

**MINUTES of MEETING of COMMUNITY COUNCIL CONDUCT REVIEW PANEL held BY  
MICROSOFT TEAMS on TUESDAY, 2 AUGUST 2022**

**Present:**

Councillor Kieron Green (Chair)

Councillor Fiona Howard

Community Councillor Margaret Pratt

Councillor Paul Donald Kennedy

Community Councillor Julian Senior

**Attending:**

Shona Barton, Committee Manager (Independent Adviser)

Fiona McCallum, Committee Services Officer (Minutes)

**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 Kieron Green 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. LOCHGOIL COMMUNITY COUNCIL - COMPLAINT REFERRAL**

Having assumed the role of Chair, Councillor Green outlined the procedure that would be followed and 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 before them to discuss and determine the subject of the complaints.

It was noted that the Council had received a complaint referral relating to the conduct of Lochgoil Community Council.

Consideration was given to a report providing information on the detail contained within the complaint and the response from the Community Council. It was noted that there were two complaints before the Conduct Review Panel and it was agreed to consider each of these separately.

Complaint 1

In terms of the first complaint, the Panel considered the circumstances which led to the initial complaint being submitted to the Community Council. They were of the view that the Community Council had met their responsibilities in terms of representing the needs of the community in relation to the provision of an Electric Vehicle Charging Point, however the Panel felt that there should have been some level of community consultation undertaken in relation to possible sites. The Panel also noted that articles which were submitted to the "Wee Goil" newsletter by the Community Council did not necessarily

reflect the minutes of the Community Council in relation to the discussion around the EV Charging Point at the September 2021 meeting.

The Panel also noted that the decision to have a single issue meeting in January 2022 regarding the siting of an EV Charging Point was minuted in the December 2021 minutes but there was no further reference to this meeting in future minutes.

## **Decision**

Having considered the information before them, the Community Council Conduct Review Panel agreed:

1. that on the balance of probabilities, Lochgoil Community Council had breached the following principles of the Code of Conduct for Community Councils –
  - Objectivity
  - Accountability and Stewardship
2. that the breach was not significant enough to merit the imposition of any formal sanctions; and
3. that a letter should be sent to the Convener of Lochgoil Community Council outlining the concerns expressed by the Conduct Review Panel in relation to processes undertaken by the Community Council.

## Complaint 2

The Independent Adviser provided guidance to the Panel in relation to consideration of this complaint. The complaint referred to the decision of the Community Council that the complaints submitted by Mr Gray were of a vexatious nature and that they should be dismissed. In terms of the Scheme for Establishment of Community Councils the Community Council had taken a decision with reference to paragraph 13.4 of the Scheme:-

13.4 The community council need not consider the substance of a complaint, nor refer a complaint to the Conduct Review Panel, if the community council decides (by a simple majority of those present and voting at a meeting) that the complaint is vexatious, or that the subject matter of the complaint is substantially identical to that of a previous complaint that has been or is being dealt with by either the community council or the Conduct Review Panel.

The Panel were therefore required to consider the complaint under the terms of paragraph 13.13 of the Scheme:-

13.13 Where a complaint referred to the Panel under clauses 13.2.3 and 13.3 concerns a community council's decision under clause 13.4, the Panel shall decide by a simple majority whether to confirm the community council's decision. If it does not confirm the community council's decision, it shall either: direct the community council to consider the original complaint in accordance with clauses 13.2 to 13.6 (excluding 13.4); or consider the original complaint itself in accordance with clauses 13.10 to 13.12.

## **Decision**

Having considered the information provided within the report and appendices the Panel did not confirm the decision of the Community Council and agreed:-

1. the complaints submitted to Lochgoil Community Council by Mr Gray were not vexatious; and
2. to take no further action in relation to the complaints as they had already been considered and dealt with as Complaint 1 previously in this meeting.

It was noted that the decision of the Community Council Conduct Review Panel would be communicated in writing to the parties concerned by the Independent Adviser within 7 days.

(Reference: Report by Committee Manager dated 2 August 2022, submitted)