

**MINUTES of MEETING of COMMUNITY COUNCIL CONDUCT REVIEW PANEL held by
MICROSOFT TEAMS on WEDNESDAY, 3 AUGUST 2022**

Present: Community Councillor Norman Muir (Chair)
Community Councillor Linda Syed Councillor Peter Wallace

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 Norman Muir as Chair of this Conduct Review Panel.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Audrey Forrest and Amanda Hampsey.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. GLENORCHY & INNISHAIL COMMUNITY COUNCIL - COMPLAINT REFERRAL

Having assumed the role of Chair, Mr Muir 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 did have sufficient information before them to discuss and determine the subject of the complaint.

It was noted that the Council had received a complaint referral relating to the conduct of a member of Glenorchy & Innishail Community Council.

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 complaint submitted by Mr Jamieson was of a vexatious nature and that it 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.

Consideration was given to a report providing information on the detail contained within the complaint, the response to the complaint from the individual Community Councillor, and Glenorchy & Innishail Community Council.

The Chair referred to the use of the word 'vexatious' which is detailed in the Scheme and suggested a more appropriate definition would be "instituted without sufficient grounds". The Panel agreed to proceed with their deliberations on that basis.

The Panel agreed that there was no evidence to suggest Ms Buchanan was acting in her capacity as a Community Councillor during the meeting with Mr Jamieson which was held in private. It was also noted that the matters discussed were not Community Council business.

Decision

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

1. to confirm Glenorchy & Innishail Community Council's decision to dismiss the complaint;
2. that the complaint against the Community Council Member was instituted without sufficient grounds and that no further action should be taken; and
3. to note 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 3 August 2022, submitted)