection categories were also used to provide a baseline against which key targets for the new Improvement Plan could be measured from April 1 2014 onwards.

A new improvement plan has been developed for 2014-16 using information from the Self-Evaluation day in 2013 and the multi-agency and single agency social work case file audits that took place just prior to this event. It is outcome based with the following headline outcomes agreed:

<i>Outcome 1</i>	Adults at risk are identified promptly and reported appropriately
<i>Outcome 2</i>	Adults receive an effective integrated response if concerns are expressed that they may be at risk of harm
<i>Outcome 3</i>	Where an adult is found to be at risk of harm, partner agencies work together to investigate the risks and take action to protect them
<i>Outcome 4</i>	Adults at risk receive a person-centred response to concerns about them

A scorecard has been put in place to sit behind the Plan and ensure specific reporting against most elements. See Appendix 1. As in previous years this will be reported at the APC and then at COGPP meetings so that all aspects of adult support and protection work is scrutinised at the highest level and those who undertake and manage this work held to account where agreed targets are not met.

Now that the national priority workstreams reports are available, these will be taken to the APC and specific actions based on their work incorporated into the Improvement Plan, or the work of individual agencies, as appropriate.

4. OUTCOMES

From its earliest days, Argyll and Bute Adult Protection Committee has recognised the need to engage with service users and carers. In common with other APCs it has struggled to make this engagement meaningful and build a genuine and consistent means of ensuring that service users and carers are full partners in all aspects of adult support and protection. The importance of this area of work has been recognised by the inclusion of a number of targets relating to its various elements in the APC Improvement Plan.

Adult Protection Committee

As described in Section 3 it has been agreed that an individual service user representative on the APC is unlikely to provide genuine representation from the range of service users affected by risk and protection issues. Instead the interest of service users and carers are represented on the APC by the manager of the advocacy service and the 3rd sector organisation Argyll Voluntary Action.

As described below, the advocacy service has been given a key role in gathering and evaluating the feedback of adults who have been considered at risk of harm.

The involvement of Argyll Voluntary Action on both the APC and the sub-committee has enabled information about adult support and protection, the publicity campaign and the training available, to be cascaded to large numbers of organisations and individuals across the area. The geography of Argyll and Bute and the remoteness of many communities makes partnership work of this kind invaluable, and ensures that the key messages about adult support and protection are disseminated as widely as possible.

Public Awareness

The current APC Improvement Plan recognises the need to build on work done to raise public awareness of all aspects of adult support and protection. It recognises that only by raising awareness of the Committee and its work, as well the fact that some adults need protection, will the public, family members and service users themselves identify harm and the risk of harm to individuals. A key target for the 2 years covered by the Improvement Plan is to see the referrals from these sources rise by 2%.

As described in Section 6, new easy-read leaflets were developed as part of the publicity materials review and re-design that took place in autumn 2013. Considerable amounts of work were done by the Policy and Training sub-committee and staff from the Learning Disability team to identify examples of good practice from other areas and to adapt them for use in Argyll and Bute.

User and Carer Involvement in the Adult Protection Process

As described in the last Biennial report, it is expected that the adult at risk and their views are at the heart of all adult support and protection work.

Updated adult support and protection procedures were introduced in April 2013 and the importance of involving the adult in all aspects of an adult protection investigation, case conference and protection plan were emphasised. New forms ensured that council officers were explicitly asked to demonstrate how the adults' views were gained, what consideration was given to their need for support with communication and whether they had been offered advocacy.

Communication

In a number of cases specific support with communication was provided, such as the use of Talking Mats by trained staff, in other cases consideration was given to how best to talk to the adult in order to ensure that they had a clear understanding of the investigation and protection process. In all cases staff are expected to make clear their consideration of the adult's individual communication needs and how they plan to use their knowledge of these in their interview with them. Examples of this type of planning recorded in case files include:

A. is able to listen and follow conversations, speech can be slow and attention can sometimes wander however with appropriate time given communications can be effective.

B.'s speech can be difficult to make out, due to her Myotonic Dystrophy and very quiet voice. She takes time to verbalise certain things from her past, and to take in questions. These issues will need to be addressed by giving B. plenty of time, by going at her pace, and by checking that she understands what is being said, by re-phrasing statements and questions

C. has limited speech and some difficulties in pronouncing words due to her learning disability and severe expressive language disorder. She can use talking mats and picture symbols to help communicate verbally. She is understood by people who know her well, but they need to take time to listen and allow for one-word answers or a choice of words as C. cannot enunciate all the sounds she would like to.

The fundamental importance of ensuring the full participation of any adult in the adult protection process has been recognised and has been made a target in the 2014-16 Improvement Plan.

Advocacy

In all cases it is expected that an adult who is the subject of an adult protection investigation will be offered advocacy and the updated adult protection forms explicitly expect the council officer to state whether advocacy has been offered. Figures were collected from April 2013 to enable managers and the APC to develop an overview of whether or not the offer of advocacy was being made. The figures from the first half of the year showed a disappointingly low number of adults being offered an advocate, but work with the individual social work teams and a change to the form to capture those adults who already had an advocate led to an increase in the offer of advocacy to 47% in the quarter 1 October to 31 December 2013 to 77% in the quarter 1 January to 31 March 2014.

This will be monitored closely over the next two years and again the figures for those offered advocacy will be collected in the scorecard accompanying the APC Improvement Plan.

The Committee recognises that independent advocacy and the process of gathering independent feedback from adults after an adult protection investigation is crucial to ensuring that the adult protection process maintains the adult and their wishes at its heart. To date the limited feedback available has proved disappointing. Argyll and Bute Council is currently re-tendering its advocacy services. The APC believes that over the next two years there must be a clear step change in the consistency with which advocacy is offered and the style and reliability of the service provided to service users. It is essential that:

- Advocacy is offered to all
- Advocacy is effective
- Advocacy provides an independent means of feedback on service users' experience of adult support and protection

It is recognised that social work staff, and staff from other agencies, need to learn from the experiences of service users to ensure that adult protection is both an effective and a sensitive process. This is important in individual cases, but also in order to enable staff to reflect on any procedural issues that may provide potential barriers to reporting harm, acknowledging harm or working with staff to develop effective protection plans.

Case Conferences

In all cases it is expected that the adult will be invited to any case conference to discuss the risk of harm to them and the best way that all agencies can work together to help protect them. Where the adult lacks capacity or their attendance is inappropriate for some other reason, this is explicitly expected to be noted in the case conference minutes.

In order to enable the adult to attend it is expected that thought will be given to how best to support them to do so, and how best to engage them in what can be an intimidating and formal meeting.

The baseline figures collected over 2013 demonstrate that 87.3% of adults who were the subject of an adult protection investigation were invited to their case conference and supported to attend if they wished to do so, their reason for non-attendance clarified and recorded. The target remains 100%.

Service User Feedback as Part of Evaluation/Audit Process

As described in the last Biennial report, Argyll and Bute worked with West Dunbartonshire Council and Lomond and Argyll Advocacy Service to develop a service user feedback project. This provided an agreed questionnaire that the advocate would use to complete with an adult who had been through the asp process.

The project had a number of limitations and unfortunately the numbers of questionnaires completed and providing useful feedback for staff remain low. There are a number of reasons for this, including the fact that not all adults have used the advocacy service, and not all were willing to discuss their experiences after the process was over. There have also been capacity issues within the advocacy service.

The APC remains committed to gaining the feedback of service users as it recognises that without this crucial element it is not possible to be clear that adult protection is making a positive difference to adults' lives. This topic will remain high on the agenda for Committee members. It will be included in discussions relating to the commissioning of advocacy services going forward, and for the first time will form part of the multi-agency case file audit in 2014. Adults who have been the subject of an adult protection investigation and case conference will be interviewed, if willing, and their views of the protection process form an essential element in the overall consideration of how well adult support and protection is working in Argyll and Bute.

5. PERFORMANCE

Management Data

As far as possible the management data relating to adult protection activity in Argyll and Bute reported here is based on the data set developed by the national priority group. This data and additional information go to the APC on a quarterly basis together with commentary and analysis. The performance reports are scrutinised by members and form one of the most discussed elements of every meeting.

The guidance produced for this Biennial Report has suggested that case studies may be included here to provide useful illustration. However, after considerable thought, it has been decided that the many small communities of Argyll and Bute mean that individual adults – even anonymised – may be identifiable. Case studies have therefore been omitted here.

Referral Numbers

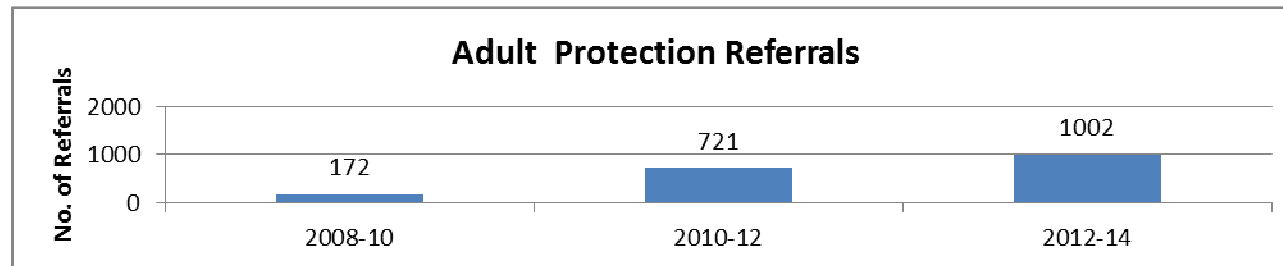
The 2 years 2012-13 and 2013-14 have seen adult protection activity in Argyll and Bute continue to rise.

5.1

Number of referrals:	
2012-13	446
2013-14	556
Total	1002

This two year period has again seen overall numbers of referrals increase after the rise noted in the last biennial report.

5.2



The level of referrals from the different areas of Argyll and Bute continues to provide a wide variation which remains a concern.

5.3

Area	2012-13	2013-14	Total
Bute and Cowal	166	183	349
Helensburgh and Lomond	129	178	307
Mid Argyll and Kintyre	76	127	203
Oban Lorn and the Isles	75	68	143

The overall population of each area is broadly similar, and to date no satisfactory explanation has been found for these wide differences. Furthermore, if this breadth of variation exists within Argyll and Bute, is likely that similar levels of variation exist across Scotland as a whole, but at present there is not means of measuring this.

Referral Sources

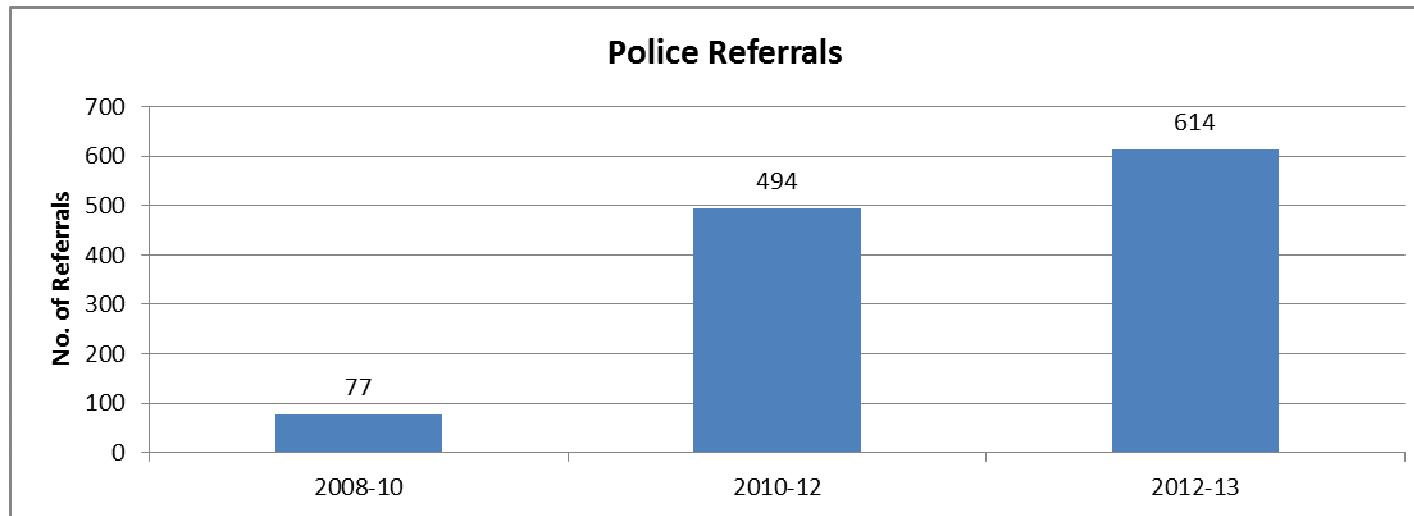
5.4

Referrer	Total	Percentage of referrals from this source
NHS	50	5.0%
GP	8	0.8%
Scottish Ambulance Service	0	0.0%
Police	614	61.3%
Scottish Fire and Rescue	4	0.4%
Office of the Public Guardian	0	0.0%
Mental Welfare Commission	0	0.0%
Healthcare Improvement Scotland	0	0.0%
Care Inspectorate	7	0.7%
Social work team	54	5.4%
Other local authority	6	0.6%
Self	4	0.4%
Family/friend	41	4.1%
Unpaid carer	0	0.0%

Other member of the public	9	0.9%
Anonymous	1	0.1%
Care/support providers	108	10.8%
Care homes	30	3.0%
Housing/Homelessness	16	1.6%
Education Dept.	3	0.3%
Advocacy	4	0.4%
Other	43	4.3%

As in previous years, the police remain the highest referrer, with their referrals increasing year on year:

5.5



In addition to the adult protection referrals sent by the police, vulnerable persons referrals are also received, contributing to the overall numbers from this source.

Referrals from other sources remain comparatively low, but there has been an encouraging rise in the number of referrals from NHS staff.

Referrals from health staff:

5.6

	Referrals from NHS staff	Referrals from GPs
2008-10	11	0
2010-12	28	4
2012-14	60	8

More significant is the rise in referrals from care and support providers. This may be a result of the additional training provided, the publicity campaign or the high levels of publicity given to harm in care settings over the last few years, but is to be welcomed.

5.7

	Referrals from care and support providers
2008-10	0
2010-12	70
2012-14	108

Repeat Referrals

During the years 2012-14, 1002 adult protection referrals were received. However, a number of these were repeat referrals for some individuals who were referred more than once.

In all, there were 677 individuals referred.

An examination of these repeat referrals showed that almost all were for individuals who had self-harmed or threatened to do so. The APC made the decision that the scale of this issue and the resource implications for each of the key agencies, was such that more detailed work should be done in order to provide Committee members with a greater understanding of the response that those who self-harm receive, whether it was consistent across the area and whether it could be improved, particularly for adults who repeatedly come to the attention of social work because of self-harm incidents.

It quickly became apparent that there was a degree of inconsistency in the response provided in different areas of Argyll and Bute. A short-life multi-agency working group was therefore set up with the remit of developing clear guidance for staff who may encounter adults who self-harm and who are referred under the Adult Support and Protection (Scotland) Act 2007, and to clarify pathways for other organisations working with adults who self-harm, in order to ensure that they receive a consistent and helpful response aimed at reducing the likelihood of repeated self-harm incidents.

The working group met throughout 2013 and their final report will be presented to the Committee in August 2014.

Ethnicity

The overwhelmingly white population of Argyll and Bute is reflected in pattern of referrals:

5.8

Ethnicity	Number of referrals
Declined to say	5
White British	694
White Scottish	216
White English	10
White Irish	1
White Traveller	1
White other	18
Other	3
Not recorded	54

Adult Protection Investigations

During the two year period of the Biennial report, Argyll and Bute Council made a number of changes to the way that data was recorded. These enabled more detailed information to be captured from 1 April 2013 about the number of individuals referred and the outcomes of the referrals.

Detailed data on the outcome of referrals has only been captured from April 2013 onwards. *The following statistics therefore apply to one year's data.*

A relatively low number of referrals led to adult protection investigations.

Between 1 April 2013 and 31 March 2014: 57 investigations took place
 Approx. 10% of all adult protection referrals
 (7 others were identified as adults at risk but dealt with as part of a large scale investigation process)

The referrals for that led to an adult protection investigation for an adult were made by:

5.9

Referral source	Number of referrals made	Referral source	Number of referrals made
Care and support provider	22	CPN	1
Social work team	8	OT	1
Police	6	CMHT	1
Hospital	5	Friend	1
Relative	5	Housing Assoc.	1
GP	2	Day centre	1
Care Home	2	SW Emergency service	1

It is clear that the quality and relevance of the referrals to adult protection varies, with some agencies making a far higher proportion of referrals that lead to an adult protection investigation than others. Although the police made the highest number of referrals, most were for adults not considered at risk of harm, with only 1% leading to an investigation. It is important that work continues to ensure that referrals from other agencies rise, and this is reflected in the Improvement Plan and scorecard.

5.10

Referral source	% of referrals from source that led to an investigation
GP	25%
Care/support providers	20%
Social work teams	15%
Friend/relative	14.5%
Other health sources	13%
Care homes	6.5%
Police	1%

Investigations took place for those of the following ages and gender:

5.11

Age Group	No of years covered by age band	Male	Female	All adults
16-24	9	3	2	5
25-39	14	3	1	4
40-64	25	4	11	15
65-69	5	3	1	4
70-74	5	0	1	1
75-79	5	2	6	8
80-84	5	4	3	7
85+		1	12	13
Total		20	37	57
% of investigations		35%	65%	

Overall, more adult protection referrals are received for females than males, with 55.8% received for females, 44.2% for males. This carries through to the numbers that lead to an adult protection investigation, although the difference is more marked here, where 65% of the investigations are for females, and 35% for males.

Age Group

It is noticeable that the percentage of the over 65s who are referred are higher than their numbers in the population would predict, particularly in the over 85 bracket. And the percentage where the initial inquiries suggest that the adult is at risk and an investigation takes place, are even higher in this age group with approx.60% of all adult protection investigations taking place for over 65s, who make up 27.5% of the population.

5.12

Age Band	Number of AP Referrals	%	Population (2012 SAPEs)	% of Argyll and Bute population aged 16 and Over	Number of investigations: All adults	% of investigations as proportion of referrals
16-24	72	12.90%	8260	11.3%	5	6.9%
25-39	75	13.50%	12101	16.6%	4	5.3%
40-64	187	33.60%	32315	44.4%	15	8.0%
65-69	30	5.40%	6422	8.8%	4	13.3%
70-74	27	4.90%	4906	6.7%	1	3.7%
75-79	51	9.20%	3786	5.2%	8	15.7%
80-84	51	9.20%	2685	3.7%	7	13.7%
85+	62	11.20%	2356	3.2%	14	22.6%
Age not recorded	1	0.20%				
	556	100.00%	72831	100.0%	57	10.3%

As described above, it is not possible to be certain why this pattern has emerged. It may be that greater publicity about harm and the provision of training to a wide range of individuals and groups has played a part in helping people to identify harm to older people. However, it is also possible that the risk harm to this age group is significantly higher than to other sections of the population. If this is the case, there are serious implications for an area such as Argyll and Bute which is predicting an ongoing population shift with rising number of over 65s.

The client groups of those adults where an investigation took place were as follows:

5.13

Client groups	Number of investigations by client groups
Dementia	15
Mental health problem	8
Learning disability	12
Physical disability	12
Infirmity due to Age	10
Substance misuse	0
Other	0
Total	57

These figures appear to confirm that a high proportion of concerns that require adult protection follow up relate to older people, as 25 (almost 44%) of investigations took place for adults who had dementia or who were infirm due to age. It is likely that a number of those recorded under other client groups were also over 65. There are also instances where an adult fits into more than one client group and the figures above fail to capture this.

The principle type of harm that resulted in an adult protection investigation were as follows:

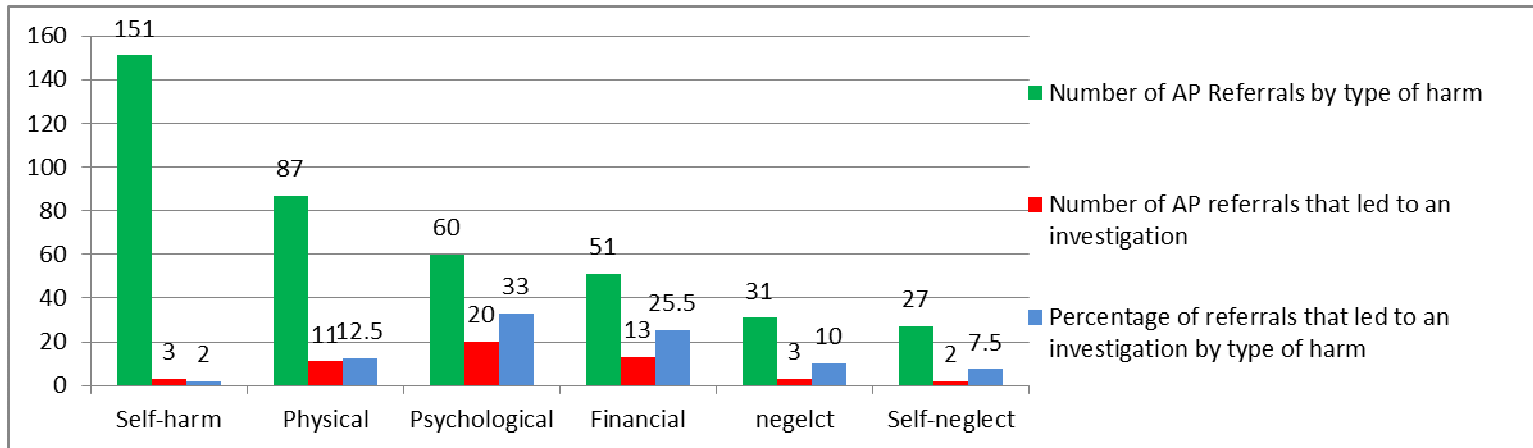
5.14

Type of Harm	Number of Investigations for type of harm
Financial	13
Psychological	20
Physical	11
Sexual	5
Neglect	3
Self-harm	3
Self-neglect	2
Total	57

In Argyll and Bute data is collected on the type of harm identified in all referrals, and it is clear that while self-harm is identified in the highest number of referrals, this does not translate into a high number of investigations taking place for those who have self-harmed. Most self-harm referrals are made by the police, and this data sits alongside the information above that identifies that only a very small number of the police referrals lead to an adult protection investigation.

Overall, a far higher number of referrals for all other types of harm lead to investigations. Referrals for psychological and financial harm translated into the highest percentage of referrals that led to an investigation. It is also recognised that many adults are the subject of more than one type of harm, with the figures above failing to capture this.

5.15



The location of the harm that led to an investigation were as follows

5.16

Location	Number of Investigations of harm at this location
Own Home	47
Other private address	1
Care Home	7
Sheltered Housing or other supported accommodation	0
Independent Hospital	0
NHS	2
Day Centre	0
Public Place	0

The table above appears to reflect the available research and confirm that more adults are harmed at home than anywhere else. This makes it essential that those who visit and work with adults in their own home are trained in adult protection and empowered to make referrals, when necessary.

Case Conferences:

In line with adult support and protection procedures, where an adult protection investigation considered that the adult was at risk of harm, a multi-agency adult protection case conference was convened.

The number of initial case conferences held during the one year period 1 April 2013 - 31 March 2014 was 37, or 65% of all investigations:

5.17

Type of case conference	Number of initial case conferences
Initial case conferences	37

Those case conferences that agreed the adult was at risk of harm developed a protection plan to support and protect the adult and then re-convened to review the risk and the protection plan during this period:

5.18

Type of case conference	Number of review case conferences
Case conferences to review protection plans set up prior to 1 April 2013	12
Review case conferences from protection plans set up this year	19
Total	31

Two Protection Orders were applied for during this period. These were a Temporary Banning Order with Power of Arrest followed by a Banning Order with Power of Arrest to protect the same adult.

One large scale investigation into poor standards of care and support in a care home took place this year.

Management Data Conclusions

The management data presented above, together with additional information about referral types, goes to the APC each quarter for scrutiny and discussion. Ongoing areas for examination include

- The rising level of referrals from the police
- The unexplained difference in referral levels across the areas of Argyll and Bute
- The need to ensure a rise in public awareness so that referral numbers from service users, family members and the public rise
- The need to ensuring ongoing training for staff from all agencies so that referral numbers for social work, the NHS and provider organisations continue to rise
- The need to maintain a scrutiny of work being done where adults are referred repeatedly following incidents of self-harm

Work done in April 2013 to capture additional information about the outcomes of all referrals has provided only one year's data to date. This will now form a baseline against which work done in the next two years can be examined.

SELF EVALUATION AND AUDIT

Since its creation, the Adult Protection Committee has used a number of methods to examine its own performance and the way that its member agencies work together to support and protect adults at risk of harm.

Self-Evaluation Days

In November 2012 and November 2013, the APC held its third and fourth self-evaluation days attended by staff from all of the key agencies.

The self-evaluation day in 2012 concentrated on risk assessment and protection planning, and asked staff working in each of the four areas of Argyll and Bute to consider a number of questions relating to these topics. The discussions produced many positive views of the way that the agencies work together, and also identified a number of areas where more work was required. A report was produced following the day to capture the main points discussed and identify actions for the Committee or specific personnel.

In 2013, the self-evaluation day started with an update on the actions identified from the previous event in a "you said – we did" format.

Staff from the various agencies were then asked to consider what successful adult support and protection practice might look like and how well Argyll and Bute was doing when considered against objective standards. In the absence of other information, the draft standards produced by ADSW and sent out for consultation the previous year were used. Prior to the day, the APC had conducted its own self-evaluation session and the Chair gave a presentation on the Committees own views of its strengths and weaknesses, and areas that members had identified for improvement over the coming year.

Like the previous year, many positives were identified in each area, with staff generally agreeing that the agencies in Argyll and Bute have developed good communication between themselves. The area groups then identified priorities for their locality to work on over the coming year, as well as central themes for the Committee to take forward. The report produced following the day was distributed to the chairs of the local Area Development Forums to assist with their work in the coming year.

The fifth Self-Evaluation Day will be held in November 2014.

Case File Audits

A first multi-agency case file audit was done in May 2012 after considerable amounts of planning. A team of staff from the Police, the NHS, social work and the Care Inspectorate evaluated the work in a small number of cases from across the area. Learning points about the way that the audit was organised and planned were identified as it was recognised that issues such as the difficulty in gaining the consent of the adult for an examination of their records, the wide variety of records held and the time-consuming nature of such an audit, made this a complex process. All concerned in the process agreed that although some issues were identified for individual agencies, the small number of cases examined made it difficult to draw valid conclusions. The learning from the organisation of the first audit was used as a basis from which to plan the second.

In January 2013 preparation started for the next multi-agency case file audit. The APC agreed that for 2013 two separate audits would be undertaken. The multi-agency audit would concentrate on those cases where the adult was considered at risk of harm and had been the subject of a case conference. However, it was also recognised that these were a small percentage of the overall number of referrals. Work done as a result of the majority of referrals concluded that the adult was not at risk of harm. It was therefore agreed that an internal social work file audit would also be done, looking at 5% of these cases from 2012-13. The focus of the audit would be to ensure that the inquiries made as a result of the referral were multi-agency, and that the decision making and follow up were consistent and appropriate.

The internal social work audit was undertaken in June and the multi-agency audit in August 2013. Both were the subject of reports to the August APC.

Multi-Agency Case File Audit 2013

8 cases were examined and cross-checked as part of the audit. Again a small team of staff from the Police, the NHS, social work and the Care Inspectorate evaluated the work done by a variety of staff and marked according to an agreed template. The overall assessment of the work done was:

5.19

Excellent	1
Very Good	1
Good	3
Adequate	3
Weak	0
Unsatisfactory	0

The grades relate to the work of all agencies

The evaluations of the work done and the feedback of the auditors recognised in all cases that the work done to identify and manage risks was multi-agency. There were some good examples of joint working to support and protection the adult who was being dealt with through the ASP procedures, with a helpful focus on their individual needs. However, a number of learning points were also identified and fed back to each agency.

Internal Social Work Audit 2013

The Service Manager Operations and the Area Manager Adult Protection examined 25 adult protection referrals and the work done as a result of them. A basic audit tool was devised together with a scoring mechanism.

Of the 25 referrals examined, the work was judged to be:

5.20

7 Excellent	28%
2 Good	8%
7 Adequate	28%
9 Poor	36%

This represents a performance with considerable scope for improvement, however in many cases it was noted that appropriate work had been done to support the adult but that the recording was poor. This had already been identified as a concern by managers within social work and the adult protection forms updated accordingly. A small number of cases where a second adult protection referral had been received after the new forms were introduced in 2013 were examined and all demonstrated clearer information gathering and more transparent decision making.

Both the multi-agency and internal social work audits provided invaluable information for the agencies involved in supporting and protecting adults in Argyll and Bute. Both demonstrated some good and excellent work taking place, but both also highlighted areas for improvement. These were disseminated through reports to the APC and work done within the key agencies. Specific issues were identified within social work and a report taken to the Area Managers for action locally. Practice updates based on the areas for improvement were also incorporated into training for the team leaders within the social work teams who play a key role in the adult protection process and are required to provide an essential consistency across the various teams. All staff within the social work teams received training on the updated adult protection forms and the reasons for their introduction which covered a number of the points raised in the audit.

In 2014 it has again been agreed that the 2 levels of audit will again take place and plans are underway for these pieces of work by the end of the summer. These will provide a helpful element of preparation for the joint inspection for adult services that is anticipated during the next two year period.

STAFFING AND FUNDING**Staffing**

As described in the previous Biennial reports, the complex geography of A&B means that the establishment of a central adult protection unit was not a practical option. Instead, one social worker in each of the four areas was given the responsibility for

providing a lead in all aspects of adult protection. They worked with health staff to establish a local training programme and worked alongside colleagues to assist in the development of local expertise in dealing with adult protection cases.

During 2012, a number of personnel changes and the growing confidence of all staff in dealing with adult protection referrals, led to the decision to move away from this model of working. It was recognised that identifying and assessing risk of harm is a core social work function, and as such should be managed locally within the social work teams. Changes were made to adult support and protection processes to establish greater local ownership of this work, and updated procedures and forms were rolled out with an authority wide training programme leading up to their introduction in April 2013. These changes were generally welcomed by social work staff and managers who recognise the importance of this area of work and the need to develop the expertise of all staff to approach it with knowledge, skill and confidence.

During the period of this report the existing Area Manager Adult Protection retired and a new manager was appointed in October 2012.

The Area Manager Adult Protection and the APC and sub-committee are supported by an administrative officer who also provides support to COGPP.

During the period of this Biennial Report, Argyll and Bute Council took the decision to in-source the Social Work Standby Service. This had previously been purchased externally but provided limited cover at high cost. The new locally-based Social Work Emergency Service started in April 2013 without identifiable service disruption. The volume of calls has risen steadily as the service has been recognised as more locally responsive than previously. There has been no rise in the number of adult protection referrals from this source.

Funding

Argyll and Bute Council continues to recognise the importance of adult support and protection and has, to date, maintained the previously agreed level of funding to support all aspects of this work. The budget for the four original adult protection social workers has been passed to the areas teams to reflect the general nature of these posts from 2012, but all other elements of funding remain available to support other aspects of adult protection work here.

6. TRAINING AND STAFF DEVELOPMENT

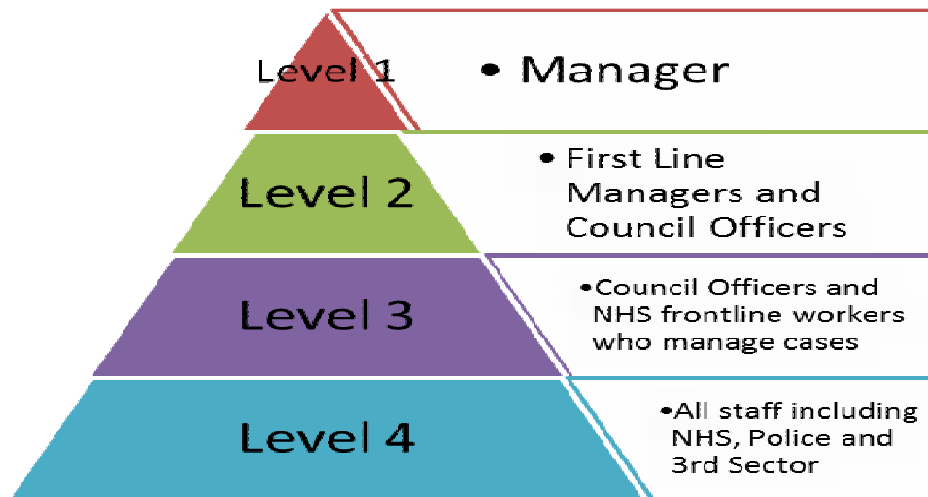
TRAINING

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

The multi-agency training plan developed by the Policy and Training sub-committee of the APC continues to focus on all aspects of adult support training.

There were a number of changes in the way that training was provided in this period. There was an inevitable slowdown in training when the previous Area Manager Adult Protection retired, and the original arrangement for training to be provided by specific social work staff located within each area came to an end with a change of personnel and roles in the area teams. The sub-committee therefore refreshed the training framework and plan in February 2013. However, as in previous years there was an ongoing commitment to provide training across all areas of Argyll and Bute and for that training to be free for those who attend from any agency.

Adult Protection Training Framework



Training Plan

LEVEL	DESCRIPTION	OUTCOME SOUGHT	TARGET GROUP	MANDATORY	NOTES
Level 4	Management of Adult Protection Investigations	That managers will have a clear understanding of the elements involved in identifying when an adult protection investigation is required and planning all stage of it with appropriate staff	Service Managers Area Managers Team Leaders	Yes (PRD)	
	Case Conference Chairing	That managers and lead professionals will have the knowledge and skills to chair adult protection case conferences and reviews case conferences	Service Managers Lead Professionals NHS Area Managers	Yes for agreed staff (PRD)	
Level 4	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	
Level 3	Chairing Core Groups/ Case Discussions	That staff who chair case discussions/ core groups have the skills and knowledge required to undertake this task.	First Line managers/ Council Officers (PRD)	PRD	
Level 3	Investigative Interviewing	Practice development in relation carrying out investigative visits and interviews	Council Officers NHS Professional Staff who may be involved in AP investigations	Yes As Agreed	
Level 3	Risk Assessment and Support/Protection Planning	Practice training in relation to risk assessment and protection planning	Council Officers NHS Professionals	Yes As agreed	
Level 2	Introduction to the Adult Support and Protection (Scotland) Act 2007 and Argyll and Bute adult support and protection procedures	To ensure that council officers, social workers and other frontline staff who manage cases are aware of the Act, the legal duties placed on staff and how adult protection referrals are managed within the council	Council officers Social workers, social work assistants, CPNs District Nurses, managers of care and support provider services etc.	Yes (for council officers and social workers)	This will be opened to other agencies following initial briefings of qualified Council staff.

LEVEL	DESCRIPTION	OUTCOME SOUGHT	TARGET GROUP	MANDATORY	NOTES
Level 1	Awareness Raising (Half day)	To enable staff to recognise and report adult protection concerns, and have a basic understanding of the adult protection process	All staff in public, private and 3 rd sector who may come across an adult at risk of harm	To be agreed by each agency	Open to staff from any agency who have contact with members of the public.
	Minute taking	Effective minute taking	Minute takers of AP case conferences	Admin staff in adult social work	
	NHS ASP e-learning module	To enable staff to recognise and report adult protection concerns, and have a basic understanding of the adult protection process	NHS staff		NHS staff may also attend the half day session to increase their knowledge if agreed appropriate

Training provided 2012-14:

Level 1 Training:

Basic Awareness of Adult Support and Protection

Most of this training was commissioned from an external provider, with the Area Manager Adult Protection undertaking a small number of sessions in the more remote locations. It was open to all agencies and generally delivered in multi-agency groups.

Overall 45 sessions took place across locations in Helensburgh, Dunoon, Bute, Lochgilhead, Campbeltown, Oban, Mull, Islay and Tiree.

The attendees were as follows:

6.1

	LOCAL AUTHORITY	HEALTH	POLICE	PRIVATE & 3RD SECTOR	OTHER	TOTAL	NO. OF SESSIONS	NOTES
APR-JUN 2012	12	0	0	53	18	83	8	18 OTHER - HOUSING
JUL-SEPT 2012	18	9	0	51	0	78	8	
OCT-DEC 2012	0	0	0	0	0	0	0	
JAN - MAR 2013	17	33	0	55	0	105	8	
APR - JUN 2013	49	43	0	45	0	137	8	
JUL-SEPT 2013	67	33	6	25	13	144	8	13 - other - 5 NPFS, 8 HOUSING
OCT - DEC 2013	5	0	0	10	0	15	1	
JAN-MAR-2014	22	10	0	21	0	53	4	
	190	128	6	260	31	615	45	

In addition, 258 NHS Highland employees in Argyll and Bute completed an electronic ASP module, through the learnpro system.

The figures above are encouraging, and adult support and protection training continues to be provided across the area, despite the challenging geography of Argyll and Bute. More specific recording has recently been put in place to capture greater detail as to the

job role and agency of those being trained so that this can be matched against any rise in referrals noted from each source. In addition, a post-training feedback system has been developed so that those trained are contacted three months later to try to capture their experience of applying the training to the working situations.

Adult Protection Case Conference Minute Taking Training

This half day course for admin staff who take the minutes of adult protection case conferences was run in June 2013, and attended by 15 staff.

The relatively stable staff team in Adult Care means that the numbers requiring this training are low but it will be run again in summer 2014.

Level 2 Training:

The Adult Support and Protection Act in Practice

This one day course was refreshed to coincide with an update of the adult support and protection procedures and run by the Area Manager Adult Protection. Between January and March 2013, 9 sessions were held for social work staff in order to ensure that those who dealt with adult protection referrals at any stage (including the admin staff who record them as they are received) were familiar with the new procedures and forms prior to their introduction in April. In total 83 staff attended these sessions. A further mop up session was held in May with 10 attendees.

The courses were then opened up to staff from other agencies. 7 sessions were held in Helensburgh, Dunoon, Lochgilphead, Campbeltown and Oban, with 92 attendees, most from the council, the NHS or advocacy.

Level 3 Training:

Council Officer Training

Those staff appointed as Council Officers in Argyll and Bute have been expected to complete additional training days provided by an external trainer. The majority of staff in the area teams who had been appointed as Council Officers had done this training in

previous years, so a small number of sessions were arranged to capture those who were newly into post or who had missed the training when run previously. In order to make best use of the training they were opened up to NHS colleagues who work alongside Council Officers as part of adult protection investigations.

These sessions included:

- Investigative Interviewing – 3 sessions held, 30 staff attended
- Risk Assessment and Protection Planning- 3 sessions held, 26 staff attended

Core Group/Case Discussion Chairing Training

Chairing core groups/case discussions was not run as a separate session but integrated into the Level 4 Management of Adult Protection Investigations training.

Level 4 Training

Case File Audit

Case file audit training was not run as a separate session in 2013 as most of the auditors had been involved in the work the previous year.

Case Conference Chairing

Case conference chairing training was run for the small pool of new and existing chairs in February 2013. Feedback from the self-evaluation day held in November 2012 recognised the importance of effective chairing of adult protection case conferences and it was agreed that all chairs would attend this session, not just those who had attended the training previously. This was welcomed by those involved in this task as a useful session to allow detailed discussion to some of the issues involved in chairing case conferences as well as a training refresher. This will be run again in summer 2014 for two new staff who have been identified as appropriate to chair these meetings but also to include the existing chairs so that their knowledge and experience can be shared with a view to increasing consistency of practice.

Management of Adult Protection Investigation Training

Management of Adult Protection Investigations training was run for all social work team leaders in 2013 by the Area Manager Adult Protection, and is being repeated again in 2014. It has been recognised by senior management that in practical terms it is the team leaders who manage most investigations and have a crucial role in providing practice-based experience and advice to their staff.

Monitoring and Overview by the Sub-Committee

- The majority of the training provided in 2014 has been published on the Argyll and Bute Council website as part of the ongoing training programme. It is hoped that by doing so the information is made as widely available as possible. The geography of Argyll and Bute is such that some of the more remote areas are visited only once a year for the provision of training, but those who attend are highly appreciative that such training is brought to them. It also allows attendance from community groups and other organisations that lack the budget to send staff to training at a distance.
- As well as ensuring that appropriate training is provided and available to staff from all agencies, the Policy and Training Sub-Committee maintains an overview of the course evaluations. For all courses these have remained consistently high. However, it has been recognised that although large numbers have been trained, the number of referrals from sources other than the police have risen only slowly. The sub-committee have therefore started to send out post-training questionnaires to attendees. These are sent 3 months after attendance at any of the courses and seek to gain information as to whether the attendee has used the information acquired in their daily work and whether they have made – or considered making- an adult protection referral. To date too few replies have been received to allow for any clear picture to emerge, but the results of this work will remain on the sub-committee agenda going forwards.
- The sub-committee has also recognised that since the implementation of the Act in 2008, the data relating to those attending training has been captured in different ways. The attendance of those from the large agencies (eg. the NHs and council) have been collated, but it has recently been agreed that more detailed information would provide a better overview of which specific organisations are sending staff to the training, and so enable the sub-committee to identify those that do not engage with the training programme. It will also allow for an examination of the sources of the referrals coming to social work and whether the attendance of specific staff at training has any effect on these.

PUBLIC AWARENESS OF ADULT SUPPORT AND PROTECTION

The Argyll and Bute APC has had consistent concerns about the level of awareness of adult protection and has worked to use every opportunity to raise the profile of the Committee and its work, as well as ASP itself.

Following the submission of the Biennial Report, the Chair and Area Manager Adult Protection took the broad messages from the report to the Council and the four Area Committees. In addition, press releases were also provided and published across the area when the Minister's response to the report was received in order to raise public awareness of the issues

As described in the last Biennial Report, following the TV advert shown originally in the West of Scotland, and later nationally, the adult support and protection publicity material in Argyll and Bute was updated and distributed widely across the area. However it was recognised that it was important to gather information about the level of public awareness in Argyll and Bute prior to more work being undertaken.

In Autumn 2012 the APC agreed that the Citizens Panel should be asked a number of questions about adult support and protection. The responses revealed a disappointingly low awareness of the subject: only 35% of those who responded were aware of the Adult Support and protection Act and only 27% were aware that adults now had the legal right to be protected from harm. The TV advert had been seen by only 30% of respondents.

These figures clearly demonstrated that public awareness of adult support and protection was low. However, the work undertaken to gather this information was invaluable, as it provides a baseline against which the success of future awareness campaigns can be measured.

In February 2013 it was agreed that responsibility for public awareness should be included in the remit of the existing sub-committee of the APC so that it could be taken forward on a more structured multi-agency basis. The members of the group agreed that a new awareness campaign was required and the key agencies worked together to develop new leaflets and posters. These were launched in September 2013 with an event, articles in the local press and the distribution of the literature as widely as possible. Links with the third sector organisation on the APC, Argyll Voluntary Action, meant that were able to use their newsletter to reach their contact lists of over 470 individuals and community groups, together with additional publicity provided through their website, Facebook and twitter accounts.

An easy read leaflet form services users was also produced, as was a short information leaflet for adults who were the subject of an adult protection investigation, giving them more information about the process.

Once again the Citizens Panel will be used to gain an understanding of the general awareness of the public of adult support and protection and questions have been devised to go out to them in early summer 2014. Additional questions this year will ask if the respondent has seen the new leaflets and posters, and if so where they saw them. This will enable future campaigns to target locations where it is known that information is seen by the largest number of people.

7. COMMUNITY SAFETY, CO-OPERATION, PARTNERSHIP AND LEARNING

Public Protection Arrangements

Until 2014 the Adult Protection Committee, like the Child Protection Committee, was part of an overall governance framework provided by the Chief Officers Group (CAPCOG). This met on a quarterly basis and was chaired by the Chief Executive of Argyll and Bute Council.

During 2013 it was agreed by all agencies that CAPCOG should examine its own structure and functioning and a development day was held in December.

As a result of the review of CAPCOG, it was agreed that this group should provide strategic leadership and scrutiny to the three public protection areas of Child and Adult Protection and the Multi Agency Public Protection Arrangements for High Risk Offenders (MAPPA). The group is now known as Chief Officers Group Public Protection (COGPP) and has updated terms of reference to reflect this. As a group they will ensure there is an appropriate interface between Child Protection, Adult Protection, High Risk Offender Management/ the Alcohol and Drug Partnerships, Violence against Women Partnership and other initiatives as required. It also provides a mechanism to ensure that the chairs of the MAPPA, Child Protection Committee and Adult Protection Committee are brought together to ensure clear communication and co-ordination.

COGPP reports to the Argyll & Bute Community Planning Partnership in order to promote the activities and values of public protection across the spectrum of public, private and voluntary agencies and the community within Argyll & Bute.

The changes in the structure and functions of COGPP have led to the APC reviewing its own terms of reference and membership, and these were agreed at the APC meeting in April 2014. In line with the Adult Support and Protection Act and the guidance for APCs produced by the Scottish Government, the members of the APC represent their own agencies on the Committee, and have the authority to make decision on behalf of those agencies, with their lines of accountability leading back to the senior officers represented at COGPP.

This change in the governance arrangements for the APC is relatively recent but it has been acknowledged that they should provide a clear benefit to all agencies working in the field of public protection.

Communication Between Agencies in Practice

Feedback from partners within the APC suggests that in general communication between the agencies is good.

Ongoing quality assurance and case file audits both report that most adult protection inquiries demonstrate multi-agency liaison and follow up, and that all adult protection investigations involve the other organisations working with the adult. The agencies represented at the self-evaluation day, too, reported very positively on partnership working where staff routinely work together to protect adults at risk of harm.

Case conferences following an adult protection investigation are expected to be multi-agency and invitation lists generally demonstrate that appropriate agencies are invited. Concerns were noted, however, that not all those invited were able to attend and the quality assurance checks for the quarter 1 October to 31 December 2013 demonstrated that only 22% of all case conference held in that quarter were attended by all those agencies invited.

Throughout 2012-14 the original timescales determined by the West of Scotland practice guidance had been used as the yardstick for arranging these meetings, with all attempts made to hold a case conference within 10 working days of a referral. In January 2014 the APC accepted that such tight timescales may be the cause of non-attendance for some agencies who are invited but who find it difficult to re-arrange their work schedules at short notice. It was therefore agreed that from April 2014 all adult protection case conferences will be held within 15 working days of the referral as it is accepted that it is more important to have attendance from all those required, rather than hold a meeting quickly that needs to be repeated when others are available. The attendance of key staff and agencies invited to these meetings will be monitored to evidence whether the change in timescale has had a positive effect on multi-agency attendance.

As social work and the NHS move towards integration, regular meetings have been held in Argyll and Bute between managers within both services, and adult protection is a standing item on the agenda for this meeting. Reports are provided on adult protection activity and any changes to procedures or practice are highlighted.

Short reports are included here from each of the key agencies represented on the APC indicating their own commitment to and prioritisation of adult support and protection and the co-operative working between them.

POLICE SCOTLAND REPORT

Since the introduction of Police Scotland on 1st April 2013 the Police Service has experienced significant change as the transition from regional forces to one national force continues to progress at pace. L Division which covers both West Dunbartonshire and Argyll and Bute Local authority areas has embraced this transitional period viewing it as an opportunity to improve the quality of service we provide across the area. One of the biggest and most recurring challenges we have faced over the preceding two years in relation to Adult Protection issues is the level and consistency of referrals from the Police over the different Command Areas. A span of command review for Argyll and Bute has rationalised the number of command areas and this in conjunction with the introduction of a Divisional Vulnerability Hub has seen a more measured and consistent application of joint working protocols. Our aim in the future is to develop the idea of one multi agency vulnerability hub to include co location with partner agencies to streamline and accelerate the referral process thereby providing the most appropriate response from the most appropriate agency regardless of the circumstances.

Information sharing with partners is paramount if this approach is to succeed and this ethos is now embedded in our policies and procedures. A new Adult Protection Standard Operating Procedure reference document has now been published on Police Scotland Intranet which is accessible by all staff. Regardless of their working environment staff are encouraged to refer to Standard Operating Procedures to ensure a consistent professional approach is adopted in all areas of business. Ongoing training in the Adult Protection arena has also been highlighted as a priority with a range of online topics available such as front line officers awareness training of ASD and how to recognise individuals who may be on the spectrum to specialist training aimed at Public Protection Unit (PPU) officers.

Partnership working including third sector partners remains a focus for Police Scotland and we like to think we work well on a day to day basis with all partners sharing information where appropriate. We are now in our second year participating in an arrest referral scheme for adults with alcohol and drug dependency issues in the Oban area and feedback from third sector partner agencies has been favourable. It has highlighted the increased number of interventions that they have been able to make as a result of this approach to alcohol and drug fuelled offending behaviours. The Police in turn have seen a decrease year on year of this type of offending which could be argued is directly attributable to this type of approach. This and other similar multi agency initiatives will continue to form part of core our business expectations over the coming years.

Other formal partnership working arrangement such as multi agency self assessment will continue as demonstrated by the recent multi agency case file audit overseen by Health. Police Scotland are committed to this approach and is now viewed a business as usual.

NHS HIGHLAND AND ARGYLL & BUTE CHP REPORT

During 2013/14 NHS Highland has continued to work in partnership to progress the Adult Support and Protection agenda in Argyll & Bute.

A key development this year has been the establishment of the local ASP forums in all parts of Argyll & Bute. These fora provide a foundation for improved local interagency working and communications which can only improve the coordination, cooperation, and responsiveness of services for those at risk of harm.

Argyll & Bute CHP ASP Working Group has continued to meet regularly, enabling the dissemination of information from the Argyll & Bute Adult Protection Committee, through the local representatives, to the local health teams.

Staff training has been a key focus for the ASP Working Group, with the roll out of the e-learning ASP module on NHS Highland's learnpro system being the foundation for further learning. The original NHS Highland ASP module was based on Highland Council procedures and was adapted for use in Argyll & Bute in early 2013. This has now been included as mandatory training for all clinical staff and to date 258 staff from all areas and professions have completed this module. While this is a good start, the challenge for 2014/15 is to ensure that all of the remaining staff complete the module by the end of the year.

The meaningful involvement of GPs in ASP case reviews remains a priority. A recent agreement through NHS Highland GP Sub Committee on reimbursing practice expenses for involvement in case reviews should go some way to improving GP involvement. However, further work is required to raise awareness of ASP amongst GPs and practice staff.

Some improvement in the number of ASP referrals from NHS staff has been noted during 2013/14. However, those numbers remain relatively low. It is hoped that with further exposure training during 2014/15, we will see a steady increase in the number of referrals from all health sectors.

In summary 2013/14 has seen a steady increase in awareness of and involvement in ASP across health services in Argyll & Bute.

THE SCOTTISH FIRE AND RESCUE SERVICE REPORT

The Scottish Fire and Rescue Service (SFRS) recognises its responsibilities in contributing to positive outcomes for Communities both Nationally and at local Single Outcome Agreement level.

The main thrust of SFRS' prevention and protection engagement strategy revolves around identifying, and providing fire safety advice to, those at highest risk from fire whilst also having a responsibility to recognise, and report, issues surrounding adults at risk of harm.

SFRS' inclusion within the Local Authority Adult Protection Committee has provided the opportunity to engage at a strategic level, with the key agencies, in terms of service provision, responsibilities and reporting mechanisms.

In November, 2013, SFRS produced its Adults at Risk of Harm Policy. This policy is intended to ensure that all SFRS personnel are familiar with the terms and supporting legislation; understand the need for rapid inter agency collaboration, intervention and communication; and have a clear understanding of the mechanisms that should be adopted in relation to adult protection. The policy is also considered in conjunction with the guidance contained within the Home Fire Safety Visit (HFSV) and (Fire) Case Study and Case Conference policies and procedures.

Training in the content of these policies was delivered to all full-time and retained duty system fire fighters as well as the dedicated Community Safety Engagement Staff across Argyll & Bute. This culminated in delivery to 14 Community Fire Stations, a total of 244 operational personnel, and 20 Engagement Staff and Senior Officers.

It is recognised that personnel from the SFRS may, in the course of their operational duty or whilst conducting home fire safety visits, encounter actual or suspected harm to a service user or have information in this regard reported to them. In some cases harm may have been done, or threatened, by deliberate fire-raising. SFRS personnel, having a responsibility to act, require a direction in which to refer these adults at risk; the key agencies have the expertise and ability to effect the change which will reduce the risk, whilst SFRS personnel address any immediate fire risk.

This invaluable engagement work has provided reciprocal referrals, involving Police Scotland, Social Work Services and SFRS, to direct their services to vulnerable individuals. SFRS records show: -

10 'high risk' referrals from Police Scotland to SFRS for home fire safety visits (HFSV)

123 'high risk' referrals from Social Work Service (SWS) to SFRS for HFSV

11 referrals from SFRS to SWS, utilising AP1 or the Argyll and Bute Adult Support and Protection Referral Form

ARGYLL AND BUTE COUNCIL SOCIAL WORK REPORT

Adult Care continues to be represented on the APC by the Head of Service and the Service manager for Operations. A report on the work of the social work teams over the previous quarter is presented, along with performance data relating to various aspects of the work undertaken.

As lead agency for adult support and protection, Adult Care has seen its workload increase over the last 2 years. Referrals have risen by almost 300 as compared to the previous 2 year period. While most of these do not result in a formal adult protection investigation, considerable effort is made to ensure that the inquiries undertaken are comprehensive and that, where required, the adult is offered appropriate information, advice or support. In general the agencies within all areas work well together to share information find a positive way forward for the adult who was the subject of the referral.

Social work practice was examined through case file audits during this 2 year period, and a number of learning points were identified. Encouragingly, the audits all found that high levels of multi-agency work took place when an adult was the subject of an adult protection investigation. Considerable amounts of information sharing took place in all cases, and a wide range of staff from different agencies were invited to – and generally attended- case conferences.

The adult support and protection procedures within social work were updated for 1 April 2012 and considerable amounts of training on these took place between January and the end of March that year. This ensured that all social work staff who deal with adult protection referrals had a refresher on the essential elements of the Act and the updated procedures. Overall it appears that the updated procedures and additional training have led to a greater focus on clear and transparent decision making following an adult protection referrals and it is hoped that this will be demonstrated in this year's case file audits.

8. CONCLUSIONS, RECOMMENDATIONS AND FUTURE PLANS

This report has set out the considerable progress we believe we have made in Argyll and Bute over the past two years.

We are particularly proud of the rising number of referrals and are especially proud of the broadening range of referral sources.

We are delighted that we have protected so many adults from harm. We are also delighted that we have helped many, many more adults who were not at risk of harm, but who were in need of support. Our awareness of them and the offer of information, advice and support to them that follows these referrals is maybe one of the biggest outcomes of the legislation, even if it was unintended.

We wish we had met each and every one of the targets we have set ourselves – but, alas, we have not. At least we know where we are falling short.

In the immediate future, we must make sure

- all those referred are offered advocacy
- we progress all referrals within our challenging timescales
- the range of referral sources continues to widen – and widen rapidly
- we understand much better the impact of our interventions
- understand the rising tide of financial harm – and address it
- raise awareness of Adult Support and Protection; in this we will need the help and support of the Scottish Government

Our current plans for the future are set out in our Performance Improvement Plan which is attached as Appendix 1 to this report. The Plan identifies clear deliverables which will be reported quarterly both to the Adult Protection Committee and to the Chief Officer Group. The report uses a traffic light scheme that highlights success and failure. The report will no doubt result sometimes in congratulations, sometimes in encouragement and sometimes in stressing the need to up our effort. We believe that this relatively frequent reporting provides for us to address any deviation from plan within a timescale which provides for recovery.

In November 2014 we will have our Annual Self Evaluation Day and by then we shall also have the Minister's response to this Biennial Report.

It is planned that in early 2015, the Adult Protection Committee will undertake a major review of the future direction of travel. We will be looking beyond mere incremental change rather we shall be contemplating transformational change.

Adult Support and Protection is no long a new issue. It has been mainstreamed. We shall be deciding how to develop this established responsibility. This is different from us dealing with a relatively new initiative, which has been the case until now.

We aim to up our game in this new, mature, environment.



Argyll and Bute Adult Protection Committee

ARGYLL AND BUTE APC IMPROVEMENT PLAN FOR ADULT PROTECTION

April 2014 – 2016

ACTIVITY	SUCCESS MEASURE	PERFORMANCE INDICATOR	LEAD AGENCY & REP	TIMESCALE	REPORT TO APC	2014-15 ADULT CARE SERVICE PLAN	CURRENT STATUS
OUTCOME 1 – Adults at risk are identified promptly and reported appropriately							
Clear public information exists explaining harm, who may be considered an adult at risk of harm and how to report harm	Public information is provided and published as widely as possible (and in appropriate formats) so that it is easily available to all	100% of ASP literature will be reviewed on an annual basis and re-distributed to appropriate locations	Multi-agency activity through members of Policy and training sub-group	Annual re-distribution September/October	Quarterly report from Policy and Training sub-group minutes		
	The effectiveness of public awareness campaigns are measured through an increase in referral rates from a number of sources	2% increase in referrals from social work, NHS, and care/support provider staff 2% increase in referrals from adults at risk, their friends, relatives and local community Carefirst AP referral numbers/sources	Figures collated by Area Manager AP, report to NHS ASP sub-group	Quarterly	Quarterly report on ASP Statistics		
	Training is available to staff from social work, NHS and care and	A training programme for the year is provided, publicly available and	Training provided and published by social work on	Annual in January	Quarterly report from Policy and		

ACTIVITY	SUCCESS MEASURE	PERFORMANCE INDICATOR	LEAD AGENCY & REP	TIMESCALE	REPORT TO APC	2014-15 ADULT CARE SERVICE PLAN	CURRENT STATUS
	support providers in the statutory, voluntary and independent sectors	open to staff from all agencies	<p>council website</p> <p>Distribution to staff in social work and NHS done by each agency</p> <p>Commissioning and contracts staff distribute to provider services</p>		Training Group minutes		
		Attendance by staff from all agencies to be monitored	<p>Figures collated by Area Manager AP</p> <p>Figures reported to multi-agency Policy and Training sub-group</p> <p>Any demonstrable lack of attendance to be identified by group and dealt with by appropriate agency</p>	Quarterly	Quarterly report from Policy and Training Group minutes		

ACTIVITY	SUCCESS MEASURE	PERFORMANCE INDICATOR	LEAD AGENCY & REP	TIMESCALE	REPORT TO APC	2014-15 ADULT CARE SERVICE PLAN	CURRENT STATUS
ACTIVITY	SUCCESS MEASURE	PERFORMANCE INDICATOR	LEAD AGENCY & REP	TIMESCALE	REPORT TO APC	SOURCE	CURRENT STATUS
OUTCOME 2 – Adults receive an effective integrated response if concerns are expressed that they may be at risk of harm							
All partner agencies will work together to ensure they are able to evidence clear, consistent guidance on adult support and protection and how to report concerns	All partner agencies are able to demonstrate a clear understanding of the guidance and make referrals appropriately	2% increase in referrals from social work, NHS, and care/support provider staff Carefirst AP referral numbers/sources	Figures collated by Area Manager AP	Quarterly	Quarterly statistical report		
Social work teams will work to ensure that all concerns and referrals receive a prompt and appropriate response	When adult protection referrals are received by social work teams they receive a timely and professional response	80% of adult protection referrals received by social work will have the initial inquiries completed within 5 working days Carefirst AP statistical report	Area Managers, social work, for B&C, H&L, MAKI, OLI	Quarterly report	Quarterly statistical report	AC-02	
All agencies will ensure that they work together to assess	Joint working is evident across the partnership in relation	95% of adult protection referrals demonstrate the involvement of	Area Managers, social work, for B&C, H&L, MAKI, OLI	Quarterly	Quarterly statistical report	AC-01 AC-03	

ACTIVITY	SUCCESS MEASURE	PERFORMANCE INDICATOR	LEAD AGENCY & REP	TIMESCALE	REPORT TO APC	2014-15 ADULT CARE SERVICE PLAN	CURRENT STATUS
whether or not an adult is at risk of harm	to assessing whether or not an adult is at risk of harm	partner agencies in assessing whether or not an adult is at risk of harm Internal quality audit					
All agencies must work together to ensure that, where the adult is not at risk of harm, they receive information and support as appropriate	Adult not at risk of harm are offered appropriate information and/or support	95% of adults not found to be at risk of harm are offered appropriate information and/or support Internal quality audit	Area Managers, social work, for B&C, H&L, MAKI, OLI	Quarterly	Quarterly statistical report	AC-01 AC-03	

ACTIVITY	SUCCESS MEASURE	PERFORMANCE INDICATOR	LEAD AGENCY & REP	TIMESCALE	REPORT TO APC	SOURCE	CURRENT STATUS
OUTCOME 3 – Where an adult is found to be at risk of harm, partner agencies work together to investigate the risks and take action to protect them							
Adult protection investigations always involve partner agencies	Joint working is evident across the partnership in relation to adult protection investigations	100% of adult protection investigations demonstrate multi-agency work Internal quality audit	Team Leaders, social work teams, B&C, H&L, MAKI, OLI	Quarterly	Quarterly statistical report	AC-01 AC-03	

ACTIVITY	SUCCESS MEASURE	PERFORMANCE INDICATOR	LEAD AGENCY & REP	TIMESCALE	REPORT TO APC	SOURCE	CURRENT STATUS
Adult protection case conferences always involve multi-agency information sharing and decision making	Case conferences invitations are extended to an appropriate variety of professionals who attend the meetings	100% of adult protection case conferences demonstrate that appropriate multi-agency staff were invited and that those staff attend or send a report Internal quality audit	Team Leaders, social work teams, B&C, H&L, MAKI, OLI and lead staff from NHS and Police Scotland	Quarterly	Quarterly statistical report	AC-02	
Where adults are considered at risk of harm, agencies work together to put in place timely plans to provide support and protection	Protection plans are developed jointly between partner agencies who work together to support and protect the adult at risk	95% of case conferences take place within 15 working days of the referral 100% of protection plans demonstrate the involvement of partner agencies Carefirst report and internal quality audit	Team Leaders, social work teams, B&C, H&L, MAKI, OLI AP Case conference chairs from all agencies	Quarterly	Quarterly statistical report		

ACTIVITY	SUCCESS MEASURE	PERFORMANCE INDICATOR	LEAD AGENCY & REP	TIMESCALE	REPORT TO APC	SOURCE	CURRENT STATUS
OUTCOME 4 – Adults at risk receive a person-centred response to concerns about them							

ACTIVITY	SUCCESS MEASURE	PERFORMANCE INDICATOR	LEAD AGENCY & REP	TIMESCALE	REPORT TO APC	SOURCE	CURRENT STATUS
All partners will work to ensure that adults who are the subject of an adult protection investigation are given information about the process	Adults who are the subject of an adult protection investigation are well informed about the process and have their communication needs considered and support provided where required	100% of adults who are the subject of an adult protection investigation are given information about the process and their communication needs are considered. Carefirst report	Team Leaders, social work teams, B&C, H&L, MAKI, OLI	Quarterly	Quarterly statistical report	AC-03	
All adults who are the subject of an adult protection will be offered support to enable their views to be expressed	Adults who are the subject of an adult protection investigation are offered advocacy	100% of adults who are the subject of an adult protection investigation are offered advocacy Carefirst report	Team Leaders, social work teams, B&C, H&L, MAKI, OLI	Quarterly	Quarterly statistical report		
All adults who are the subject of an adult protection investigation are supported to attend any case conference and their views are clearly recorded	All adults are supported to attend their AP case conference	100% of adults who are the subject of an adult protection investigation are invited to their case conference and are supported to attend if they wish to do so, and any reason for non-attendance is clarified and recorded Internal quality audit	AP Case conference chairs from all agencies	Quarterly	Quarterly statistical report		

ACTIVITY	SUCCESS MEASURE	PERFORMANCE INDICATOR	LEAD AGENCY & REP	TIMESCALE	REPORT TO APC	SOURCE	CURRENT STATUS
All adults who are the subject of an adult protection investigation are given the opportunity to feedback on whether they were listened to and whether they feel safer as a result of the process	All adults are able to feedback to partner agencies whether they feel they were listened to	100% of adults who are the subject of an adult protection investigation are offered the opportunity to provide feedback on their experience of the process Report from advocacy service	Advocacy service report to Adult Protection Committee	Quarterly	Quarterly		

Key:



Target Met



Target Not Met

Measure	Baseline Figure April 2013 – March 2014	1 April – 30 June 2014	1 July – 30 September 2014	1 October – 31 December 2014	1 January – 31 March 2015
OUTCOME 1 – Adults at risk are identified promptly and reported appropriately					
100% of ASP literature will be reviewed on an annual basis and re-distributed to appropriate locations	No baseline figure				
2% increase in referrals from social work	8 (<i>please note this is an average figure per quarter</i>)				
2% increase in referrals from NHS	11 (<i>please note this is an average figure per quarter</i>)				
2% increase in referrals from care/support staff	15 (<i>please note this is a average figure per quarter</i>)				
2% increase in referrals from adults at risk	1 (<i>please note this is an average figure per quarter</i>)				
2% increase in referrals from relative, friends or general public	4 (<i>please note this is annual figure not per quarter</i>)				
OUTCOME 2 – Adults receive an effective integrated response if concerns are expressed that they may be at risk of harm					

80% of adult protection referrals received by social work will have the initial inquiries completed within 5 working days	<i>71% (please note collected over last 2 quarters of year due to reporting format change)</i>				
95% of adult protection referrals demonstrate the involvement of partner agencies in assessing whether or not an adult is at risk of harm	94%				
95% of adults not found to be at risk of harm are offered appropriate information and/or support	95%				
OUTCOME 3 – Where an adult is found to be at risk of harm, partner agencies work together to investigate the risks and take action to protect them					
100% of adult protection investigations demonstrate multi-agency work	99.6%				
100% of adult protection case conferences demonstrate that appropriate multi-agency staff were invited	100%				
100% of adult protection case conferences demonstrate that appropriate multi-agency staff attend or send a report	58.3%				
95% of case conferences take place within 15 working days of the referral	No baseline figure				
100% of protection plans demonstrate the involvement of partner agencies	95.8%				

OUTCOME 4 – Adults at risk receive a person-centred response to concerns about them					
100% of adults who are the subject of an adult protection investigation are given information about the process	100% (please note info only collected from last 2 quarters)				
100% of adults who are the subject of an adult protection investigation have their communication needs considered	86.1%				
100% of adults who are the subject of an adult protection investigation are offered advocacy	45.3%				
100% of adults who are the subject of an adult protection investigation are invited to their case conference and are supported to attend if they wish to do so, and any reason for non-attendance is clarified and recorded	87.3%				
100% of adults who are the subject of an adult protection investigation are offered the opportunity to provide feedback on their experience of the process	No baseline figure				

ARGYLL AND BUTE COUNCIL
STRATEGIC FINANCE

ARGYLL AND BUTE COUNCIL
25 SEPTEMBER 2014

STRATEGIC RISK REGISTER – POST FINANCIAL YEAR END 6 MONTHLY REVIEW

1. Executive Summary

- 1.1 This report is a review of the recently agreed Strategic Risk Register (SRR) and is prepared as per the agreed reporting 6 monthly reporting cycle.
- 1.2 The revised strategic risk register was agreed by Council in June 2014 is updated on a live basis and is formally reviewed twice yearly, in August (post year-end) and in February as part of budget setting process.
- 1.3 The process for reviewing the strategic risk register is outlined below:
- Designated risk owner to update on an ongoing basis in consultation with appropriate chief officers /service managers and spokespersons.
 - SMT to review progress /update report.
 - Strategic risk group reviews the SRR at its scheduled meetings.
 - Performance Review and Scrutiny Committee to consider progress/ update reports.
- 1.4 The strategic risk group reviewed the strategic risk register at its June and September meetings and gave consideration to the potential risks relating to the undernoted themes;
- Boundary Commission
 - Service Reform
 - Integrated Transport Strategy
 - COSLA

After discussion it was agreed that although they should remain in sight of the group, there wasn't a need to add them to the risk register at present.

- 1.5 The PRS committee has requested that in order to further support active risk management the strategic risk group lead developments on a risk appetite framework.
- 1.6 Options for developing a risk appetite framework were presented to the SRG at its September meeting. It was agreed that short-life working group be convened to progress appetite statements with a progress report to be presented at the next scheduled meeting.
- 1.7 There are currently no material changes to the strategic risk register as agreed at June Council. Appendix 1 details the strategic risk register which is currently showing 1 red risk being Population and Economic Decline and 14 risks in the amber category.

2. RECOMMENDATIONS

2.1 Members to note the content of the report.

3 CONCLUSION

3.1 This report provides members with assurance that the strategic risk register continues to be actively monitored. .

4. IMPLICATIONS

4.1 Policy – None directly but the SRR should be used to assist the Council in setting and reviewing its strategic direction and performance.

4.2 Financial – None directly from this report but effective risk management assists with effective governance and stewardship of council resources

4.3 Personnel – None

4.4 Equal Opportunities – None

4.5 Legal – None.

4.6 Risk – The report sets out the strategic risks facing the Council

4.7 Customer Service – None.

Bruce West
Head of Strategic Finance

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APPENDICES

Appendix 1 – Strategic Risk Register

UPDATED STRATEGIC RISK REGISTER – APPENDIX 1

Risk Ref	Description Of Risk	Example Consequences	Gross Risk		Desired Outcome	Current Mitigations	Planned Mitigations	Residual Risk			Risk Owner	
			Li	Im				Sc	Li	Im		Sc
1. Population and economic decline	Projected population decline and potential economic decline and failure to identify relevant factors causing the decline and the need to develop and strategies and action plans to address that decline in an effective manner.	Sustained economic decline and population loss, particularly amongst our economically active generations results in a circle of decline with reduced employment, lower earnings, failing businesses and poor perception of the area. Population decline reduces Government funding and reduces scope for efficiencies and economies of scale. Combined population and economic decline may increase the need and costs for services	5	4	20	Sustainable economic growth and population growth in Argyll and Bute with a focus on economically active generations.	Single outcome agreement targets population and economic recovery. Strategic Economic Development Action Plan (EDAP). Argyll and Bute Development Plan implementation. Some CHORD works and additional area regeneration works.	Relevant CPP policies and strategies underpin a business friendly ethos. Implementation of local development plans Action SOA delivery plans Deliver area based economic development action plans Establish economic task group Holding Population summit building on CPP consultation findings	4	4	16	Director of Development and Infrastructure Head of Economic Development and Strategic Transport

3. External – built environment non-council assets and infrastructure	Our built environment is not maintained to an adequate standard and does not support investment or regeneration aspirations. Built environment deteriorates to levels where intervention is required.	We do not have a built environment which supports sustainable growth. Communities and public sector partners fail to make the best use of our natural and built environment.	4 4 16	We have an environment which supports sustainable growth. Communities and public sector partners make the best use of our natural and built environment with clear plans for development and investment.	Townscape Heritage Initiative THI – Conservation Area Regeneration Scheme. CARS – Building Standards Area Teams	Physical Regeneration programmes focused on enhancing and maintaining the built environment including THI and CARS	3 4 12	Executive Director of Development and Infrastructure
4. Welfare reform	Description Of Risk Implementation of welfare reform is not managed well resulting in increased poverty and deprivation or short term crisis.	Consequences Increase in demand or costs for Council services. Financial crisis and hardship for individuals. Adverse impact on local economic development. Adverse impact on communities. Potential widening of inequalities gap.	Gross Risk 5 4 20	Desired Outcome Well managed implementation of welfare reform in a way that minimises impact on individuals and communities but does not create a financial burden for the Council.	Current Mitigations Separate project established to manage welfare reform with clear plans, resources and risks identified. Joint working with DWP, CPP and other Agencies to plan response to potential impact. Discussions ongoing at national level re local services support framework which will lead to targeted support.	Planned Mitigations	Residual Risk 3 4 12	Risk Owner Head of Customer and Support Services

5.	Political leadership	Loss of Strategic direction. Deterioration in performance. Negative impact on reputation.	4	5	20	Improved Strategic focus. Performance level maintained. Support political leadership.	Administration in place from late September with 27 out of 36 members. Revised political management arrangements agreed at Council on 23 January 2014. Action plan to address issues set out in Audit Scotland statutory report approved by Council 23 Jan 14.	Members seminar programme and support from Improvement Service secured in order to take forward aspects of elected member development.	3	4	12	Chief Executive
Risk Ref	Description Of Risk	Example Consequences	Gross Risk			Desired Outcome	Current Mitigations	Planned Mitigations	Residual Risk		Risk Owner	
6.	Finance – Income and funding	Lack of income /funding to support Council objectives. Requirement to reduce service provision or budget allocations. Reduced income may impact on performance levels.	4	4	16	The Councils finances are managed effectively.	Effective framework for longer term financial planning that takes account of longer term funding projections. Monitoring of grant funding formula. Research opportunities for maintaining or enhancing government funding to the Council.	Actions to improve current income streams. Actions to attract new income streams. Targeted Investment in specific areas /initiatives	3	4	12	Head of Strategic Finance and Head of Customer and Support Services

7. Health and social care integration	Implementation of health and social care integration is not managed effectively.	Unable to proceed with health and social care integration on a managed basis and/or in accordance with timescales. Integration has a negative impact on health and social care service delivery.	4	4	16	Planned and managed implementation of health and social care.	A separate project has been established to focus on implementation and identifying and addressing any issues arising. Clear Project Governance Agreed project plan Agreed Delivery model (Body Corporate) Appointment of Joint Project Manager	Creation of Shadow Board Appointment of Chief Officer Delivery of Integration project plan.	3	4	12	Executive Director – Community Services
8. Reputation	The Council fails to maximise its profile at national level. Trust and Integrity of the Council is undermined leading to diminishing reputation resulting in negative external scrutiny. Council fails to	Reputation declines. Negative impact on morale. Poor reputation undermines action being taken to target population and economic growth. Increased risk of	4	4	16	The reputation of the Council is protected and enhanced.	Community Engagement Strategy. Improved Communications Strategy. Planning and performance management framework to ensure services properly planned	Action plan to improve customer services. Employee survey to develop internal communication. Update approach to reporting to performance. Increase options for communication with citizens	3	4	12	Head of Improvement and HR

	maintain its general reputation with residents, the wider Local Government Community.	audit and inspection activity.						and managed and performance targets achieved.	through improved communications strategy.			
9. Demographic change	The Council fails to recognise, plan and deliver services in a way that takes account of demographic trends.	Mismatch of resources and service requirements. Services not configured to meet user/citizen requirements.	4	4	16	Performance of key priority services and other key areas identified by the public maintained or improved	Monitoring of population trends. Corporate and service plans. Planning and performance management framework (PPMF). Community Engagement Strategy. Workforce planning.	Continued workforce planning. Corporate and service planning.	3	4	12	Head of Improvement and HR
Risk Ref	Description Of Risk	Example Consequences	Gross Risk	Desired Outcome	Current Mitigations	Planned Mitigations	Residual Risk	Risk Owner				
10. Finance - expenditure	Expenditure is estimated to exceed available resource and the Council is facing a considerable funding gap in the medium term. Expenditure continues to rise against an increasing demand for services.	Resources need to be diverted. Reduced levels of performance. Expenditure exceeds available resource. Services are unable to make required efficiencies	3	4	12	The Councils finances are managed effectively.	Revenue and capital budget monitoring and preparation including review of base budget, inflation, cost and demand pressures. Maintaining an adequate contingency within General Fund reserve. Procurement	Service Prioritisation process being developed. Efficiency monitoring process integrated into routine budget monitoring. Exploration of shared services (shared cost) opportunities	3	4	12	Head of Strategic Finance

Risk Ref	Description Of Risk	Example Consequences	Gross Risk	Desired Outcome	Current Mitigations	Planned Mitigations	Residual Risk	Risk Owner
11. Partnership governance	<p>Inadequate Partnership Governance Arrangements.</p> <p>Risk that partnership arrangements are poorly defined and constituted leading to an inability to deliver outcomes and objectives or being democratically deficient</p>	<p>Lack of Accountability.</p> <p>Lack of democratic input to key decisions.</p> <p>Partnership viewed as having failed and not achieving objectives.</p> <p>Wasted resources and effort.</p> <p>Reputational damage.</p>	4	12	<p>Effective and efficient partnership which is both accountable and democratic and focused on delivering outcomes.</p>	<p>Single Outcome Agreement</p> <p>Clear line of sight from SOA to individual partner contributions</p> <p>CPP governance arrangements and partnership agreement.</p> <p>Area community planning groups</p>	3	Head of Community and Culture. Head of Governance and Law
12. Engagement and alignment of service delivery.	<p>The Council fails to understand service user needs and align service delivery to meet these.</p>	<p>Gaps between community needs and Council services.</p> <p>Also impacts on reputation.</p>	3	12	<p>The Council understands local needs and aligns service deliver accordingly.</p>	<p>Community Engagement Strategy.</p> <p>Customer service board and action plans.</p> <p>Scorecard analysis</p>	2	Director of Customers and Services. All Heads of Service
			4				4	
			3				8	

Risk Ref	Description Of Risk	Example Consequences	Gross Risk	Desired Outcome	Current Mitigations	Planned Mitigations	Residual Risk	Risk Owner
13. Leadership and management	A lack of Strategic Leadership and Direction will have a negative impact on the ability of the Council to set out strategic objectives and then align service delivery and resources to ensure these objectives are achieved. May also the impact on development of the community planning partnership. Risk that organisation is not focussed on outcomes /objectives resulting in poor decision making and inadequate governance arrangements	No clear strategic direction/set of objectives. Objectives not achieved as services and resources are not fully aligned to objectives. Opportunities missed to demonstrate community leadership. Confidence in, and reputation of, the Council harmed. Fail to adapt to changing environmental, social and economic conditions. Fail to meet service needs of citizens.	3	The Council has a clear strategic direction and service resources are aligned to ensure Council objectives are achieved.	Corporate Plan sets out overall Council objectives. Community Plan/SOA sets out CPP objectives with clear links to Council contributions Corporate Improvement Plan. PPMF and service planning and performance monitoring to ensure service outcomes and activity is aligned with Council and Government objectives and performance is meeting targets. Community engagement and consultation to understand activity local needs. Corporate plan	Delivery Plans for Single outcome agreement.	2	Chief Executive
			4					
			8					

Risk Ref	Description Of Risk	Example Consequences	Gross Risk	Desired Outcome	Current Mitigations	Planned Mitigations	Residual Risk	Risk Owner
14.	Civil contingency and business continuity are not effective.	Ineffective management of major emergencies affecting Council services and communities in Argyll and Bute in response to a major emergency. Incident and recovery phase of an emergency lead to greater inconvenience and hardship and a longer timescale for return to normal. Council unable to effectively deliver its own services as a result of an emergency.	3 4 12	Effective plans and procedures in place to respond to a major event affecting Council services and/or the general public.	On-going training programme in place and continual update of Emergency Plans and procedures. Recent review of business continuity arrangements.. All critical activities identified. West of Scotland local resilience partnership EMST regular meetings Regular testing of procedures Regular training Community resilience plans.	Emergency Planning Test events. Regular Critical Activity Recovery Plan (CARP) updates. Further roll out of community resilience partnership programme	2 4 8	Head of Improvement and HR Head of Governance and Law

Risk Ref	Description Of Risk	Example Consequences	Gross Risk	Desired Outcome	Current Mitigations	Planned Mitigations	Residual Risk	Risk Owner
15.	<p>Management of services and resources</p> <p>Services and resources are not effectively managed.</p> <p>Services fail to achieve agreed performance levels and as a result are not contributing fully to Council objectives</p> <p>Resources are poorly managed with result that agreed outcomes and objectives are not fully achieved.</p> <p>Unable to achieve continuous improvement and improve effectiveness and efficiency.</p>	<p>Poor performance.</p> <p>Increased costs.</p> <p>Negative publicity.</p> <p>Unable to demonstrate best value.</p>	3	<p>Performance targets achieved.</p> <p>Performance improves over time and compared to others.</p> <p>Improved use and management of resources.</p>	<p>PPMF and service planning</p> <p>Regular performance monitoring and review.</p> <p>Performance scorecards and Pyramid.</p> <p>Corporate Improvement Plan and monitoring of progress.</p> <p>Effective communications team</p> <p>Argyll and Bute Manager Programme.</p>	<p>Continued roll out and development of Argyll and Bute Manager Programme</p> <p>Further development and continued implementation of Attendance Management Policy</p>	2	Executive Directors Heads of Service

Li = Likelihood
Im = Impact
Sc = Score

Risk Assessment Matrix – Appendix 2		
Likelihood		Impact
Score	Description	Score Description
1	Remote – Very unlikely to ever happen.	1 None – minimal impact on objectives, budget, people and time
2	Unlikely – Not expected but possible.	2 Minor – 1%/10% budget, first aid, minor impact objectives, 1wk/3 months delay.
3	Moderate – May happen occasionally.	3 Moderate – 10%/30% budget, medical treatment required, objectives partially achievable, 3/12 months delay.
4	Likely – Will probably occur at some time.	4 Major – 30%/70% budget, permanent harm, significant impact on service delivery, 1/2 years delay.
5	Almost certain – Will undoubtedly happen and possibly frequently	5 Catastrophic – Over 70% budget, death, unable to fulfil obligations, over 2 years delay.

A combined score of 15 or more is classed as a red risk.

A combined score of between 6 and 14 is classed as an amber risk.

A combined score of less than 5 or less is classed as a green risk.

ARGYLL AND BUTE COUNCIL**COUNCIL****STRATEGIC FINANCE****25 SEPTEMBER 2014**

AUDIT OF FINANCIAL STATEMENTS – ISA260 REPORT

1.0 EXECUTIVE SUMMARY

- 1.1 As part of the audit of the Council's financial statements the external auditors prepare a report known as an ISA260 report. This sets out the key issues emerging from the audit in relation to:
- The proposed audit opinion
 - Key adjustments to the financial statements arising from the audit process
 - Any unadjusted errors that are not material
- 1.2 The ISA260 report is normally submitted to the Audit Committee for consideration. Given the Council meets the day before the Audit Committee it is intended to submit ISA260 report to the full Council so that Members are aware of the outcome of the audit of financial statements.
- 1.3 The clearance meeting with the external auditors took place on 16 September and the external auditors are finalising the ISA260 report following that meeting. It is expected the ISA260 report will be available in advance of the meeting although it may be a "to follow" item on the agenda.
- 1.4 Members will be asked to consider the ISA260 report.
- 1.5 A separate ISA260 report will also be submitted in relation to the audit of the of the Council's charities. This will also be submitted to the Audit Committee. Members will also be asked to consider the ISA260 report on the charities.

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ARGYLL AND BUTE COUNCIL**COUNCIL****CUSTOMER SERVICES****25 SEPTEMBER 2014**

AUDIT SCOTLAND/ACCOUNTS COMMISSION – UPDATED ACTION PLAN

1.0 EXECUTIVE SUMMARY

The purpose of this report is to confirm the Accounts Commission Findings in respect of the Follow –up Audit Report undertaken by Audit Scotland in April /May2014 and as a consequence agree an updated action plan.

Members are asked to note the findings and to comment on and agree to update the action plan with the inclusion of an additional 10 points, at lines 41-50 in Appendix 2. The additional points were discussed at a recent Elected Member Seminar and seek to address concerns and drive improvements in response to the findings.

The Accounts Commission Findings and the revised action plan was the subject of an Elected Member Seminar on 1st September 2014.

ARGYLL AND BUTE COUNCIL

COUNCIL

CUSTOMER SERVICES

25 SEPTEMBER 2014

AUDIT SCOTLAND/ACCOUNTS COMMISSION – UPDATED ACTION PLAN

2.0 INTRODUCTION

- 2.1 The Follow –up Audit Report undertaken by Audit Scotland in April 2014 was submitted by the Controller of Audit to the Accounts Commission for consideration at their meeting on 19th June. The Commission had previously requested a further report within six months of the original Statutory Report which was presented to Council in October 2013 and which was the subject of an Action Plan agreed by Council in January 2014.
- 2.2 The Commission accepted the Controller of Audit’s report, noted the progress that had been made and concluded there was further work to be done to secure improvements and requested a further report by the end of 2015.
- 2.3 A Members Seminar was arranged for 1st September 2014 to focus on the Accounts Commission Follow-up Audit Findings and provide an opportunity for members to provide feedback on the findings and the Action Plan agreed by Council in January prior to further consideration of these at Council in September. The revised action plan as discussed at the seminar is therefore presented for approval.

3.0 RECOMMENDATIONS

- 3.1 The Council is asked to:
- a) Note the findings of the Accounts Commission in relation to the follow up Audit Report of Best Value and Community Planning.
 - b) Comment on and agree the additional points at lines 41-50 in the revised action plan, which have been added in response to the follow-up report.

4.0 DETAIL

- 4.1 The detail of the Audit Scotland Statutory Report on Best Value and Community Planning has been most recently reported to Council in June 2014. Since this date the Accounts Commission have confirmed their findings and accepted the Controller of Audit’s report on Argyll and Bute Council. It specifically stated that:
- “The Commission is encouraged that the council is making progress against our previous findings of October 2013. But we note in particular the Controller of Audit’s view that it is too early to assess the effectiveness of plans being implemented. We conclude that there is still

much work to be done by the council to secure the improvements that we required in our previous findings.

The Commission therefore requires the Controller of Audit to report on progress by the end of 2015, with particular focus upon the effectiveness of the following:

- Political management arrangements.
- Scrutiny.
- Roles and relationships, including between members and officers. “

The full report is attached at Appendix 1.

- 4.2 In order to consider the findings and review the Action Plan, which had previously been agreed by Council in January 2014, this was the key focus of an Elected Member Seminar on 1st September. The seminar was facilitated by Pat Watters, Chair of the Scottish Fire and Rescue Service and former president of COSLA, and Mark McAteer, Improvement Service. The session addressed key themes of ambition and discipline and took the opportunity to review the action plan and consider the inclusion of an additional 10 points to address ongoing concerns and drive improvement. The inclusion of the additional action points were endorsed at the seminar and are now before Council for further comment and approval. These are at lines 41-50 in the Action Plan at Appendix 2.

5.0 CONCLUSION

- 5.1 Councillors have been issued the full report which sets out the follow-up audit undertaken by Audit Scotland in April/May 2014 and the Accounts Commission findings. While it notes positive progress it also expresses caution and the requirement to build and maintain solid foundations for improved governance and effective scrutiny. It is noted that a further report will be required by the end of 2015.
- 5.2 The Council is asked to comment on and approve the revised action plan which sets out the activities and improvements that have been undertaken to date and includes a further 10 actions points as a consequence of the follow-up report in order to support continued improvement.

6.0 IMPLICATIONS

- 6.1 Policy: None
6.2 Financial: None
6.3 Legal: None
6.4 HR: None
6.5 Equalities: None
6.6 Risk: Ongoing risk in relation to Assurance and Improvement
6.7 Customer Service: None

Douglas Hendry
Executive Director of Customer Services

Policy Lead: Dick Walsh
3rd September 2014

For further information contact: Charles Reppke, Head of Governance and Law

Appendix 1: Follow-up Audit Report July 2014
Appendix 2: Action Plan

Summary of Audit Scotland Recommendations	
Ref	Recommendation
1.1	Effective political leadership and culture are important to ensure that councils can balance strategic, corporate, operational and local objectives effectively. They are important factors to support good accountability and continuous improvement.
1.2	Although councillors behave appropriately in public meetings, behaviours outside the chamber are described as less positive and exacerbate a sense of mistrust. Some councillors will now not engage with each other because relationships have deteriorated.
1.3	Part of the lack of mutual trust is because of the amount of discussion about council issues and derogatory remarks about councillors and officers made in local press and online forums. Councillors expressed their concern that this includes contributions from other councillors and includes apparent leaking of private papers and emails.
2.1	The council's current political management arrangements are not supporting effective working.
2.2	The scrutiny of progress on strategic objectives and policy is weak with only limited progress by the PRS Committee.
2.3	The scrutiny of performance at a strategic level is weak, with little evidence of performance information being actively scrutinised by councillors over the past year at this level.
2.4	To support good leadership in any council it is important that structures and arrangements for political business meet the needs of the council and work effectively.
2.5	Councillors do not have a shared understanding of their role in scrutiny.
3.1	Councillors are not engaging well in efforts by officers to provide support on strategic issues.
3.2	It was clear from the audit work that much of the strain on relations centres on the behaviour of individuals. The behaviours described do not meet the expectations of the respective roles and responsibilities of councillors. All councillors must take responsibility for understanding their role and responsibilities, behave accordingly and respect the role of management in operational matters.
3.3	Despite the strain on capacity and the very difficult circumstances, the senior management of the council need to consider what further it can do to ensure they are effectively supporting councillors to fulfil their roles and responsibilities.
3.4	The concerns described by both officers and councillors about the behaviours of some councillors, indicates that interventions from the chief executive and monitoring officer have not been successful.
3.5	Demanding expectations from some councillors need to be managed more effectively. Senior officers and councillors need to consider how they respond to this.
4.1	The political instability means that it is becoming increasingly difficult for the council to progress strategic planning. This planning is important if the council is to respond to the challenges facing Argyll and Bute and deliver services within reducing budgets.
4.2	Staff morale was not raised as a specific problem during audit interviews, but was recognised as an issue for on-going management by officers. There is a risk to the council that staff morale and confidence is affected if the current difficulties at a strategic level are not improved.

ARGYLL AND BUTE COUNCIL - ACTION PLAN - AUDIT SCOTLAND STATUTORY REPORT - SUBMITTED TO COUNCIL 23 JANUARY FOR CONSIDERATION										
Stage	Improvement Issue	Ref	Actions	Timeline	Target/ Success measure	Evidence	Responsible Person(s)	Progress Update	Recommendation Ref	Current Status
	This is the main heading for improvement		This is what we are going to do	This is when it will be completed	This is how we will decide if we have been successful	This is what we will use to decide if we have been successful	These are the people responsible for leading this	This is what we have achieved to date	These are the recommendations from the statutory report that are addressed by the action	
1	Standards		1 Refresh Standards Commission training with input from Commissioners Office	Mar-14	Refresh training on standards and behaviour input from Commissioner's office	Training Programme and record of attendance	C Reppke	Members Seminar on 3rd March with input from Commissioner for Ethical Standards in Public Life	1.3, 3.1, 3.2, 3.4	Complete
1	Standards		2 Monitoring Officer revised operating protocol	Jan-14	Develop protocol for Monitoring officer / Elected Members adhere to Code of Conduct	Protocol/ related documentation approved by Council and available for use	D Hendry	Tabled at SLWG PMA's Dec 2013. Discussed at Members Seminar 3rd March	1.3, 3.1, 3.2, 3.4	Complete - Protocol approved by Council January 2014 and included in Members Seminar on 3rd March.
1	Standards		3 Revised guidance/training to officers on responding to unacceptable behaviours	Mar-14	Successful delivery of training for officers on identifying and reporting unacceptable behaviours	Training course materials and record of attendance	C Reppke	Meeting between Officers and Commissioner on 3rd March provided basis for scoping out seminar session. Development session presented at COSO 21st March 2014.	3.1	Complete - presentation/ guidance on COSO pages of the HUB.
1	Standards		4 Reinforce the roles and responsibilities of Elected Members	Mar-14	Seminar to ensure all elected members understand their roles and responsibilities as a member, in line with Code of Conduct	Seminar Programme and record of attendance	C Reppke	Roles and responsibilities for Policy Leads endorsed at Council in January 2014. Code of Conduct training incorporated into Seminar on 3rd March. Attendance records kept for all seminars. Seminars held to clarify the differing roles of members/officers.	3.2	Complete
1	Standards		5 Reinforce the processes/procedures for dealing with private and confidential correspondence	Mar-14	Seminar to ensure all elected members deal appropriately with private and confidential correspondence and do not release to the press/	Seminar Programme and record of attendance	C Reppke	Incorporated into Seminar on 3rd March. Attendance records kept for all seminars.	3.2	Complete

Stage	Improvement Issue	Ref	Actions	Timeline	Target/ Success measure	Evidence	Responsible Person(s)	Progress Update	Recommendation Ref	Current Status
1	Standards	6	Group discipline and leadership	Ongoing	Group leaders and groups collectively ensure proper conduct of their respective group members	Regular review at Group Leaders/All members meetings	Group Leaders/All members		3.4, 3.5	TALIG have adopted a protocol for group behaviour. SNP has a protocol in place and there are ongoing discussions in other groups in furtherance of this action. Arrangements are underway to develop a set of principles/ protocol for the administration.
1	Standards	7	Reinforce the role of officers as professional advisors	Mar-14	Seminar to ensure members recognise and understand the role of officers as professional advisors	Seminar Programme and record of attendance	C Reppke	Incorporated into Seminar on 3rd March.	3.2	Complete
1	Standards	8	Revised guidance from Monitoring Officer for Senior Officers on managing expectations	Apr-14	Senior Officers are better informed and clearly understand their role and responsibilities	Guidance note prepared and issued	D Hendry		3.5	Development session for officers at COSO on 21st March 2014 and information hosted on the COSO pages of the Hub.
1	Standards	9	Review progress, assess impact and identify further improvements	Dec-14	Review completed	Report summarising outcome of review and setting out impact and further improvements	S Loudon		All	scheduled for December 2014
2	Governance structures & process	10	Revise Political Management Arrangements to improve scrutiny and decision making	Apr -14 -	Committee structure set out by SLWG	Council approve new Political Management Arrangements	D Hendry	Revised Political Management Arrangements approved at Council in January 2014 to come into effect in April 2014.	2.1, 2.3, 2.4, 3.3, 4.1	Complete
2	Governance structures & process	11	Clarity on roles of area committees and central committees and clear statement on terms of reference for each	Apr-14	Successful implementation of new Political Management Arrangements	Copy of terms of reference for each committee as approved by Council	C Reppke		2.1, 2.4, 3.3, 4.1	Complete. Terms of reference incorporated into Standing Orders/Constitution. Development Days scheduled for each Committee to embed new arrangements.
2	Governance structures & process	12	Align members knowledge, experience, and interests with senior members roles	Oct/Dec -13	Develop criteria and introduce process for nominations to senior roles and committees	Audit trail of returns from councillors	Leader of Council	All members invited to express interest in key committees and highlight experience and knowledge. Returns were tabled at Council in January 2014.	1.3	Complete

Stage	Improvement Issue	Ref	Actions	Timeline	Target/Success measure	Evidence	Responsible Person(s)	Progress Update	Recommendation Ref	Current Status
2	Governance structures & process	13	Establish staffing resources and operating procedures to support new PMA	Apr-14	New staffing structure operational	New structure implemented	D Hendry		2.1, 2.4	Partially Complete. Budget for new staffing structure agreed at Council in February 2014. Phase 1 implementation complete and Phase 2 underway. 4 additional posts appointed to support the new PMA agreed by Council.
2	Governance structures & process	14	Development day for membership of each committee	Jun-14	Shared understanding of the key issues to be considered by each committee over the next year	Development day held and plan in place	C Reppke/ Policy Leads	All development days have taken place and work ongoing in respect of actions arising.	2.1, 2.4, 3.3, 4.1	Complete - Development days scheduled for new committees to be completed by end of August 2014. The Audit Committee held a development day on 30th May and agreed an action plan. PRS Development day held on 26th August.
2	Governance structures & process	15	Develop work plan / forward agenda planning to try and identify key issues to be dealt with by each committee	Jun-14	Work plan and forward agenda planner agreed	Copy of work plan and forward agenda planner	C Reppke/ Policy Leads		2.1, 2.4, 3.3, 4.1	Report to be prepared by end of October 2014 for all committees.
2	Governance structures & process	16	Development day for PRS Committee members	Jun-14	Shared understanding of the key issues to be considered by PRS Committee over the next year	Development day held and plan in place	C Reppke, J Fowler & PRSC Chair		2.2, 2.3	Complete - PRS Development day held on 26th August.
2	Governance structures & process	17	PRS Committee Work plan agreed	Jun-14	Work plan and forward agenda planner agreed	Committee minutes	PRS Committee/C Reppke/J Fowler		2.2, 2.3	Draft workplan agreed by PRS Committee on 29 May 2014. Work plan and forward agenda will be put in place after Development day.
2	Governance structures & process	18	Revise report format to address Members feedback (e.g. including justification for recommendations)	Mar-14	Extend executive summary in report to assist Members understanding	New report template and sample of reports	D Hendry		2.1, 2.4	Complete. Revised report format developed and issued to senior managers/members. Guidance posted on HUB. A Sounding Board will be established to review operation of new reporting format.
2	Governance structures & process	19	Chief Executive Appraisal process annualised	Dec-13	Appraisal completed annually	Sign off by Leader/ Depute Leader / Opposition	D Walsh/S Loudon	Complete	1.1	Complete

Stage	Improvement Issue	Ref	Actions	Timeline	Target/ Success measure	Evidence	Responsible Person(s)	Progress Update	Recommendation Ref	Current Status
2	Governance structures & process	20	Monitor impact on staff morale via staff survey	Nov-14	Assess current levels of and trend in staff morale	Survey issued in June 14 with results/ analysis available November 14	J Fowler	on track	4.2	Stress Audit issued May 2014, including specific questions on morale. Initial findings of the stress survey have been presented to the Healthy Working Lives Group, HR Board and SMT. Detailed analysis reporting currently underway. Specific morale survey issued in June and findings will be reported as per timetable for stress audit. Annual Staff survey also scheduled to be issued in September.
2	Governance structures & process	21	Explore opportunities to broaden/improve engagement with local communities via media platforms	Dec-14	Increase number of followers on Council Social Media sites by 20% / Corporate Facebook page developed to enable interactive engagement with Council (Jun-14) and Revised Social Media Policy approved (Dec-14)	Update report to Policy and Resources Committee 30/10/14	J Fowler	on track	2.1, 2.4, 3.1, 4.1	Corporate Facebook Page launched June 2014. Revision of social media policy underway. Approval scheduled for December 2014.
2	Governance structures & process	22	Further scrutiny/review of local community planning processes and area community planning groups/ partnerships	Oct-14	Review undertaken and outcome considered by CPP and Council	Report on outcome of review and proposed changes	D MacVicar		2.1, 2.4, 3.1, 4.1	Reports on governance review of CPP tabled at CPP management committee on 19 August and scheduled to go to Area Community Planning Groups in September. On track to finalise review at Management Committee on 31 October 2014.
2	Governance structures & process	23	Report to Council on member training undertaken and attendance	Ongoing	Implement a new format of report on elected member training	Report to Policy and Resources Committee	C Reppke/ J Fowler		3.1, 3.3	Complete - Report tabled at the Policy and Resources Committee on 21 August detailing training activity during previous year and proposals for the next years programme, taking account of the Elected Member Survey responses.
2	Governance structures & process	24	Review progress, assess impact and identify further improvements	Dec-14	Review completed	Report summarising outcome of review and setting out impact and further improvements	S Loudon		All	scheduled for December 2014.

Stage	Improvement Issue	Ref	Actions	Timeline	Target/ Success measure	Evidence	Responsible Person(s)	Progress Update	Recommendation Ref	Current Status
3	Training & Development	25	Full participation/ Implementation of Elected Member Development Programme, including; Improvement Service Programme, Peer Mentoring Programme, competency based training, scrutiny role training, masterclasses on key leadership/strategic issues	Nov-14	Members engaged in Elected Member Development Programme	Training Plans signed off by all members	Group Leaders/All members		1.1, 2.5	To date 23/35 Elected Members currently signed up to CPD Framework (11 - 360/8 self assessment/4 still to confirm). PDP discussions underway - 30% complete to date and reminders issued to encourage participation..
3	Training & Development	26	Review progress, assess impact and identify further improvements	Dec-15	Review completed	Report summarising outcome of review and setting out impact and further improvements	S Loudon		All	scheduled for December 2015.
4	Policy Development Support	27	Seminar programme to address key policy areas - to be delivered centrally and at area committees where appropriate	Aug-14	Deliver seminar programme with full member participation as appropriate	Seminar Programme and record of attendance	T O'Neill		3.1, 3.3, 4.1	Programme of Seminars in place and running. Record of attendance maintained and schedule of seminar dates agreed to April 2015.
4	Policy Development Support	28	Council create working groups to examine long term challenges and strategic issues facing Argyll and Bute as and when required	Ongoing	Regular review of need for working groups by Council (or other committees)	Minute of Council (or other committees)	C Reppke	Governance arrangements to support are in place.	3.1, 3.3, 4.1	Short Life Working Group on Island Issues agreed at Council in January 2014 to investigate and to take forward key actions and to meet with the Scottish and UK Government to present its own case in regard to our islands and their needs and to seek support and commitment.
4	Policy Development Support	29	SOA Delivery Plans to be finalised	Jun-14	Clear Strategic planning/ direction	SOA delivery plans	J Fowler / D MacVicar	Development session for Elected Members on SOA held on 17th March which included representation from key Community Planning Partners.	4.1	Complete
4	Policy Development Support	30	Align resources and services to SOA outcomes and delivery plans.	Ongoing but review March 15	Clear links drawn between SOA delivery plans and Council services and resources	Reports in relation to SOA progress, service planning and budget	J Fowler/D MacVicar/B West		4.1	Complete - SOA delivery plans signed off by Council and Scottish Government in June.

Stage	Improvement Issue	Ref	Actions	Timeline	Target/ Success measure	Evidence	Responsible Person(s)	Progress Update	Recommendation Ref	Current Status
4	Policy Development Support	31	Corporate priorities and service plans updated to reflect alignment of resources and service to SOA outcomes and delivery plans.	Ongoing but review March 15	Clear links drawn between SOA delivery plans and Council services and resources	Reports in relation to SOA progress, service planning and budget	J Fowler/D MacVicar/B West	Meetings in place.	4.1	Corporate plan has been developed to align to SOA and submitted to Policy Leads meeting held on 21 August.
4	Policy Development Support	32	Chief Executive Leaders Briefing	On going	Meeting with Leader/Depute Leader and Opposition Leader	Confirmation that meeting takes place	S Loudon	Meetings in place.	2.4, 3.3, 3.5	Complete
4	Policy Development Support	33	Review progress, assess impact and identify further improvements	Dec-15	Review completed	Report summarising outcome of review and setting out impact and further improvements	S Loudon		All	scheduled for December 2015
ADDITIONAL ACTIONS TO TAKE ACCOUNT OF FOLLOW UP REPORT JULY 2014										
Stage	Improvement Issue	Ref	Actions	Timeline	Target/ Success measure	Evidence	Responsible Person(s)	Progress Update	Improvement Ref	Current Status
	This is the main heading for improvement		This is what we are going to do	This is when it will be completed	This is how we will decide if we have been successful	This is what we will use to decide if we have been successful	These are the people responsible for leading this	This is what we have achieved to date		
	Political Management Arrangements	34	Evaluate effectiveness of PMAs and identify any changes or improvements required.	Sep-15	Evaluation completed, report and action plan prepared and considered by Council	Report to Council and minute of meeting	C Reppke			
	Political Management Arrangements	35	Ensure that the new PMAs are fully implemented and Councilors/Officers have a clear and common understanding in practice of the roles and responsibilities of each committee, sub group and individual role	Oct-14	Delivery of training events, seminars and development days for each committee	Record of training events, seminars and development days	C Reppke			Complete - with conclusion of the development day process. Ongoing monitoring of effectiveness will continue as normal business.

Stage	Improvement Issue	Ref	Actions	Timeline	Target/ Success measure	Evidence	Responsible Person(s)	Progress Update	Recommendation Ref	Current Status
	Roles/ relationships	36	Ensure there is good communication and information flows across committees, groups and those with lead roles in the political management and governance framework.	ongoing	Delivery of political briefings / review of agendae / adherence to group protocols /	Regular review at policy leads meetings				
	Roles/ relationships	37	Support and encourage councillors to increase their engagement in training and development opportunities and the overall business of the Council.	Jun-15	Review of current training programme and uptake of Councillor Development Plans then prepare plans for further training/ development.	Report on outcome of review and further setting out for training and development	C Reppke/J Fowler	Sounding Board to be established to support review		Regular updates from Gov and Law to IHR in regard to members training needs and provision aligned with officer training as appropriate.
	Scrutiny	38	Ensure that scrutiny arrangements are strengthened through the new committees and by improving the contribution of councillors to effective governance and accountability through the Audit and PRS Committees	Aug-15	Delivery of development days/ arrange for PRS Committee to visit another Local Authority	Regular meetings with PRS independent chair. Review the effectiveness of additional scrutiny at Strategic committees and at Area committees. Scorecards scrutinised at all strategic committees.	C Reppke	Performance scorecards are now reviewed at all strategic committees from Aug 2014. All development days included discussion on performance review and scrutiny, including the performance management system, reporting structure/ presentation of information and roles/responsibilities. This was a core element of the discussions at the PRS Committee development day in terms of relationships with other committees/roles and responsibilities.		

Stage	Improvement Issue	Ref	Actions	Timeline	Target/ Success measure	Evidence	Responsible Person(s)	Progress Update	Recommendation Ref	Current Status
Scrutiny		39		Oct-15	Review of Planning and Performance Management Framework (PPMF) to clarify scrutiny role of members	approval of revised PPMF	J Fowler			PPMF review paper to SMT 14 July 2014, A session with Heads of Service was held on 22 August 2014 and a further report is being prepared for DMT/SMT . All committee development days included a session on the roles of elected members in performance review and scrutiny. PRS Committee development day was held on 26 Aug and further developed the scrutiny role for members involved in the PRS. The Chair of the Audit Committee attended as did the Chief Internal Auditor to inform the discussion and clarify roles and responsibilities between the two committees. All feedback will be collated and fed into the revised PPMF and will inform further member development. A specific action plan for the PRS is being developed.
Leadership and staff development		40	Ensure the SMT makes progress with its leadership and team development arrangements.	Mar-15	Delivery of Chief Officer Leadership Programme	Progress with delivery of programme and feedback on quality of programme. Delivery of outcomes of sessions with Roger Paine.	J Fowler	Presentation to SMT by range of suitable providers - 14 August 2014.		
Leadership and staff development		41	Ensure SMT has a shared understanding of the key strategic and leadership issues facing the Council	Jul-15	Facilitated sessions on key challenges and shared understanding of future shape of organisation.	SMT Sessions with Roger Paine held on 6 and 7 July 2014.				Complete

Stage	Improvement Issue	Ref	Actions	Timeline	Target/ Success measure	Evidence	Responsible Person(s)	Progress Update	Recommendation Ref	Current Status
	Leadership and staff development	42	Ensure SMT has arrangements in place for individualised support and challenge	Dec-14	Facilitated sessions scheduled on a regular basis for each member of the SMT.	Record of meetings held with external support	SMT	Arrangements currently in place and operational for the Chief Executive and the Executive Director of Customer Services.		
	Leadership and staff development	42	Ensure operational leadership of the Council is as well equipped as possible for the challenges ahead	ongoing	Delivery of Argyll and Bute Manager Programme	Progress with Argyll and Bute Manager Training and feedback on training	J Fowler			Argyll and Bute Manager is progressing with 150 managers now enrolled and undertaking the course. Feedback on the course is consistently high and continues to be monitored. The programme was designed as a result of consultation with managers, COG and SMT, and on the basis of management information. This resulted in the current programme which is structured to meet the identified needs. The programme is subject to annual review and will be adjusted as necessary to ensure that it aligns with current and future challenges and to take into account evaluation feedback.

The Audit of Best Value and
Community Planning

Argyll and Bute Council

Follow-up audit

The logo for the Accounts Commission, featuring a stylized 'A' with a checkmark inside a circle.

ACCOUNTS COMMISSION

Prepared by Audit Scotland
July 2014

The Accounts Commission

The Accounts Commission is the public spending watchdog for local government. We hold councils in Scotland to account and help them improve. We operate impartially and independently of councils and of the Scottish Government, and we meet and report in public.

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- assessing the performance of councils in relation to Best Value and community planning
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Commission findings

- 1. The Commission accepts the Controller of Audit's report on Argyll and Bute Council.**
- 2. The Commission is encouraged that the council is making progress against our previous findings of October 2013. But we note in particular the Controller of Audit's view that it is too early to assess the effectiveness of plans being implemented. We conclude that there is still much work to be done by the council to secure the improvements that we required in our previous findings.**
- 3. The Commission therefore requires the Controller of Audit to report on progress by the end of 2015, with particular focus upon the effectiveness of the following:**
 - **Political management arrangements.**
 - **Scrutiny.**
 - **Roles and relationships, including between members and officers.**

Part 1. Introduction

The statutory report and Accounts Commission findings

1. Between May and August 2013, Audit Scotland undertook targeted audit work at Argyll and Bute Council in response to a scrutiny requirement identified in the [Assurance and Improvement Plan for 2013-16](#). The work focused on the effectiveness of councillor to councillor and councillor to officer working relationships.
2. In October 2013, the Controller of Audit presented a statutory report to the Accounts Commission, under Section 102(1)(b) of the Local Government (Scotland) Act 1973. The Commission made findings on the report and [the statutory report and the Commissions findings](#) were published on 29 October 2013.
3. The Commission's findings from 2013 are set out in full as an appendix to this report. They reflect a number of concerns and expectations expressed by the Commission, and are summarised as follows:
 - Serious concern about substantial risks to the council caused by the instability of elected member leadership.
 - The quality of leadership of the council has been inadequate.
 - Elected members need to achieve a more effective balance between focusing on local issues and priorities and the longer term strategic objectives of the council.
 - The role of the Monitoring Officer needs to be afforded trust and respect and members must have confidence in the comprehensiveness of information provided by officers.
 - The council's current political management arrangements are not fit for purpose.
 - Elected members and officers must work together to ensure fuller use of training and of external support.
4. Argyll and Bute Council considered the Commission's findings on the statutory report at its meeting in November 2013. In January 2014, the council, with a majority of 31 to three votes, agreed an action plan in response to the statutory report and that it be submitted to the Commission. The [council's agreed action plan](#) and its [summary of the recommendations](#) are available on the council's website.

The follow-up audit

5. In its 2013 findings, the Commission expressed the need for urgent progress and requested a further report by the Controller of Audit. This follow-up audit report responds to the Commission's request. The follow-up audit work reviewed progress made by the council over the six-month period between the publication of the statutory report at the end of October 2013 and April 2014.

6. The audit work took place in April and May 2014 and therefore this report reflects the position at that point in time. During the onsite work the team interviewed ten councillors individually, four council officers, the independent (external) chair of the council's Performance Review and Scrutiny (PRS) Committee and one of the local MSPs. The team held two focus groups with councillors, one with a group of middle managers and observed a full council meeting.
7. I gratefully acknowledge the cooperation and assistance provided to the audit team by the Chief Executive, Sally Loudon, the Leader of the council, Councillor Dick Walsh, the chair of the Performance, Review and Scrutiny Committee, Mr Ian Ross, as well as the other councillors and staff who met with members of my team as part of the audit.

Part 2. Summary

Argyll and Bute Council has responded constructively to the Accounts Commission findings on the 2013 statutory report and it is making progress with improvement work. It is, however, too early to assess the effectiveness of the actions and plans being implemented.

The leadership and political dynamics of the council are more stable but the situation remains fragile. The risk to the council is currently reduced but there are difficult circumstances ahead and tough decisions to be made that will prove challenging to political management and ongoing stability.

New political management arrangements provide a foundation for improved governance. The council needs to ensure councillors and officers have a shared understanding in practice about the roles and responsibilities as well as effective links within and across the new arrangements to ensure they meet their potential.

Scrutiny still needs to improve. In particular, the council needs the commitment and engagement of councillors in the work of the Performance Review and Scrutiny Committee and the Audit Committee, if these are to make an effective contribution to governance and accountability. The role of senior management will also be crucial.

8. Overall, councillors and senior officers demonstrate a good level of understanding and acceptance of the Accounts Commission's findings and the 2013 statutory report. The council has agreed an improvement action plan that responds to the concerns raised following previous audit work. The council is making progress with its actions in line with its planned timetable.
9. The political leadership of the council has a firm focus on ensuring political and financial stability. The political dynamics of the council are more stable than before, although given the nature of the circumstances in Argyll and Bute Council, the situation is fragile, with some underlying tensions evident. Cultural and behavioural issues are complex and difficult to address, and will take time and sustained effort to change. Given the relatively short period since our previous report, we did not anticipate these issues would be fully addressed yet.
10. In February 2014, the council approved a budget that intends to provide two years of financial stability. During that period, the council plans to address the financial challenges it faces in the future, including significant reductions in funding. This more challenging environment will require it to make tough decisions and the natural tensions and stresses involved in this are likely to test the stability established so far.
11. The council continues to conduct day-to-day political and operational business. It now needs to use the relative stability and improvements in political management arrangements to make further progress with planning its strategies, monitoring its performance and delivering results.
12. Senior managers feel that with better political stability they have had more time to get on with improvement work and other council business. This includes making progress on arrangements for training and development for councillors, although further improvement in the level of engagement by councillors is required.

13. While the council has listened to the Commission and responded constructively to its findings, it is too early to judge the effectiveness of many of the actions the council is taking, at this stage. For example:
 - At the time the audit work took place, the council had not yet fully implemented changes to the political management arrangements. The planned arrangements, however, provide the potential for significantly improved governance.
 - The new arrangements include increased financial and local policy responsibilities for area committees. The effectiveness of these changes has not yet been tested but they offer the opportunity to support a better process for integrating strategic and local priorities.
 - The Policy Leads system has the potential to play a significant role in the political management arrangements, but again, it is too early to assess the impact of these roles.
14. Scrutiny still needs to improve. In particular, the council needs the commitment and engagement of councillors in the work of the Performance Review and Scrutiny Committee and the Audit Committee for these to make an effective contribution to the council's governance and accountability arrangements. Current activity, including the implementation of new committees, training for councillors, development days to plan forward work programmes for committees and redevelopment of the committee report template, all have the potential to contribute to wider improvements in scrutiny.
15. For the new political management arrangements to function effectively the council needs to ensure there is clarity and shared understanding in practice about the roles and responsibilities of each committee, subgroup and individual role (such as policy lead and shadow lead) within the arrangements. How well each of the parts of the new arrangements works and interacts with others will be equally important. Good intelligence about common issues and information flows across the committees, groups and lead roles, is fundamental to the new structure meeting its potential as an effective and transparent governance framework. In recognising these issues, the council has made provision for additional staff to support the new arrangements, although it is too early to assess the effectiveness of this.
16. There is evidence of a common determination to move forward and ensure that the council delivers more effective local government for Argyll and Bute. The council faces some difficult decisions over the next two years as it identifies and manages the reductions in spending it will need to make. It is essential that it continues to improve its culture, that there is agreement on what kind of council it wants to be and that improved behaviours are sustained. This will allow Argyll and Bute to move forward from a focus on stability to a position where there is effective community leadership and a unified position on delivering the council's priorities for its communities. The role of senior management in supporting elected members and in ensuring the delivery of high quality services to local people is crucial.

Part 3. Audit assessment

The council has responded constructively to the Accounts Commission findings and is making progress on improvement work. It is too early to judge the effectiveness of many of its actions

17. Councillors and senior officers show a good level of understanding of the issues in the 2013 statutory report and the Accounts Commission's findings. It is clear from discussions with councillors that the messages in the report and the findings were difficult to hear but that there is a good level of acceptance.
18. The council discussed the Account's Commission's findings on the statutory report at its meeting in November 2013. Councillors responded constructively and agreed to develop an action plan to address all of the issues raised in the audit report and findings. The [council's action plan](#) and its [summary of the recommendations](#) were developed with the input of councillors at seminar sessions facilitated by the Improvement Service. Twenty-seven of the 36 councillors who represent the people of Argyll and Bute participated in the session. At its meeting in January 2014, the council, with a majority of 31 to three votes in favour, approved the action plan and agreed that it should be submitted to the Commission.
19. The plan sets out clearly the 33 actions, the responsible officer for each action and timelines for completion. The timeline for the plan ranges from actions being completed at the end of 2013 to actions due for completion at the end of 2015.
20. The council is making progress against the timeline for implementation of its action plan. However, it is too early to make judgements about the effectiveness of most of the actions, given some are still being worked on and others need time to demonstrate results. The council has set two review points to consider progress and identify any further improvement actions required for each aspect of the plan.
21. [Exhibit 1](#) sets out the main content of the plan, with related actions summarised for simplicity. The [council's action plan, set out in full](#), is available on the council's website.

Exhibit 1**Argyll and Bute Council Action Plan – summary of actions**

Issue and summary of actions	Timeline for actions and progress
Standards	Review planned for December 2014
<ul style="list-style-type: none"> • Training for councillors on standards 	seminar took place in March 2014
<ul style="list-style-type: none"> • A monitoring officer protocol 	approved by council January 2014
<ul style="list-style-type: none"> • Guidance and training for officers 	development session took place March 2014 guidance due for issue in April 2014, had not yet been produced at the time of the audit
<ul style="list-style-type: none"> • Councillors collectively reinforcing discipline 	ongoing activity
Governance structures and processes	Review planned for December 2014
<ul style="list-style-type: none"> • Revision of the political management arrangements, ensuring clarity of purpose, roles, responsibilities and terms of reference within the arrangements 	approved by council in January 2014, came into effect April 2014
<ul style="list-style-type: none"> • Clarity on roles of committees 	in April 2014, terms of reference incorporated into the constitution and development days scheduled for each committee. These are due for completion by the end of August 2014
<ul style="list-style-type: none"> • Aligning councillors to committees and roles 	majority of appointments completed January 2014, some refinements ongoing
<ul style="list-style-type: none"> • Establishing staff resources to support the new governance arrangements 	due for completion April 2014, some recruitment still active in May 2014
<ul style="list-style-type: none"> • Revision of the report format to address councillor feedback 	due for completion March 2014, issued to managers May 2014.
<ul style="list-style-type: none"> • Re-establish Chief Executive appraisal process 	implemented December 2013
<ul style="list-style-type: none"> • Monitoring of staff morale 	staff survey due to take place June 2014 and report November 2014
<ul style="list-style-type: none"> • Broaden/improve engagement with local communities through social media 	due for completion December 2014
<ul style="list-style-type: none"> • Review of local community planning arrangements 	due for completion October 2014
Training and development	Review planned for December 2015
<ul style="list-style-type: none"> • Improving the councillor development programme, including Improvement Service 	development and sign up of all councillors due for completion November 2014

Issue and summary of actions	Timeline for actions and progress
programme, peer mentoring programme, competency based training, scrutiny training, 'master-classes' on key strategic issues	
Policy development support	Review planned for December 2015
<ul style="list-style-type: none"> Programme of seminars 	planning due for completion August 2014, dates of sessions agreed to April 2015, planning ongoing
<ul style="list-style-type: none"> Working groups to examine long-term strategic challenges 	ongoing. A new short life working group was agreed by the council in January 2014 to look at the specific needs of island communities
<ul style="list-style-type: none"> Developing the corporate and service planning framework around the SOA 	ongoing due for review March 2015
<ul style="list-style-type: none"> Chief Executive and Leader's briefings – meetings for the Chief Executive (and where appropriate other members of the SMT) to discuss current issues with Leader, Deputy Leader and Opposition Leader 	ongoing with meetings in place

Source: Audit Scotland

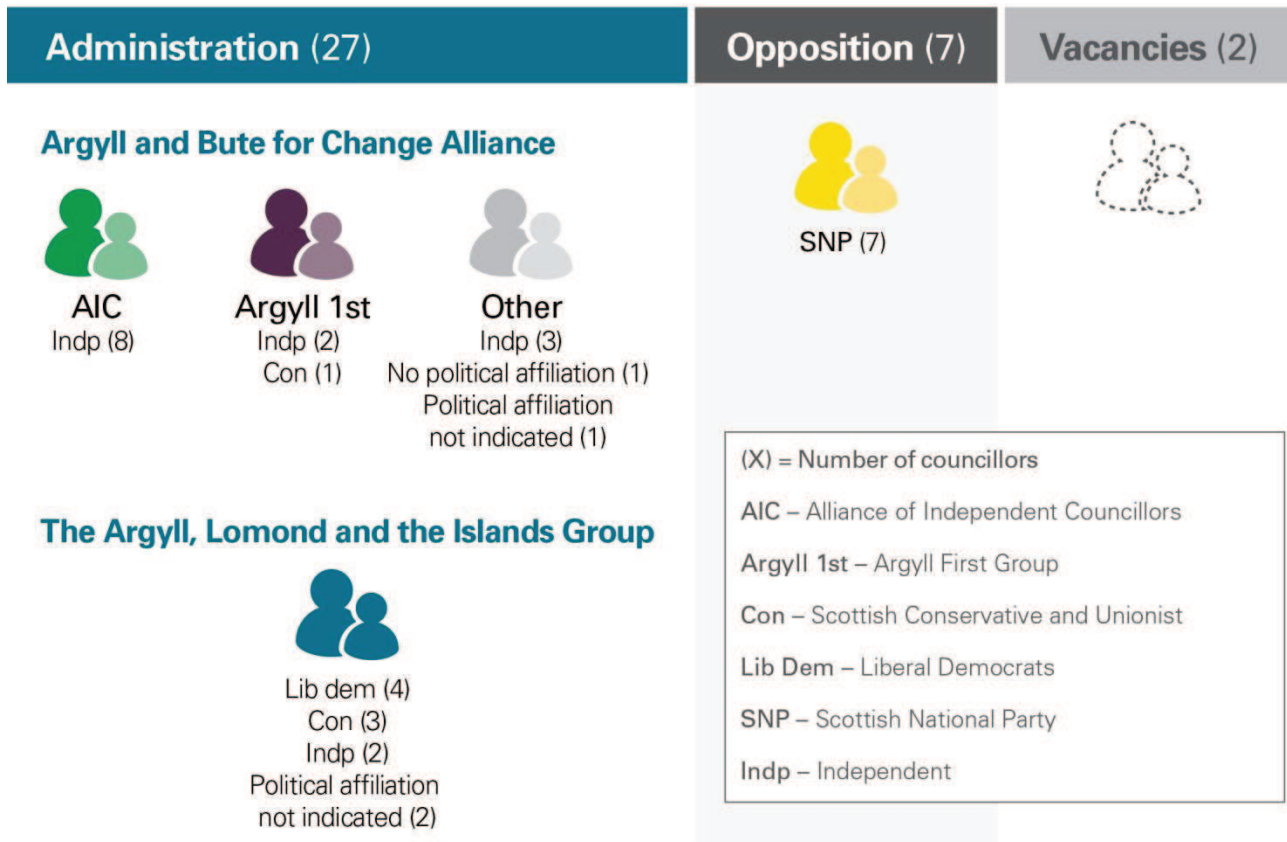
22. The actions demonstrate an understanding of the Commission's findings and the areas covered address the issues of concern outlined in the previous audit report. Many of these issues relate to culture and behaviour. These are complex and difficult to address, and will take time and sustained effort to change. Given the relatively short period since our previous report, we did not anticipate these issues would be fully addressed yet. The council has made a start, but it will take ongoing commitment and resolve by councillors and senior management in the longer term before improvements can be fully realised and embedded.

The leadership and political dynamics of the council are more stable but the situation remains fragile

23. At the full council meeting on 26 of September 2013, a new Administration, Leader and Depute Leader of the council were agreed. The Administration consists of the members of the Argyll and Bute for Change Alliance in partnership with the members of the Argyll, Lomond and the Isles Group (TALIG). In May 2014, at the time of writing this report, the total number of councillors aligned with this administration is 27. The opposition is composed of the seven Scottish National Party (SNP) councillors. Two vacancies exist, one following the resignation of a non-politically affiliated councillor from the opposition, and one following the resignation of a SNP councillor also from the opposition. [Exhibit 2](#) illustrates the political make up of the council at the time of writing this report.

Exhibit 2

Political make up May 2014



Source: Audit Scotland

The council shows an improved sense of collective leadership

24. There is evidence of collective leadership developing in the council. The Leader (from the Alliance of Independent Councillors) works well with the Depute Leader (from TALIG). The Leader and the Leader of the Opposition have established an effective relationship to support collective leadership and cooperative working. For example, the council's budget was passed unanimously in February 2014, with the SNP applying the group whip. The Leader, Depute Leader and Leader of the Opposition jointly undertook the appraisal of the Chief Executive in December 2013 with the challenge and facilitation of an independent and experienced external advisor.
25. Senior managers express a consistent message that with better political stability they have more time to get on with improvement work and other business. The Senior Management Team (SMT) has restructured its meetings to make time for progressing a range of corporate improvement activities. This includes options for its own individual and team development arrangements as well as building on current management training and development for the wider group of senior managers in the council. Individually, members of the SMT are more outward looking than evidenced in May/June 2013, engaging in more external meetings, forums and networks. The contribution senior managers make will be important for the long-term transformation of the council.

26. There has been an increase in the visibility of the political leadership across the council, through, for example, the Leader's attendance at training seminars for senior officers. There is more external engagement too, through more public focused Leader's reports and through the Leader and Policy Leads attending more public sector forums, meetings and events.

The political leadership's main focus has been on ensuring political and financial stability but difficult decisions in the next two years will prove challenging

27. The leadership of the council has actively worked on establishing stability and internal stability has been a significant focus for the Leader since his reappointment to the role in September 2013. He has provided strong direction on this.
28. In addition, the political leadership has focussed on maintaining financial stability. At its February 2014 meeting, the council approved its budget for 2014/15 in accordance with its new budget approach, agreed in November 2013. The new approach aims to maintain stability and to preserve services where possible by seeking one per cent savings (£1.8 million) across all service areas in 2014/15 and 2015/16, from a total revenue budget of £245 million. Due to the efficiency savings target, there is a projected funding surplus of £1.02 million in 2014/15 and £3.1 million in 2015/16.
29. The longer-term budgetary outlook is more challenging. The council estimates it will require to reduce expenditure over the period 2016/17 to 2019/20 by an average of around three per cent or £8 million per annum, building up to £28.565 million in 2019/20. This equates to approximately £77 million in total over the four-year period. This is around 7.5 per cent less across those years than the £1.033 billion expenditure currently forecast by the council. Achieving these savings will require fundamental decisions to be made by councillors about service provision and delivery.
30. The council plans to use the two-year period of financial stability (2014/15 and 2015/16) to develop and put in place proposals to address the longer-term funding outlook and to consider how resources are aligned to the Single Outcome Agreement (SOA) and council priorities, future savings and options for additional income.
31. There is now a common recognition across councillors that the SOA is the primary strategic plan for the council. Delivery plans are being finalised and the council is in the process of updating its corporate priorities and service plans to align with the SOA.

While the political dynamics of the council are more stable, some tensions are still evident

32. The political dynamics of the council are more stable than the audit team witnessed in May/June 2013. Behaviour outside the chamber between councillors appears to have improved. Councillors did not express the concerns reported in previous audit work, and described a more stable working environment. Both councillors and officers expressed a sense of being on much more solid ground with more potential to move forward with business, improvements and strategic planning.

33. Although the overall sense of improved stability is clear, there are some underlying tensions evident that suggest this stability is still fragile. The tensions reflect residual mistrust and a degree of disquiet with current changes. This is not unexpected given the relatively short period since our previous report and that the central issues it raised were about culture and behaviour at the council.
34. There is recognition of the importance of councillors taking responsibility for standards and behaviours. In the council's action plan there is an agreed action for group discipline and leadership. The objective is that group leaders and groups collectively ensure proper conduct of their respective group members. One of the approaches taken is group protocols. The TALIG and SNP groups confirmed during the audit that they have protocols for group behaviour in place.
35. The council is responding to the Commissions' concern regarding the '*negative effect that this (political instability) is having on the council's reputation*'. For example, it produced a Leader's report recognising the issues highlighted by the Accounts Commission report. This was addressed both externally to the community and internally across the council. The council is also working on better management of the council's relationships with local press and media, increasing engagement through social media and developing arrangements for webcasting its committee meetings. The council's communications team is fully staffed and senior managers and councillors commented positively during the audit about the impact the team has made.
36. Officers the audit team spoke to were aware of the issues described in the statutory report but they felt that these had had no significant bearing on staff morale or operational work. The council plans to include relevant questions in a staff survey planned for the summer of 2014. When it considers the results of this survey, in November 2014, the council needs to assure itself about the impact of recent events on its staff and put actions in place to address any identified areas for improvement.

The council is working to improve councillor to councillor and councillor to officer working relations but it is too early to assess the longer-term results of these actions

37. The council's action plan includes a number of approaches to underpin improved working relations. The actions to date have contributed to the current stability but it is too early to assess the longer-term impact of these actions on councillor to councillor and councillor to officer working relationships. The council plans to undertake a review of the arrangements and actions taken to support improved standards and behaviours and report on this in December 2014.
38. In January 2014, the council approved a Monitoring Officer protocol. The aim of the protocol is to improve the effectiveness of the role of the Monitoring Officer and it sets out how the statutory duties of this role will be discharged. The protocol states that the monitoring officer '*will provide appropriate and robust advice to members so as to protect and safeguard, so far as is reasonably possible, members and officers, from legal difficulties and possible misconduct whilst acting in their official capacities.*' The protocol has heightened

awareness and engagement with the role of the Monitoring Officer among both councillors and officers.

39. In March 2014, only 16 of the 36 councillors attended a seminar that included a session on standards and behaviour. This involved input from the Commissioner for Ethical Standards in Public Life in Scotland. Councillors need to recognise the importance of attending seminars and training sessions. The council should review why the attendance at this session was low, particularly given the profile of this issue in the council and consider whether further or different approaches to training on this would be beneficial to councillors.
40. Also in March, a training session took place for the wider management team, including the SMT, heads of service and service managers. This included sessions on positive councillor and officer relations, and how to respond to unacceptable behaviours. The council plans to provide a guidance document for senior officers on managing councillor expectations and on councillor and officer roles and responsibilities. This was originally planned for April 2014 but has not yet been produced.
41. Councillors' views about the quality and accessibility of the reports they receive remain mixed. Some of the issues around trust in the content of reports are still evident. Officers have recently redeveloped their reporting template and plan to trial this in the forthcoming cycle of meetings. The new format includes an executive summary. The redevelopment process intends to include ongoing consultation about the quality of reports with all councillors. Senior officers have also developed a clear and detailed guidance document for staff about producing reports and for contributing at committees. It is however, too early to judge the effectiveness of these actions.

Councillor training and development is progressing, but improvement is required in the level of engagement by councillors

42. It is important that councillors have access to and attend good quality information and training sessions on strategic issues. Officers have continued to develop the training and development arrangements for elected members and the engagement of councillors with them has improved. Officers report that the number of councillors signed up to Continuing Professional Development arrangements has increased from six to 24. The council's aim is to achieve full participation in the member development programme by November 2014.
43. During the audit, councillors were positive in how they described the importance of and the need to engage in training and development. They were positive about the training they receive but expressed mixed preferences on how to engage in training. The council needs to ensure, where possible, that technology based and other options for training are accessible to councillors. This is particularly important given the geography of the area, although councillors need to recognise and make use of the range of technology based and other options already offered. Council officers expect to monitor and refine training arrangements on an ongoing basis, but the council plans a more formal review of progress and the impact of councillor training and development arrangements with a report expected in December 2015.

44. Attendance at seminars over the six-month period since October 2013 varies and improvement is required. While there are challenges in increasing attendance at seminars, given the council's geography, the other commitments councillors have and some events being targeted at those with an interest in specific issues, it is important that these are not barriers to effective engagement. Video conferencing facilities have been introduced and this has the potential to support councillors' engagement in training. In the six-month period since October 2013, nine seminars have taken place on a range of issues – [Exhibit 3](#).

Exhibit 3

Attendance at member seminars between October 2013 and April 2014

10 October	<ul style="list-style-type: none"> • review of children and families social work services 	14 attendees
31 October	<ul style="list-style-type: none"> • launch of CPD framework 	23 attendees
11 November	<ul style="list-style-type: none"> • budget review • health and social care integration 	23 attendees
18 November	<ul style="list-style-type: none"> • Improvement Service workshop 	27 attendees
9 December	<ul style="list-style-type: none"> • civil contingencies 	17 attendees
13 January	<ul style="list-style-type: none"> • statutory report action plan 	26 attendees
3 March	<ul style="list-style-type: none"> • local development plan • Commission for Ethical Standards • health and social care integration 	16 attendees
17 March	<ul style="list-style-type: none"> • Single Outcome Agreement and delivery plans update • next generation broadband 	18 attendees
7 April	<ul style="list-style-type: none"> • strategic risk register • marine renewable planning • mobile infrastructure 	21 attendees

Source: Argyll and Bute Council

45. The council has a programme of monthly seminars planned for the future. Officers recognise that the new committee structure and specific briefings for individual committees is likely to change the remit and content of the seminars. A review of the seminar arrangements is planned for the end of the calendar year.

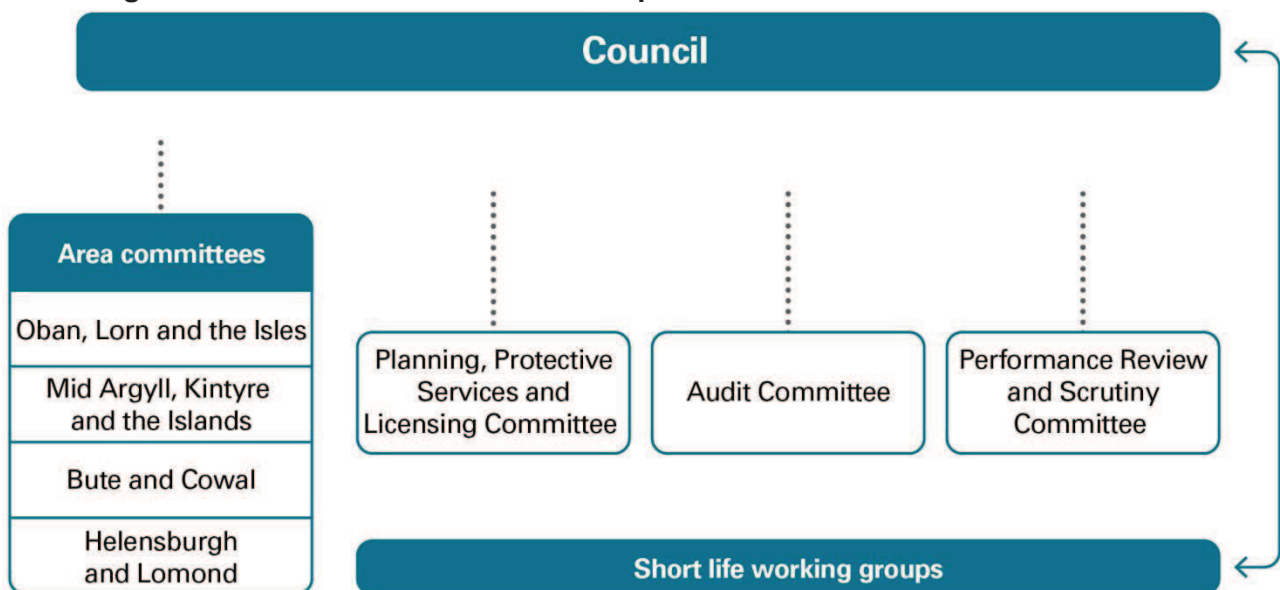
New political management arrangements provide a foundation for improved governance

The new committee structure is intended to provide better governance but it is too early to assess its effectiveness

46. The six months between the publication of the previous audit report and April 2014, was a period of transition for the council. As it considered and developed new ways of working, it continued to function with the political management arrangements illustrated in [Exhibit 4](#).

Exhibit 4

Political governance structure June 2012 to April 2014

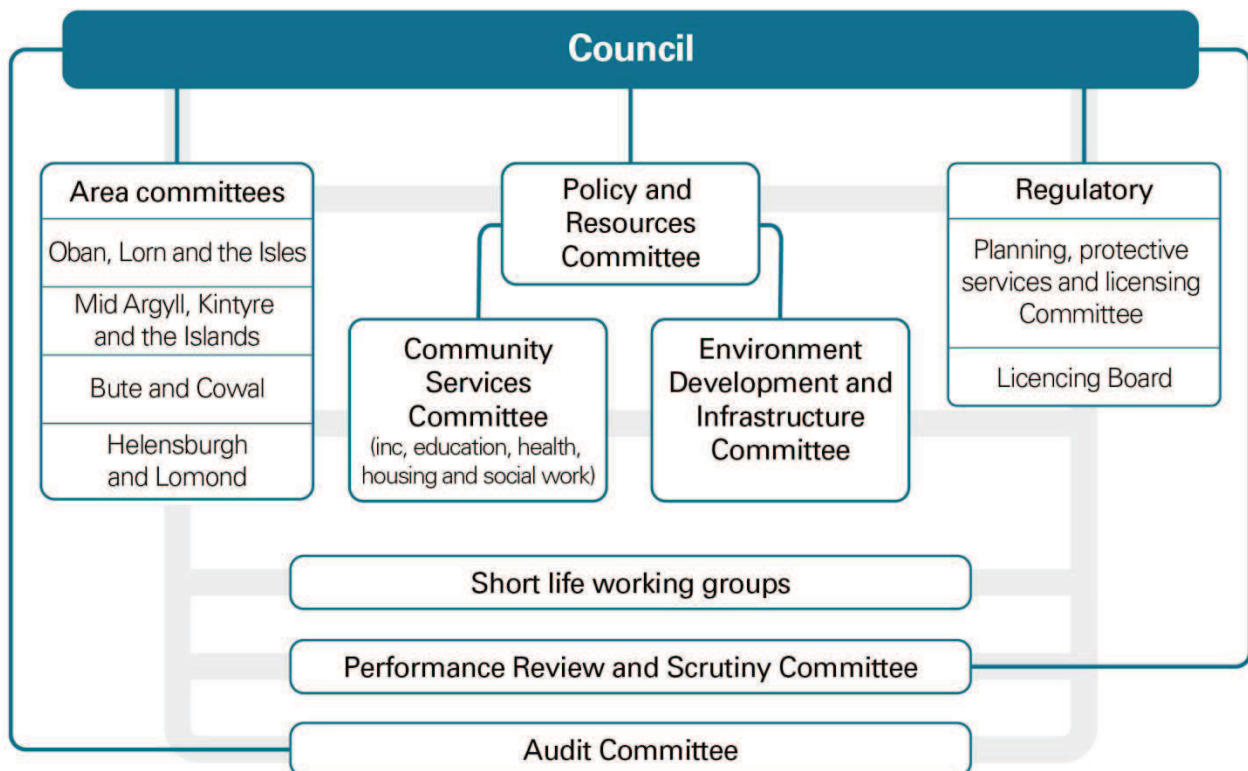


Source: Audit Scotland

47. While council meetings continued to have long agendas, with limited scope for detailed discussion on policy development or scrutiny, the council did continue to conduct business. It approved its budget, made progress with realigning its priorities with the SOA, and made some decisions relating to issues such as health and social care integration, the schools estate, education management arrangements, and external funding requests. With improved stability, the council is in a better position to make progress with planning and delivering its strategies, and monitoring its performance.
48. The council had agreed in June 2013 to establish a short life working group to consider proposals for new political management arrangements and structures. The group initially planned to report its findings to the council in August. In fact, it reported its progress to full council meetings across the period from August to December 2013. In January 2014, the group reported its findings to the full council and new arrangements were approved. Although this process has taken longer than originally planned, the council has benefited from taking more time to consider the options and plan detailed arrangements.
49. [Exhibit 5](#) shows the council's new political governance structure.

Exhibit 5

Political governance structure April 2014



Source: Audit Scotland

50. The new arrangements include the introduction of a Policy and Resources Committee, Community Services Committee, and Environment, Development and Infrastructure Committee. The new committee cycle will mean a change from monthly full council meetings to one every two months, with an additional meeting in February for consideration of the budget.
51. At the time of the audit work, initial committee meetings for the new arrangements were starting to take place. It is too early to assess the effectiveness of the committees or the wider political management arrangements. However, the arrangements provide the potential for significantly improved governance.
52. Councillors demonstrate a good level of engagement and understanding of the principles of the new arrangements. They were developed through a cross party short life working group of 12 members, and then all councillors were asked to provide a response indicating which committees they would have an interest in and why. This information was used to assist in allocating positions on the committees. In the audit interviews, councillors generally seemed satisfied with the process and outcomes.
53. The three new committees should provide scope for improved depth and range of discussion for developing policy and scrutinising implementation and performance. The council has also retained the option of establishing short life working groups to provide a forum for detailed

discussion on strategic issues. For example, in January 2014, the council agreed to establish a working group on island issues, to investigate and respond to the specific issues and needs of these communities.

54. Initial business for each of the committees includes arranging a development day. The purpose of this, as stated in a report to the first of the new committees, is to '*...facilitate shared understanding of the key issues to be considered by each committee and to facilitate good governance. It was also agreed that each committee would develop a work plan and forward agenda*'. The work is intended to be '*...linked to key strategic priorities and outcomes, the Single Outcome Agreement, corporate and community plans and that a policy development and overview progress report would be submitted from each central committee to the policy and resources committee for noting every six months.*'
55. The new arrangements include increased financial and local policy responsibilities for the four area committees [Oban, Lorn and the Isles; Mid Argyll, Kintyre and the Islands; Bute and Cowal; and Helensburgh and Lomond]. It is too early to assess the effectiveness of these changes but they offer the opportunity to support a better process for integrating strategic and local priorities.
56. The council also agreed an increased remit for the four area committees. The changes include for example, responsibilities to:
 - approve area policies in relation to the delivery of council services consistent with council wide policy
 - make recommendations on plans and proposals for local service delivery and planning within their area, including prioritisation of expenditure, which are consistent with council policy and within the available financial allocations
 - consider and prioritise revenue and capital expenditure estimates for their area and to make recommendations to the council in relation to these
 - approve the acquisition, sale or lease of land or buildings within their area
 - maintain strong links with local communities, community organisations and local community planning structures
 - act as the CHORD¹ programme project boards.
57. The council has recognised the importance of having sufficient resources in place to support the new committees and the increased responsibilities of the area committees effectively. In February 2014, the council provided £250,000 in its budget for further staff to support the governance arrangements. Recruitment campaigns to fill the posts in the new support structure are nearing completion.
58. For the new political management arrangements to function effectively the council needs to ensure there is sustained clarity and understanding about the roles and responsibilities of each committee, subgroup and individual role, such as policy lead and shadow lead, within

¹ CHORD is a regeneration and economic development programme that started in 2008 in five of Argyll and Bute's waterfront towns - Campbeltown, Helensburgh, Oban, Rothesay and Dunoon.

the arrangements. Equally important is effective communication. Good intelligence about connected issues, and information flows across the committees, groups and lead roles is fundamental if the new structure is to meet its potential as an effective and transparent governance framework. The council recognises these issues and has included them on the agendas for consideration at its committee development days. The provision of additional staff to support the new arrangements is also intended to contribute to effective communication.

Policy leads have the potential to play a significant role in the political management arrangements but it is too early to assess the effectiveness of these roles

59. The council has continued with the principle of lead councillors. In October 2013, the council agreed 11 policy lead councillors and ten depute policy leads. Administration councillors submitted applications for these positions and the political leadership decided the appointment of each policy lead and depute policy lead. The thematic remits are:
- Island affairs
 - Adult care
 - Strategic finance
 - Roads, amenity services, infrastructure, asset management and special projects
 - European affairs, sustainable economic growth, and strategic transportation
 - Improvement, HR, customer support, and facilities services
 - Community and culture, and strategic housing
 - Sustainable environment, renewables and strategic tourism
 - Education, lifelong learning and strategic IT services
 - Planning, protective services and licensing
 - Children and families
60. Policy leads have a significant part to play in the new arrangements and there is better clarity about their role. The expectation is that these councillors take a special interest in staying informed on issues within their remit and take a lead role in the development of policies. The council expects policy leads to chair relevant items at the strategic committees. The role also includes being appointed to relevant external bodies and representing the council at external meetings such as applicable COSLA² groups.
61. The role has the potential to make an important contribution to ensuring effective communication between the different layers of the political management arrangements. For these lead councillors to fulfil this role effectively they will require good support and engagement from officers and from other councillors.
62. There are indications that initial progress is being made by the relevant councillors to establish these roles, however, it is too early to assess impact. Discussions with councillors and officers in audit interviews indicate that the policy leads are actively developing relationships with the

² Convention of Scottish Local Authorities

key officers and beginning to make external connections. The engagement with deputy policy leads is variable and this still needs to mature. Similarly, developing relationships with shadow policy leads is at an early stage and needs time to develop.

Scrutiny still needs to improve. Inadequate attendance at the Audit and PRS Committees limits the effectiveness of governance and accountability at the council

63. The new committees offer a platform for improved policy and service scrutiny but the Audit and PRS Committees are not fully effective. The remits of these committees play a central role in ensuring good governance and accountability of the council, but attendance at these committees has been inadequate to support effective scrutiny.
64. Between October 2013 and April 2014, the audit committee met in December and in March. At the meeting in December, two councillors were present and at the meeting in March, one councillor was present. The total complement for the audit committee set out in the council's constitution is five councillors. The meetings were only quorate due to the attendance of the lay chair and deputy chair, who are external to the council but are voting members of the committee. Therefore, non-elected members of this committee were equal in number or outnumbered elected members when considering council business. Items on the agendas for these meetings included for example:
- The external auditor's annual report
 - An update on the internal audit improvement plan
 - Internal audit reports
 - Annual audit plan draft
 - Monitoring of the strategic risk register
 - Post completion reviews for capital projects
65. Over the same period, the PRS Committee met in November 2013 and February 2014. The committee membership includes seven councillors, an external non-elected chair and three community planning partner representatives. At the meeting in November, attendance by councillors was good with all seven councillors in attendance. In February, three of the seven member councillors attended and two non-elected members of the committee. As with the Audit Committee, non-elected members of this committee can outnumber the elected members. Items on the agendas for these meetings included for example:
- Attendance management
 - Quarterly council and departmental performance reports
 - Single Outcome Agreement progress and annual report
 - Corporate improvement plan progress report
66. In our [2008 Best Value and Community Planning progress report](#), we acknowledged the council's *'innovative approach to its Audit Committee, with the appointment of external, non-executive members as chair and vice chair'*. However, the attendance and commitment of the elected members on these committees is also essential. The council needs to consider the implications for accountability when more unelected representatives than councillors can be

scrutinising issues such as performance, internal governance arrangements and risk management.

67. The new strategic committees have the potential to be important forums for policy, project implementation and performance scrutiny. It is important that the scrutiny remits of the new committees, in particular the Audit and PRS committees, are clearly understood and that there is communication between these committees to support consistent and effective governance and accountability.
68. The area committees are important contributors in the council's scrutiny arrangements. Councillors said that some progress has been made with performance reporting in these committees, with scorecards and reporting by exception. However, they felt that the quality of supporting information was inconsistent and they want better explanatory information presented. Senior management has discussed these matters, is planning improvements and is currently developing arrangements to support scorecard performance information for area committees with descriptive explanations.

Areas for improvement

69. The audit work has found that there is an improved sense of political stability at the council and that the new political management arrangements offer the potential for improved governance. The council has responded constructively to the Accounts Commission findings and is making progress against its action plan. However, the situation is fragile and it is too early to make judgements about the effectiveness of many of the recent improvement actions, given some are still being worked on and others need time to demonstrate results. It is important therefore that the council continues to make progress with its improvements and it should:

- Ensure that the new political management arrangements are fully implemented and councillors and officers have a clear and common understanding in practice of the roles and responsibilities of each committee, sub-group and individual role.
- Ensure there is good communication and information flows across committees, groups and those with lead roles in the political management and governance framework. Councillors with policy lead roles will require good support and engagement from officers and from other councillors.
- Ensure that scrutiny arrangements are strengthened, in particular, through the new committees and by improving the contribution of councillors to effective governance and accountability through the Audit and Performance, Review and Scrutiny Committees.
- Support and encourage councillors to increase their engagement in training and development opportunities. Councillors should work with officers to further improve the accessibility and effectiveness of training and development approaches. This is important to ensure all councillors are fully prepared for challenging strategic issues and difficult decisions ahead.
- Ensure the SMT makes progress with its leadership and team development arrangements, builds on current management development programmes and, ensures that the operational leadership of the council is as well equipped as possible for the challenges ahead.
- Assure itself about the impact of recent events on its staff and put actions in place to address any identified areas for improvement.

Appendix

Accounts Commission findings on the Statutory Report – October 2013

1. The Commission accepts the Controller of Audit's report on Argyll and Bute Council.
2. The Commission is seriously concerned about substantial risks to the council caused by the instability of leadership by elected members since the last council election. The council's ability to set and maintain a clear strategic direction is at risk of being compromised and the Commission is concerned that this will, in time, negatively affect the services that the council provides for the people of Argyll and Bute. We are also concerned about the negative effect that this is having on the council's reputation.
3. The quality of leadership of the council has been inadequate. We urge the elected members and the corporate management team to work together to provide stronger and effective leadership of the council. Effective working relationships between elected members, and between members and officers, need to be based upon mutual trust, respect and transparency. Elected members need to achieve a more effective balance between focusing on local issues and priorities and the longer-term strategic objectives of the council and the best interests of the whole community of Argyll and Bute.
4. The Commission underlines the importance of the role of Monitoring Officer in supporting good governance. The role needs to be afforded trust and respect. Equally, members must have confidence in the comprehensiveness of information provided by officers to enable them to make considered decisions.
5. The council's current political management arrangements are not fit for purpose. The role that the full council plays is unsustainable and progress in securing effective scrutiny arrangements has been inadequate.
6. We are encouraged that the council recognises the need to change its political decision-making structures: it is crucial that the conclusions awaited from the short life working group established in this regard are considered carefully by the council. We await with interest to see how this is taken forward. Any new structure needs to be understood by all who fulfil a role in those structures, and all members need to engage fully in the new arrangements.
7. The challenges faced by Argyll and Bute Council are not unique. We are therefore pleased to note that the council recognises the value in seeking support from external sources: we would urge that this continue to be exploited through, for example, the use of peer support. We underline the importance of training and development support for all members. Elected members and officers must work together to ensure fuller use of – and participation in – such support.
8. There is much work to be done by the council and we note a further recent change in the council's political leadership. The Commission expects urgent progress to be made in early course. We require a further report by the Controller of Audit on the progress made by the council over the next six months.

Argyll and Bute Council

Follow-up audit

This report is available in PDF and RTF formats, along with a podcast summary at:

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ARGYLL AND BUTE COUNCIL
CUSTOMER SERVICES

COUNCIL
25 SEPTEMBER 2014

VACANCIES ON COMMITTEES AND OTHER BODIES

1.0 EXECUTIVE SUMMARY

- 1.1 This report invites the Council to give further consideration to filling a number of vacancies on various Council Committees and Outside Bodies following continuation of this item at the Council meeting held on 26 June 2014.
- 1.2 A number of vacancies have arisen as a result of Councillor Fred Hall's resignation on 14 March 2014, Councillor Louise Glen Lee's resignation on 1 May 2014; and also consequential appointments resulting from decisions made at the Council meeting held on 24 April 2014.
- 1.3 The Council is invited to make appointments to the following Council Committees and Outside Bodies –
- Planning, Protective Services and Licensing Committee (1 vacancy)
 - Community Services Committee (2 vacancies)
 - Environment, Development and Infrastructure Services Committee (1 vacancy)
 - Special Committee – Adult Services (as detailed at para 4.4)

 - SOILLSE National Network for Gaelic Research – Consultative Committee (1 vacancy for a substitute member)
 - Scotland Excel (1 Vacancy)

 - Argyll and Bute Community Health Partnership (1 vacancy)
- 1.4 The Council may wish to consider delaying consideration until the result of the Oban, North and Lorn By-Election.

VACANCIES ON COMMITTEES AND OTHER BODIES

2.0 INTRODUCTION

- 2.1 The Council is invited to give further consideration, following continuation at the Council meeting on 26 June 2014, to the vacancies which have arisen on Council Committees and Outside Bodies. These vacancies arose as a result of Councillor Fred Hall's resignation on 14 March 2014, Councillor Louise Glen Lee's resignation on 1 May 2014; and also consequential appointments resulting from decisions made at the Council meeting held on 24 April 2014.
- 2.2 The Council is also invited to give further consideration to appointments to the Planning, Protective Services and Licensing Committee and Community Services Committee carried forward from the decision made under item 10 at the Council meeting held on 24 April 2014.
- 2.3 The Council should also give consideration to refreshing the membership of the Special Committee – Adult Care given the formation of the new Council administration as agreed at the Council meeting on 26 September 2013.
- 2.4 The Council will be aware that due to the passing of Councillor John McGregor there will be a further by-election in Oban North and Lorn and it may wish to defer some appointments again until its next meeting.

3. RECOMMENDATIONS

- 3.1 The Council is invited to make appointments to the following Council Committees –

Planning, Protective Services and Licensing Committee (1 vacancy)
Community Services Committee (2 vacancies)
Environment, Development and Infrastructure Services Committee (1 vacancy)
Special Committee – Adult Services (as detailed at para 4.4)

- 3.2 The Council is invited to make appointments to the following Outside Bodies –

SOILLSE National Network for Gaelic Research – Consultative Committee (1 vacancy for substitute member)

Scotland Excel (1 vacancy)

Argyll and Bute Community Health Partnership (1 Vacancy)

4.0 DETAIL

4.1 Planning, Protective Services and Licensing Committee

One vacancy exists on the Planning, Protective Services and Licensing

Committee and the Council should make one appointment. There should be a total of 15 Members appointed to this Committee.

4.2 Community Services Committee

Two vacancies exist on the Community Services Committee and the Council should make two appointments. This Committee should have a total of sixteen members.

4.3 Environment, Development and Infrastructure Committee

One Vacancy exists on the Environment, Development and Infrastructure Committee and the Council should make one appointment. This Committee should have a total of sixteen members.

4.4 Special Committee – Adult Services

Consideration should also be given to appointments to the Special Committee – Adult Services given the change in administration agreed at the Council meeting held on 26 September 2013.

Membership of this Committee currently comprises the following positions which does not take account of the change to Policy Leads -

- Leader
- Depute Leader
- Spokespersons for Social Affairs; Third Sector and Communities; Rural and Island Affairs, Housing and Gaelic; and European Issues
- Two other Members from the Ruling Administration
- Two Members of the Opposition

4.5 Outside Bodies

- SOILLSE National Network for Gaelic Research – Consultative Committee which is a project which aims to provide an enhanced research capacity to inform public policy towards the maintenance and revitalisation of the Gaelic language and culture. The Committee meet once per year. Councillor Robin Currie is currently the representative on this and the Council should appoint a substitute member as a result of Councillor Glen Lee's resignation.
- Scotland Excel which is the Centre of Procurement Expertise for Scotland's local government sector. The Councillor should appoint one representative.
- Argyll and Bute Community Health Partnership which provides Primary Care, Community services and some acute services including a wide range of outpatient and inpatient services at community hospitals across the area.

5.0 CONCLUSION

- ##### **5.1**
- At its meeting on 26 June 2014 the Council agreed to defer consideration of this item until after the Oban, North and Lorn By-Election. This was following its decision on 24 April 2014 to delegate to the Executive Director of Customer

Services in consultation with the Leader, Depute Leader and Leader of the opposition any consequential appointments required and arising out of the changes to Committees at the Council Meeting. No further appointments have been made in this period and these vacancies are now remitted to Council for consideration and Council is invited to consider appointments to the Committees and outside bodies as highlighted within the report. It may also wish to consider deferring some appointments until its next meeting in light of the forthcoming by-election in Oban North and Lorn.

6.0 IMPLICATIONS

6.1 Policy - None

6.2 Financial - Travel and Subsistence costs of Members attending meetings

6.3 Legal - None

6.4 HR - None

6.5 Equalities - None

6.6 Risk - None

6.7 Customer Service - None

Douglas Hendry
Executive Director of Customer Services
25 August 2014

For further information contact: Charles Reppke, Head of Governance and Law

ARGYLL AND BUTE COUNCIL

Council

Customer Services

25th September 2014

REVIEW OF CHARITABLE TRUSTS HELD BY ARGYLL & BUTE COUNCIL

1.0 EXECUTIVE SUMMARY

The main purpose of this report is to ask members to consider winding up the following trusts:- James H Hall Bequest, John Paterson Bequest, Fleming Bequest and Miss Ann MacLean Trust.

Members are also being asked to agree to apply to OSCR for approval of the reorganisation of the following trusts by transferring the funds to the Hope Kitchen in Oban:- Miss Evangeline MacDonald Bequest, Miss Catherine McCaig Trust and Misses McGillvray Trust

The report details the reasons for each of these proposals and the processes of reorganisation.

Reorganising these trusts will allow the funds of the registered charities to be used more effectively and the trusts to achieve their objectives.

The Recommendations are as follows:-

For the proposals approved by OSCR give final authorisation of the actions outlined in this report. The trustees now require to provide authority to make payment to the recipient charities as detailed and have the trusts wound up and removed from the OSCR register namely:-

- i. James H Hall Bequest SC025066. Approve the payment of the remaining funds to David Andrew Greenlees Trust SC025066 and then to wind up the Trust and remove it from the OSCR register.
- ii. John Paterson Bequest SC025066. Approve the payment of the remaining funds to David Andrew Greenlees Trust SC025066 and then to wind up the Trust and remove it from the OSCR register.
- iii. Fleming Bequest SC025066. Approve the payment of the remaining funds to Kintyre Forum on Community Care SC023331 on the basis the funds will be used for the relief of those suffering ill health or disability and then wind up the Trust and remove it from the OSRC register.
- iv. Miss Ann MacLean Trust SC025066. Approve the payment of the remaining funds to Moving On Mid Argyll (MOMA) SC041901 and then to wind up the trust and remove it from the OSCR register.

For the Miss Evangeline MacDonald Trust SC025066 and Miss Catherine McCaig Trust SC025066 where members agreed to apply to OSCR to reorganise by transferring all the funds held to Oban Charitable Trust SC017747 agree instead to apply to OSCR to transfer the funds to the Hope Kitchen in Oban SC041770 as detailed in Appendix 1.

In respect of the Misses MacGillvray Trust SC019593, to agree to apply to OSCR to reorganise by transferring all the funds held to the Hope Kitchen in Oban

REVIEW OF CHARITABLE TRUSTS HELD BY ARGYLL & BUTE COUNCIL

2.0 INTRODUCTION

- 2.1 The Council at their meeting on 24th April 2014 approved proposals for reorganising certain registered charitable trusts. OSCR have now also approved the proposed charity reorganisation schemes for these charities. It is therefore necessary for the trustees to give final authorisation to the reorganisation schemes for them.

3.0 RECOMMENDATIONS

- 3.1 For the proposals approved by OSCR give final authorisation of the actions outlined in this report. The trustees now require to provide authority to make payment to the recipient charities as detailed and have the trusts wound up and removed from the OSCR register namely:-
- v. James H Hall Bequest SC025066. Approve the payment of the remaining funds to David Andrew Greenlees Trust SC025066 and then to wind up the Trust and remove it from the OSCR register.
 - vi. John Paterson Bequest SC025066. Approve the payment of the remaining funds to David Andrew Greenlees Trust SC025066 and then to wind up the Trust and remove it from the OSCR register.
 - vii. Fleming Bequest SC025066. Approve the payment of the remaining funds to Kintyre Forum on Community Care SC023331 on the basis the funds will be used for the relief of those suffering ill health or disability and then wind up the Trust and remove it from the OSRC register.
 - viii. Miss Ann MacLean Trust SC025066. Approve the payment of the remaining funds to Moving On Mid Argyll (MOMA) SC041901 and then to wind up the trust and remove it from the OSCR register.
- 3.2 For the Miss Evangeline MacDonald Trust SC025066 and Miss Catherine McCaig Trust SC025066 where members agreed to apply to OSCR to reorganise by transferring all the funds held to Oban Charitable Trust SC017747 agree instead to apply to OSCR to transfer the funds to the Hope Kitchen in Oban SC041770 as detailed in Appendix 1.
- 3.3 In respect of the Misses MacGillvray Trust SC019593, to agree to apply to

OSCR to reorganise by transferring all the funds held to the Hope Kitchen in Oban

4.0 DETAIL

4.1 APPROVAL BY OSCR OF REORGANISATION SCHEMES

The Council at their meeting on 24th April 2014 approved proposals for reorganising certain registered charitable trusts as detailed below. OSCR have approved these proposals, therefore it is now necessary for the trustees to give final approval on these actions. The trustees now require to provide authority to make payment to the recipient charities as detailed and have the trusts wound up and removed from the OSCR register namely:-

- (1) James H Hall Bequest SC025066. Approve the payment of the remaining funds to David Andrew Greenlees Trust SC025066 and then to wind up the Trust and remove it from the OSCR register;
- (2) John Paterson Bequest SC025066. Approve the payment of the remaining funds to David Andrew Greenlees Trust SC025066 and then to wind up the Trust and remove it from the OSCR register;
- (3) Fleming Bequest SC025066. Approve the payment of the remaining funds to Kintyre Forum on Community Care SC023331 on the basis the funds will be used for the relief of those suffering ill health or disability and then wind up the Trust and remove it from the OSRC register
- (4) Miss Ann MacLean Trust SC025066. Approve the payment of the remaining funds to Moving On Mid Argyll (MOMA) SC041901 and then to wind up the trust and remove it from the OSCR register.

4.2 TRUSTS STILL REQUIRING TO BE REORGANISED

Miss Evangeline MacDonald Bequest SC025066

Miss Catherine McCaig Trust SC025066

Members had agreed at their meeting on 24th April 2014 to apply to OSCR to reorganise all the funds held by both these trusts to Oban Charitable Trust. The Oban Charitable Trust confirmed they were prepared to accept the funds which they would intend transferring to an appropriate organisation with charitable status. They advised they would intend to transfer the funds to the Hope Kitchen in Oban which is a registered charity. In view of this it is recommended that members consider agreeing to apply to OSCR to transfer the funds from both these trusts to the Hope Kitchen rather than to the Oban Charitable Trust as detailed in Appendix 1. The Oban Charitable Trust are in agreement that this would be the preferred method. OSCR have also been consulted on the matter.

Misses McGillvray Trust

Members are asked to consider the proposal detailed in Appendix 1 in relation to this trust.

4.3 PROCESS OF REORGANISATION

If the trust is a registered charity then reorganisation requires to be undertaken in terms of the Charities and Trustees Investment (Scotland) Act 2005. In order to be able to reorganise a charity, the proposals must meet all of the reorganisation conditions.

There are three types of reorganisation namely (1) varying the terms of the constitution of the charity (2) transfer of the property to another charity and (3) amalgamation of the charity with another charity. All of these changes require approval of the Office of the Scottish Charity Regulator.

The reorganisation conditions which are relevant for the purposes of this report in relation to registered charities are :-

- (a) that some or all of the purposes of the charity have been fulfilled as far as possible or adequately provided for by other means;
- (b) can no longer be given effect to (whether or not in accordance with the directions or spirit of its constitution);
- (c) that some or all of the purposes of the charity have ceased to be charitable purposes;
- (d) that some or all of the purposes of the charity have ceased in any other way to provide a suitable and effective method of using its property having regard to the spirit of its constitution; or
- (e) that the purposes of the charity provide a use for only part of the property.

The reorganisation scheme must lead to either (a) if seeking reorganisation because the current purposes are in some way no longer relevant, useful or appropriate that the scheme would enable the resources of the charity to be applied to better effect for charitable purposes consistently with the spirit of its constitution, having regard to changes in social and economic conditions since it was constituted (b) if seeking reorganisation because can no longer give effect to a provision or a provision is no longer desirable that the reorganisation would enable the charity to be administered more effectively.

The Council, if satisfied that any of those conditions are met, can then resolve to proceed on this basis. An application would thereafter require to be made to the Office of the Scottish Charity Regulator seeking approval of the reorganisation scheme who will publish the proposal on the OSCR website for those charities with annual income of less than £250,000. None of the trusts which the Council is trustee for has an income over this level. The public may object to the proposal and it will then be for OSCR to determine whether they will approve the reorganisation. If the reorganisation is approved the funds would be disbursed to the recipient charities and the trusts wound up.

The Council had prior to the introduction of the Charities and Investment (Scotland) Act 2005, considered proposals for amalgamation/transfer of trust funds but in view of the changes to the legislation it is recommended that this be reconsidered as some of the proposals can no longer be effected in terms of the legislation now existing which distinguishes between those trusts that are registered charities and those that are not.

4.4 **BENEFITS OF REORGANISATION**

The Council has a duty to ensure it manages and invests the funds of the trusts appropriately. Currently we have numerous charitable trusts that are effectively dormant as they do not earn enough interest on their own to be able to pay any grants out. By combining some of the trusts this would allow us to make grant payments from the combined interest and also invest the funds in a higher earning interest deposit account.

- 4.5 The Council is also currently undergoing a review of the investment management of the trust funds, therefore ensuring the best possible performance is achieved.

Previously all registered charitable trusts were independently examined by Inverclyde Council and Argyll & Bute Council reciprocated this service by examining Inverclyde Councils trusts. However, from 2013-14 the Local Government (Scotland) Act 1973 requires a full audit to be carried out on all registered charitable trusts by the appointed auditor of the local authority. Audit Scotland charge for this service therefore by reducing the number of trusts we administer, through some of the options mentioned above, will subsequently reduce the number of audit fees charged.

For some of the smaller charities, after the payment of the audit fee there may be insufficient funds remaining to pay out grants, or it could even eliminate the charity altogether. Therefore, by amalgamating charities this avoids excessive fees and the potential elimination of the smaller trusts.

The Trustees have certain legal duties and obligations they must perform and the Council is also required to carry out legal and administrative work in relation to the trusts. By reducing the number of trusts, this process becomes more streamlined.

In order that the funds of the registered charities referred to in this report can be used more effectively and the trusts achieve their objectives, the members are asked to consider resolving to reorganise the charities as detailed in Appendix 1.

5.0 **CONCLUSION**

- 5.1 In order that the funds of the registered charities can be used more effectively and the trusts achieve their objectives, the members are asked to consider giving final approval to the reorganisation of the charitable Trust Funds outlined in this report where the proposed schemes have been approved by OSCR. In order that the funds of the registered charities referred to in this report can be used more effectively and the trusts achieve their objectives, the members are asked to consider resolving to reorganise the charities as detailed in Appendix 1.

6.0 IMPLICATIONS

- 6.1 Policy - None
- 6.2 Financial
- 6.3 Legal
- 6.4 HR
- 6.5 Equalities - By reorganising the charities it should enable more equal access to funds
- 6.6 Risk - Failure to reorganise the charities would lead to the objectives of the charity not being met and potential that trusts could be eliminated due to audit fees.
- 6.7 Customer Service - Reorganising the charities will enable more individuals to access the funds.

Executive Director of Customer Services

August 2014

For further information contact: Sheila MacFadyen – 01546 604265

APPENDICES

Appendix 1 - Reorganisation Proposals

**APPENDIX
CHARITY DETAILS, PURPOSE & FUND BALANCES**

Name	Ref	Capital	Income	Purpose	Proposal
Miss Catherine McCaig Trust Bequest	SCO25066	£8,856	£31	For coals for poor of Oban	Apply to OSCR to reorganise by transferring all the funds held to Hope Kitchen (SC041770) whose purposes are <i>The advancement of citizenship or community development, The relief of those in need by reason of age, ill health, disability, financial hardship or other disadvantage.</i> If the proposal is to transfer to Hope Kitchen then it would be subject to the charity being prepared to accept such a transfer of funds on the basis that they may be restricted or designated to be for the relief of those in need by reason of financial hardship only. Reorganisation condition applicable to each Section 42(2)(ii) Can no longer be given effect to (whether or not in accordance with the directions or spirit of its constitution) and Section 42(2)(iv) ceased in any other way to provide a suitable & effective method of using its property, having regard to the spirit of its constitution. Reorganisation scheme would enable the resources of the charity to be applied to better effect for charitable purposes, consistently with the spirit its constitution, having regard to changes in social and economic conditions since it was constituted. Administration and audit costs would leave little money left for disbursement.
Miss Evangeline MacDonald Bequest	SCO25066	£954	£3	For coals for poor of Oban	Apply to OSCR to reorganise by transferring all the funds held to Hope Kitchen

					<p>(SC041770) whose purposes are <i>The advancement of citizenship or community development, The relief of those in need by reason of age, ill health, disability, financial hardship or other disadvantage.</i></p> <p>If the proposal is to transfer to Hope Kitchen then it would be subject to the charity being prepared to accept such a transfer of funds on the basis that they may be restricted or designated to be for the relief of those in need by reason of financial hardship only.</p> <p>Reorganisation condition applicable to each Section 42(2)(ii)</p> <p>Can no longer be given effect to (whether or not in accordance with the directions or spirit of its constitution) and Section 42(2)(iv) ceased in any other way to provide a suitable & effective method of using its property, having regard to the spirit of its constitution.</p> <p>Reorganisation scheme would enable the resources of the charity to be applied to better effect for charitable purposes, consistently with the spirit its constitution, having regard to changes in social and economic conditions since it was constituted.</p> <p>Administration and audit costs would leave little money left for disbursement.</p>
Misses MacGillvray Trust	SC019593	£633	£3	For the benefit of any sick persons in the Parish of Kilninver or Kilmelford	<p>Apply to OSCR to reorganise by transferring all the funds held to Hope Kitchen (SC041770) whose purposes are <i>The advancement of citizenship or community development, The relief of those in need by reason of age, ill health, disability, financial hardship or other disadvantage.</i></p> <p>If the proposal is to transfer to Hope Kitchen then it would be subject to the charity being</p>

					<p>prepared to accept such a transfer of funds on the basis that they may be restricted or designated to be for the relief of those in need by reason of ill health.</p> <p>Reorganisation condition applicable to each Section 42(2)(ii)</p> <p>Can no longer be given effect to (whether or not in accordance with the directions or spirit of its constitution) and Section 42(2)(iv) ceased in any other way to provide a suitable & effective method of using its property, having regard to the spirit of its constitution.</p> <p>Reorganisation scheme would enable the resources of the charity to be applied to better effect for charitable purposes, consistently with the spirit its constitution, having regard to changes in social and economic conditions since it was constituted.</p> <p>Administration and audit costs would leave little money left for disbursement</p>
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ARGYLL & BUTE COUNCIL

COUNCIL

CUSTOMER SERVICES

25 SEPTEMBER 2014

CHARLES AND BARBARA TYRE TRUST – APPOINTMENT OF GOVERNORS

1. EXECUTIVE SUMMARY

- 1.1 This report advises that the Charles and Barbara Tyre Trust have written to the Council seeking agreement for the appointment of two governors to the Board of the Charles and Barbara Tyre Trust.
- 1.2 The Council is invited to agree to the appointment of the two Governors to the Board of the Charles and Barbara Tyre Trust as detailed at paragraph 4.3 of this report.

CHARLES AND BARBARA TYRE TRUST – APPOINTMENT OF GOVERNORS

2. INTRODUCTION

This report advises that the Charles and Barbara Tyre Trust have written to the Council seeking agreement for the appointment of two governors to the Board of the Charles and Barbara Tyre Trust.

3. RECOMMENDATIONS

The Council should agree to the appointment of the two Governors to the Board of the Charles and Barbara Tyre Trust as detailed at paragraph 4.3 of this report.

4. BACKGROUND

4.1 The Charles and Barbara Tyre Trust is operated in terms of a Statutory Scheme made in 1979 under the relevant Education (Scotland) Act. The Statutory Scheme provides for a governing body of 10 Governors to be appointed by the Council. The Governors need not be Members of the Council.

4.2 The periods of office of Governor run for three years from the date of their appointment. The Scheme also provides that a Governor may be re-appointed but can only serve for a maximum of two successive terms and thereafter must vacate office for a period of one year before becoming eligible for further re-appointment.

4.3 Following the Governors meeting of the Trust held on Thursday 21 August 2014 the Governors have written to the Council seeking agreement for the appointment of Mr Andrew Baxter (Kinlochleven) and Mr George McMillan (Campbeltown) to act as Governors on the Board of the Trust.

5. IMPLICATIONS

5.1 Policy – None

5.2 Financial - none

5.3 Legal - The Council has an obligation to appoint Governors to the Trust.

5.4 HR - none

5.5 Equalities - None

5.6 Risk – None

5.7 Customer - None

Executive Director of Customer Services

8 September 2014

For further information contact: Charles Reppke, Head of Governance and Law
Tel: 01546 604192

ARGYLL & BUTE COUNCIL**COUNCIL****FACILITY SERVICES****25 September 2014**

CARBON MANAGEMENT UPDATE: SOLAR PV IN SCHOOLS

1.0 EXECUTIVE SUMMARY

The main purpose of this report is to provide a further update on the installation of solar photovoltaic panels at 8 Non NPDO schools and 5 NPDO schools and advises the way forward, particularly in relation to the NPDO schools.

The report reminds Council of the background and previously agreed governance arrangements for the installation of solar pv panels in schools and highlights the progress that has been made to date.

The Council is asked to note:

- The excellent progress with the solar pv installations at the non NPDO schools and that the final installation at Park Primary School should be completed during the school holiday period in October 2014.
- That the projected Full Business Case for the NPDO Schools indicates that prudential borrowing capital funding of circa £943,273 is required for the 5no. NPDO solar pv projects at Dunoon Grammar, Rothesay Joint Campus, Hermitage Academy, Oban Primary Campus and Lochgilphead Joint Campus to proceed to the implementation/delivery stage.
- That the projected Full Business Case shows an aggregated simple payback period of 10 years for the 5no. NPDO solar pv projects which is well within the 14 year payback limit accepted by Council on 26 June 2014.
- That on conclusion of an NPDO contract variation, expected early in September 2014, the Executive Director of Customer Services will be in a position to accept tenders on behalf of the Council for the installation of solar photovoltaic panels at the NPDO schools based on the previously agreed delegated authority.
- That a further update paper will be presented to Council on completion of the project.

ARGYLL & BUTE COUNCIL

COUNCIL

FACILITY SERVICES

25 September 2014

CARBON MANAGEMENT UPDATE: SOLAR PV IN SCHOOLS

2.0 INTRODUCTION

- 2.1 This paper provides a further update on progress with the installation of solar photovoltaic panels at a number of Argyll and Bute Council Schools and makes recommendations for the way forward.

3.0 RECOMMENDATIONS

Members are asked to note:

- 3.1 The excellent progress with the solar pv installations at the non NPDO schools and that the final installation at Park Primary School should be completed during the school holiday period in October 2014.
- 3.2 That the projected Full Business Case for the NPDO Schools indicates that prudential borrowing capital funding of circa £943,273 is required for the 5no. NPDO solar pv projects at Dunoon Grammar, Rothesay Joint Campus, Hermitage Academy, Oban Primary Campus and Lochgilphead Joint Campus to proceed to the implementation/delivery stage.
- 3.3 That the projected Full Business Case shows an aggregated simple payback period of 10 years for the 5no. NPDO solar pv projects which is well within the 14 year payback limit accepted by Council on 26 June 2014.
- 3.4 That on conclusion of an NPDO contract variation, expected in early September 2014, the Executive Director of Customer Services will be in a position to accept tenders on behalf of the Council for the installation of solar photovoltaic panels at the NPDO schools based on the previously agreed delegated authority.
- 3.5 That a further update paper will be presented to Council on completion of the project.

4. DETAIL

4.1 **Background:** The Council considered the Outline Business Case for up to 26no. solar pv projects in August 2013 and arising from this 13 projects were taken forward. These projects are:

- 8no. non NPDO schools (approved by Council in March 2014);
- 5no. NPDO schools (Provisional Full Business Case presented to Council on 26 June 2014)

Although reducing to 13no projects, it was possible to increase the scale of the proposed solar pv panel installations, particularly on the NPDO schools, to maintain a broadly similar generating capacity.

4.2 At the Council meeting on 26 June 2014 it was decided, based on the Provisional Full Business Case (impact, affordability, deliverability and risk) for the 5no. NPDO projects, that conditional delegated authority be afforded to the Executive Director of Customer Services to accept tenders on behalf of the Council for the installation of solar photovoltaic panels at the NPDO schools subject to the development of:

- A Full Business Case presenting an aggregated simple payback period of under 14 years; and
- An acceptable NPDO contract variation.

4.3 **Progress Non NPDO Schools:** Excellent progress has been made with the installation of the solar pv systems in the non NPDO schools and over the school summer recess the installations at the following schools have been completed:

- Hermitage Primary School;
- Inveraray Primary School;
- Islay High School;
- Parklands School;
- Tarbert School;
- Taynult Primary School/Pre-5 Unit; and
- Tobermory School

It was anticipated that the installation at Park Primary School would also have been finished, however this was dependent on the programme for roof upgrade works and solar pv works linking to achieve a combined completion at the end of the school summer recess. This linking was not technically possible and as a result the solar pv installation has been re-programmed for the school holiday period in October 2014. Delivery of the project in this timescale should be achieved, based on the sound performance of the installation contractor over the school summer recess.

To date a total generating capacity of 293kW has been installed with an associated annual carbon reduction of 123Tonnes. On completion of Park Primary School, the total generating capacity in the 8 non NPDO schools will rise to 329kW with an associated annual carbon saving of 138Tonnes.

- 4.4 **Progress - NPDO Schools Full Business Case:** The Full Business Case cannot be completed, and installation contract awarded, until the NPDO contract variation is agreed and final costs determined. The tendering exercise for the installation of the solar pv panels, the most significant project cost, was however completed in June 2014 so the aggregated simple project payback is now forecast to be 10 years (see Appendix 1). The prices received from competitive tendering have effectively improved the business case so the project payback will be well within the 14 year payback limit accepted by Council on 26 June 2014.

The payback period is calculated utilising a simple analysis based on the ratio of capital investment to net annual revenue savings (electricity cost savings, plus FIT income less maintenance costs).

- 4.5 **Progress - NPDO Schools Contract Variation:** There has been significant discussion between Special Projects, Brodies (the Council's external legal advisers) and legal representatives from Mitie/ABC schools to bring the contract variation to a conclusion. It is anticipated that once matters relating to insurance risk and roof warranties are agreed by all parties that the contract variation will be adopted. It is anticipated that this will conclude in early September 2014.

- 4.6 **Progress - NPDO Schools Way Forward:** It is now anticipated that the solar pv installations on the NPDO schools will have to be undertaken during term-time to ensure delivery this financial year. As a result, discussions with the Education Service are taking place to minimise the impact on their service delivery. Where there are any site specific constraints (e.g. space for scaffolding at Oban Primary Campus) works will be programmed for the school holiday period in October 2014 where possible.

On completion of the solar pv installations in the NPDO Schools they will contribute a generating capacity of 702kW and an associated annual carbon saving of 294Tonnes.

5. CONCLUSION

- 5.1 Excellent progress has been made with the installation of the solar pv systems in the non NPDO schools. On completion of Park Primary School the total generating capacity of installation in non NPDO schools will be 329kW with an associated annual carbon saving of 138Tonnes.

- 5.2 The Full Business Case for the 5no. NPDO projects will be concluded following agreement of the NPDO contract variation, but it is expected that the business case will achieve the highest possible rating of 4 in accordance with the Councils Capital Programme Planning and Management Guide and therefore be suitable for acceptance.
- 5.3 The installation of solar pv at the NPDO schools offer: a significant reduction in the Council's carbon footprint; reduced reliance on fossil fuels; and a cheaper fuel source with less price volatility.
- 5.4 The projects in the NPDO schools are currently forecasted to have a solid aggregated payback of circa 10 years.
- 5.5 The implementation of the 5no. NPDO solar pv projects (702kW) along with the 8no. non NPDO solar pv projects (329kW) equates to an installed solar pv capacity of over 1MW and an associated annual carbon saving of 432Tonnes.

6. IMPLICATIONS

- 6.1 **Policy:** Failure to deliver the projects would inhibit delivery of a 20% target reduction in carbon emissions.
- 6.2 **Financial:** There is a requirement to identify funding from prudential borrowing of circa £943,273 to deliver the 5no. self-financing NPDO solar photovoltaic projects.
- 6.3 **Legal:** Legal agreements are required where third parties are involved e.g. NPDO schools (MITIE/ABC Schools).
- 6.4 **HR:** None
- 6.5 **Equalities:** None
- 6.6 **Risk:** Various risks assessed within the risk section of the FBC.
- 6.7 **Customer Service:** None

APPENDICES

Appendix 1 Renewable Sourcing Strategy (RSS): NPDO Solar PV Projects – Interim Update

**Executive Director of Customer Services
Policy Lead**

27 August 2014

For further information contact: Malcolm MacFadyen, Head of Facility Services
Tel: 01546 604412; E-mail – malcolm.macfadyen@argyll-bute.gov.uk

Appendix 1 Renewable Sourcing Strategy (RSS): NPDO Solar PV Projects – Interim Update

Renewable Sourcing Strategy (RSS): NPDO Solar PV Projects - Interim Update on FBC Development August 2014 (Includes confirmed tender costs; NPDO contract variation remains to be finalised)

Site	Size (kW)	EPC Rating	Confirmed Tender Cost	Tendered Cost per kW	Planning Fee	Building Warrant Fee (dependent on project cost)	Acceptance of Grid Connection Offer	Structural Engineer Fee	Ecology Survey (excludes works arising)	Asbestos Survey (excludes works arising)	Renewable Energy Consultant Fee	Internal Fee	Third Party Management Fees (i.e. MTE, legal + admin)	Contingency (5% Capital Cost)	Total Project Cost (inc. contingency)	Yield (kWh/annum)	Energy Saving (£/annum)	FTT Income (£/annum)	Maintenance (£/annum)	Revenue Summary / Savings per Annum (£)	Simple Payback (Years)	CO ₂ Savings (tonnes)
1	Dunoon Grammar	106	C	£ 111,847	£1,055	£392	£1,985	£1,118	£559	£0	£4,474	£8,389	£20,422	£8,487	£156,642	64,800	£6,360	£8,788	£950	£14,178	11.0	44
2	Rothesay Joint Campus	246	C	£ 215,290	£975	£1,146	£1,985	£2,153	£1,076	£0	£9,612	£16,147	£36,835	£12,394	£293,118	196,800	£14,760	£19,454	£1,650	£32,674	9.0	103
3	Hermitage Academy	250	C	£ 240,578	£962	£764	£1,798	£2,406	£1,203	£0	£9,623	£18,043	£36,869	£13,805	£325,789	200,000	£15,000	£19,780	£1,650	£33,130	9.8	105
4	Oban Primary Campus	50	C+	£ 57,451	£1,149	£0	£250	£575	£287	£0	£2,298	£4,309	£13,854	£3,230	£92,994	40,000	£3,000	£4,832	£450	£7,402	11.2	21
5	Lochlighead Joint Campus	50	D+	£ 58,794	£1,176	£0	£250	£368	£294	£0	£2,352	£4,410	£14,055	£3,366	£93,748	40,000	£3,000	£4,832	£450	£7,402	11.4	21
NPDO Site Totals:		702		£683,960		£2,292	£5,420	£8,940	£3,420	£0	£27,938	£51,297	£117,075	£38,383	£943,273	561,600	£92,120	£57,716	£5,150	£94,666	10.0	294

Key:

Note: The Planning fees of £0 for the Oban Primary Campus and Lochlighead Joint Campus reflect the fact that the work proposed at these locations is deemed to be permitted development.

Building Warrant fees are linked to project cost

FTT rate based on rate available to 1st

October 2014

EPC rating of level D or above is no longer required for community projects, schools and further education colleges, although an EPC certificate must still be submitted as part of the application. Non-domestic buildings within the exemption require a level D or above to meet the requirements of the higher rate FTT.

ARGYLL AND BUTE COUNCIL**COUNCIL****CUSTOMER SERVICES****25 SEPTEMBER 2014**

HOLIDAY PAY ENTITLEMENT

1.0 EXECUTIVE SUMMARY

This report details for Council the implications of a recent ruling by the European Court of Justice regarding holiday pay. The ruling means that employers must now pay employees the same rate of pay, including any overtime or other additional payments that are linked to their job, whilst they are on holiday.

The Council must now pay holiday pay on any additional hours that an employee works, or additional responsibility that they undertake during the course of their job. If the council does not do this, it will be considered as an unlawful deduction of wages.

The Council has received legal advice that payment should be made to employees for the whole of this current leave year i.e. backdated to January 2014. The ongoing payment for holiday pay at the rate taking into account additional payments will be implemented from October 2014.

This paper seeks approval from Council to make the backdated payment for this leave year, which is estimated at £150,000 from January to June. The full year cost will be estimated to be between £200,000 and £300,000. It will be calculated on the first 20 days of holiday only and is subject to actual additional pay eligibility.

Discussions and negotiations are ongoing at a national level to ascertain any further implications of this ruling and further reports will be brought forward as necessary.

The recommendations are as follows:

- 3.1 Agree that Improvement & HR proceed on the basis that action should be put in place now to make the payments for the current leave year and the ongoing future payments.
- 3.2 Continue to engage with Trades Unions in relation to the issue.
- 3.3 Engage with COSLA regarding discussions at a national level to resolve issues arising from the ruling relating to historic back pay.

ARGYLL AND BUTE COUNCIL

COUNCIL

Customer Services

25th September 2014

HOLIDAY PAY ENTITLEMENT

2.0 SUMMARY

- 2.1 A recent landmark Judgment from the Court of Justice of the European Union (ECJ) upholding workers' rights in relation to holiday pay means overtime, standby/emergency callout, commission, as well as a requirement to factor in other variable payments and allowances should be included in the calculation of holiday pay. Basically there should be no difference between the pay received at work while on holiday. This case is called Lock v British Gas.
- 2.2 This is a significant Judgment because it represents a departure from how many employers currently calculate holiday pay under the Working Time Regulations 1998 and the Employment Rights Act 1996. The Working Time Regulations use the definition of a week's pay set out in the Employment Rights Act (ERA) as the basis for calculating holiday pay. Section 234 of ERA allows payments such as overtime to be excluded and for fixed contractual hours to be used as the basis for calculating a week's pay for the purposes of calculating holiday pay. Previous domestic cases have also found that payments such as commission should be excluded from holiday pay calculations because the amount of pay does not vary with the amount of effort or work done rather it varies according to the results which that work achieves. The ECJ has ruled that the purpose Article 7 of the Working Time Directive (which our domestic Working Time Regulations purport to implement) is to ensure that employees are not discouraged from taking holidays and suggest that the practices of many UK employers in calculating holiday pay (and some of the domestic case law to date) may be wrong.
- 2.3 Two domestic cases were heard on 30 and 31 July by the Employment Appeal Tribunal (EAT) addressing the issues arising from the ECJ Judgment. In its judgement, which is not likely to be issued until January 2015, the EAT will have to decide whether it can in fact read the UK Working Time Regulations 1998 in such a way as to give effect to Article 7 of the relevant Working Time Directive and the Lock Judgment. If not, Parliament will have to amend the Working Time Regulations. This is perhaps academic for local authorities which are in any event regarded as being an arm of the "state" – this means that Article 7 and the decisions of the ECJ interpreting are directly effective and can be relied on by the Council.
- 2.4 Pending appeals should not therefore be taken as a reason **not** to act now to regularise the position and protect against historic back pay claims. If 3 months or more elapses from the date correct payments are made, an employment tribunal claim of unlawful deductions from earnings will be time barred (subject to any arguments that it was not reasonably practicable for a particular individual to bring a claim in time).

- 2.5 To minimise any backdated and future holiday pay claims it is recommended that by paying the correct amount going forward Councils will end the series of deductions and mitigate against future challenge.

3. RECOMMENDATIONS

It is recommended that Council agree the following actions:

- 3.1 Improvement & HR proceed on the basis that action should be put in place now to make the payments for the current leave year and the ongoing future payments.
- 3.2 Continue to engage with Trades Unions in relation to the process.
- 3.3 Engage with COSLA regarding discussions at a national level to resolve issues arising from the ruling relating to historic back pay.

4. DETAIL

- 4.1 The Working Time Regulations, section 16(1) state that “A worker is entitled to be paid in respect of any period of annual leave to which he is entitled under regulations 13 and 13A, at the rate of a week’s pay in respect of each week of leave”. A weeks pay is calculated in accordance with section’s 221 – 224 of the Employment Rights Act, for employees who have normal working hours for the when employed under the contract of employment and also for those with no normal working hours (section 224).
- 4.2 A claim for unpaid holiday (or for an underpayment of holiday pay) can be brought as an unauthorised deduction from wages claim under the Employment Rights Act 1996, as there is no right to claim in the Working Time Regulations 1998 (WTRs). This means that an employee/worker or former employee/worker can take advantage of the more generous time limits which apply to unlawful deductions claims.
- 4.3 The Council will have to pay the correct amount going forward which would end the series of unlawful deductions. If 3 months or more then elapses (counting from the date of the wages payment including the full payment for any recent leave) an employment tribunal claim of unlawful deduction from earnings will be time barred. That would leave claimants with the option of suing in the civil court where the back pay period is limited to 5 years from the date of claim.
- 4.4 The recent case law about what should be included in a holiday pay calculation relates to overtime, standby/emergency callout and commission, however, there is also a requirement to factor in other variable payments and allowances when calculating holiday pay, such as premium rates for weekend, night, shift and evening work and additional non-contractual hours worked by part-time staff. This basically means that there should be no difference between the pay received at work and while on holiday.
- 4.5 All pay elements should be included in the calculation of holiday pay. Only genuine out-of-pocket expenses payments can be excluded. *Lock v British Gas Trading Limited* is a definitive and binding judgment of the Court of Justice of the European Union (CJEU).

- 4.6 The enhanced holiday pay rate only applies to the basic 4 weeks holiday leave entitlement derived from the Working Time Directive. The balance of 1.6 weeks was introduced by the UK Parliament acting on its own initiative rather than being required to do so by any Directive of the European Parliament. However, interpretation questions about this additional period of leave must be addressed using the UK statutory rules and so the holiday pay for this additional period is calculated using the value of a normal week's pay (section 221(2) Employment Rights Act 1996).
- 4.7 If Council workers have been receiving an underpayment of holiday pay (and it is likely that they have given the ECJ Judgment), they could seek to recover back payments of holiday by raising unlawful deductions from wages claims provided they raise a claim in time. The recognised unions would be likely to do this on behalf of the groups of staff they represent and pay the relevant tribunal lodging fees for doing so. The maximum period that an employee could bring a backdated claim for is usually limited to five years however, if it is brought as an unlawful deduction from wages claim in the employment tribunal, a claim could go back as far as the introduction of the Working Time Regulations in 1998. If the failures to pay holiday pay in full are treated as being a series of deductions (which is likely) any claim brought today will capture every one of the deductions in the series going back to and including the first such deduction. Conceivably that could mean the claim runs from 1 October 1998 (when the Working Time Regulations came into effect) to date. Given the potential impact of this in terms of Councils budgets, this issue is currently under discussion nationally with trades unions and COSLA to identify the issues and proposed a way forward. Further recommendations will be brought to the Council at a future date relating to this.
- 4.8 To minimise any backdated and future holiday pay claims it is recommended that by paying the correct amount going forward the Council will end the series of deductions. If 3 months or more then elapses from the date a correct payment reflecting recent leave is paid, an employment tribunal claim of unlawful deduction from earnings will be time barred. That would leave claimants with the option of suing in the civil court where the back pay period is limited to 5 years from the date of claim.
- 4.9 Simpson & Marwick has advised SPDS (Scottish Society of Directors of Personnel) that to limit the potential liabilities of councils and protect our interests we should note the findings in *Neal v Freightliner Limited* was the subject of the HR Guidance Note 05/13. The conclusions reached in that tribunal case are reflected in 3.4, 3.5 and 3.6 above. The employer has appealed against the judgment and the appeal will be heard by the Employment Appeal Tribunal on 30 and 31 July 2014. Moreover, the *Neal* case has been conjoined with the appeal in the case of *Fulton v Bear Scotland Limited*.
- 4.10 In the light of the clear terms of the CJEU Ruling in *Lock* Simpson & Marwick are not expecting the Employment Appeal Tribunal to allow either appeal and for that reason the existence of these pending appeals should be no reason not to act now to regularise the position and protect against historic back pay claims. Even if the EAT does allow the appeals, the UK Government will likely have to amend the domestic UK Working Time Regulations to ensure compliance with the Working Time Directive (as interpreted in the *Lock* case) going forward. Further, the Directive (and case law interpreting it) can be relied upon by workers in the public sector. This is why action is recommended now rather than waiting for the outcome from the EAT in the *Neal* and *Fulton* cases.

- 4.11 In light of the above, it would be appropriate for the Council to regularise the position and make a proposal to pay holiday pay calculated in accordance with the Lock principles with effect from January 2014 in the first instance. This will be done through discussions with the Trades Unions and early discussions on the mechanisms have recently taken place, subject to Council agreement. It is important that correcting payments are made as soon as possible to end the unlawful deductions for this leave year and in ongoing wages. It is not possible at this time to make a recommendation on historic pay, given the uncertainties on both sides. It is therefore recommended that the Council work closely with COSLA, along with other Councils, to investigate the options around an agreed process at national level. It will be important to mitigate as far as possible against Unions lodging multiple, protective unlawful deductions from wages claims.
- 4.12 The costs to the Council for this current leave year which runs January to December is estimated at £150,000 to June 2014, based on the Guidance from CoSLA regarding calculations and current rates of additional pay. The total cost for the year is not simply £300,000 as the payments are made for the first 20 days of holiday only and are dependent on additional payment entitlements on an ongoing basis. It is estimated that the full year cost will be between £200,000 and £300,000. Following a recent Benchmarking Exercise it has been confirmed that a large number of Local Authorities in Scotland have already implemented or are in the process of implementing this ruling in relation to the current leave year's back pay and ongoing payments. No councils have made back payments prior to the current leave year.

5.0 CONCLUSION

- 5.1 The recent EJC ruling on holiday pay has significant implications for employers including the Council. In order to halt the current unlawful deductions of wages the paper makes recommendations to the Council to make backdated payments for this leave year and to regularise payments going forward.
- 5.2 Regarding historic back pay, further recommendations will be brought forward to the Council in due course, informed by COSLA and discussions with the Trades Unions.
- 5.3 The current cost to the Council, calculated according to a COSLA formula, is approximately £150,000 for the first 6 months of the year, based on current levels of additional pay and total year cost of approximately £200,000-£300,000.

6.0 IMPLICATIONS

- 6.1 **Policy** – Will lead to changes in HR policy and how it is applied in relation to payments.
- 6.2 **Financial** –Financial cost to the Council at present is calculated at approximately £150,000 from January to June on the current rate of additional payments. The full year cost will be approximately £200,000 - £300,000. Ongoing revenue costs to services will vary depending on the rate of additional payments that are made. There will be as yet unspecified financial implications for the council in relation to backdated payments which need to be budgeted for. Additional staffing costs are likely to be incurred for working on backdated payments.

- 6.3 **Legal** – Failure to pay the correct holiday pay is most likely to be treated in law as a series of deductions which would leave the Council open to challenge via Employment Tribunal if we do not implement the changes promptly.
- 6.4 **HR** – Change in process to be developed and implemented across both HR and Payroll procedures in consultation with trades unions. This will have an impact on the HR work plan.
- 6.5 **Equalities** –EQIA to be completed. This is likely to affect significant number of part-time female workers as well as majority of former manual worker group.
- 6.6 **Risk** – Failure to pay the correct holiday pay is most likely to be treated in law as a series of deductions. As soon as we start to pay the correct amount then we are effectively ending the deductions. If 3 months or more elapses then claims could be time barred. There remains a financial risk around the current uncertainty on historic back payments.
- 6.7 **Customer Service** –None

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ARGYLL AND BUTE COUNCIL**COUNCIL****DEVELOPMENT AND
INFRASTRUCTURE SERVICES****25 SEPTEMBER 2014**

CHORD PROGRAMME – PARKING UPDATE, HELENSBURGH

1.0 EXECUTIVE SUMMARY

This report advises members of an operational issue in relation to the re-programming of the parking meters in the Sinclair Street car park in Helensburgh.

The Policy and Resources Committee (21 August) agreed to remove the temporary suspension of charging in the Sinclair Street car park under the proviso that the first two hours be free.

Due to unanticipated software issues with our supplier the service is not in a position to implement the 'first two hours free' on 1 September as originally directed by members.

This report recommends that a new implementation date of 20 October 2014 be approved by members.

ARGYLL AND BUTE COUNCIL

COUNCIL

DEVELOPMENT AND
INFRASTRUCTURE SERVICES

25 SEPTEMBER 2014

CHORD PROGRAMME – PARKING UPDATE, HELENSBURGH

2.0 SUMMARY

2.1 This report advises members of an operational issue in relation to the re-programming of the parking meters in the Sinclair Street car park in Helensburgh.

3.0 RECOMMENDATIONS

3.1 Members note the report.

3.2 Members agree to the new implementation date of 20 October 2014

4.0 DETAILS

4.1 At its meeting on 21 August 2014, the Policy and Resources Committee instructed officers to end the temporary suspension of parking charges in the Sinclair Street car park from 1 September 2014 to 31 December 2014, with the proviso that the first two hours be free to compensate for the loss of on-street parking (around 47 spaces) during phases three and four of the CHORD works.

4.2 To facilitate the 'first two hours free' it would be necessary to re-programme the parking meters so that users would be issued with a 'free ticket' covering the two hour period, with charges then being applied to stays longer than two hours. The council's supplier has indicated that this would require on-site re-programming work which they are not in a position to do until mid-October. As a result the Policy and Resources Committee's decision cannot now be implemented until 20 October 2014.

5.0 CONCLUSION

5.1 This is an update report to members advising that an operational adjustment to parking meters will result in a delay in implementing a decision by the Policy and Resources Committee.

6.0 IMPLICATIONS

6.1	Policy	Report seeks amendments to a decision of the P&R committee to accommodate operational requirements for the adjustment of car parking equipment.
6.2	Financial	Minor reduction in income at Sinclair Street Car Park as all parking will remain free up until 20 October.
6.3	Legal	None known
6.4	HR	None known
6.5	Equalities	None known
6.6	Risk	None known
6.7	Customer Services	None known

Executive Director of Development and Infrastructure

Policy Lead:

Councillor Ellen Morton

For further information contact:

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