

**MINUTES of MEETING of COMMUNITY COUNCIL CONDUCT REVIEW PANEL held BY
MICROSOFT TEAMS on MONDAY, 6 DECEMBER 2021**

Present: Councillor Graham Hardie (Chair)

Councillor George Freeman Councillor Jean Moffat
Community Councillor Willie Lynch Community Councillor Marion Power

Attending: Patricia O'Neill, Governance Manager (Independent Adviser)
Fiona McCallum, Committee Services Officer (Minutes)

1. APPOINTMENT OF CHAIR

The Governance Manager welcomed everyone to the meeting and invited the Panel to nominate a Chair for the proceedings. It was unanimously agreed to appoint Councillor Graham Hardie as Chair of this Conduct Review Panel.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. TARBERT AND SKIPNESS COMMUNITY COUNCIL - COMPLAINT REFERRAL

Having assumed the role of Chair, Councillor Hardie invited the Governance Manager to outline the procedure that would be followed. He then advised that the first task was to establish whether members of the Panel had sufficient information before them to discuss and determine the subject of the complaint. The Panel agreed that they had sufficient information to determine the complaint referral before them.

The Council received a detailed complaint on behalf of two local residents which related to the conduct of Tarbert and Skipness Community Council. As the complaint referred to the Community Council as a whole they have been referred to the Conduct Review Panel for consideration. There were 3 core complaints for consideration by the Panel as detailed below:

1. Tarbert and Skipness Community Council has a culture of bullying and secrecy, and engaged in persistent bullying behaviour following our legitimate, continual refusal to reinstate a public notice board on our private property,
2. Tarbert and Skipness Community Council is fundamentally, dysfunctional and does not adhere to the governance framework which it is obligated to operate within, specifically the Scheme of Establishment and Code of Conduct.
3. Tarbert and Skipness Community Council does not engage constructively with, or fairly represent, the community that it serves.

The Chair invited the Panel to consider the terms of the complaint referral and after discussion the Panel agreed to consider the 3 aspects of the referral in turn.

In considering the evidence as presented by the Complainant and the response presented by the Community Council, the Independent Adviser reminded the Panel of the temporary departures from the Scheme for the Establishment of Community Councils which had been approved in response to the Covid-19 pandemic and specifically the departures in terms of the arrangements for meetings.

Decision

Having considered the evidence as presented the Panel reached the view that the terms of the complaint should be upheld and consequently that the Community Council had failed to adhere to the obligations set out in the Scheme for the Establishment of Community Councils, the Code of Conduct and their Constitution. The Panel agreed to issue a written warning in this regard.

The Panel also agreed to recommend that both parties to the complaint be invited to participate in mediation and asked that the Community Council inform the Council, via the Community Council Liaison Officer, of actions they will take to address the issues raised.

The Governance Manager noted the decision to those in attendance and confirmed that the decision would be communicated in writing to the parties concerned within 7 days.

(Reference: Report by Committee Manager dated 29 November 2021, submitted)