

**MINUTES of MEETING of COMMUNITY COUNCIL CONDUCT REVIEW PANEL held BY
MICROSOFT TEAMS
on FRIDAY, 5 NOVEMBER 2021**

Present: Councillor Rory Colville (Chair)

Councillor Audrey Forrest
John Holliday

Councillor Roderick McCuish
Iain MacInnes

Attending: Stuart McLean, Committee Manager
Lynsey Innis, Senior Committee Assistant

1. APPOINTMENT OF CHAIR

The Committee Manager welcomed everyone to the meeting and invited the Panel to nominate a Chair for the proceedings. It was unanimously agreed to appoint Councillor Rory Colville as Chair of this Complaints Conduct Review Panel.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence intimated.

3. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

4. LUSS AND ARDEN COMMUNITY COUNCIL - COMPLAINT REFERRAL

Having assumed the role of Chair, Councillor Colville outlined the procedure and advised that his first task was to establish whether members of the Review 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.

It was noted that the Council had received a number of complaints which related to the conduct of Luss and Arden Community Council as a whole and as such they had been referred to the Conduct Review Panel for consideration. There were 7 points of complaint for consideration by the Panel. The Chair invited the Panel to consider the terms of the complaint referral and after discussion the Panel agreed to consider the 7 aspects of the referral in turn and reached the following decisions and reasons.

Decision

1. Failure to declare interest by Community Council Member, Lady Colquhoun

Having considered the information before them and having taken advice from the Independent Adviser on the responsibility of individual members to determine a declaration of interest, the Panel agreed that Lady Colquhoun had demonstrated an awareness of her responsibilities by declaring an interest in matters where appropriate.

Decision – Not upheld

2. Failure to consult businesses and visitors adequately on the Luss TRO proposals

Having taken into consideration the information presented, the Panel agreed that to the best of their ability the Community Council had, since 2016, consulted as widely as possible with businesses and residents of the village of Luss. They also agreed that there was no requirement to consult with visitors to the area.

Decision – Not upheld

3. Failure to consult residents adequately on the Luss TRO proposals

The Panel, having previously agreed that the Community Council had carried out a wide spread consultation, which followed the Scottish Government Good Practice Guidance for Local Authorities and Community Councils, agreed that there had been no failure to consult residents adequately on the Luss TRO proposals.

Decision – Not upheld

4. (a) Inappropriate involvement of Simon Miller in the Community Council proceedings

Having established that Mr Miller had attended Community Council proceedings to provide advice and guidance in relation to the TRO proposals, the Panel agreed that Mr Miller had not acted as a member of the Community Council and therefore did not require to make a formal declaration of interest at Community Council meetings.

Decision – Not upheld

4. (b) Simon Miller permitted to represent the community Council at critical meetings regarding the TRO

Having noted that clarification had been received from the Council's Assistant Traffic Development Manager that Mr Miller had been present at the referenced meeting to discuss the TRO proposals in his capacity as a representative of Luss Estates Company, the Panel were satisfied that Mr Miller had not been in attendance to represent the Community Council. They also noted that on the occasion where Mr Miller had provided feedback to the Community Council on discussions of said meeting, this had been as a result of the acting Chair being unable to do so himself due to an impairment of his voice.

Decision – Not upheld

5. Inappropriate way to act and lack of transparency and financial irregularity

The Panel agreed that the Community Council had not acted in an inappropriate way nor had there been a lack of transparency or financial irregularity as they had permission to erect signage from the appropriate authorities and having received confirmation from the Council's Community Council Liaison Officer, that due to the Covid-19 pandemic an extension had been granted to all Community Council's for the provision of accounts until the end of 2021.

Decision – Not upheld

6. Failure to conform to the Community Council Constitution

The Panel agreed that, despite there being a lack of a permanent Chair, and the difficulties that a rotating Chair may bring, they could see no evidence to suggest that the Community Council had failed to conform to the Community Council Constitution.

Decision – Not upheld

7. Failure to carry out the statutory purpose of the Community Council by refusing to communicate with Argyll and Bute Council

Having noted from the reports to the Helensburgh and Lomond Area Committee of 17 September 2020 and 16 September 2021, that “over the past two years officers have engaged positively with the Community Council and other stakeholders” the Panel were content that the Community Council did not refuse to communicate with Argyll and Bute Council.

Decision – Not upheld

The Community Council Conduct Review Panel unanimously agreed that none of the 7 points of complaint be upheld.

(Reference: Report by Committee Manager, dated 5 November 2021, submitted)