

**MINUTES of MEETING of COMMUNITY COUNCIL CONDUCT REVIEW PANEL held BY  
MICROSOFT TEAMS  
on MONDAY, 28 AUGUST 2023**

**Present:** Councillor John Armour  
Councillor Jan Brown  
Councillor Liz McCabe (Chair)  
Norman Muir, Convener of Helensburgh Community Council  
Valerie Nimmo, Convener of Campbeltown Community Council

**Attending:** Shirley MacLeod, Committee Manager (Adviser)  
Hazel MacInnes, Committee Services Officer (Minutes)

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3. APPOINTMENT OF CHAIR**

The Committee Manager, having welcomed everyone to the meeting, invited the Panel to nominate a Chair for the proceedings. It was unanimously agreed to appoint Councillor Liz McCabe as Chair of the Conduct Review Panel.

**4. LOCHGOIL COMMUNITY COUNCIL - COMPLAINT REFERRALS**

The Community Council Liaison Officer had received 3 separate complaints in relation to the conduct of Lochgoil Community Council under paragraph 13.2.1 of the Scheme for the Establishment of Community Councils in Argyll and Bute 2022.

Prior to the consideration of business, the Committee Manager advised that in terms of the procedural information provided on pages 4 , 5 and 6 of the agenda pack, the panel required to deal with some preliminary matters prior to the consideration of the detail of the 3 complaints before them.

Referring to paragraph 5.2.3 of the report, the Committee Manager advised that having reviewed the request from the Community Council for confirmation of the identity of the complainant in Complaint 1, it was recommended that the anonymity of the complainant was maintained as the complaint related to a procedural matter. The Panel agreed the recommendation that the anonymity of the complainant be maintained.

Referring to paragraph 5.2.4 of the report, the Committee Manager advised that the Community Council had raised concern over one aspect of Complaint 1 which referred specifically to the conduct of one Community Councillor and not the Community Council as a whole, noting that this did not fall under one of the categories that would allow the Panel to consider it at this stage. The Committee Manager asked the Panel to consider this particular aspect of complaint 1, specifically whether it be referred back to the

Community Council for consideration. The Panel agreed to refer that aspect of complaint 1 back to the Community Council for consideration.

Referring to paragraph 5.4.2 of the report the Committee Manager advised that there had been a request from the Community Council that the part of complaint 3 suggesting that the theft and vandalism of the complainants' brown tourist signs was related to the Community Council Meeting held on 13 February 2023 and / or the publication of a resignation letter be ignored due to concern that this was a serious matter which could adversely affect the reputations of members of the new Community Council. The Committee Manager asked the Panel to consider the request from the Community Council that the Panel exclude this part of Complaint 3 from their consideration as there were other avenues in which this aspect of the complaint be dealt with. The Panel agreed to exclude this part of the complaint from their consideration of Complaint 3.

Having assumed the role of Chair, Councillor McCabe advised that her 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 complaint.

Having determined that they had sufficient information before them to reach a view on the grounds of the referrals, the Panel proceeded to discuss and determine whether the Community Council, on the balance of probabilities, had failed to comply with and abide by the terms of the Scheme of the Establishment of Community Councils, the constitution of Lochgoil Community Council and the Code of Conduct for Community Council Members. A summary of each complaint was provided together with a response from the Community Council for ease of reference.

Complaint 1 related to the conduct of half or more of Lochgoil Community Council and the way in which the Community Council had dealt with a planning application by Loch Long Salmon which had been considered by Loch Lomond and the Trossachs National Park Authority. There were 9 parts to Complaint 1 with a summary of the complaint and the response from the Community Council detailed at Appendix 2.1 of the submitted report.

Complaint 2 related to the conduct of half or more of Lochgoil Community Council and had been submitted by a representative of Loch Lomond Salmon. The complaint referred to the way in which the Community Council had dealt with a planning application by Loch Long Salmon which had been considered by Loch Lomond and the Trossachs National Park Authority. There were 3 parts to Complaint 2 with a summary of the complaint and the response from the Community Council detailed at Appendix 3.1 of the submitted report.

Complaint 3 related to the conduct of Lochgoil Community Council as a whole and covered a number of issues relating to the conduct of the Community Council. There were 7 parts to Complaint 3 with a summary of the complaint and the response from the Community Council detailed at Appendix 4.1 of the submitted report.

In relation to complaint 1, the Panel had further discussion around the identity of the complainant with specific reference to point 1.3 noting that if the complainant was a Community Councillor they could have attended the private meeting. In terms of the procedure, the Adviser noted that if the Panel were minded they could request further information to be supplied to assist in their deliberations. The Panel agreed that they could make a determination without requesting further information.

Following consideration of the 3 complaints before them, and the determination of whether the Community Council's conduct was in breach of the terms of the Scheme of the Establishment of Community Councils, the constitution of Lochgoil Community Council and the Code of Conduct for Community Council Members; the Panel were invited to impose appropriate sanctions as set out in Clauses 13.5.1 to 13.5.3 or Clauses 13.12.3 to 13.12.6 of the Establishment of the Scheme of Community Councils.

## **Decision**

1. The Community Council Conduct Review Panel having determined whether the Community Council, on the balance of probabilities, had failed to comply with and abide by the terms of the Scheme of the Establishment of Community Councils, the constitution of Lochgoil Community Council and the Code of Conduct for Community Council Members in relation to each aspect of the 3 complaints before them, agreed the following –

### Complaint 1

1. The Panel agreed that the grounds of the complaint were substantiated as it was clear from the minutes and the notice of the meeting that the purpose differed. They agreed that the complaint be therefore upheld, noting that there may have been mitigating circumstances around the new Community Council Members' awareness of administrative procedures.
2. The Panel noted, that in terms of section 12(h) of the Scheme for Establishment of Community Councils there is provision for the Community Council to hold a meeting in private as long as public notice is given. However, the Panel were of the view that a decision of such a material nature and of such significant local interest should have been held in public. The Panel agreed that the grounds of the complaint were substantiated and that the complaint be therefore upheld.
3. The Panel agreed that the grounds of the complaint were not substantiated and that the complaint be therefore not upheld.
4. The Panel agreed that the grounds of the complaint were not substantiated and that the complaint be therefore not upheld.
5. The Panel had agreed to refer the matter back to the Community Council for consideration as part of preliminary discussion.
6. The Panel agreed that the grounds of the complaint were substantiated as in terms of the Standing Orders, the minutes from the Special meeting held in July 2022 had already been agreed as an accurate record by the previous Community Council, therefore the numbers should not have been altered regardless of interpretation. The complaint was therefore upheld.
7. The Panel agreed that the grounds of the complaint were not substantiated and that the complaint be therefore not upheld.
8. The Panel agreed that the grounds of the complaint were not substantiated and that the complaint be therefore not upheld. Councillor Liz McCabe requested that her dissent be recorded from the foregoing decision.
9. The Panel agreed that the grounds of the complaint were not substantiated and that the complaint be therefore not upheld. Councillor Liz McCabe requested that her dissent be recorded from the foregoing decision.

## Complaint 2

1. The Panel agreed that the grounds of the complaint were not substantiated and that the complaint be therefore not upheld.
2. The Panel agreed that the grounds of the complaint were not substantiated and that the complaint be therefore not upheld.
3. The Panel agreed that the grounds of the complaint were substantiated and that the complaint be therefore upheld as in terms of the Standing Orders, the minutes from the Special meeting held in July 2022 had already been agreed as an accurate record by the previous Community Council therefore the numbers should not have been altered regardless of interpretation.

## Complaint 3

1. The Panel agreed that the grounds of the complaint were not substantiated and that the complaint be therefore not upheld, noting their sympathy for the complainant and requesting that the Community Council revisit the introduction of a Privacy Policy.
  2. The Panel agreed that the grounds of the complaint were not substantiated and that the complaint be therefore not upheld.
  3. The Panel agreed that the grounds of the complaint were substantiated and that the complaint be therefore upheld.
  4. The Panel agreed that the grounds of the complaint were substantiated and that the complaint be therefore upheld as there was no requirement in terms of the procedure set out at section 6 of the Constitution for dealing with resignations for statements to be read out in public.
  5. The Panel agreed that the grounds of the complaint were substantiated and that the complaint be therefore upheld as it is good practice to keep administrative tools such as notes and recordings until the minutes of any meeting are approved and because the Community Council had agreed to record the meetings they should have abided by this good practice.
  6. The Panel agreed that the grounds of the complaint were not substantiated and that the complaint be therefore not upheld. Councillor Liz McCabe requested that her dissent be recorded from the foregoing decision.
  7. The Panel had agreed to exclude this part of the complaint from their consideration during preliminary discussion as there were other avenues in which this aspect of the complaint could be dealt with.
2. The Panel, having determined that Lochgoil Community Council had failed to comply with and abide by the terms of the Scheme of the Establishment of Community Councils, the constitution of Lochgoil Community Council and the Code of Conduct for Community Council Members on 7 occasions as detailed under decision (1) above; agreed to agree to censure Lochgoil Community Council's application of procedures and to encourage the Community Council to uptake training on effective minute taking, governance procedures, running effective meetings, best practice on community consultation, and conflict resolution.

(Reference: Report by Committee Manager dated 28 August 2023, and further information contained within Supplementary Pack 1 dated 28 August 2023, submitted)