

**Argyll and Bute Council**  
Comhairle Earra Ghaidheal agus Bhoid

Corporate Services  
Director: Nigel Stewart



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11 March 2010

## NOTICE OF MEETING

A meeting of the **EXECUTIVE** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **THURSDAY, 18 MARCH 2010** at **11:00 AM** or at the conclusion of the Council meeting, whichever is the later, which you are requested to attend.

Nigel Stewart  
Director of Corporate Services

## BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **MINUTES**  
Executive 18 February 2010 (Pages 1 - 8)
4. **LEADER'S REPORT**  
Report by Leader of the Council (Pages 9 - 12)
- # 5. **EDUCATION AND LIFELONG LEARNING**  
Report by Spokesperson (Pages 13 - 16)
6. **SEEMIS OUTLINE BUSINESS CASE**  
Report by Director of Community Services (Pages 17 - 20)
7. **2010/11 COMMUNITY BASED CARE CHARGING POLICY**  
Report by Director of Community Services (Pages 21 - 66)
8. **HOMELESS SERVICE INSPECTION BY SCOTTISH HOUSING REGULATOR - IMPROVEMENT PLAN UPDATE**  
Report by Director of Community Services (Pages 67 - 68)
9. **EMPLOYEE SURVEY**  
Report by Head of Improvement and Strategic HR (Pages 69 - 72)

- 10. CITIZENS' PANEL AUTUMN 2009 SURVEY RESULTS**  
Report by Head of Improvement and Strategic HR (Pages 73 - 84)
- 11. ECONOMY, ENVIRONMENT AND RURAL AFFAIRS**  
Report by Spokesperson (Pages 85 - 88)
- 12. ECONOMY POLICY AND PERFORMANCE GROUP - UPDATE**  
Report by Chair of Economy Policy and Performance Group (Pages 89 - 90)
- 13. EXPENDITURE OF ENHANCED DEMAND RESPONSIVE TRANSPORT SERVICES 2010 - 2011**  
Report by Director of Development Services (Pages 91 - 96)
- 14. DRAFT SOUND OF MULL MARINE SPATIAL PLAN CONSULTATION**  
Report by Director of Development Services (Pages 97 - 106)
- E1 15. FLEXIBLE NEW DEAL**  
Report by Director of Development Services (Pages 107 - 120)

Items marked with # denote matters to be considered as part of the Council's function as Education Authority.

The Committee will be asked to pass a resolution in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for items of business with an "E" on the grounds that it is likely to involve the disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraph is:-

- E1 Paragraph 9** Any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

## EXECUTIVE

Maureen Arthur	Jane Brown
Councillor Robin Currie	William Dalby
Councillor Vivien Dance	Councillor George Freeman
Councillor Alison Hay	Councillor Donald Macdonald
Councillor Robert Macintyre	Councillor Duncan MacIntyre
Councillor Donald MacMillan	David McEwan
Councillor Donald McIntosh	Councillor Ellen Morton
Councillor Gary Mulvaney	Alison Palmer
Councillor Elaine Robertson	Councillor Len Scoullar
Councillor John Semple	Councillor Isobel Strong
Councillor Dick Walsh	

Contact: Fiona McCallum Tel: 01546 604406

**MINUTES of MEETING of EXECUTIVE held in the COUNCIL CHAMBER, KILMORY,  
LOCHGILPHEAD  
on THURSDAY, 18 FEBRUARY 2010**

**Present:** Councillor Dick Walsh (Chair)

Councillor Robin Currie	Councillor Ellen Morton
Councillor Vivien Dance	Councillor Gary Mulvaney
Councillor George Freeman	Councillor Elaine Robertson
Councillor Alison Hay	Councillor John Semple
Councillor Donald Macdonald	Councillor Isobel Strong
Councillor Duncan MacIntyre	William Dalby
Councillor Robert Macintyre	David McEwan
Councillor Donald MacMillan	Alison Palmer

**Also Present:** Councillor Rory Colville                      Councillor Alister MacAlister  
Councillor Anne Horn                                      Councillor James McQueen  
Councillor John McAlpine                                Councillor Al Reay

**Attending:** Sally Loudon, Chief Executive  
Charles Reppke, Head of Democratic Services and Governance  
Douglas Hendry, Director of Community Services  
Bruce West, Head of Strategic Finance  
Malcolm MacFadyen, Head of Community Regeneration  
Judy Orr, Head of ICT and Financial Services  
Stewart Turner, Head of Roads and Amenity Services  
Ross McLaughlin, Development Manager  
Donald Kelly, Chief Solicitor - Conveyancing

The Leader ruled and the Executive agreed that the business dealt with at item 12 of this Minute (Homeless Service Inspection by Scottish Housing Regulator) be considered as a matter of urgency by reason of the need to enable Members to comment on the findings recently published by the Housing Regulator following their inspection.

The Leader ruled and the Executive agreed that the business dealt with at item 18 of this Minute (Land Issues Relating to Mull and Iona Progressive Care Centre) be considered as a matter of urgency by reason of the need that works were due to commence shortly on this project.

In terms of Standing Order 16.2.2, the Leader ruled and the Executive agreed that there had been a material change in circumstances which allowed the Executive to reconsider the business dealt with at item 14 of this Minute (Planning Application Advert Charges) within 6 months of the previous decision taken on 17 September 2009. This was due to the difficulties associated with the administration of the system.

#### **1. APOLOGIES FOR ABSENCE**

Apologies for absence were intimated from Councillors Donald McIntosh, Duncan MacIntyre and Len Scoullar and from Maureen Arthur and Jane Brown.

## 2. DECLARATIONS OF INTEREST

Councillor Currie declared a non financial interest in relation to the business dealt with at item 18 of this Minute (Land Issues Relating to Mull and Iona Progressive Care Centre) as he is a Member of the West Highland Housing Association.

Councillor Elaine Robertson also declared a non financial interest in relation to the business dealt with at item 18 due to her involvement with the West Highland Housing Association.

Councillors Currie and Robertson left the room and took no part in the discussion of this report.

## 3. MINUTES

### (a) ARGYLL AND BUTE COMMUNITY PLANNING PARTNERSHIP 17 JUNE 2009

The Minutes of the Argyll and Bute Community Planning Partnership meeting held on 17 June 2009 were noted.

### (b) EMPLOYEE JOINT CONSULTATIVE COMMITTEE 4 SEPTEMBER 2009

The Minutes of the Employee Joint Consultative Committee meeting held on 4 September 2009 were noted.

### (c) ARGYLL AND BUTE COMMUNITY PLANNING PARTNERSHIP 28 OCTOBER 2009

The Minutes of the Argyll and Bute Community Planning Partnership meeting held on 28 October 2009 were noted.

### (d) EXECUTIVE 28 JANUARY 2010

The Minutes of the Executive of 28 January 2010 were approved as a correct record.

## 4. LEADER'S REPORT

The Leader of the Council submitted a report which highlighted issues he had recently been involved with including:-

His attendance at the COSLA Leaders meeting on the 29 January 2010; he reported on Council Tax and non-domestic rates collection figures to 31 January 2010; and he also reported on the Council's success at the recent COSLA Excellence Awards.

### Decision

1. Noted the contents of the report; and
2. Recognising the achievement of the staff involved with the Oasis day

centre, congratulated them on their success in winning a Bronze Award at the COSLA Excellence Awards.

(Reference: Report by the Leader of the Council for the period 1 to 29 January 2010, submitted)

**5. NPDO SCHOOLS PROJECT PROGRESS REPORT**

A report summarising progress in relation to the Council's NPDO Project up to the end of December 2009 and, in particular, providing an update on the current financial position of the project was considered.

**Decision**

1. Noted the contents of the report; and
2. Noted that the Director of Community Services would arrange to provide all Members with a note on the current status of the sale of the former Hermitage Academy site and a timescale for when the demolition of the old school would take place.

(Reference: Report by Director of Community Services dated 6 January 2010, submitted)

**6. REVENUE BUDGET MONITORING AS AT 31 DECEMBER 2009**

A report summarising the Revenue Budget position of the Council as at 31 December 2009 was considered.

**Decision**

Noted the Revenue Budget monitoring position as at 31 December 2009.

(Reference: Report by Head of Strategic Finance; Joint Report by Chief Executive and Head of Strategic Finance; Joint Report by Director of Community Services and Head of Strategic Finance; Joint Report by Head of Corporate Services and Head of Strategic Finance; Joint Report by Director of Development Services and Head of Strategic Finance; and Joint report by Director of Operational Services and Head of Strategic Finance all dated 3 February 2010, submitted)

**7. CAPITAL PLAN MONITORING AS AT 31 DECEMBER 2009**

A report summarising the position of all departments on the Capital Plan as at 31 December 2009 was considered. The report compares actual and budget expenditure for the period 1 April to 31 December 2009, forecast and budget expenditure for the whole of 2009-10 and total project forecast and budget expenditure.

**Decision**

1. Noted the Capital Plan position; and

2. Noted that a report would be brought to the Area Committees advising on progress with flood prevention works in their respective areas.

(Reference: Report by Head of Strategic Finance dated 26 January 2010, submitted)

#### **8. TREASURY MANAGEMENT MONITORING AS AT 31 DECEMBER 2009**

A report summarising the monitoring as at 31 December 2009 of the Council's overall borrowing position, borrowing activity, investment activity, economic forecast and potential indicators was considered.

##### **Decision**

Noted the Treasury Management monitoring report as at 31 December 2009.

(Reference: Report by Head of Strategic Finance dated 25 January 2010 submitted)

#### **9. SOCIAL SERVICES**

The Spokesperson for Social Services, Councillor McIntosh, submitted a report which highlighted the issues he had recently been involved with including:-

The COSLA Excellence Awards and the Bronze Award awarded to Oasis Day Centre for Older People with Dementia located at Garelochhead; his attendance at a conference organised by the Scottish Drug Forum on 18 November 2009; his attendance at the COSLA Health and Well Being Executive Group meeting on 26 November 2009; his attendance at the 2009 SVQ Awards held in Kilmory on 27 November 2009; his attendance at Scotland's Drugs Conference 2009 held in the Roxburgh Hotel, Edinburgh on 17 December 2009; and his attendance at the quarterly meeting of the North Strathclyde Community Justice Authority which took place on 11 December 2009.

##### **Decision**

Noted the contents of the report.

(Reference: Report by the Spokesperson for Social Services dated February 2010, submitted)

#### **10. HOUSING AND COMMUNITIES**

The Spokesperson for Housing and Communities, Councillor Freeman, submitted a report which highlighted issues he had recently been involved with including:-

His attendance at a meeting with the Minister for Housing and Communities which took place in the Scottish Parliament Building on 10 December 2009; the Council's Homeless Service Inspection by the Scottish Housing Regulator which took place during August and September 2009; work carried out to support an application to Scottish Ministers for Pressured Area Status; his attendance at the opening of three new homes at Glenshellach, Oban specially designed for

tenants with severe disabilities; the set up of a working group comprising a number of Members from the Strategic Housing and Communities Forum to investigate the possibility of introducing a formal policy on the introduction of sprinkler systems in social housing; and the Strategic Housing Investment Plan.

Councillor Freeman also reported on Green Energy for more households; help with fuel bills through the Scottish Government's Energy Assistance Package; and changes to the Right to Buy Scheme;

**Decision**

Noted the contents of the report.

(Reference: Report by the Spokesperson for Housing and Communities, submitted)

**11. ARGYLL AND BUTE RENT DEPOSIT SCHEME - FUTURE DEVELOPMENT**

The Argyll and Bute Council Rent Deposit Scheme has been in existence since December 2004. It is managed within the homeless service and since its inception there has been 411 rent deposits paid out to 122 private landlords to secure tenancies in the private sector for potentially homeless people. The scheme represents good value for the Council as it is more cost effective than providing alternative temporary accommodation. However the system is administratively burdensome and recovery of the deposits has been less than projected. In view of the forgoing issues a report proposing the termination of the existing scheme and outlining the benefits of moving to a Rent Deposit Guarantee Scheme was considered.

**Decision**

Agreed that a Rent Deposit Guarantee Scheme be introduced with effect from 1 April 2010.

(Reference: Report by Director of Community Services dated 21 January 2010, submitted)

Councillor John McAlpine left the meeting.

**12. HOMELESS SERVICE INSPECTION BY THE SCOTTISH HOUSING REGULATOR**

A report informing Members of the process undertaken by the Scottish Housing Regulator to inspect the Council's Homeless Service together with the resultant findings of the Inspection Report which has recently been published was considered.

**Decision**

1. Noted the contents of the report;
2. Noted that a copy of the Housing Regulator's Inspection Report would be made available to all Members;

3. Requested the Director of Community Services to bring a position statement to the next meeting of the Executive in March 2010 advising on progress with completion of the Improvement Plan; and
4. Agreed that the finalised Improvement Plan should be brought to the Executive meeting in April 2010.

(Reference: Report by Director of Community Services dated 4 February 2010, tabled)

**13. SUPPORTING PEOPLE INTO WORK: THE NEXT STAGE OF HOUSING BENEFIT REFORM**

A report recommending a response to the Department of Work and Pensions consultation on Supporting People into Work: The Next Stage of Housing Benefit Reform was considered.

**Decision**

Agreed to approve the response to this consultation attached at Appendix 1 to the report subject to the following information being included in the covering letter submitted with the response:-

- (a) Reference to be made to the Council welcoming the proposed long term approach by the Department of Work and Pensions as detailed at paragraph 3.5 of the report; and
- (b) Further comment to be made regarding the issue of direct payments to landlords.

(Reference: Report by Head of ICT and Financial Services dated 2 February 2010, submitted)

**14. THE TOWN & COUNTRY PLANNING (CHARGING FOR PUBLICATION OF NOTICES) (SCOTLAND) REGULATIONS 2009 - PLANNING APPLICATION ADVERT CHARGES**

A report detailing the practice to date and recommending changes in respect of planning application advert charges was considered.

**Decision**

The Executive agreed:-

1. to note the contents of the report;
2. to revise the procedure for advertising and re-introduce weekly advertising;
3. to replace the £150 base rate then recharge/surcharge process to a one off £150 flat rate that should be submitted at the time of application registration;
4. for guidance to be changed to reflect this amendment and that an annual



review of the £150 base advertising rate would be monitored on an annual basis and amended to reflect newspaper costs where necessary;

5. to continue to make representations to the Scottish Government on how the Charges for the Publication of Notices Regulations has resulted in uncertainty, disproportionate costs and a financial lottery and to advocate for a pragmatic and consistent approach to be taken; and
6. to continue discussions with EURO RSCG Riley (the Council's agency for advertisements) in an attempt to agree with the newspapers a fixed advert charge, regardless of the number appearing in any paper in any one week.

(Reference: Report by Director of Development Services, submitted)

### **15. B842 CONIE GLEN LANDSLIP**

A report summarising the long standing landslip issue on the B842 road between Campbeltown and Southend, the potential solutions considered to deal with it and recommending the option to be taken forward was considered.

#### **Decision**

The Executive agreed:-

1. that Option 2 be implemented – providing a 2 lane road by implementing drainage work and constructing a new north bound lane adjacent to the existing road;
2. that this new project be considered as an additional scheme within the Council's future deliberations on the Capital Programme and any necessary rephrasing of Roads and Amenity's capital allocation is reported through the capital monitoring process;
3. to note that the solution does not remove the entire risk of the ground below the road continuing to slip but does provide a reduced level of risk which can be better managed in future; and
4. that the costs incurred to date to stabilise the toe of the landslip, undertake boreholes, gain geotechnical advice and monitor movements be capitalised and added to the cost of the option chosen.

(Reference: Report by Director of Operational Services dated 9 February 2010, submitted)

### **16. ROADS RECONSTRUCTION ACCELERATION OF CAPITAL SPEND**

As a result of the recent extreme winter weather conditions during the Christmas and New Year period the public road network within Argyll and Bute has experienced severe damage. In order to maintain the road network in a serviceable condition the Executive considered a report proposing the acceleration of capital money from future years to be spent in 2009/2010.

#### **Decision**

Noted the contents of the report and approved an acceleration of the capital spend of approximately £1.1m into the 2009/2010 financial year.

(Reference: Report by Director of Operational Services dated 11 February 2010, submitted)

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for the following 2 items of business on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraph 9; and 9 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

Councillor Robert Macintyre left the meeting.

#### **17. GLENDARUEL HALL**

The Executive considered a recommendation received from the Bute and Cowal Area Committee regarding Glendaruel Hall.

##### **Decision**

Agreed, subject to Scottish Ministers' consent, to transfer the title of the existing Glendaruel Hall to the Glendaruel Hall Committee at a nil consideration.

(Reference: Extract from Minute of Bute and Cowal Area Committee of 2 February 2010 and Report by Head of Legal and Protective Services dated 6 January 2010, submitted)

Having previously declared an interest in the following item Councillors Robin Currie and Elaine Robertson left the room and took no part in the discussion of this report.

Councillor Al Reay left the meeting.

#### **18. LAND ISSUES RELATING TO MULL AND IONA PROGRESSIVE CARE CENTRE**

The Executive considered a report regarding a request for the transfer of ownership of land owned by the Council in the vicinity of the Progressive Care Centre site.

##### **Decision**

Agreed to the recommendations contained in the report.

(Reference: Report by Director of Corporate Services dated 16 February 2010, tabled)

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**LEADER'S REPORT: 1<sup>st</sup> February to 28<sup>th</sup> February 2010**

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**ARGYLL AND BUTE COUNCIL EXECUTIVE MEETING: 18<sup>th</sup> March 2010****1. 24 February, Loch Lomond and the Trossachs National Park**

On the 24<sup>th</sup> February, the Chief Executive and I attended Loch Lomond and the Trossachs National Park, 'Park Plan' Mid Term Review Meeting at their HQ in Balloch.

Mike Cantlay, National Parks Authority Convener gave the welcoming address and facilitated a discussion around "improving the National Park's Visitor Experience".

Roseanna Cunningham MSP, Minister for Environment, made the opening remarks and spoke about the 'Role of partner organisations in delivering National Parks aspirations'

Fiona Logan, the National Parks Authority's Chief Executive spoke about the National Park's priorities, in the context of the Mid Term Review.

Andrew Thin, Chairman of Scottish Natural Heritage lead a discussion on the Role of National Parks and our Chief Executive, Sally Loudon lead a discussion on Building the Tourism Potential.

The purpose of the meeting was for strategic partners within the Park boundary to hear about the progress of the National Park Plan at the mid-term review stage and have the opportunity to make comments on it.

The key themes of the meeting were; the importance of more structured partnership working and improved communication as a way forward.

**2. UP-DATES****Council Tax Up-date**

Collections of council tax to 28 February 2010 are 94.85%, up 0.01% on last year's at this time compared to last month's increase of 0.02%. Taking into account a relative reduction in overpaid accounts, this is a real increase, albeit very small, and is comparatively very similar to the position at the end of last month.

February's sheriff officer collections for the current year are well up on last year's February collections, so the improvement seen in the last 3 months is continuing. I am delighted to report that overall current year collections via sheriff officer are now up on last year's by just under £20,000.

Collections for 2008/09 are 96.82%, down 0.10% from last year's at this time which is identical to last month's reduction of 0.10%.

Collections of Non-Domestic Rates to the end of February for 2009/10 are 97.00%, down 0.01% which is much improved from last month's decline of 0.12%. Collections for 2008/09 are 98.60%, up 0.03% on last month's figures.

**ICT Update February 2010**

The Voice over IP telephone project, creating a more widespread private telephone network across the Council, has now reached over 1100 users and is on target for

completion in early summer. Over 50% of desktop users are now live on Exchange 2007, with the remainder scheduled to transfer by end of April. 315 laptops have now been encrypted with the remaining 147 on target for the end of March. The continued progress in all these areas is key preparation for the Unified Communications project supporting a variety of voice, messaging and video communications, making it easier to contact people across the Council.

The server accommodation project to extend the data centre at Kilmory has been further delayed due to planning issues. It is now hoped to achieve listed building consent later in March. The project is now 3 to 4 months behind schedule and is affecting IT's ability to introduce a number of proposed new IT systems. Contingency plans are being put in place to add further server capacity in Helensburgh as an alternative, but this additional work will have knock-on effects on other projects.

Facilities are now live on the Council website to allow the public to submit comments online, as part of the consultation on the Local Development Plan. The first school is now live with the facility for parents to top up cashless catering card balances online, using debit and credit cards. In a later enhancement, we intend to be display the current balances on the cards. This should be a big boon to busy parents. These facilities are now being rolled out to the other schools with cashless catering.

#### Procurement Update

Invitations to Tender have recently been issued for the proposed new car lease scheme and cycle to work scheme. Both schemes will operate as salary sacrifice schemes giving tax advantages to employees.

The new Scotland Excel contract for second class mail is being introduced for Council headquarters from April giving a considerable saving. Mail will also be consolidated in the other main towns in order to access these better postal rates.

16 members of staff across the various council departments attended training on the EU procurement directives in February.

Later in March, after considerable delays, we should have figures available on the level of spend under contracts from the national procurement hub for 2008/9. We are now being given the facility to load monthly data into the hub, and therefore the figures for 2009/10 should follow shortly. This will allow us to monitor increases in contracted spend levels on a regular basis and compare against other local authorities.

#### Revenues and Benefits Update

The annual council tax bills were issued on schedule at the beginning of March.

The bills included details of the new energy efficiency council tax rebate scheme starting in April. This scheme is being operated by Scottish Gas. If council tax payers carry out one or more approved efficiency measures through Scottish Gas, then they become eligible for a one-off council tax rebate of up to £65. Some council tax payers who own their own home or rent privately and are in receipt of various benefits may be entitled to a 100% free grant for these home insulation measures, in which case they won't also get the council tax rebate. People wishing to take the offer up or investigate it further, are asked to contact Scottish Gas on **0845 605 2535** quoting reference **ABCT**. Lines are open 8am-8pm Monday-Fri day and 8am-1pm on Saturdays. They will then be able to arrange for a free, no obligation home energy survey to be carried out at their home. Should the work go ahead, Scottish Gas will advise the Council once it has been carried out, after which the authority will grant the council tax rebate. The rebates will be offered from April 1 2010. As there are other energy efficiency schemes around, the Council would encourage householders to call the independent Energy Savings Scotland Advice Centre on **0800**

**512082** should they wish to discuss whether this is the most suitable scheme for them. Lines are open from 8am to 5pm Monday to Friday.

The bills also included a leaflet on benefit fraud in order to increase awareness in that area.

A Benefits uptake campaign is scheduled for a two week period at the end of March/early April using local radio to coincide with the Council offering a new fast-track method of completing benefit applications through the Customer Service Points, and guaranteeing a 48 hour decision on benefit entitlement.

The estimated subsidy claim to DWP has been submitted and anticipates an increase of 7.5% in Gross Benefit awarded for 2010/11, due not just to expected increases in rent levels but also to expectations of a further increase in caseload due to the economic climate.

The Council is in the process of responding to an invitation to tender from Midlothian Council for the provision of a non-domestic rates billing and collection service.

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**COMMUNITY SERVICES  
SPOKESPERSON'S REPORT – EDUCATION AND LIFELONG LEARNING**

**1. Argyll and Bute Leading the Way in Science Grants**

Under the banner of 'Do Something Creative Do Science' and funded by the Scottish Government, STEM North of Scotland has been able to offer schools within Moray, Orkney, Shetland, Western Isles, Highland and Argyll and Bute Councils the opportunity to bid for a grant of between £500 to £1000. Schools were invited to send proposals on how they would spend this money to make science more relevant to the real world, taking a creative approach to engagement with young people.

Argyll and Bute schools were the most pro-active within the six councils in applying for these grants with seven of the secondary schools being successful in their bid. All the projects sound very exciting, for example, Campbeltown Grammar School's project will focus on Climate Change for S2 pupils and is based on the 'Carbon Diaries 2015' novel, whereas Dunoon Grammar School is having a 'Why Science?' day for pupils, which will include workshops from all three sciences. All funds must be spent prior to end of April 2010.

Congratulations to all the schools in Argyll and Bute who have shown an enthusiasm for Science within the Curriculum and decided to apply for these funds.

**2. Islay High School – FilmG Award Success**

On Friday 5<sup>th</sup> February Islay High School scored a double success at the second FilmG Awards held in Eden Court, Inverness.

The School won the People's Choice Award by public vote for their drama/comedy film entitled 'An Tùr' (The Tower), and also won the 'Young People's Best Production' award for the same film. The School have been awarded £500 and have received the 'People's Choice Trophy in celebration of their winning production.

Congratulations to all the pupils and staff involved in this creative project.

**3. Argyll and Bute School Excel in National Poetry Competition**

Many congratulations to Jamie Wilson, who attends Glassary Primary School Rachel Cosgrove, an S2 pupil who attends Campbeltown Grammar School who have both won £50 each and £200 for their schools. Both pupils have shown a real talent for writing poetry with their entries for Tesco's Scottish 'Are you a modern day Rabbie?' poetry competition. Pupils were asked to imagine what our national poet, Robert Burns, would have written about had he lived in the 21<sup>st</sup> Century, and to write about it in his own style.

Jamie won the 12 years and under category for his poem entitled 'Scotland', which covered everything from Andy Murray to his sisters opinion of the bagpipes.

Rachel imagined Burns writing about Campbeltown and this obviously impressed the judges, because she won the 13-17 years category.

Well done to both pupils who have shown that there is an incredibly high standard of writing talent in Argyll and Bute schools.

#### **4. Scottish Schools Badminton – Oban High School Success**

The last weekend in January saw the contesting of the Scottish Schools Badminton Competition. The team from Oban High School did exceptionally well with finalists and wins in nearly every category.

Winners of the day included Gregor Bryden and Craig Livingston who showed fantastic teamwork to win the U14 boys double title. Also, Eilidh MacLean gave an outstanding individual performance to win the U16 Girls title.

Other noteworthy performances include Erin Kelly and Stewart Mobey who reached the finals of their respective singles matches and Erin Kelly and Gregor Bryden who made the finals in the mixed doubles.

Congratulations go out to the whole team from Oban High School for their outstanding performances.

#### **5. Strath of Appin Parent Council Grant Award**

Strath of Appin Parent Council have recently been awarded £9k to help improve the playground equipment available at the school.

The grant has been received from 'Awards For All' to purchase creative playground equipment which will promote health and wellbeing, for example, Trim and Trail, and Balancing equipment. Work on developing the playground is due to commence in March 2010 and will be DDA compliant to ensure that all pupils can benefit from the improvements.

#### **6. St Andrews Primary School Pupil Wins Road Safety Competition**

Michael Sweeney, a P7 pupil from St Andrews Primary School, had the winning design in the 2010 Argyll and Bute Safety Calendar competition. I presented Andrew with a certificate and a plaque for the school, along with Councillor Duncan McIntyre and Head Teacher, Kathleen McIntyre.

#### **7. Meeting of General Teaching Council**

I attended the quarterly meeting of the General Teaching Council (GTC) Scotland which was held on 20 January. Items on the agenda this quarter included;

- Publication of the Scottish Government's report on the future status of GTC Scotland – there has been a slight delay in the release of this report but was anticipated to be published mid February 2010.
- The Review of Teacher Education to be conducted by Mr Graham Donaldson HMSCI has a very wide remit and could lead to significant suggestions for



change, not only in Initial Teacher Education, but also in Continuing Professional Development (CPD), access to teaching and in career opportunities for teachers. The GTC would need to play a central role by offering advice and assistance throughout the process of the review. A report is expected from the Scottish Government by end of November 2010.

- The introduction of the Protection of Vulnerable Groups (PoVG) Scheme – this is due to take place in October 2010. This would replace the current system of Disclosure Scotland checks and its membership would comprise all those deemed suitable to work with vulnerable young people and adults. The introduction of the scheme would have significant implications for universities, authorities, schools and GTC Scotland, and the GTC was already planning suitable ways forward.

#### **8. Meeting with Mike Russell MSP**

I had a constructive meeting with Mike Russell, Cabinet Secretary for Education and Lifelong Learning, at the Scottish Parliament on 10 February. The main topics of discussion were class sizes and education budgets. I was able to inform him that from August 2010 Argyll and Bute Council will be in a position where 100% of P1 children will be in a class of 18 or under and that 74% of P1-3 children will also be in a class of 18 or under. This represents a 10% increase on the position last year.

#### **9. Argyll and Bute Schools Concert Band**

I attended the latest concert which was held at Lochgilphead Joint Campus on 15 February 2010. I was invited to give a vote of thanks at this very inspiring event which sees the best of our young musicians from across all Secondary Schools in the area come together and put on a marvellous musical show. All genres of music are played and there is an array of instruments on show including woodwind, brass and percussion. As with all these concerts there was not an empty seat in the house as parents, pupils, staff, and family and friends sat down to enjoy the show.

#### **10. COSLA Education, Children and Young People Executive Group**

I attended the COSLA Executive Group meeting held on 17 February in Rosebury House, Edinburgh. A wide variety of items were on the agenda, including;

- Curriculum for Excellence (CfE)

A presentation was held in regard to CfE and the Assessment Framework. It was noted that COSLA are developing a number of CfE areas and outlined the way forward;

##### Developing;

- Design principles for National Qualifications 4 and 5
- Design principles for Literacy and Numeracy Qualifications

- Exemplars for timetables for S1-3 and the Senior Phase (S4-6)
- Draft principles for Reporting, Recognising Achievement and the S3 Profile
- Over 100 assessment resources across all levels (ready April 2010)
- The National Assessment Resource (available September 2010)

Requirements:

- All parties to deliver on their commitments
  - Sufficient resources to fulfil those commitments (at a time of financial challenge)
  - Specifically, additional and adequate resources for assessment, moderation and QA
  - Open mindedness on the extent of the resources required
  - Further information on readiness for implementation, including CPD (in preparation)
  - Capacity at school and LA levels (including QIO's)
  - A commitment from LA's that funding from the Scottish Government for assessment and moderation will be used for that purpose
  - Skills and knowledge in schools to deliver with confidence
  - Sufficient resources centrally within LA's to ensure consistency of approach
  - COSLA signed up to August 2010 implementation and to resource commitments.
- Joint Presentation – ADES and ADSW

A presentation from Association of Directors of Education in Scotland (ADES) and Association of Directors of Social Work in Scotland (ADSW) entitled 'What's new on the horizon?' was delivered, which covered a number of issues;

- In the current financial climate there is a need for more radical solutions – should the Scottish Government should be looking overseas? Less scrutiny?
- Further debate required on Trust schools, and the relationship between LA's and the Scottish Government in terms of rationalising the School Estate
- The main priorities should be Getting It Right For Every Child (GIRFEC), CfE and the Early Years Framework.
- Looking to reduce inequalities, but need to look at outcomes and shared responsibilities
- Performance reporting of all partnerships needs to be aligned

**Councillor Isobel Strong**  
**Spokesperson for Education and Lifelong Learning**  
**March 2010**

**ARGYLL AND BUTE COUNCIL  
COMMUNITY SERVICES: EDUCATION**

**EXECUTIVE  
18 MARCH 2010**

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**SEEMIS OUTLINE BUSINESS CASE**

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**1. INTRODUCTION**

1.1 In 1997, twelve Local Authorities including Argyll and Bute, entered into a Joint Agency Agreement to form SEEMIS to provide information technology solutions to support electronic education administration. In recent years SEEMIS has expanded to include 28 of the 32 local authorities in Scotland, accounting for over 85% of the national pupil population.

1.2 Due to the increased membership and service developments within SEEMIS and the education environment, SEEMIS as a consortium/unincorporated association is no longer the most appropriate structure. After consultation with their legal advisors SEEMIS have identified that a Limited Liability Partnership (LLP) would provide the most effective legal framework for SEEMIS to minimize risk to all member authorities.

**2. RECOMMENDATIONS**

2.1 That the Executive agree to Argyll and Bute becoming a member of the Limited Liability Partnership (LLP).

**3. DETAIL**

3.1 In 1997, twelve Local Authorities including Argyll and Bute, entered into a Joint Agency Agreement to form SEEMIS to provide information technology solutions to support electronic education administration. In recognition of the high customer satisfaction levels and capacity of SEEMIS to deliver an effective management information system (MIS) for Scottish education there has been a significant increase in local authority membership of SEEMIS. There are currently 28 member authorities accounting for over 85% of the national pupil population.

3.2 Due to the increased membership and service developments within SEEMIS and the education environment, SEEMIS as a consortium/unincorporated association is no longer the most appropriate structure. It is proposed that a Limited Liability Partnership (LLP) would provide the most effective legal framework for SEEMIS to minimize risk to all member authorities. All 28 member

councils are required to decide whether they will become a member or customer of the LLP by 31<sup>st</sup> March 2010, with a formal Service Level Agreement being issued for consultation at the end of February 2010.. The establishment of SEEMIS as an LLP fully owned and governed by member councils is timetabled for the 1<sup>st</sup> June 2010.

- 3.3 SEEMIS, on behalf of its current members, continues to work closely with Scottish Government, the Improvement Service, Learning and Teaching Scotland (LTS) and the Scottish Qualifications Authority (SQA) on an ongoing basis to further extend the integration with key national systems. A common MIS system across most of Scotland also means that data transfer when pupils move school or finding pupils “missing from education” is greatly enhanced.
- 3.4 The core business of SEEMIS is:
- The maintenance and enhancement of the existing core MIS used within education; and
  - The development of new systems which address the changing needs of the councils.

Unlike other suppliers, SEEMIS provides a managed system with dedicated staff working to ensure that the systems and the essential data exchanges with external agencies run smoothly on a daily basis. SEEMIS focuses software development on the projects deemed appropriate by the member councils. As developments are funded from within the existing annual subscription no additional development cost is passed to the Council. Software developments remain freely available for use by all partners on completion.

- 3.5 All schools and education offices in Argyll and Bute use SEEMIS on a constant basis. The current list of SEEMIS applications used in schools includes:
- Attendance and absence – reporting and monitoring;
  - Finance;
  - Attainment – 5-14 tests and SQA examinations (with analysis);
  - Tracking pupil progress;
  - Reporting (school reports package);
  - Behaviour monitoring and exclusions;
  - Pupil transfers;
  - School timetabling;
  - SQA examination data transfers;
  - Staffing;
  - Interfaces to GLOW;
  - Absence text messaging;
  - Period by period registration (secondary);
  - Placing requests;
  - Education Maintenance Allowances (EMAs);
  - Additional Support Needs and Coordinated Support Plans;

- Integration with the Scottish Exchange of Educational Data (ScotXed).

Many of the above require transfer to Scottish Government for publication in national statistical documents. SEEMIS also provides all the education data for Pyramid.

- 3.6 It is intended that SEEMIS will continue to operate on the same basis as currently. These proposals will have no adverse financial impact on member contributions.

#### **4. IMPLICATIONS**

**Policy:** None

**Financial:** None

**Personnel:** None

**Equal Opportunities:** None

**Legal:** The ownership and governance arrangements of the LLP will be sent by SEEMIS to all existing member Council legal departments at the end of February 2010

**Douglas Hendry  
17 February 2010**

For further information contact: Chris Shirley, Quality Standards Manager, Argyll House, Alexandra Parade, Dunoon, Argyll PA23 8AJ. Telephone: 01369 70 8528.

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ARGYLL AND BUTE COUNCIL  
COMMUNITY SERVICES

EXECUTIVE  
18 MARCH 2010

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**2010/11 Community Based Care Charging Policy**

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**1. SUMMARY**

1.1

The purpose of this report is to inform the Council Executive of the outcome of the review of the Adult Care Community Based Care Charging Policy instructed by the Head of Adult Care and to obtain approval from the Council Executive to implement the recommendations set out below.

**2. RECOMMENDATIONS**

2.1

The Council Executive notes that the new Community Based Care Charging Policy has been updated and was approved by the Council at the budget meeting on 11<sup>th</sup> February 2010. This part of the policy is to be implemented from 12<sup>th</sup> April 2010.

2.2

It is recommended that the charging mechanism for respite in care homes is amended to reflect the amount of capital owned by service users. This will bring the policy in to line with the Community Care and Health (Scotland) Act 2002 in that funding for service users who own capital in excess of the Charging for Residential Accommodation Guidance (CRAG) upper capital limit will be limited to the relevant Free Personal and Nursing Care subsidy amounts set by the Scottish Government. Recommended that this part of the policy is implemented from 12<sup>th</sup> April 2010.

2.3

The Council Executive considers the proposed amendments to the existing means test mechanism and the adoption of a new, wider ranging, charge structure. It is proposed that consultation on this matter is progressed with carers groups and service providers in the period up to 30<sup>th</sup> June 2010. A subsequent report and Equality Impact Assessment will then be presented to the August Executive meeting which will detail the proposed implementation timescale, approximately three months, in order that all clients can be visited, their finances re-assessed and their future services confirmed.

2.4

The Council Executive is asked to note that the changes outlined in section 2.3 will mainly affect service users aged under 65 as the bulk of service provided to service users aged 65 and over consists of personal care which is to be provided free of charge under the Community Care and Health (Scotland) Act 2002.

2.5

The Council Executive is asked to consider the details of this report and, if in agreement with the proposals, approve the implementation of the revised Adult Care Community Based Care Charging Policy.

### **3. BACKGROUND**

3.1

The Head of Service – Adult Care instructed a review of the Community Based Care Charging Policy with a view to expanding the range of charges and ensuring compliance with the means test mechanism recommended by COSLA as best practice. Like many other Councils in Scotland, the current financial climate requires that Argyll and Bute considers how it funds its services, including expanding the use of fees and charges to supplement budgets.

3.2

The reviewing team's goals were to ensure fairness and equity of charging across the adult care client groups and to enable the Department to generate additional income to supplement funding for service provision without exposing individual service users to financial hardship.

3.3

The review process included a consultation involving all of the Adult Care Service Managers and relevant staff within the Community Services Finance team.

3.4

This report is split into the following two sections: part one deals with the annual uplift of existing fees and charges within Adult Care and part two deals with the proposed amendments to the Council's existing means test mechanism and the adoption of a revised charge structure.

### **4. DETAIL**

4.1

Section 1 of Appendix A provides the list of existing Community Based Care Charges levied by the Council and shows the 2009/2010 and proposed 2010/11 charge levels, as well as the movement in both cash and percentage terms between the two years. The 2010/11 proposed rates reflect the impact of the proposed budget for 2010/11.

4.2

Section 2 of Appendix A provides the list of new charges and charge rates recommended for implementation in 2010/11. The proposed rates reflect the proposed budget for 2010/11.



### 4.3

The recommended charging policy for 2010/11 is attached in Appendix B and contains the following changes from the charging policy currently deployed:

4.3.1 The range of services charged for is widened. The current charging policy includes charges for the following services:

- Homecare
- Supported Living
- Respite
- Meals on Wheels
- Lunch Clubs
- Community Alarms and Telecare
- Blue Badges

It is proposed that the charging policy is extended to include charges for the following services:

- Housing Support
- Sleepover Services
- Employment Support
- Day Care
- Provision of Occupational Therapy Equipment and Adaptations
- Progressive Care

Note – the policies for Occupational Therapy Equipment and Progressive Care are still in development and it is anticipated that policies will be completed by the middle of 2010/11.

4.3.2 The existing COSLA compliant calculation of the Income Thresholds, which represent service users' weekly living costs, is retained but updated to reflect the Department for Work and Pension's allowance and premium levels applicable from 12 April 2010;

4.3.3 The lower capital threshold for service users aged 60 and over is increased from £6,000 to £10,000 to be consistent with the lower capital threshold employed by the Department for Work and Pensions in the calculation of Pension Credit;

4.3.4 The utility disregard of £20.50 per household employed in the current policy is replaced with an applicable housing costs disregard which will include service user's actual net rent, mortgage interest, Council Tax and Sewerage charges and interest payable on loans taken out to pay for modifications to the service user's home which are linked directly to the service user's disability;

4.3.5 The treatment of couples is changed to include the income and capital belonging to a partner or spouse regardless of whether they benefit directly from the service provided to the service user. To ensure a fair assessment, a set of couples Income Thresholds will be employed to reflect the higher living costs of couples, income disregards available to service users are also available to partners and spouses in receipt of qualifying income and the capital allowances and tariff charge increments are doubled.

- 4.3.6 Instead of assessing all of the service user's residual income (assessable income less living and housing costs) as available to meet charges, a new taper percentage is included which would reduce the amount of the service user's residual income taken in charges. Appendix C shows five examples of how the proposed charging policy would work, including the maximum weekly charge which would be derived from a range of taper percentage options. To maintain charges at their current level would require a taper percentage of at least 84%. It is proposed that a taper percentage of 75% be adopted but that the final level be set by the Council members.
- 4.3.7 For service users aged under 65, the current policy splits services into therapeutic, defined as assisting the service user to complete a task themselves which is provided free of charge, and non-therapeutic, defined as completing a task for the service user without their input which is charged for. This very judgemental approach to assessing what can be charged for has been removed from the new policy, to ensure fairness and equity across all service users aged under 65, and all services are now chargeable.
- 4.3.8 The charging structure for respite in care homes has been adapted to incorporate the level of capital owned by service users. Service users who own capital worth less than the Scottish Government's Charging for Residential Accommodation Guidance (CRAG) upper capital limit will, as at present, be charged a flat rate per night based on their age.

Service users who own capital worth in excess of the CRAG upper capital limit will receive a subsidy from the Council towards their respite costs which is equivalent to their entitlement to funding assistance under the Free Personal and Nursing Care Scheme introduced by the Scottish Government under the Community Care and Health (Scotland) Act 2002. The service user will be required to fund the balance of their respite costs from their own resources.

#### 4.4

Given the nature of the means test mechanism, it is impossible to predict what the financial impact of the introduction of the proposed 2010/11 charging policy will be on service budgets. The proposed policy increases the range of charges, increasing the number of service users who can be charged, but it is also potentially more generous (dependent upon the level of taper introduced), reducing the charges payable by individual service users.

#### 4.5

The only service which has budgeted income from charges which could be affected by the proposed changes to the means test mechanism is Homecare. The proposed budget for 2010/11 for income from homecare charges is £80k. However, given the nature of this service, if service users decide to cancel all or part of their service to avoid paying charges, a cost saving should be achieved through a corresponding reduction in staff time. This reduction in costs should be at least equal to the income forgone.

The proposed changes to the means test mechanism will have no detrimental impact on the level of income from Meals on Wheels, Lunch Clubs, Telecare and Blue Badges. It is proposed that all of these charges are increased in accordance with the proposed budget for 2010/11.

No additional income from charges has been included in the proposed budget for 2010/11 for the services where it is proposed to introduce charging.

## **5. CONCLUSION**

### 5.1

The proposed level of charges for 2010/11 will ensure that charges to service users keep pace with the anticipated costs of continuing to deliver services. The additional revenue generated should assist in maintaining the current volume of service delivery.

### 5.2

The proposed amendments to the 2010/11 means test mechanism will produce a fairer, more equitable charging policy which will be simpler to administer and should enable the Council to generate additional revenue to fund services.

If you require any further information in relation to the context of this report please contact Allen Stevenson, Service Manager, 01369 708900 or David Forshaw, Finance Officer, 01546 604721.

## **6. IMPLICATIONS**

**Policy** - The Community Based Care Charging Policy has now been revised and updated to reflect best practice in accordance with COSLA guidance.

**Finance** – It is anticipated that the adoption of this revised Charging Policy will increase revenue to the Department.

**Personnel** – Adoption of the revised Charging Policy will require that front line staff are provided with training and tools to enable them to deliver the policy.

**Legal** – As the policy complies with COSLA's recommended best practice, no legal issues are anticipated.

**Douglas Hendry**  
**Director of Community Services**

For further information please contact;

Allen Stevenson  
Service Manager – Mental Health  
Tel: 01369 708 908

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## Appendix A - Argyll and Bute Council Budget Preparation 2010-2011 Social Work - Adult Care

### Section 1 - Existing Community Based Care Fees and Charges

Description Of Charge	2009-2010	2010-2011	Increase £	Increase %
Meals on Wheels – per meal	3.35	3.42	0.07	2.09%
Lunch Clubs – per meal	3.20	3.27	0.07	2.19%
Blue Badges – per badge	2.00	2.00	0.00	0.00%
Community Alarms – per week	4.00	4.20	0.20	5.00%
Home Help – hourly rate	13.15	14.60	1.45	11.03%

### Section 2 - Proposed New Community Based Care Fees and Charges

Description Of Charge	2010-2011
Transport to Care: Less than 5 miles	1.50
Transport to Care: Greater than 5 miles	3.00
Housing Support - per hour	14.60
Employment Support - per hour	14.60
Sleepovers - per night	51.60
Day Care - per hour	tbc
OT Equipment	tbc
Progressive Care	tbc

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**Appendix B**

**Argyll and Bute Council**  
**Community Services Department**  
Social Work – Adult Care

**Community Based Care**  
Charging Policy

Draft 2010/11

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## Introduction

The following charging policy applies to all adults who reside within Argyll and Bute, or are deemed to be ordinarily resident within Argyll and Bute in accordance with the Scottish Government's Ordinary Residence guidelines, who are assessed as requiring and subsequently benefit from community based care services provided, commissioned or funded by Argyll and Bute Council.

Community based care services are deemed to comprise one or a combination of the services listed below:

- Homecare;
- Housing Support;
- Supported Living;
- Sleepover Services;
- Employment Support;
- Daycare (including travel to and from day care units and meals and refreshments);
- Respite, at home or in a care home;
- Meals on wheels
- Lunch clubs;
- Community Alarm and Telecare services;
- Occupational Therapy equipment and adaptations, and;
- Progressive Care.

The following charging policy will apply equally to all service users regardless of the delivery mechanism(s) deployed to most appropriately and effectively meet the needs and aspirations of individuals, which include:

- Direct service delivery by Council staff;
- Indirect service delivery through services commissioned from the private and voluntary sectors by the Council on the service user's behalf, and;
- Direct payments to service users to enable them to arrange their own care through the employment of their own assistants or by purchasing care from the private and voluntary sectors.

This policy is founded upon the following list of principles; that:

- In accordance with the Community Care and Health (Scotland) Act 2002, personal care shall be provided free to service users aged 65 and over who have been assessed as needing it;
- All clients in receipt of community based care services will undergo a financial assessment and will be charged according to their ability to pay;
- Service users will not be charged more than it costs to provide the services(s) for which their contribution has been assessed;
- Services will, at all times, be provided in accordance with service users' assessed needs and not their ability to pay;

- No charges will be levied where:
  - The primary reason for service provision is to monitor children under “supervision” or children and families in crisis;
  - Services are provided to adults with mental health problems who are subject to measures under the Mental Health (Care and Treatment) (Scotland) Act 2003;
  - Services fall within the scope of Criminal Justice Social Work Services, or;
  - Services are provided to adults subject to measures under the Adult Support and Protection (Scotland) Act 2007.

## Charging Structure

Charges for community based services will be levied in accordance with the structure defined in the table below:

Service	Charging Method
Homecare	Means tested weekly charge based on an approved hourly charge
Housing Support	Means tested weekly charge based on an approved hourly charge
Supported Living	Means tested weekly charge based on an approved hourly charge
Sleepover Services	Means tested weekly charge based on an approved nightly charge
Employment Support	Means tested weekly charge based on an approved hourly charge
Daycare	Means tested weekly charge based on an approved hourly charge for care services and flat rate charges for meals and refreshments provided
Respite (provided at home)	Means tested weekly charge - consistent with charging mechanism applied to homecare or supported living services
Respite (provided in a care home)	Flat rate nightly charge based upon the service user’s age and the amount of capital they own
Meals on Wheels	Flat rate charge for each meal provided
Lunch Clubs	Flat rate charge for each meal provided
Community Alarm and Telecare Services	Flat rate weekly charge
Occupational Therapy Equipment and Adaptations	<b>Tbc</b>
Progressive Care	<b>Tbc</b>

All charges will be reviewed annually as part of the Council’s budget setting process and will be subject to approval by the Council Members.

The means test mechanism used by the Council to determine service users' charges will be reviewed annually to ensure that it reflects any changes in:

- Government legislation or regulation relevant to charging for the services for which charges are assessed under the means test;
- The guidance issued by COSLA upon which the means test mechanism is based, and;
- The allowances and premiums calculated by the Department for Work and Pensions which underpin the affordability test within the means test mechanism.

Where a service user receives more than one service which is assessed for charging using the means test mechanism, a consolidated assessment will be undertaken to ensure that service users are not charged more than they can afford for the package of care services which they receive.

### Older People Leaving Hospital

Older people leaving hospital who are assessed as requiring homecare should receive this service free, for up to 28 days, if they are aged 65 or over on the day of discharge and have been in NHS inpatient care for more than one day (24 hours) for treatment, assessment or rehabilitation, or had surgery as an NHS day case. Relief from charging should not apply to discharges following admission on a regular or frequent basis as part of the persons ongoing care arrangements. This would cover, for example, admissions for respite care or ongoing but episodic treatment. Only new or additional services provided after a person comes out of hospital will be free and services that were in place pre-admission and continue after discharge will continue to be chargeable.

### Breaks in Service

Where a service user's service is suspended, the service user will not be charged for the services which have not been provided. Charging should resume when services are reinstated.

### Financial Re-assessment

The charges payable by service users will be reviewed on an annual basis, to reflect the annual changes in charges and service users' income and capital.

The contribution payable by service users should be reviewed in the event of a change in the service provided or such other change in the service user's circumstances as would affect their ability to contribute towards the cost of their care.

### Couples

Where a service is provided to a service user who is married or lives with a partner as a couple, the charge assessment should include the income and capital of both the service user and their partner. To ensure that the assessed charge is fair, the upper and lower

capital allowance for couples will be equal to double the single person's capital allowances which would be used for the **elder** partner. Tariff increments are also doubled.

The income threshold to be included in the charge assessment for couples should be based on the age of the **elder** partner.

Income disregards will be applied to couples in the same way as individuals; the disregards are not doubled but are applied to both individuals on the basis of their respective incomes. For example, if one has a war pension they receive a £10 disregard, if both have a war pension then both receive a £10 disregard.

Where there is any doubt or dispute regarding whether or not two people are living together as a couple, the Council will defer to the decision made by the Department for Work and Pensions when assessing the two people's entitlement to state benefits.

Where two service users reside together but are not a couple, they should be assessed individually for charges.

### Terminally Ill Service Users

Terminally ill service users will not be excluded from charging and will be subject to charging for chargeable services under this policy.

### Adults with Incapacity

Where a service user is unable to deal with their own financial affairs due to incapacity, the department will liaise with another appropriate person, or persons, in order to gather information about the service user's financial affairs and to arrange for the collection of charges. Appropriate persons would include:

- Power of Attorney;
- Financial guardian, appointed in accordance with the Adults with Incapacity (Scotland) Act 2000;
- An individual permitted to act on the service user's behalf under an intervention order granted by a Sheriff Court under the Adults with Incapacity (Scotland) Act 2000;
- Department for Work and Pensions benefits appointee, or;
- A relative or friend of the service user who assists the service user, with the service user's knowledge and agreement, to manage their financial affairs.

Incapacitated adults will be charged for the chargeable elements of their service in accordance with this policy.

Where the Council is unable to collect a service user's charges because they have no one to manage their financial affairs and it is not financially viable to pursue a financial guardianship through the courts, a claim will be lodged against the service user's estate following their death to recover the accrued unpaid care charges.

## Independent Living Fund

Service user's eligible to claim financial assistance towards the cost of their care from the Independent Living Fund will be subject to charging for chargeable services under this policy. A detailed mechanism to facilitate this is currently under development.

## Financial Hardship

In cases of particular hardship, the Area Manager has delegated authority to waive or abate all or part of the charges for the service(s) provided. To ensure that this authority is used appropriately and consistently across Adult Services, Service Managers and Finance will review all applications for waivers and take any action necessary, including the reversal of a waiver approval, to ensure that all service users are treated fairly and equally and that the Department's ability to generate income is maximised.

Where a waiver is agreed, the authorising manager must identify which budget they will fund the waiver from. This cannot be the same budget which is losing the income.

## Personal and Domestic Care

The following services can be broken down into personal, domestic or other support services:

- Homecare, including homecare provided on a respite basis;
- Supported Living, and;
- Daycare.

Since the Council is required under the Community Care and Health (Scotland) Act 2002 to ensure that service users aged 65 and over are not charged for personal care, it is essential to define which tasks would be considered to be personal care and subsequently excluded from charging. The following definitions provide a model to be used by assessment staff to classify the tasks required to meet service user needs into personal or domestic care.

<b>Personal Care Definition</b>	
<b>Classification</b>	<b>Task</b>
<b>Personal Hygiene</b>	<ul style="list-style-type: none"> <li>▪ Shaving</li> <li>▪ Oral hygiene</li> <li>▪ Nail care</li> <li>▪ Toileting (assisting the person with going to the toilet or with using a bedpan or other receptacle)</li> <li>▪ Catheter/stoma care (ensure cleanliness and that skin is kept in a favourable hygienic condition)</li> <li>▪ Where the person is incontinent:               <ul style="list-style-type: none"> <li>○ The consequential making of the person's bed and consequential changing and laundering of the person's bedding and clothing;</li> <li>○ Caring for the person's skin to ensure that it is not adversely affected</li> </ul> </li> </ul>
<b>Food and Diet</b>	<ul style="list-style-type: none"> <li>▪ Eating</li> <li>▪ Meal preparation</li> </ul>
<b>Mobility</b>	<ul style="list-style-type: none"> <li>▪ Dealing with the consequences of not being able to move</li> <li>▪ Moving and handling</li> </ul>
<b>Simple Treatments</b> – if the person requires medical treatment, assisting with medication for example by:-	<ul style="list-style-type: none"> <li>▪ Applying creams or lotions</li> <li>▪ Administering eye drops</li> <li>▪ Applying dressings in cases where this can be done without the physical involvement of a registered nurse or medical practitioner</li> <li>▪ Assisting with the administration of oxygen as part of a course of therapy</li> </ul>

Classification	Task
General Well-Being	<ul style="list-style-type: none"> <li>▪ Assisting with getting dressed</li> <li>▪ Assisting with surgical appliances, prosthesis and mechanical and manual equipment</li> <li>▪ Assisting with getting up and going to bed</li> <li>▪ The provision of devices to help memory and of safety devices (<i>see note 1</i>)</li> <li>▪ Behaviour management and psychological support</li> </ul>

**Note 1**

Only memory and safety devices which help individuals to manage their own personal care needs are included (eg the use of personal reminder systems to allow individuals to manage their medicines or the use of sound/movement alarms linked to light controls to guide people with dementia to the toilet and minimise the risks related to wandering at night). Community alarms and other associated devices are **not** included.

Domestic Care Definition	
Classification	Task
Personal Laundry	<ul style="list-style-type: none"> <li>▪ Carrying out personal laundry (excluding incontinence laundry)</li> </ul>
Ironing	<ul style="list-style-type: none"> <li>▪ Carrying out ironing</li> </ul>
Clothing Repairs	<ul style="list-style-type: none"> <li>▪ Carrying out clothing repairs</li> </ul>
Nutrition	<ul style="list-style-type: none"> <li>▪ Management of food stores/fridges etc (including shopping)</li> <li>▪ Menu planning</li> <li>▪ Supervision at mealtimes</li> </ul>
Pet Care	<ul style="list-style-type: none"> <li>▪ Coping with domestic pets including day to day care and feeding</li> </ul>

## Housing Support

From 12 April 2010, Housing Support services will become subject to charging under this policy. To provide a single charging framework, Housing Support services will be subject to the same means test applied to charging for Personal Care, except over 65s, and Domestic Care. The cost of housing Support services will be calculated using the standard homecare hourly charge. Housing Support services are defined in the following table.

Housing Support Definition	
Classification	Task
<p><b>Life Skills</b> – worker provides life skills training to the service user in maintaining the dwelling and curtilage (ie close, stairs, paths, bin area, garden pertaining to the service user’s accommodation) in appropriate condition. Worker assists and advises service user on:</p>	<ul style="list-style-type: none"> <li>▪ Kitchen/food hygiene</li> <li>▪ Kitchen routines eg cleaning, washing up, bin emptying</li> <li>▪ Personal laundry routines, ironing</li> <li>▪ Cleaning (hovering, dusting, window cleaning, floor cleaning, kitchen and bathroom cleaning)</li> <li>▪ Appropriate personal routines</li> <li>▪ Appropriate clothing/footwear</li> <li>▪ Appropriate personal hygiene</li> <li>▪ Prompting re the above</li> <li>▪ Prompting re medication routines</li> <li>▪ How to keep garden, close, stairs, bin areas etc in appropriate condition</li> </ul>
<p><b>Service User Welfare</b> – Worker assists the service user to engage with individuals, professionals and other bodies with an interest in the welfare of the service user to:</p>	<ul style="list-style-type: none"> <li>▪ Arrange and attend doctors/hospital etc (including escort)</li> <li>▪ Attend day care (including escort)</li> <li>▪ Attend groups, social activities and reviews (including escort)</li> <li>▪ Maintain contact with friends and family (including escort)</li> </ul>
<p><b>Adaptations</b> – Worker arranges adaptations to enable the service user to cope with disability.</p>	<ul style="list-style-type: none"> <li>▪ Assist service user to make referral to OT department or make referral for service user</li> <li>▪ Arrange appointments and attend appointments with or for the service user in relation to adaptations</li> <li>▪ Arrange to be present when adaptations are being carried out in the service user’s home</li> <li>▪ Remind the service user of the safe use of adaptations</li> </ul>



Classification	Task
<p><b>Budgeting/Debt Management</b> – Worker advises or assists the service user with personal budgeting and debt counselling.</p>	<ul style="list-style-type: none"> <li>▪ Collect benefits with or for the service user</li> <li>▪ Advise and assist the service user to budget income</li> <li>▪ Advise and assist service user to pay bills</li> <li>▪ Enable service user to access debt counselling services</li> <li>▪ Enable service user to access advocacy services</li> <li>▪ Enable service user to access legal services</li> <li>▪ Advise and assist service user to set up and maintain bank account appropriately, including direct debits, standing orders etc</li> <li>▪ Advise and assist the service user to plan/save for future expenditure (eg furniture purchases, holidays etc)</li> </ul>
<p><b>Relationships/Neighbour Disputes</b> – Advising or assisting the service user in dealing with relationships and disputes with neighbours</p>	<ul style="list-style-type: none"> <li>▪ Advise and assist the service user to sustain appropriate relationships with neighbours, friends and family</li> <li>▪ Advocate and negotiate appropriately with or on behalf of the service user in disputes</li> </ul>
<p><b>Benefits/Correspondence</b> – Advising or assisting the service user in dealing with benefit claims and other official correspondence relevant to sustaining the occupancy of the dwelling.</p>	<ul style="list-style-type: none"> <li>▪ Assist the service user to access the benefits agency</li> <li>▪ Assist the service user to read and understand correspondence</li> <li>▪ Assist the service user to complete forms</li> <li>▪ Assist the service user to provide evidence of income and/or savings</li> <li>▪ Liaise/advocate for the service user with Housing and Council Tax Benefit</li> <li>▪ Liaise/advocate for the service user with the landlord</li> <li>▪ Assist the service user to access welfare rights services</li> </ul>

## Means Test Mechanism

The means test mechanism described below is based upon the model recommended by COSLA as representing best practice in finding the balance between maximising income generation and minimising reduced opportunity and financial hardship for service users. To ensure parity between service users who contribute towards their care costs in the community and in care homes, the Scottish Government's Charging for Residential Accommodation Guidance (CRAG) has been used extensively to ensure equal treatment of income, capital and assets.

The means test will be used to assess charges for the following services:

- Homecare;
- Housing Support;
- Supported Living;
- Sleepover Services;
- Employment Support;
- Daycare (care elements of service), and;
- Respite at home (including sleepover services).

## Means Test Qualification

Service users who own capital and assets, excluding their home, equivalent or greater in value to the upper capital limit contained within CRAG will be excluded from relief under the means test and will be charged the standard cost of their care. This limit will be doubled where a couple is being assessed.

Service users who are eligible for relief under the means test will pay either:

- The standard cost of their care, or;
- The maximum that they can afford to pay, as determined using the means test.

## Means Test Calculation

To determine the maximum amount the service user can afford to contribute towards their care package, the following calculation will be completed:

Total Assessed Income (A)

Less Applicable Housing Costs (B)

Less Applicable Disregards (C)

Less Relevant Income Threshold (D)

Equals residual income (E)

Maximum charge (F) is equal to residual income (E) multiplied by a taper of ??%.

A detailed explanation of each of the above steps is provided in the following section. The section on income has been split into income and capital and includes the rules for how different types of income and capital are to be treated in the means test mechanism.

## **Income**

Income is a payment which:

- Is made in respect of a period, and;
- Forms part of a series of payments (whether or not payments are received regularly).

A payment of income is taken into account for a period equivalent to that which it represents, e.g. a payment due to be made weekly is taken into account for a week, a payment due to be made calendar monthly is taken into account for a month, but a weekly rate is calculated before assessment.

## **Treatment of Income**

Income is treated in one of three ways:

- Taken into account in full;
- Partly disregarded, or;
- Fully disregarded.

## **Income Taken Fully into Account**

The following types of income are taken into account in full:

- Most Social Security Benefits, including:
  - State Retirement Pension;
  - Attendance Allowance;
  - Disability Living Allowance (care component);
  - Disability Working Allowance;
  - Job Seekers Allowance;
  - Income Support;
  - Pension Credit;
  - Industrial Death Benefit;
  - Incapacity Benefit;
  - Employment and Support Allowance;
  - Maternity Allowance;
  - Severe Disablement Allowance;
- Annuity Income (see Annuity Income section below);
- Occupational Pensions;
- Refund of Income Tax;
- Trust Income (see Income from certain disregarded capital below);
- War Orphan's Pension;
- Income from an insurance policy (except mortgage protection insurance);
- Income from certain sub-lets;
- Income from certain disregarded capital

The above list has been extracted from CRAG and is not exhaustive. Where a service user receives an income from a source the treatment of which is not mentioned explicitly in this guidance, advice should be sought before completing the financial assessment.

## Deductions from Benefits

Where any Social Security benefit is being subjected to a reduction (other than a reduction because of voluntary unemployment) e.g. because of an earlier overpayment, the amount to be taken into account should be the gross amount of benefit before reduction

## Annuity Income

An annuity is a fixed sum payable at specified intervals (normally annually), in return for a premium payable either in instalments or as a single payment. The annuity income is payable for a specified period, such as the recipient's lifetime.

Income from an annuity is to be taken fully into account except when the annuity is:

- Purchased with a loan secured on the service user's home, or;
- A gallantry award (eg Victoria Cross Annuity, George Cross Annuity)

## Income from certain disregarded capital

Income from capital will generally not be treated as income. However, income which comes from certain forms of disregarded capital is taken fully into account as income for as long as the capital is disregarded. This will be the case where the capital is:

- The normal dwelling of a temporary resident;
- Business assets which the resident is taking steps to dispose of, or;
- Any capital held in trust which is as a result of personal injury.

## Income from certain sub-lets

When a resident sub-lets a part of their property which is not part of the living accommodation, for example the garage or the garden, the income from that sub-let is taken fully into account.

## **Income Partly Disregarded**

The following types of income attract a £10 disregard:

- Payments to victims of National Socialist persecution (paid under German or Austrian law);
- Civilian war injury pension;
- War disablement pension;
- Armed Forces Compensation Scheme, or;
- War widow's and war widower's pension.

## Overall disregard

Where more than one payment qualifies for a £10 disregard, the amount disregarded **overall** is £10.

## **Other Disregarded Sums**

### Income from boarders

A boarder is someone for whom at least one cooked meal is provided. Where a resident has income from a boarder (whether paid by the boarder or a third party) the first £20 of the income should be ignored **plus** half of any balance over £20.

### Earnings from Employment

Where a service user or their partner is in receipt of earned income, the first £20 of their **net** earnings should be disregarded. For couples, where both have earnings from employment, £20 is disregarded for each person, doubling the disregard to £40.

### High Rate Attendance Allowance/DLA Care Component

Where a client is receiving the higher rate of Attendance Allowance or the higher rate of the Care Component of Disability Living Allowance and **is not provided with a night time service, that is a service between 10:00pm and 6:00am**, they should be assessed as receiving the lower rate of Attendance Allowance or the middle rate of the Care Component of Disability Living Allowance.

## Income Fully Disregarded

The following types of income are fully disregarded:

- Direct payments made by a local authority under Section 12B of the Social Work (Scotland) Act 1968 to individuals in respect of a care service that they or a dependent child have been assessed as requiring;
- Child Support Maintenance Payments and Child Benefit;
- Child Tax Credit;
- Guardian's Allowance;
- Where the service user is a student, any grant payment from a public source intended for the childcare costs of a child dependant;
- Christmas bonus;
- Carers Allowance;
- Any payment made under the Age-Related Payments Act 2004;
- Any payment from:
  - the Macfarlane Trust;
  - the Macfarlane (Special Payments) Trust;
  - the Macfarlane (Special Payments) (No 2) Trust;
  - the Fund (payments to haemophiliacs infected with HIV);
  - the Eileen Trust;
  - The value of any ex-gratia payments from the Skipton Fund to people infected with Hepatitis C as a result of NHS treatment with blood or blood products;
  - the Independent Living (Extension Fund);
  - the Independent Living (1993) Fund (8.042);
- Council Tax Benefit;
- Housing Benefit;
- Disability Living Allowance (Mobility Component) ;
- Therapeutic Earnings;
- Mobility supplement;
- Dependency increases paid with certain benefits ;
- Gallantry awards;
- Income frozen abroad;
- Income in kind;
- Social Fund payments (including winter fuel payments);
- Certain payments made to trainees;
- War widows and widowers special payments;
- Work expenses paid by employer, and expenses paid to voluntary workers, and;
- Any payment made section 51A of the Adoption (Scotland) Act 1978.

## Christmas Bonus

A Christmas Bonus is paid each year in the week starting the first Monday in December. It is paid to people who are entitled to specified benefits, for example:

- Attendance Allowance;
- Retirement Pension;
- Widow's and War Widow's and widower's Pensions;
- War Disablement Pension;
- Armed Forces Compensation Scheme;
- Incapacity Benefit or Severe Disablement Pension.

The Christmas bonus is fully disregarded in assessing the charge.

## Payments from any of the Macfarlane Trusts, The Fund or the Independent Living Funds

Payments from the Macfarlane Trust, the Macfarlane (Special Payments) Trust, the Macfarlane (Special Payments) (No 2) Trust, the Eileen Trust, the Fund, the Independent Living (Extension) Fund or the Independent Living (1993) Fund do not have to be declared if they are kept in a separate bank or building society account from the service user's other resources. All payments are fully disregarded.

## Gallantry awards

Gallantry awards are:

- Victoria Cross Annuities;
- George Cross Annuities, or;
- Analogous awards e.g. one from another country.

These payments are fully disregarded.

## Income Frozen Abroad

Income paid outside the UK which cannot be transferred to the UK should be fully disregarded so long as it continues to be frozen outside the UK.

## Income in kind

Income in kind means income received in the form of food, clothing, cigarettes, etc. The value of such income is disregarded in full.

## Payments made to trainees

Trainees on certain employment schemes may receive a training premium and reimbursement of travelling expenses. These should be fully disregarded. The actual training allowance should be taken into account.



War widows and war widowers' special payments

War widows and war widowers' special payments are made to the widows of men or widowers of women who died from injuries or illness which resulted from service ending before 31 March 1973. The special payments are intended to compensate those widows and widowers who did not benefit from the amendments to the Armed Forces Pension Scheme. These payments, which are made under the legislation, listed in Annex F, are fully disregarded.

Work expenses paid by employer

Where a person who is in paid employment receives a payment from the employer in respect of expenses which are incurred in the course of the employment that payment is fully disregarded. The payments must be for expenses incurred exclusively and necessarily in the course of work.

Expenses paid to voluntary workers

Where a person works for a charitable or voluntary body or as a volunteer, and receives no other payment as a result of the employment, any payment in respect of expenses which are actually incurred is fully disregarded.

**Income Available Upon Application**

General

Subject to certain exemptions, income which the local authority is satisfied would be available to the service user if an application were made, but which has not yet been acquired, is to be treated as belonging to that service user.

Amount of income

Payments of the following cannot be taken into account as notional income:

- Income payable under a discretionary trust;
- Income payable under a trust derived from a payment made in consequence of a personal injury;
- Working Families Tax Credit;
- Disability Working Allowance, and;
- Rehabilitation Allowance.

Also income which would be fully disregarded should not be included as notional income, for example Housing Benefit and DLA (mobility).

Income which is subject to the awarding authority's discretion, ie the resident has no right to payment shall also not be taken into account.

Any potential entitlement to Severe Disablement Allowance should not be taken into account. This is because entitlement to this benefit is based on medical conditions which the local authority cannot assume are satisfied.

All other income should be considered. **Examples** of income which may be treated as belonging to the claimant are:

- unclaimed councillors attendance allowance;
- unclaimed Social Security benefits (but not Severe Disablement Allowance), and;
- occupational pension not claimed.

### Date taken into account

The income should be taken into account from the date it could be expected to be acquired if an application was made. In considering the earliest date that account can be taken of the income the local authority should:

- assume the application was made on the date the local authority first became aware of the possible income; **and**
- take into account any time limits which might limit the period the period of arrears.

### **Deprivation of Income**

A service user is to be treated as possessing income of which he has deprived himself **for the purpose** of paying a reduced charge.

### Meaning of deprive

A person will have deprived himself of a resource if, as a result of his own act, he ceases to possess that resource.

Questions for consideration:

Where the service user appears to have deprived himself of income the local authority should consider the questions covered in the following paragraphs:

### Was it the service user's income?

Where a person, before he deprived himself of an income, was in receipt of that income it is reasonable to assume that the resource belonged to him. Sometimes there will be other evidence such as a letter or documentation which shows that the income was properly payable to the resident.

## Has deprivation occurred?

Deprivation will have occurred if a person relinquishes, or transfers to another person, an income which:

- he has been receiving or was due to receive **and**:
- would have continued to receive had he not relinquished or transferred it.

It is up to the service user to prove that he no longer has the income. If he cannot prove that the income has been disposed of, the local authority should treat the service user as still possessing the **actual** income.

## Purpose of the disposal of income

There may have been more than one purpose of the disposal of income only one of which is to avoid a charge, or a lower charge. This may not be the service user's **main** motive but it must be a **significant** one.

## Timing of the disposal of income

Consideration should be given to the timing of the disposal of the asset when deciding whether the purpose of disposing of the asset was to avoid a charge for the service.

The local authority should make a judgement as to the purpose of the disposal of income **only** after balancing all the person's motives, explicit and implicit, and the timing behind the action. The local authority should bear in mind, however, that deprivation can be considered for resources disposed of at any time.

## Conversion of income to a capital asset

Where, for the purposes of paying a reduced charge or no charge, the right to receive an income resource has been sold, and therefore converted from income to a capital asset, the local authority should consider taking account of:

- the amount of the former income resource **or**
- if the newly acquired capital gives rise to a tariff income or an increase in tariff income, the **difference** between the former income resource and the tariff income, or the increase in tariff income, arising from that capital asset.

## **Deprivation decided**

If it is decided that the service user has disposed of income **in order to** avoid a charge or to reduce the charge payable, the local authority will need to assess the charge payable using the service user's notional income.

If the service user is unable to pay the assessed charge, the relevant Service Manager has delegated authority to waive or abate all or part of the charge

**Non-disclosure of Income**

Where the service user refuses to fully disclose their or their partner's income, they will be excluded from the means test and will be required to meet the standard charge for their care.

## Capital

A service user's resources are either capital or income. It may not always be obvious whether a payment should be treated as capital or income, but generally, a payment of capital is one which is:

- Not in respect of a specified period, and;
- Not intended to form part of a series of payments.

Examples of capital are shown in the following list. The list is intended as a guide and is not exhaustive.

- Buildings;
- Land;
- National Savings Certificates and Ulster Savings Certificates;
- Premium Bonds;
- Stocks and shares;
- Capital held by the Court of Protection or a Receiver appointed by that Court;
- Any savings held in:
  - building society accounts - income which is paid into an account becomes capital once the period over which it is taken into account as income expires;
  - bank current accounts, deposit accounts or special investment accounts. This includes savings held in the National Savings Bank, Girobank and Trustees Savings Bank - income which is paid into an account becomes capital once the period over which it is taken into account as income expires;
- SAYE schemes;
- Unit Trusts;
- Co-operative share accounts;
- Cash;
- Trust funds;

## The Effect of Capital

- A service user with capital of more than £22,500.00 is liable to meet the standard charge for the chargeable services provided to them;
- Where the service user is aged under 60, the first £6,000 of the capital they own is disregarded, this is the lower capital allowance;
- Where the service user is aged 60 or over, the first £10,000 of the capital they own is disregarded, this is the lower capital allowance;
- Capital owned over the lower capital allowance and up to £22,500.00 is taken into account in full for the purposes of calculating the service user's weekly tariff income:
  - For service users aged **under 60**, a weekly tariff income is calculated as £1.00 per week for every **£250.00**, or part thereof, owned by the service user between £6,000.00 and £22,500.00.
  - For service users **aged 60 and over**, a weekly tariff income is calculated as £1.00 per week for every **£500.00**, or part thereof, owned by the service user between £10,000.00 and £22,500.00

### Note

The upper capital threshold of £22,500 above is taken from the Scottish Government's Charging for Residential Accommodation Guidance (CRAG). This rate will be reviewed annually to ensure that it matches the CRAG threshold.

The lower capital thresholds and tariff charge increments are taken from the Department for Work and Pension's (DWP) Council Tax Benefit and Housing Benefit assessment rules. These rates will be reviewed annually to ensure that they match any changes in the DWP's rules.

### Tariff Income

Tariff income is meant to represent an amount that a service user with capital over a certain limit should be able to contribute towards their service costs, not the interest earning capacity of that capital.

### **Beneficial Ownership of capital**

A capital asset normally belongs to the person in whose name it is held. The following paragraphs provide guidance on how to establish beneficial ownership where there is a dispute.

### Ownership disputed

Where ownership is disputed, ask for written evidence to prove ownership. Where a service user is said to be holding capital for another person, obtain evidence of the arrangement and the origin of the capital, and evidence to show the intentions for its future use and for its return to the rightful owner.

### Joint Beneficial Ownership of Capital

Where a service user has joint beneficial ownership of capital, unless it is an interest in land with someone else, divide the total value equally between the joint owners, and treat the service user as owning an equal share. This method of treatment avoids administrative difficulties. Once the service user is in sole possession of their **actual** share, treat them as owning that actual amount.

### **Valuation**

For the purposes of valuation only the value of a capital asset (for example property) **other than** National Savings Certificates (see specific section below) is the current market or surrender value, whichever is higher, **less**:

- 10% of that value if there would be any expenses involved in selling the asset only where there will be actual expenses. The expenses must be connected with the actual sale, and not simply the realisation of an asset, e.g. the cost of fares to withdraw money from a bank are not expenses of sale. The deduction is always 10% even if it is known from the outset that the actual expenses will be more or less than 10%; **and**
- any outstanding debts secured on the asset, e.g. a mortgage.

A capital asset may have a current market value (e.g. stocks and shares) or a surrender value (e.g. premium bonds). The current market value will be the price a willing buyer would pay a willing seller. The way the market value is obtained will depend on the type of asset held, e.g. the values of stocks and shares or unit trusts which are quoted in newspapers.

If the service user and the assessing officer both agree that, after deducting the amounts in the paragraph above (where appropriate), the total value of the service user's capital will be:

- more than £22,500; or
- £6,000 or less

it is not necessary to obtain a precise valuation. If there is any dispute, obtain a precise valuation.

In the case of land, buildings or a house, where it is necessary to obtain a precise valuation because of a dispute, a professional valuer should be asked to provide a current market valuation.

### Expenses of sale

Once the asset has been sold (e.g. a property), the capital to be taken into account is the actual amount realised from the sale less the actual expenses incurred during the sale.

### Debt secured on asset

"Secured on" means a legal charge or mortgage must be made on the actual capital asset.

The value of the land to be taken into account is the market value of that piece of land, less 10% of that value for expenses of sale and **the whole of the mortgage** secured on the home and the extra land.

### **National Savings Certificates**

The original purchase price should be used when valuing National Savings Certificates.

### **Capital Disregarded Indefinitely**

The capital assets listed below are disregarded indefinitely:

- Property in specified circumstances;
- Surrender value of any:
  - Life insurance policy;
  - Annuity;
- Payments of training bonus up to £200;
- Payments in kind from a charity;
- Any personal possession such as painting or antiques unless they were purchased with the intention of reducing capital for the purpose of reducing the local authority charge;
- Any capital which is to be treated as income or student loans
- Any payment made by or derived from:
  - the Macfarlane Trust;
  - the Macfarlane (Special Payments) Trust;
  - the Macfarlane (Special Payment) (No 2) Trust;
  - the Fund (payments to haemophiliacs infected with HIV);
  - the Eileen Trust;
  - The Independent Living Fund;
  - the Independent Living (Extension) Fund;
  - the Independent Living (1993) Fund;
- The value of funds held in trust or administered by a court which derive from a payment for personal injury to the service user (e.g. vaccine damage, criminal injuries compensation funds);
- The value of a right to receive:
  - Income under an annuity;
  - Outstanding instalments under an agreement to repay a capital sum;
  - Payment under a trust where the funds derive from a personal injury;
  - Income under a life interest or a life rent;
  - Income (including earnings) payable in a country outside the UK which cannot be transferred to the UK
  - An occupational pension;
  - Any rent
- Any Social Fund payment
- Refund of tax on interest on a loan which was obtained to acquire an interest in a home or for repairs or improvements to the home



- Any capital resource which the service user has no rights to as yet, but which will come into their possession at a later date, e.g. on reaching a certain age (reversionary interest)
- The amount of any bank charges or commission paid to convert capital from foreign currency to sterling
- Payments from the Department for Work and Pensions to compensate for the loss of entitlements to Housing Benefits or Housing Benefit Supplement
- Any payment made under the Age-Related Payments Act 2004.
- Payments to jurors or witnesses for court attendance (but not compensation for loss of earnings or benefit)
- Community charge rebate/council tax rebate
- Money deposited with a Housing Association as a condition of occupying a dwelling
- The value of any ex-gratia payments made on or after 1 February 2001 by the Secretary of State in consequence of a person's or person's spouse's or civil partner's imprisonment or internment by the Japanese during the Second World War.

### **Disregarded for 52 weeks**

The following payments of capital are disregarded for a maximum period of 52 weeks from the date they are received.

The balance of any arrears of, or compensation for arrears due to non-payment of:

- Mobility Allowance;
- Mobility Supplement;
- Attendance Allowance;
- Constant Attendance Allowance;
- Disability Living Allowance;
- Disability Working Allowance;
- Exceptionally Severe Disability Allowance;
- Severe disablement occupational allowance;
- Armed forces service pension based on need for attendance;
- Pension under the Personal Injuries (Civilians) Scheme 1983, based on the need for attendance;
- Income Support/ Pension Credit;
- Minimum Income Guarantee;
- Working Families Tax Credit;
- Disabled Person's Tax Credit;
- Working Tax Credit;
- Child Tax Credit;
- Housing Benefit, and;
- Special payments to pre-1973 war widows.

As the above payments will be paid for specific periods, they should be treated as income over the period for which they are payable; any money left **over 52 weeks after the end of** the period for which they are treated as income has elapsed should be treated as capital.

### **Disregarded for 2 years**

Payments made under a trust established out of funds provided by the Secretary of State in respect of persons suffering from variant Creutzfeldt-Jakob disease to:

- The victim's parent (or guardian) for 2 years from the date of death of the victim (or from the date of payment from the trust, if later) or
- A dependent child or young person until they cease to be a member of the family (i.e. until they leave school between ages of 16 and 19) – but with a minimum of 2 years.

### **Income treated as capital**

The types of income in the following paragraphs should be treated as capital.

#### Tax Refunds

Any refund of income tax charged on profits of a business or earnings of an employed earner.

#### Holiday Pay

Any holiday pay paid by an employer more than 4 weeks after the termination or interruption of employment.

#### Income from a capital asset

Income derived from capital, e.g. building society interest or dividends from shares, should be treated as capital from the date it is normally due to be credited to the resident's account. This does not apply to income from disregarded capital.

#### Bounty Payments

Any bounty paid at intervals of at least one year from employment as:

- A part time fireman
- An auxiliary coastguard
- A part time lifeboatman
- A member of the territorial or reserve forces.

### Advance of earnings or loan from employer

Any advance of earnings or loan made to an employed earner by the employer, should be treated as capital, if the service user is not still in work, as the payment does not form part of the employee's regular income and would have to be repaid.

#### Example

A service user received £294 in one week but the pay slip showed that £200 of this was a loan made by the employer.

The local authority should treat £94 as earnings and £200 as capital.

### Irregular charitable and voluntary payments

Apart from certain exemptions (payments from AIDS trusts), charitable and voluntary payments which are neither made regularly nor due to be made regularly should be taken into account as capital in the normal way.

## **Deprivation of Capital**

### General

The local authority may feel that a service user has deprived themselves of a capital asset in order to reduce their service charge. If this is the case the local authority may treat the service user as still possessing the asset. The following factors will need to be considered.

Pension Credit includes slightly more relaxed notional capital rules compared with Income Support. In Income Support, individuals may be treated as if they still possess capital in circumstances where they have deliberately deprived themselves of it in order to maximize their benefit entitlement. Pension Credit specifies circumstances in which this would not apply. For example, individuals who choose to use their savings to reduce or clear a debt (including debts not immediately repayable) will no longer be considered as having deliberately deprived themselves to maximise entitlement. Pension Credit will also have slightly different rules for what resources an individual may be assumed to have when they apply for benefits.

### Forms of capital to be considered

The local authority should only consider questions of deprivation of capital when the service user ceases to possess capital which would otherwise have been taken into account.

E.g. a service user gives a diamond ring worth £2,000 to her daughter the week before her service starts. The local authority should not consider deprivation as, had the ring still been possessed, it would not be taken into account as capital. **However**, if the service user had purchased the ring immediately prior to giving it to her daughter with £2,000 which had previously been in a Building Society account, deprivation should be considered.

## Ownership

The local authority should decide from available evidence whether the service user owned the capital.

## Has deprivation occurred?

It is up to the service user to prove that they no longer has a resource. Failure to do so will result in the local authority treating the service user as if they still possess the **actual** capital. Examples of acceptable evidence of the disposal of capital would include

- a trust deed
- deed of gift
- receipts for expenditure
- proof that debts had been repaid.

Examples of where a person has deprived themselves of capital (although not necessarily for the purposes of avoiding a charge for accommodation)

- A lump-sum payment has been made to someone else (e.g. as a gift or to repay a debt)
- Substantial expenditure has been incurred (e.g. on an expensive holiday)
- The title deeds of a property have been transferred to someone else
- Money has been put into a trust which cannot be revoked
- Money has been converted into another form which would fall to be disregarded (e.g. personal possessions)
- Capital has been reduced by living extravagantly (e.g. gambling or following a much higher standard of living than the service user could normally afford).
- Capital has been used to purchase an investment bond with life insurance. Local authorities will wish to give consideration, in respect of each case, to whether deprivation of assets has occurred i.e. did the individual place their capital in such an investment bond so that it would be disregarded for the purposes of the charge assessment.

## Purpose of disposing of an asset

There may be more than one purpose for disposing of a capital asset only one of which is to avoid a charge for services. Avoiding the charge need not be the service user's main motive but it must be a **significant** one.

If, for example, a person has used capital to repay a debt, careful consideration should be given to whether there was a need for the debt to be repaid at that time. If it seems unreasonable for the service user to have repaid that debt at that time, it may be that the purpose was to avoid a charge for services.

Timing of the disposal

The timing of the disposal should be taken into account when considering the purpose of the disposal. It would be unreasonable to decide that a service user had disposed of an asset in order to reduce his charge when the disposal took place at a time when he was fit and healthy and could not have foreseen the need for services. The local authority should bear in mind, however, that deprivation can be considered for resources disposed of at any time.

Conversion of capital to personal possessions

Where, for the purpose of avoiding or reducing the charge for services, capital which would not have been disregarded has been used to acquire personal possessions, the current market value of those possessions should be taken into account as an actual resource. Their market value should not be disregarded under these circumstances.

If the service user, in depriving himself of an actual resource, converted that resource into another actual resource of lesser value, he should be treated as notionally possessing the difference between the value of the new resource and the one which it replaced e.g., if the value of personal possessions acquired is less than the sum spent on them the difference should be treated as a notional resource.

**Deprivation decided**

If the local authority decides that the service user has disposed of capital in **order** to avoid a charge or to reduce the charge payable, the local authority will need to decide whether to treat the service user as having the capital (notional capital) and assess the charge payable accordingly **and then** whether it is realistic to recover the assessed charge from the service user (bearing in mind that they may not have the means to pay the debt which will be accruing)

**Diminishing notional capital**

Calculation of the rate at which notional capital should reduce

Where a service user has been assessed as having notional capital that capital will have to be reduced each week by the difference between the rate which he is paying for the service and the rate he would have paid if he was not treated as possessing the notional capital.

## Applicable Housing Costs

Deductions will be made from the service user's assessed income for the following net housing costs:

- Rent;
- Mortgage interest;
- Council tax (including water and sewerage charges), and;
- Interest payable on loans that have been taken out to improve, extend or adapt the service user's home, as long as they are related to the service user's disability.

## Applicable Disregard

The applicable disregard is the weekly equivalent total of all of the items of income which are partially or fully disregarded, as specified in the Income section of this policy.

Financial and charge assessments will be calculated on a **gross** basis and deductions detailed to ensure the transparency of the assessment for the service user and to avoid any confusion about how charges have been calculated.

## Income Thresholds

Income thresholds represent the minimum amount of money which the Government, via the Department for Work and Pensions, determines that a service user of a particular age and circumstance requires to meet their weekly living costs.

To ensure full compliance with the COSLA Guidance on Charging for Non-Residential Services, this policy requires that the Council's Income Thresholds are calculated using the allowances and premiums calculated by the Department for Work and Pensions for the purpose of determining minimum weekly living costs and that an additional 16.5% buffer is added thereto to minimise service users' exposure to financial hardship.

Income thresholds will be calculated annually and published for use within the Social Work Service. Staff undertaking financial and charge assessments should select the most appropriate threshold to apply to individual assessments using the following criteria:

- The age of the service user, and;
- Whether the service user is one of a couple or an individual.

When assessing a couple, threshold selection should **always** be determined on the circumstances of the **elder** member of the couple.

## **Residual Income and the Taper**

Residual income is the income which the service user has left over after deducting housing costs, disregarded income and weekly living costs (income threshold). The maximum charge that the service user can afford to pay is thereafter calculated on the basis of % of their residual income.

The level of taper applied is at the Council's discretion and will be reviewed on an annual basis to ensure that a balance between cost recovery and fair charging is maintained.

## **Standard Charge**

The standard charge is equal to the lesser of the actual cost of the service user's service or the maximum charge levied by the Council for the service (this represents a capped charge in order to protect individual service users from excessive charges due to higher than average care needs). The maximum Charge levied by the Council comes from the Council's list of Fees and Charges, agreed annually by Council Members.

## **Final Charge**

The final charge to be paid by the service user will be the **lesser** of the standard charge for the service user's service **or** the maximum charge they can afford to pay.

## **Collection**

Service user charges for homecare, housing support, supported living, employment support and day care will be collected on a 4 weekly in arrears basis.

Service user charges for respite at home will be collected as soon as practically possible following the delivery of service.

## Respite in a Care Home

Respite services provided to service users in a care home will be subject to charging based on their age and the value of any capital and/or assets they own, excluding the value of their home.

Service users who own capital and/or assets, excluding the value of their home, with a value of £22,500 or more, will be subject to the terms of the Community Care and Health (Scotland) Act 2002. Service users will receive a subsidy from the Council towards their respite care, subject to the completion of a needs assessment, and will require to meet the residual cost of their care from their own resources. Subsequently:

- Service users aged under 65, will receive a Free Nursing Care Subsidy of £69 (applied on a weekly pro-rata basis) towards any assessed nursing care respite required. No assistance will be available to this age group for any other category of respite care.
- Service users aged 65 and over will receive:
  - A Free Personal Care Subsidy of £153 (applied on a weekly pro-rata basis) towards any assessed residential care respite required, or;
  - A Free Personal and Nursing Care Subsidy of £222 (applied on a weekly pro-rata basis) towards any assessed nursing care respite required.

Service users who own capital and/or assets with a value below £22,500, excluding the value of their home, will be charged at a flat rate calculated as follows:

- The minimum income guarantee for the service user's age group as determined by the Department for Work and Pensions, add;
- The weekly Severe Disability Premium payable to disabled service users, less;
- The weekly personal allowance to be retained by service users in care homes as defined in the Government's Charging for Residential Accommodation Guidance, less;
- The savings disregard to be retained by service users aged 60 and over as defined in the Government's Charging for Residential Accommodation Guidance. This deduction is not applied to charges for service users aged under 60.

The Council will review the above charges and thresholds on an annual basis in accordance with the publication of revised allowances and premiums by the Department for Work and Pensions and revisions to the Government's Charging for Residential Accommodation Guidance.

### Collection

Service user charges will be collected at the point of delivery or as soon as practically possible following the delivery of service.



## **Meals on Wheels**

Charges for the Meals on Wheels service will be levied at a flat rate per meal provided to the service user.

The Council will review the charge for the Meals on Wheels service on an annual basis to ensure that the charge levied is sufficient to recover the costs to the Council of providing the service.

### Collection

Charges for the Meals on Wheels service will be collected on a 4 weekly in arrears basis.

## **Lunch Clubs**

Charges of the Lunch Club service will be levied at a flat rate per meal provided to the service user.

The Council will review the charge for the Lunch Club service on an annual basis to ensure that the charge levied is sufficient to recover the costs to the Council of providing the service.

### Collection

Charges for the Lunch Club service will be collected at the point of delivery with the exception of Lunch Club services provided to service users suffering from Dementia, where charges will be collected on a 4 weekly in arrears basis.

## **Transport**

Transport to and from day care facilities, including to resource centres, provided by the Council, directly using Council vehicles or indirectly by private transport companies including minicab companies, will be charged for from 12 April 2010 at the following rates:

- Service user resides up to 5 miles from the care centre, £1.50 per day, or;
- Service user resides further than 5 miles from the care centre, £3.00 per day.

It is hoped that by implementing this new charge, service users will be encouraged to use public transport, reducing the Council's costs and carbon footprint. Where service users cannot or will not use public transport, implementation of a transport charge will enable the Council to recover some of its transport costs.

Transport provided for excursions will be charged on the basis of 40p per mile travelled, in accordance with the mileage allowances set by Her Majesty's Inland Revenue and Customs, The total charge will then be divided equally between all of the participating service users.

Collection

Charges for transport services will be collected weekly in arrears by the day care and resource centres delivering the users service.

**Telecare**

Charges for the Telecare service will be levied at a flat rate with a charge for services provided in the service user's home and a separate charge for mobile services provided.

The Council will review the charges for the Telecare service on an annual basis to ensure that the charge levied is sufficient to recover the costs to the Council of providing the service.

Collection

Charges for the Telecare service will be collected on a 4 weekly in arrears basis

## Appendix C - 2010/11 Community Care Charging Policy

### Case Examples

Example Number	Scenario
1	Mr William Test is 68 years old (dob 31/07/1941). His weekly income is £257.65, including Attendance Allowance at the higher rate of £71.40. He has £19,535.14 in savings. Mr Test's service includes assistance during the night.
2	Mr William Test is 68 years old (dob 31/07/1941), his wife Moira is 67 years old (dob 28/06/1942). Between them, Mr and Mrs Test have a total weekly income of £327.45, including Mr Test's entitlement to the higher rate of Attendance Allowance at £71.40. They have £33,035.14 in savings. Mr Test's service includes assistance during the night.
3	Miss Jane Test is 38 years old (dob 31/07/1971). Her weekly income is £237.15, including the higher rate of Disability Living Allowance care component at £71.40 and the lower rate of mobility component at £18.65. She has £8,752.36 in savings. Miss Test's service does not include any assistance during the night.
4	Mr Robert Test is 38 years old (dob 31/07/1971), his wife Jane is 41 years old (dob 28/09/1968). Between them, Mr and Mrs Test have a total weekly income of £418.80, including Mr Test's entitlement to the higher rate of Disability Living Allowance care component at £71.40. They have £21,752.36 in savings. Mr Test's service does not include any assistance during the night.
5	Miss Alison Test is 19 years old (dob 31/07/1990). Her weekly income is £213.55, including the middle rate of Disability Living Allowance care component at £47.80 and the lower rate of mobility component at £18.65. she has £2,610 in savings. Miss Test's service does not include any assistance during the night.

### Capital Thresholds

Age Group	Status	Lower Capital Threshold	Upper Capital Threshold*	Tariff Charge Increment
Under 60	Single Applicant	£6,000.00	£22,500.00	£250.00
Under 60	Couple	£12,000.00	£45,000.00	£500.00
60 and over	Single Applicant	£10,000.00	£22,500.00	£500.00
60 and over	Couple	£20,000.00	£45,000.00	£1,000.00

*\*subject to review in accordance with Scottish Government regulations relating to residents of care homes.*

## 2010/11 Community Care Charging Policy

## Taper Examples

	Example 1	Example 2	Example 3	Example 4	Example 5
Total Weekly Income	£257.65	£327.45	£237.15	£418.80	£213.55
Weekly Tariff Charge	£20.00	£14.00	£12.00	£20.00	£0.00
Total Assessable Weekly Income	<b>£277.65</b>	<b>£341.45</b>	<b>£249.15</b>	<b>£438.80</b>	<b>£213.55</b>
Less Weekly Needs Allowance	£154.00	£236.00	£109.00	£166.00	£93.00
Less Income Disregards	£0.00	£0.00	£42.25	£43.60	£18.65
Less Applicable Housing Costs	£10.00	£10.00	£10.00	£76.00	£8.00
Residual Weekly Income	<b>£113.65</b>	<b>£95.45</b>	<b>£87.90</b>	<b>£153.20</b>	<b>£93.90</b>

Taper Percentages	Maximum Weekly Charge				
5%	£5.68	£4.77	£4.40	£7.66	£4.70
10%	£11.37	£9.55	£8.79	£15.32	£9.39
15%	£17.05	£14.32	£13.19	£22.98	£14.09
20%	£22.73	£19.09	£17.58	£30.64	£18.78
25%	£28.41	£23.86	£21.98	£38.30	£23.48
30%	£34.10	£28.64	£26.37	£45.96	£28.17
35%	£39.78	£33.41	£30.77	£53.62	£32.87
40%	£45.46	£38.18	£35.16	£61.28	£37.56
45%	£51.14	£42.95	£39.56	£68.94	£42.26
50%	£56.83	£47.73	£43.95	£76.60	£46.95
55%	£62.51	£52.50	£48.35	£84.26	£51.65
60%	£68.19	£57.27	£52.74	£91.92	£56.34
65%	£73.87	£62.04	£57.14	£99.58	£61.04
70%	£79.56	£66.82	£61.53	£107.24	£65.73
75%	£85.24	£71.59	£65.93	£114.90	£70.43
80%	£90.92	£76.36	£70.32	£122.56	£75.12
85%	£96.60	£81.13	£74.72	£130.22	£79.82
90%	£102.29	£85.91	£79.11	£137.88	£84.51
95%	£107.97	£90.68	£83.51	£145.54	£89.21
100%	£113.65	£95.45	£87.90	£153.20	£93.90

<b>Maximum Charge per Current Model</b>	<b>£111.15</b>	<b>Full Cost</b>	<b>£77.40</b>	<b>£272.10</b>	<b>£81.40</b>
<b>Equivalent Taper %</b>	<b>98%</b>	<b>n/a</b>	<b>88%</b>	<b>178%</b>	<b>87%</b>

Full cost: service user's charge would be based on the cost of delivering the service with no weekly maximum charge due to the amount of capital they own exceeding the upper capital limit.

ARGYLL AND BUTE COUNCIL

EXECUTIVE

DIRECTOR OF COMMUNITY SERVICES

18 MARCH 2010

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**HOMELESS SERVICE INSPECTION BY SCOTTISH HOUSING REGULATOR –  
IMPROVEMENT PLAN UPDATE**

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**1. SUMMARY**

- 1.1 The Council is required to produce an improvement plan within eight weeks of the publication of the Scottish Housing Regulator's Homeless Service inspection report.
- 1.2 The Scottish Housing Regulator published the inspection report on Monday 8<sup>th</sup> February and consequently the improvement plan will require to be submitted by 5<sup>th</sup> April.
- 1.3 The Council's Homeless Service undertook a comprehensive self assessment process in preparation for the inspection and a number of the areas identified by the Scottish Housing Regulator had already been highlighted for attention through our own internal review. The improvement plan is currently being prepared and will be submitted to the April meeting of the Executive.

**2. RECOMMENDATIONS**

- 2.1 Members are asked to note the contents of this paper.

**3. DETAIL****3.1 Improvement Plan**

The Homeless Service Improvement Plan will address the four areas covered within the inspection report which relate directly to the delivery of the service. These are:

- Access to service
- Advice and prevention
- Assessment of homeless people
- Securing accommodation

In addition, the Regulator has assessed whether the Council is managed for improvement and has considered the Council's approach to:

- Leadership and strategic planning
- Performance management, planning and reporting
- Customer focus and influence
- Equalities and diversity
- Efficiency and value for money

### 3.2 Main areas for improvement

The Regulator reported that there are a number of weaknesses, some of which they considered to be significant with respect to the following:

- the recording of the type and quality of advice offered by the Council;
- the quality and consistency of assessment decisions;
- the fact that the Council does not have sufficient temporary accommodation; and
- the fact that it takes a long time to secure permanent accommodation for homeless people.

### 3.3 In addition, the Regulator has identified key areas which should be a priority for the Council.

These are in summary:

- further improve its assessment process;
- increase the availability of temporary accommodation;
- continue to work with partners to reduce the length of time it takes to house homeless people; and
- involve service users in developing the service.

## 4. CONCLUSION

4.1 The Council has already undertaken a review and self-assessment of the Homeless Service and this will inform the development of the improvement plan. At a corporate level, the Council's commitment to the improvement plan developed in response to the Best Value Progress Report has been recognised by the Regulator as a strength. The implementation of the Public Service Improvement Framework will also complement and support the improvements identified by the Regulator.

4.2 The improvement plan required by the Scottish Housing Regulator will be submitted by 5 April 2010 as a draft subject to formal approval by the Executive at the April meeting.

## 5.0 IMPLICATIONS

5.1 **Policy** – Nil

5.2 **Finance** – Nil

5.3 **Legal** – Nil.

5.4 **Equal Opportunities** – Nil

5.5 **Personnel** – Nil.

Director of Community Services  
February 2010

For further information contact:

Mr Malcolm MacFadyen, Head of Community Regeneration Tel: 01546 604412

E-mail: [Malcolm.macfadyen@argyll-bute.gov.uk](mailto:Malcolm.macfadyen@argyll-bute.gov.uk)

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**ARGYLL AND BUTE COUNCIL****EXECUTIVE****IMPROVEMENT AND HR****18 March 2010**

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**EMPLOYEE SURVEY**

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**1. SUMMARY**

This report outlines to the Executive, the main findings of the Employee Survey which was carried out in the first three weeks of December 2009. It also provides details of presentations of findings made to relevant stakeholders in March 2010.

**2. RECOMMENDATIONS**

It is recommended that the Executive Committee:

- (i) Note the positive results of the survey.
- (ii) Agree to carry out a follow up survey in winter 2010 to take account of the modernisation process
- (iii) An action plan is developed and submitted to the Executive Committee
- (iv) Agree to officers taking forward the areas for action as part of our approach to continuous improvement.

**3. DETAIL****3.1 Background**

The questionnaire which was available both electronically, and in hard copy format, had three main headings:

- You and Your Work
- Consultation and Communication
- Healthy Working Lives

A total of 2,120 responses were received resulting in a response rate of 43%. A response rate of 40%-50% is expected depending on the complexity of the organisation and given the Council's size and geography, this is considered to be a good response rate. Investigations with other Councils show that response rates for employee surveys vary between 17%-52%, although the average was 38%.

Five separate meetings were arranged for the purpose of presenting findings to relevant stakeholders. Presentations to HR Business Partners and the Strategic Management Team took place on 8<sup>th</sup> March 2010, to the HR Board

and Senior Members and Officers Group (SMOG) on 9<sup>th</sup> March 2010, and to Trade Unions on 12<sup>th</sup> March 2010.

### 3.2 Findings

Ashbrook Research and Consultancy were able to compare their findings with those of a similar survey which the Council undertook in 2006. Analysis shows that a considerable range of improvements in the experiences, attitudes and perceptions of employees have emerged since the last survey. More detailed information concerning the conclusions drawn from the 2009 survey is provided below.

The You and Your Work section questions employee's perception of their job, the duties they perform and their views regarding their training and development.

The findings indicate a positive response from employees regarding their job. In particular, employees believe the job is interesting, are happy within their job, see their job as making good use of their skills and abilities, and that their line managers/supervisors ensure they receive the support they need.

The most positive outcomes related to awareness of job opportunities, vacancies and training/development opportunities, the extent to which line managers and supervisors discuss training needs, and the opportunities which employees have to put training into practice.

However a number of weaknesses were also identified. These relate to the frequency with which employees receive constructive feedback; knowledge of when their next Performance Development Review discussion was due; the degree to which employees feel encouraged and supported if participating in external training courses, and the extent to which employees are confident that they will be able to progress within the Council.

The Consultation and Communication section asked questions relating to the Council's objectives, employee's contribution to the Council's success, communication and culture and image.

Under this section, the survey findings show that employees feel that their line managers/supervisors communicate clearly with them. Their ideas and suggestions are continually encouraged and they believe that the contribution from them and/or their team/section is making a positive image of the Council which contributes overall to the Council's success.

Despite these positive outcomes, the weaknesses to emerge were the extent to which employees believe they are informed about performance management and improvement, the perceived effectiveness of communication between sections and the extent to which employees believe that they are kept informed about Council decisions affecting their section. Employees also indicated that the frequency of team briefings could be improved.



The key weaknesses of communication between sections and reliance on the grapevine” which were identified in the 2006 survey continue to be weaknesses identified in the 2009 survey although some progress in these areas has been made between 2006 and 2009.

The Healthy Working Lives section was concerned with the promotion of the health and well-being of our employees. Employees were asked to complete this section of the questionnaire so that the Council could identify key issues and develop an action plan around these.

The survey analysis show employees are interested in receiving more information and support about physical exercise and healthy eating, particularly through more information, awareness sessions and access to support, advice and counselling services

#### **4. AREAS FOR ACTION**

An Action Plan will be developed by Improvement and HR and brought before the Executive Committee. The Plan will monitored by the HR Board and Strategic Management Team with updates on progress to the Executive Committee.

#### **5. CONCLUSION**

The Employee Survey has provided Argyll & Bute Council with a comprehensive range of information with regard to the experiences, attitudes, perceptions and needs of its employees. Since the last survey in 2006, there have been a range of improvements. Whilst it is encouraging to see positive outcomes of the survey, it is of critical importance that the Council continues to monitor and evaluate these areas in order that levels achieved within these practices, processes and procedures can be maintained and, where possible, enhanced.

#### **IMPLICATIONS**

PERSONNEL	Where areas for continuous improvement have been identified within the survey, the Council will focus on what practices, policies, procedures required to be put in place to bring this about.
FINANCIAL	Improvements to the Council policies, procedures and processes may incur an additional financial cost.
EQUALITY	The review of policies, procedures and processes will apply to all employees within the Council
LEGAL	N/A

For further information, please contact Jane Fowler, Head of Improvement and HR

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ARGYLL AND BUTE COUNCIL

EXECUTIVE

IMPROVEMENT AND HR

MEETING DATE: 18 March 2010

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## **Citizens' Panel: Autumn 2009 survey results**

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### **1. SUMMARY**

The most recent Citizens' Panel survey was carried out in the period mid-November to mid-December 2009. We have now received from Hexagon Research and Consulting a report summarising the survey results and the dataset of responses.

This report focuses on the survey topics relevant to the Council, and includes the results of additional analysis of the dataset. Areas are identified for action to improve customer perceptions of the Council.

The Citizens' Panel survey concentrated on 'universal services' (i.e. those services available to all people within the area, and on which panellists were likely to be able to express an opinion based on direct experience).

### **2. RECOMMENDATIONS**

- The output from the analysis of the survey data should be noted as a baseline for improvement.
- That the Executive note that SMT and Heads of Service are developing an Action Plan in response to those survey findings and will feed these actions into our existing strategies and Action Plans.
- That we continue to develop our Communications Strategy, with new, more interesting, ways being found to present the information.

### **3. BACKGROUND**

The Citizens' Panel is made up of approximately 1,250 members, selected to be demographically representative of the population of Argyll and Bute.

While the panel is an appropriate tool to use for the investigation of people's experience of 'universal services', it cannot be used to investigate satisfaction with services that are directed at smaller segments of the population.

For this reason, investigation of issues relating to services such as education and social work cannot easily be addressed through the panel surveys. Satisfaction with such services is more appropriately explored by directly surveying these services'

clients, or the carers of their clients. Where Council services are provided to distinct groups of people or to specific areas, Services should make separate arrangements for investigating customer satisfaction.

The Autumn 2009 Citizens' Panel survey was carried out between mid-November and mid-December, with 886 responses being received from panel members. This represents a response rate of 69%.

The survey included questions relevant to the Council about:

- Factors panellists think are most important in making an area a good place to live, and what things most need improving in their local area
- Experience of, and satisfaction with, a selection of Council services, and with the Council overall
- How well informed respondents feel about the Council and its activities.

#### **4. FACTORS IMPORTANT IN MAKING AN AREA A GOOD PLACE TO LIVE**

##### **4.1 Survey content**

The Autumn 2009 survey contained two sets of questions relevant to the Council. The first set provides contextual information about factors respondents find important in making an area a good place to live and areas that they feel need improving in their area. The second set of questions relates specifically to a range of 'universal services' provided by the Council.

Some of the factors covered in the first set of questions relate to the 'universal services' that provide the focus for the second set of questions. Others do not, relating either to:

- Services provided by Community Planning partner agencies (e.g. health)
- Services provided by the Council, but which are not universal services (e.g. education), and which are therefore not covered elsewhere in the questionnaire.

##### **4.2 Factors important in making an area a good place to live and factors most in need of improvement**

By crosstabulating the factors respondents see as being most important in making an area a good place to live and factors they prioritise as areas for improvement, and plotting the results on a scattergram, we can identify and prioritise areas for action. (See figures 1 and 2.)

Figure 1: How to interpret the plotted scattergram

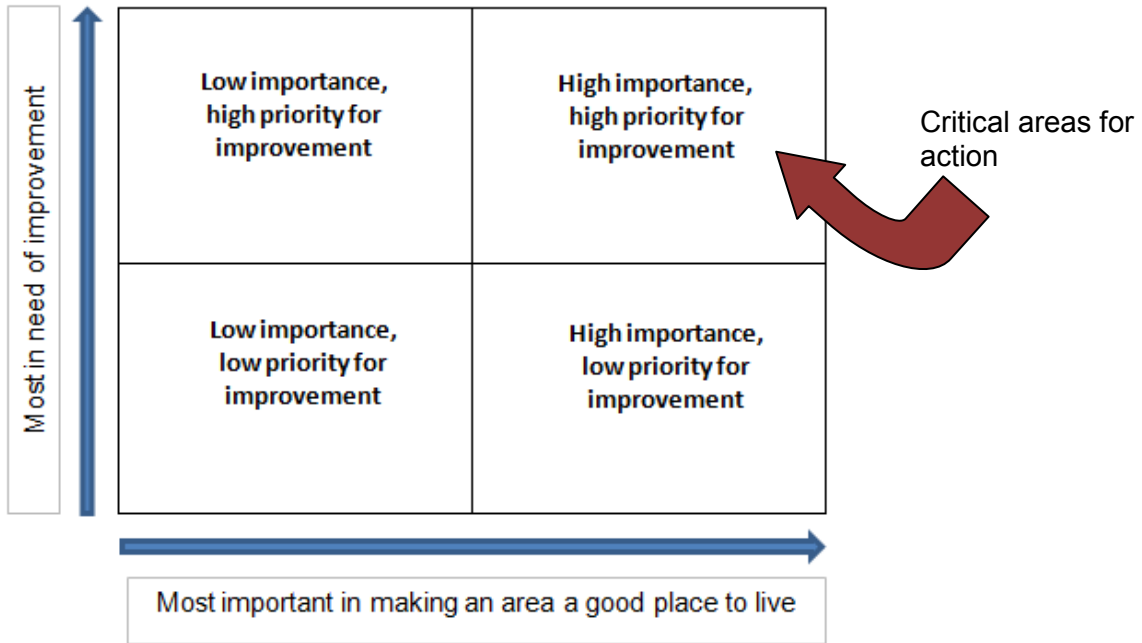
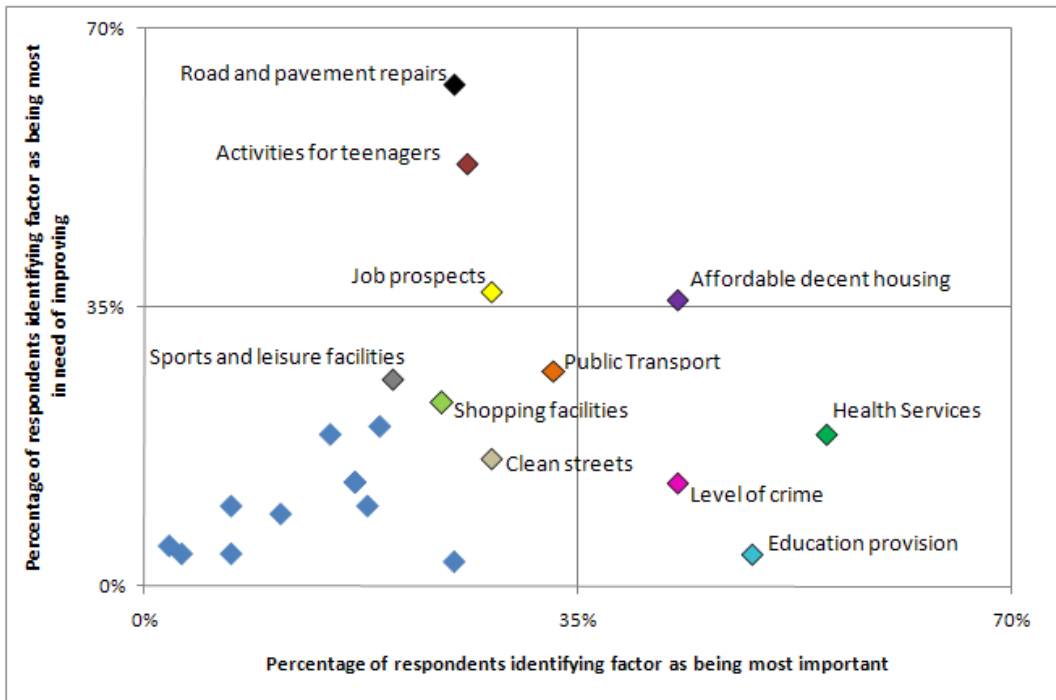


Figure 2: Scattergram of factors' importance in making an area a good place to live against factors seen as being most in need of improvement: Argyll and Bute



The positive message to be taken from the scattergram is that no factors appear firmly in the top right quadrant of the chart, implying that there are no services that require critical action at this time.

The position of education in the lower right hand quadrant is positive, with respondents attaching high importance to this, but seeing little need for improvements to be made to the current service.

By contrast, although of relatively less importance in making somewhere a good place to live, respondents identify road and pavement repairs as the leading area for improvement. Focusing attention in this area would have a high impact on respondents, and may lead to increased levels of satisfaction with the Council. The condition of non-trunk roads is also a source of dissatisfaction among panel respondents (see below).

Respondents see the provision of activities for teenagers as an area for improvement. However, this is not seen as a priority among the younger age cohorts of the panel membership. Rather, this is seen as a priority among panel members who, judging from their age, are more likely to have teenage children.

The priorities identified in the scattergram should not be considered in isolation. They should also be considered in the wider context of:

- Which factors can be controlled or influenced by the Council, and which are the responsibility of other partner agencies
- Council services not covered in the panel questionnaire
- Areas where the Council has a statutory responsibility, rather than a discretionary one, to provide services.

## 5. Satisfaction with Council Services

### 5.1 Satisfaction with services

Table 1 summarises respondents' satisfaction with a range of services provided by the Council.

**Table 1:**

	Very satisfied	Fairly satisfied	Fairly dissatisfied	Very dissatisfied	Services ranked by % respondents either 'very' or 'fairly' satisfied
Refuse collection	35%	48%	8%	3%	1
Local tips/Household waste recycling centre	23%	46%	9%	5%	2
Libraries	20%	38%	7%	3%	3
Doorstep recycling	21%	35%	20%	9%	4
Keeping public land clear of litter and refuse	6%	48%	18%	8%	5
Parks and open spaces	10%	41%	10%	5%	6
Council tax collection	10%	37%	3%	3%	7
Local transport information	7%	39%	12%	4%	8
Local bus services	10%	33%	17%	6%	9

	Very satisfied	Fairly satisfied	Fairly dissatisfied	Very dissatisfied	Services ranked by % respondents either 'very' or 'fairly' satisfied
Entertainment venues	5%	34%	13%	5%	10
Sport/leisure facilities	5%	27%	23%	14%	11
Other bill payments	5%	22%	2%	2%	12
Community centres	2%	19%	14%	10%	13
Information about Council meetings	2%	17%	18%	10%	14
Information about meetings of area committees	2%	16%	19%	11%	15
Roads (not trunk roads)	0%	16%	32%	41%	16

Percentages of respondents who were 'neither satisfied nor dissatisfied', or said 'don't know' are not included in the table.

## 5.2 Frequency of service use

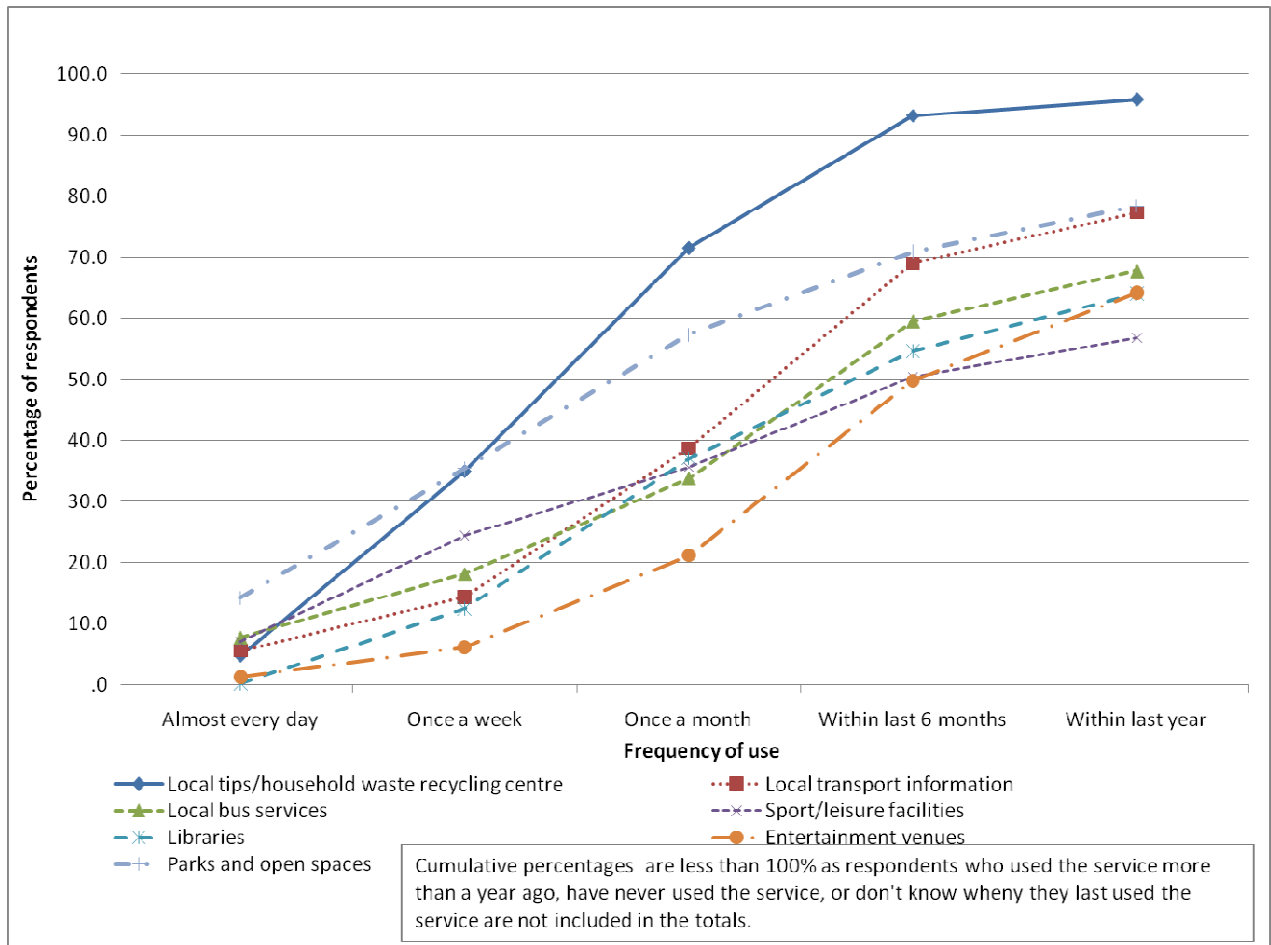
Respondents were asked how frequently they used a selection of Council facilities and services (see table 2 and figure 3). The results of these questions have implications for:

- The number of people upon which any proposed changes to facilities and services would impact
- The visibility of any changes made. Visibility of changes depends both on numbers of people using the service and the regularity with which they use it.

**Table 2: Frequency of service / facility use**

Service or facility	Percentage of respondents who have used the service or facility in the last six months	Percentage of respondents who have used the service / facility within the last year
Local tips / household waste recycling centre	93	96
Parks and open spaces	71	79
Local transport information	69	77
Local bus services	60	68
Entertainment venues	50	64
Libraries	55	64
Sport / leisure facilities	50	57

**Figure 3: Respondents who have used services in the last year: percentage cumulative frequency.**



The reported percentage of respondents who have used libraries appears high as there is a big discrepancy between this figure and SPI CC5b. The SPI reports 16.7% of Argyll and Bute’s population is registered with a library and has borrowed a book within the last 12 months. We have no information to explain the differences in figures.

On the basis of frequency of use and the proportions of respondents using the various services, changes to the following services are likely to have the most impact on perceptions:

- Local tips / household recycling facilities
- Parks and open spaces.

### 5.3 Perceptions of the Council, and how well-informed respondents feel

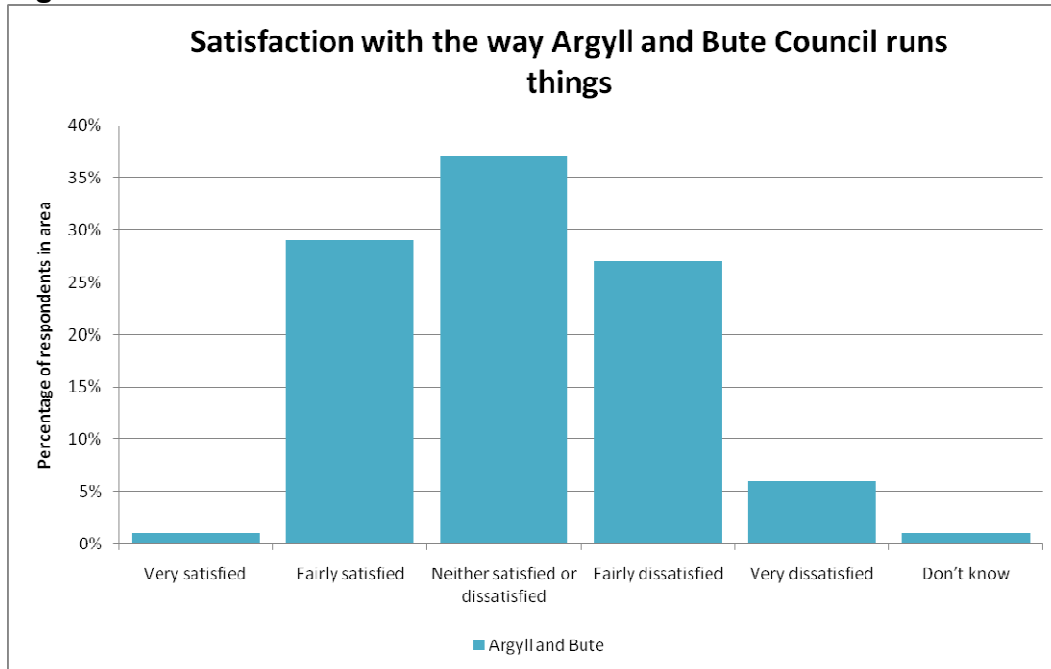
The survey included three questions about panellists’ satisfaction with, and perception of, the Council as an organisation. These related to:

- Satisfaction with how well the Council ‘runs things’ (figure 4)
- The extent to which respondents think the Council provides value for money (figure 5)

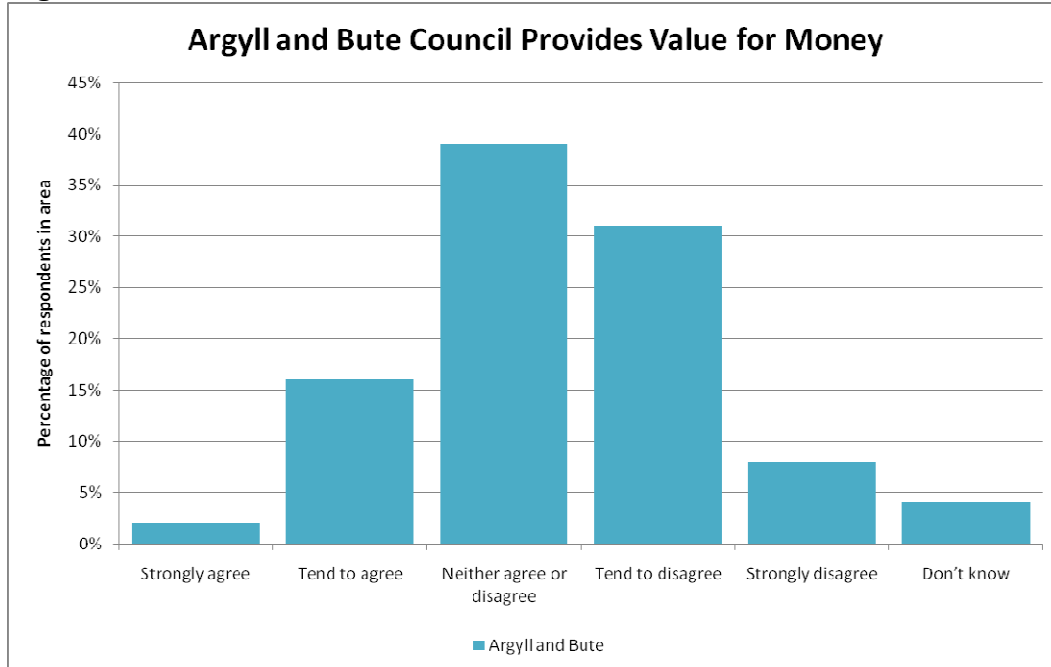


- The extent to which respondents think they have been treated with respect by the Council during the last year (figure 6).

**Figure 4:**



**Figure 5:**

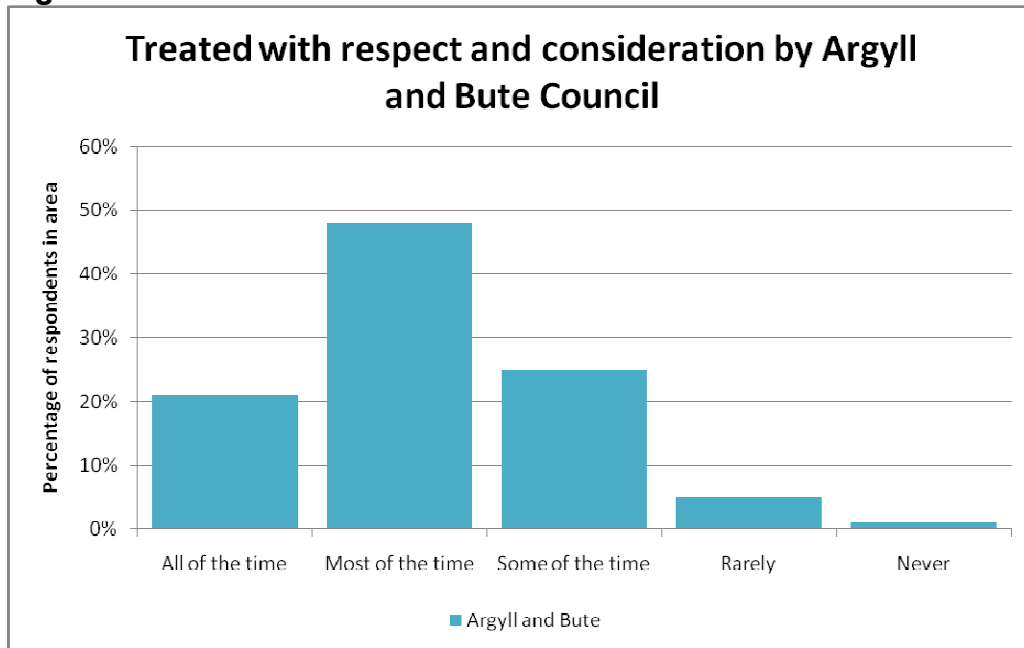


Respondents who indicated that they felt well informed about how their Council tax is spent were more likely to indicate that the Council provides value for money. This suggests that improvements in how the Council communicates information about its budget, and how money is spent, could yield significant improvements in perception.

The likelihood of respondents to indicate that the Council provides value for money increases with their age. No respondents aged 18 to 29 thought the Council provided value for money.

The question about whether respondents think they have been treated with respect by the Council (figure 6) also indicates that this is an area for improvement.

**Figure 6:**



There are clear questions about the efficacy of communications from the Council to the public. The questionnaire asked how well informed respondents felt about a range of issues (see table 3), with results in all cases indicating that the proportions of respondents who felt ‘not very well informed’ or ‘not well informed at all’ exceeded proportions of respondents who felt they were either ‘very well’ or ‘fairly well’ informed.

Although there were some variations in detail between the areas, the issue is relevant to all four Administrative Areas and across all the questions posed. These results reinforce the importance of the Council’s Communications Strategy, and its implementation.

**Table 3: How well informed respondents are about public services**

	Very well informed	Fairly well informed	Not very well informed	Not well informed at all	Don’t know
How your council tax is spent	3%	37%	41%	15%	5%
How you can get involved in local decision-making	2%	34%	40%	14%	10%

	Very well informed	Fairly well informed	Not very well informed	Not well informed at all	Don't know
What standard of service you should expect from local public services	4%	27%	46%	15%	8%
How well local public services are performing	1%	24%	50%	17%	8%
How to complain about local public services	4%	35%	38%	15%	8%
What to do in the event of a large-scale emergency	3%	23%	33%	31%	10%
Overall, how well informed do you feel about local public services	2%	32%	45%	16%	5%

#### 5.4 Links between areas highlighted by the survey and the contents of the Corporate Plan

The report has highlighted a number of areas that can be identified as being of particular importance with regard to the public's perception of the Council. Some of these areas are already being addressed through the Corporate Plan:

- **Waste services:** see ABC02: Modernising Waste Management
- **Roads and pavements:** see ABC07: Transport – improving access to / within the area; also Campaigning Theme: Infrastructure, Roads Network
- **Education:** ABC04: Education – making what's good, better
- **Affordable, decent housing:** ABC06: Housing – more homes, less homelessness.

While sport and leisure facilities, and parks and open spaces are not explicitly mentioned in the Corporate Plan, these are covered in the relevant Service Plans.

There are significant services prioritised in the Corporate Plan that are not covered by this survey because they are not universal services. Social work and economic development are the main examples.

## 6. CONCLUSION

The Autumn 2009 Citizens' Panel survey looked at the public's perception of the following 'universal' services provided by the Council:

- Waste services (keeping public land clear of litter and refuse; refuse collection; doorstep recycling; local tips / household waste recycling centre)
- Local transport (information and local bus services)
- Sport/leisure facilities
- Libraries
- Entertainment venues
- Parks and open spaces
- Roads (not trunk roads)
- Council tax collection; other bill payments

- Community centres
- Information about Council meetings and meetings of area committees

The scattergram does not reveal any areas as being critical for action at the current time, although areas for improvement can be identified.

Actions in the following areas are likely to have the biggest impact on perceptions of how well the Council is performing:

- Roads and pavements
- Parks and open spaces

Areas which are currently perceived to be important and performing well are:

- Waste services
- Libraries
- Education

At present, there are two formalised procedures to enable external communications with regard to expenditure and the budget.

- Each year, the Council holds a pre-budget briefing, where budget papers are made available to the media. This is followed by an opportunity for the press to ask questions of the Leader of the Council and the Chief Executive.
- A leaflet highlighting key achievements of the past year, and plans for the next, is routinely enclosed with every household's Council Tax bills.

The Council also produces an annual report, which includes information about performance and finance. This is available on the Council's external website. Hardcopies are also available for the public to look at in the public libraries.

There is a clear role for additional communications to improve perceptions of the Council's performance because improved communications should improve understanding of how Council services perform and reduce the number of people who feel ambivalent about how the Council performs.

The main areas highlighted in this survey are addressed in the Corporate Plan outcomes and Service Plan outcomes. The Corporate Plan also includes outcomes focussed on services that are directed at particular groups of people and therefore were not suitable for inclusion in this survey.

### **IMPLICATIONS**

PERSONNEL

FINANCIAL

EQUALITY

LEGAL

**Jane Fowler**  
**Head of Improvement and HR**

**For further information, please contact:**

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## SPOKESPERSON'S REPORT BY COUNCILLOR ROBERT MACINTYRE

1. The last meeting of Argyll and the Islands LEADER Local Action Group was on the 11 March when 22 applications had been submitted for approval (potential value of £429,035) – this is the largest single round of applications that the LAG have had to consider.

Match funding of LEADER projects is always a concern and in these difficult times financially, it is encouraging that we have such a large number of applications coming forward.

Amounts of awards made through the LEADER programme to December 2009:

B & C	£822,751 – 21 projects
H & L	£272,630 – 8 projects
MAKI	£900,934 – 25 projects
OLI	£507,160 – 18 projects
Non-area specific	£899,032 – 21 projects
Arran and Cumbrae	£223,302 – 10 projects
<b>Total</b>	<b>£3,625,800 – 103 projects</b>

### 2. **Central Validation Team**

As members are aware, the Development Management processes and procedures went through a period of significant change, culminating in the introduction of new Regulations in August 2009.

In Cognisance of these significant Regulation changes, a number of internal processes were altered to deliver an improved and efficient level of service. One of the major changes has been the introduction of the Central Validation Team who are principally responsible for application registering, scanning onto electronic data management systems, neighbour notifying and consultations.

It was drawn to our attention in Nov/Dec 2009 that both applicants and Members were becoming concerned about timescales to validate submitted applications. It is acknowledged that the level of service was below satisfaction at this point and we were not achieving processing rates/targets as specified within the new Regulations (ie 5 days for assessment). In response to this in late December and January we focussed resources on producing pragmatic validation requirements and process efficiency.

I am glad to announce there has been a significant improvement in performance and generally happier customer feedback and reduced complaints on this issue. We are now validating and acknowledging 86% of all applications within 5 days (February 2009) and are hopeful of achieving our target figure of 90% in March 2010.

In terms of invalid applications I can also provide:-

Number of Applications awaiting further information from applicant to make valid

4 November 2009:-	147
30 November 2009:-	132
25 February 2010:-	75

It must be noted that the number of invalid files held is now comparable with those before the new regulations came into force and is set in a 'raised bar' context in terms of what we are looking for (across the country) to validate a planning application. More comprehensive information is now stipulated to assist Officers, Public and Members to comment and make informed decisions.

In order to monitor and avoid a similar situation arising, we now receive regular more detailed statistics on validation and are currently reviewing/assessing all Development Management Processes as part of a wider improvement agenda.

**3. Looking Forward – Improvement Journey**

In terms of moving forward with Development Management, it is worth noting that we are currently undertaking a review of process and procedures during the lifecycle of an application in an effort to improve determination periods and customer satisfaction. The latter has recently been captured in a User Survey which closed earlier this month. This survey shall be supplemented by 3 User Forums (for applicants and agents) and 3 evening Community Council workshops which are being held across Argyll and Bute between 23 March – 1 April.

**4. Development Policy**

The development Policy Service has been busy in recent months with the publication of a new Development Plan Scheme (DPS) in January and associated newsletter explaining the timescales and opportunities available in getting involved with the new Local development Plan. Currently there are two public consultations operating one aimed at local communities and the other one aimed at potential developers and land owners with a deadline for contributions by the end of March. Development policy officers are continuing to visit community councils around Argyll and Bute to encourage people to get involved with the emerging states of the new plan with meetings so far being held in Lochgilphead, Furnace, Dunoon, Coll, Campbeltown, Oban and Helensburgh with more planned in months ahead. The Development Policy Service has also published a Consultation Draft of its Woodland and Forestry strategy which aims to guide the further development of the forestry industry taking into account the needs of our outstanding environment, the people who live and visit here and our economy. The consultation period for this document has been extended to the end of May to allow comments on the document and the associated SEA. Finally, an Action Plan on the performance and outcomes of the existing local plan will be presented to the Council's Executive Committee in April. The information in this plan will draw attention to outcomes



achieved, help inform future land use policy responses and also serve to highlight areas where we need to change given the economic challenges we all face.

5. I am pleased to report that Argyll and Bute is one of the 12 Councils out of 32 who are currently above the Scottish Government 40% recycling target as referred to in a recent Sunday Herald article. The Scottish Government target is for Councils to achieve the 40% recycling rate by the end of 2010. Our rolling year figure (published by SEPA) for the year October 08 to September 09 is 40.1%. We are currently 12 highest out of the 32 Councils in Scotland.
6. On 22 January 2010 I attended a Conference held at Mount Stuart House, the subject being Bute in the Year 2020. The Conference was hosted by Johnny Bute and chaired by Jim Mather MSP, several presentations were made including a very good one by Lorna Pearce, who is in charge of the Rothesay THI project which is one of the two parts of the Rothesay CHORD Programme. Over 90 delegates attended including around 12 from Rothesay Academy and it was good to see these young people taking part in the afternoon discussion session. The event was a major success and Cate Devine of The Herald, who was a delegate, ran a full page article on the Conference around two weeks later in her publication.
7. The Scottish Government have just announced that £250,000 is to be invested in organisations that work with Education to boost knowledge of the food industry. This is a follow-on from the launch last year of the Scottish Government's "Recipe for Success", Scotland's first ever National Food and Drink Policy.

With a growing World population demand for food is increasing so the Scottish Label attached to our Food and Drink Sector will obviously pay dividends for our Agricultural Sector.

#### 8. **Community Buy Out**

Bute Community Land Company (the company) has successfully registered an interest in Rhubodach Forest under the provisions of the Land Reform (Scotland) Act 2003 and the interest was officially registered towards the end of November 2009. This effectively gave them 6 months to complete the buy out. Following this a number of things happened:-

- They appointed a team of consultants in December 09 to undertake an outline feasibility study and business plan.
- They held a full consultation day in January at which nearly 400 people came to offer their views.
- The Scottish Government appointed the District Valuer to value the forest independently in January. BCLC made representations to him via a forest valuer and he subsequently arrived at a value of £1.4M.

- Following the DV's valuation BCLC had to organise a community ballot and they had to get 50% of registered electors to vote and then at least 50% of them to vote yes. A 52.5% turnout and a 94% yes vote was achieved. To date this has been the largest number of people balloted under the Act.
- The results of the ballot together with the outline feasibility study and business plan were sent to the Scottish Government on 17 February. The Government has three weeks to approve and give it the final green light to proceed.
- Once they get this final approval BCLC have until 27 May to assemble the necessary finance to acquire the forest and the acquisition needs to have been completed by 27 May to meet the requirements of the Act. Now they therefore are faced with the challenge of finding the money to buy the forest.

Councillor Robert Macintyre

Spokesperson for Economy, Environment and Rural Affairs

2 March 2010

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**ARGYLL & BUTE COUNCIL****EXECUTIVE COMMITTEE****18<sup>th</sup> March 2010**

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**ECONOMY POLICY AND PERFORMANCE GROUP – UPDATE**

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**1. SUMMARY**

The Economy PPG has been progressing with its work programme as agreed by the Executive, and now provides its next update report for noting.

**2. RECOMMENDATION**

To note the current work programme for the Economy Policy and Performance Group and that a future report on progress will be brought to the Executive in six months time.

**3. WORK PROGRAMME**

- 3.1 The Economy PPG now meets quarterly and has built a strong work programme over the course of recent meetings. From a beginning of items identified by the Members of the group, and during discussion of items in front of the Members, a number of work topics have been identified and progressed, many to conclusion
- 3.2 The most recent meeting of the PPG, held in February 2010, considered the draft Economic Development Action Plan which has been prepared and consulted on with key partners, Local Area Community Planning groups and elected Members. The group expressed appreciation of the positive and constructive feedback received during the consultation process and agreed that the draft plan now be recommended for consideration by the Executive and thereafter the full Council as a strategic corporate document of the Council. Implementation of the EDAP, and the actions contained therein, will form the majority of the future work programme of the PPG.
- 3.3 The February meeting also agreed that each meeting of the PPG will in future considered performance management in regard to scrutiny of the developing scorecard for the group, and consideration and updating of the EDAP.

- 3.4 The group further agreed that each meeting will consider a strategic theme of the economic actions contained within the Single Outcome Agreement; the thematic topic for February was transportation, with the group considering the work underway in developing an update Local Transport Strategy. The thematic topic for the May 2010 meeting will be tourism.
- 3.5 Finally, the group agreed that an invitation should be extended to the Spokesperson for Transportation and Infrastructure and the Spokesperson for Economy, Environment and Rural Affairs to attend each meeting and report on activities they have been involved in which reflect the priorities of the Economy PPG.

#### **4. IMPLICATIONS**

<b>Policy</b>	Scrutiny of emerging policy documents, and development of new policies as detailed above
<b>Financial</b>	none at this point
<b>Personnel</b>	Representation required from various officers
<b>Equal Opportunities</b>	New policies to be subject to Equal Opportunities Impact Assessment
<b>Legal</b>	None at this point
<b>Community</b>	None at this point

Cllr Ron Simon, Chair, Economy PPG  
25<sup>th</sup> February 2010

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**ARGYLL and BUTE COUNCIL****EXECUTIVE  
COMMITTEE****DEVELOPMENT SERVICES****18 MARCH 2010**

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**EXPENDITURE ON ENHANCED DEMAND RESPONSIVE TRANSPORT SERVICES  
2010-11**

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**1. SUMMARY**

Following the removal of “ring fencing” from specific funding schemes by the Scottish Government just over two years ago, responsibility for several projects including the Enhanced Demand Responsive Transport Scheme (formerly known as Rural Communities Transport Initiative) passed to the Council.

**2. RECOMMENDATIONS**

It is recommended that the Committee authorise funding for the Enhanced Demand Responsive Transport projects for which the Council is now responsible in section 4A noting that as a result of the present budget constraints awards for new projects are only being made for year 2010-11.

**3. BACKGROUND**

3.1 This scheme, the Enhanced Demand Responsive Transport Scheme (formerly known as Rural Communities Transport Initiative) is designed to assist community transport groups to provide transport services where there are no conventional public transport services available. It is not the intention of the scheme to fund these projects in their entirety. Community transport groups are expected to raise part of the costs of their scheme themselves either through revenue, donations or by successful application to other grant funding bodies.

3.2 The Council is now responsible for administering this funding.

3.3. The Council has continued to operate the scheme in more or less the same manner as the Scottish Government and £29,924 has already been approved by the Council for 2010-11.

3.4 A fresh round of applications was invited late 2009 and a number of applications have been submitted and scrutinised by a panel made up of three council officers and an officer from the NHS. These are detailed in section 4A together with recommendations.

**4. EXPENDITURE 2010-11.****Section A. New Applications to the Enhanced Demand Responsive Transport Fund (formerly Rural Communities Transport Initiative).**

4.1 The Council has received the following applications for new projects to be funded from the Enhanced Demand Responsive Transport Fund. One of the applications (marked \*) is for “top up” funding for an existing scheme.

- Mid Argyll Transport Volunteers
- North Argyll Volunteer Car Scheme
- Ross of Mull & Iona Community Transport
- Lochgoil Community Trust
- Interloch Transport
- Islay Disabled Endeavours & Actions
- British Red Cross
- Sound of Mull Transport Group
- Jura Passenger Ferry \*

4.2 An initial assessment of these applications took place to determine whether they met specific criteria set previously by the Scottish Government. Each application was scored on the specific criteria and the following score out of 120 was awarded:

<b>Organisation</b>	<b>Score</b>
North Argyll Volunteer Car Scheme	119
Mid Argyll Transport Volunteers	119
Ross of Mull & Iona Community Transport	118
Lochgoil Community Trust	118
Interloch Transport	97
Islay Disabled Endeavours & Actions	92
British Red Cross	89
Sound of Mull Transport Group	70
Jura Passenger Ferry	70

4.3 **No award has been shown for years two and three of these schemes as the amount available will be dependent on next year's budget.**

#### 4.4 North Argyll Volunteer Car Scheme

Volunteer car scheme operating in Seil Island, Luing, Easdale, Kilninver, Dalmally, Lochawe and Bridge of Orchy offering transport to elderly, infirm or vulnerable residents using volunteer drivers with their own vehicles. The organisation has been very successful in attracting funding from other sources and receives donations from local surgeries and other organisations. This application was given a high score because it serves the community well and they continue to work hard to increase both passenger and volunteer numbers. The number of passengers carried has increased from 337 in 2008 to 820 in 2009.

North Argyll Volunteer Car Scheme	Year 1 10/11	Year 2 11/12	Year 3 12/13
<b>Requested</b>	£10,786	£13,314	£12,935
<b>Recommended</b>	£10,678.14	£0	£0

#### 4.5 Mid Argyll Transport Volunteers

The Mid Argyll Transport Volunteers use their own cars to transport over 60's and vulnerable people to venues of their choice. They operate in Mid Argyll from Tarbert and Minard in the south to Ardfern in the north. They allow their clients to maintain their independence by doing their own shopping and attending to personal matters. An important aspect of their service is keeping clients in touch socially whether it be attending clubs or visiting friends or long term partners who have been hospitalised. They also take people to attend medical appointments both locally and in Oban, Campbeltown and Glasgow where necessary. This application was given a high score because it serves

vulnerable members of the community and they have increased passenger numbers from 704 in 2008 to 1,031 in 2009.

Mid Argyll Transport Volunteers	Year 1 10/11	Year 2 11/12	Year 3 12/13
<b>Requested</b>	£5,570	£6,570	
<b>Recommended</b>	£5,514.30	£0	

#### 4.6 Ross of Mull & Iona Community Transport Group

This group is applying to the Climate Challenge Fund to purchase an electric accessible minibus and three charging points. The EDRT funding will be for the running of the minibus which will be used mainly during the day by the primary school at Bunessan where it will be stored and used by community groups in the evenings and at weekends. The bus will be driven and co-ordinated by volunteers, a group of which have already been identified. There is also a re-developed health facility in Bunessan which will mean that there will be more patients travelling to the area.

Ross of Mull & Iona Community Transport Group	Year 1 10/11	Year 2 11/12	Year 3 12/13
<b>Requested</b>	£10,988	£10,152	£9,916
<b>Recommended</b>	£10,768.24	£0	£0

#### 4.7 Lochgoil Community Trust Ltd

This application is seeking funding to continue operation of the trust's minibus for the benefit of the local community to access services and facilities in Lochgoilhead and the surrounding area. Lochgoilhead and Carrick Castle are remote and have limited public transport with no evening services and the bus fills a gap in service provision. There were 1,439 passengers carried in 2008 and 1,028 in 2009.

Lochgoil Community Trust Ltd	Year 1 10/11	Year 2 11/12	Year 3 12/13
<b>Requested</b>	£8,385	£8,740	
<b>Recommended</b>	£8,217.30	£0	

#### 4.8 Interloch Transport

This group has been running for three years and serves people both in Cowal and Bute. Their usage has increased through partnership working with the Council's Social Work Team, lunch clubs and GP surgeries. They hire their vehicles out to community groups in the evenings and weekends which provides additional income and reduces their reliance on grant funding. The number of passengers carried increased from 2,396 in 2008 to 4,579 in 2009.

Interloch Transport	Year 1 10/11	Year 2 11/12	Year 3 12/13
<b>Requested</b>	£59,761	£60,172	£60,220
<b>Recommended</b>	£48,406.41	£0	£0

#### 4.9 Islay Disabled Endeavours Action (IDEA)

This established organisation provides community transport on Islay and Jura for clients to attend the IDEA Resource Centre and further access services on the Island e.g. attend the GP. It should be noted that there is a good level of transport available on Islay including some courtesy vehicles operated by distillers and hotels. The number of passengers carried was 3,760 in 2008 and 2,900 in 2009.

Islay Disabled Endeavours Action	Year 1 10/11	Year 2 11/12	Year 3 12/13
<b>Requested</b>	£28,661	£40,309	
<b>Recommended</b>	£22,068.97	£0	

#### 4.10 British Red Cross

This group runs two accessible minibuses that are driven by full time drivers and also has volunteers who drive their own cars. They continually advertise and publicise the project by attending community meetings and meetings involving public bodies. Although this is a well prepared application it was felt that there was some duplication with other groups in Mid and North Argyll. The Council, at its Budget meeting on the 11<sup>th</sup> February, agreed not to reduce support to this group by the proposed potential level of saving. The number of passengers carried has increased from 1,705 in 2008 to 2,333 in 2009.

British Red Cross	Year 1 10/11	Year 2 11/12	Year 3 12/13
<b>Requested</b>	£58,733	£60,157	£61,694
<b>Recommended</b>	£58,462.42	£0	£0

#### 4.11 Sound of Mull Transport Group

This application is for continuation funding to operate the Sound of Mull Passenger Ferry between Loch Sunart via Rahoy and Carna to Tobermory and Drimnin (within Highland Council). The ferry operates twice weekly and provides a service in a very remote area enabling residents on the Ardnamurchan peninsula to access services in Tobermory. It should be noted that the amount recommended together with the award from Highland Council will total 93% of the group's total funding. They do not appear to have applied for grant funding from any other source. The number of passengers has increased from 1,525 in 2008 to 2,009 in 2009.

Sound of Mull Transport Group	Year 1 10/11	Year 2 11/12	Year 3 12/13
<b>Requested</b>	£35,791*	£37,560.50*	
<b>Recommended</b>	£20,758.78	£0	

\*equal amount requested from Highland Council - £33,212 awarded for 2010/11

#### 4.12 Jura Passenger Ferry

This application is for additional EDRT funding to help cover a shortfall in the existing grant (£24,196 committed for this year 2010-11), caused by an increase in operating costs. The original business case was based on operating for six hours per day but when the ferry operation commenced it was realised that operation would be eight hours per day. In addition, the price of fuel has increased significantly beyond the level anticipated over the last two years. Although the number of passengers has increased from 1,751 in 2008 to 2,634 in 2009 this was over a longer period of operation with disappointing figures in the early part of the 2009 season. An additional sum of £4,130 has been sought from the Robertson Trust as well as £826 from Jura Distillery. Total grants for 2010-11 including these other sums would, therefore, be £32,413.92.



Jura Passenger Ferry	Year 1 10/11	Year 2 11/12	Year 3 12/13
<b>Requested</b>	£5,624		
<b>Recommended</b>	£3,261.92		

#### 4.13 Summary of New Applications to Enhanced Demand Responsive Transport Fund

	Total Requested	Total Recommended
Year 1 10/11	£224,299	£188,136.48
Year 2 11/12	£236,974.50	£0
Year 3 12/13	£150,765	£0
<b>TOTALS</b>	<b>£612,038.5</b>	<b>£188,136.48</b>

### **Section B.**

#### **Overall Total Expenditure 2010-11**

Funding agreed by Executive Committee 17 April 2008 \* £29,924.00

*\*The organisers of the Colonsay Car Scheme have decided to close the scheme due to very poor take up by potential users on the island. There was no shortage of volunteer drivers. Accordingly, saving for 2010-11* £3,528.00

Reducing funding previously agreed to £26,396.00  
Year one funding for successful applications 2010-11 £188,136.48

**Total expenditure £214,532.48**

## **5. IMPLICATIONS**

- 5.1 Policy – Consistent with Council’s core policy of providing access.
- 5.2 Financial – Cost contained within the funding settlement from the Scottish Government
- 5.3 Personnel – None.
- 5.4 Equal Opportunities – None.
- 5.5 Legal – None.

For further information please contact D Blades (01546 604193).

Robert Pollock  
Head of Economic Development and Strategic Transportation

ARGYLL and BUTE COUNCIL

EXECUTIVE  
COMMITTEE

DEVELOPMENT SERVICES

18 MARCH 2010

**APPENDIX TO REPORT  
EXPENDITURE ON ENHANCED DEMAND RESPONSIVE TRANSPORT SERVICES  
2010-11**

**Rural Communities Transport Initiative**  
**Summary of Applications to Date**

<b><u>Previous Applications:-</u></b>	10/11	11/12
North Argyll Volunteer Car Scheme	£2,200.00	
Jura Passenger Ferry	£24,196.00	
Colonsay Voluntary Car Scheme	£3,528.00	
	<b>£29,924.00</b>	
<b>Committed – Approved by Executive 17 April 2008</b>	<b>£29,924.00</b>	
Colonsay Voluntary Car Scheme saving	£-3,528.00	
<b>Sub Total</b>	<b>£26,396.00</b>	
<b><u>New Applications:-</u></b>		
North Argyll Volunteer Car Scheme	£10,678.14	
Mid Argyll Transport Volunteers	£5,514.30	
Ross of Mull & Iona Community Transport	£10,768.24	
Lochgoil Community Trust	£8,217.30	
Interloch Transport	£48,406.41	
Islay Disabled Endeavours & Actions	£22,068.97	
British Red Cross	£58,462.42	
Sound of Mull Transport Group	£20,758.78	
Jura Passenger Ferry*	£3,261.92	
<b>Sub Total</b>	<b>£188,136.48</b>	<b>-</b>
<b>Previously Agreed Awards</b>	<b>£26,396.00</b>	
<b>2010-11 Total</b>	<b>£214,532.48</b>	

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**ARGYLL & BUTE COUNCIL****EXECUTIVE COMMITTEE****DATE:** 18 March 2010

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**TITLE -** Draft Sound of Mull Marine Spatial Plan Consultation

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**1. SUMMARY**

A 12 week public consultation on a draft marine spatial plan for the Sound of Mull was launched on 1 of December 2009. As a key stakeholder in the Sound of Mull project, the Council are making a formal response on the draft plan which is being brought to the Executive Committee for approval. A draft report was taken to the Oban, Lorn and the Isle Area Committee for discussion and comment on 10 February and the views from this Committee have been fed into this report. Members were supportive of the draft plan and proposed Council response to the consultation.

**2. RECOMMENDATIONS**

It is recommended that the Committee:

- (i) Note the contents of this report.
- (ii) That Members approve the proposed response detailed in Annex 1 of this report, as the Council's formal response to the draft Sound of Mull Marine Spatial Plan Consultation.

**3. BACKGROUND****3.1 Why has a marine spatial plan been developed for the Sound of Mull?**

The Scottish Sustainable Marine Environment Initiative (SSMEI) was instigated by the Scottish Government in November 2002, to develop and test novel approaches to marine management that will inform the debate on how to improve management of Scotland's marine and coastal waters.

Through this initiative, the Scottish Government aims to develop a local level marine planning framework, which would apply the ecosystem-based approach through the development and implementation of a Marine Spatial Plan for a specific region. The Sound of Mull Pilot is one of four projects, with the others being located around the Shetland Isles, Berwickshire Coast and the Firth of Clyde. The project started in June 2007 and is due to run until June 2010.

**3.2 Aims**

The overall aim of the project is to develop and deliver more integrated and sustainable management of the Sound of Mull through the preparation and implementation of a marine spatial plan that is sensitive to local needs, provides clear guidance, and is effective, adaptable and transparent.

The lessons learnt in the development and short-term implementation of the plan have and will continue to inform Scottish Government thinking on future statutory marine planning at a regional level, under the Scottish Marine Bill.

### **3.3 What has been the Council's involvement?**

As a member of the Sound of Mull Working Group, Argyll & Bute Council has been a key stakeholder in the development of a marine spatial plan for the Sound of Mull. The Council has also acted as a lead partner for the project, providing administrative support and hosting the project officer in Oban.

### **3.4 How has this draft plan been developed?**

In summary, the development of the Sound of Mull Marine Spatial plan has involved the following:

- Establishment and coordination of a locally orientated Working Group including representation from a wide range of stakeholders and regulators who have an interest in the Sound of Mull;
- Establishment of a wider network of contacts (Sound of Mull Liaison Group) to provide updates on project progress, and to enable the wider community to feed into plan development;
- Establishment of Sector Sub-groups to investigate use, management, development and sustainability of various interests, identify development opportunities and constraints, and assess sectoral interactions and existing management practices;
- GIS mapping of activities and interests in Sound of Mull and collation of data from agencies and stakeholders, bringing all information together in one place;
- The commissioning of additional projects to provide previously unknown information on socio-economics, landscape assessment, and marine habitats and species; and
- The commissioning of a Strategic Environmental Assessment (SEA) to measure environmental considerations of policies, opportunities and actions contained in the plan.

The entire process has involved extensive consultation with local communities, stakeholders, and relevant and competent authorities through public meetings, one to one meetings and correspondence.

## **4. MAIN POINTS FOR CONSULTATION RESPONSE**

### **4.1 Integration with the Argyll and Bute Development Plan**

The Argyll and Bute Council Structure Plan 2002 outlines the Council's objectives for coastal planning and emphasises the necessity of working with all the relevant sectors to fully harness the productive capacity of the marine and coastal areas whilst safeguarding its unique environmental qualities through sustainable development. The Sound of Mull is identified as one of seven priority areas that would benefit from a coastal framework plan.

The marine policies have been reviewed and are considered to be both consistent with and complement the policies in the Argyll and Bute Development Plan. Following further development of the plan as a result of the public consultation, the Council aim to have regard to the marine plan in the determination of development applications and it is hoped that this document can be adopted and integrated into the new Local Development Plan, as Supplementary Guidance.

### **4.2 Format and structure of the Sound of Mull Marine Spatial Plan**

It is recognised that significant effort has gone into developing the draft plan and that it has been a difficult task to achieve a plan structure that is broadly acceptable for the range of different stakeholders on the Sound of Mull Working Group, and for the document to be designed to provide guidance on a wide range of topics for a wide audience of stakeholders and regulators. However, in terms of providing guidance purely for developers and assisting regulators in decision making, it is felt that the clearer the direction upfront of what can and can't be done in a given area, the easier the plan will be to use.

The Council considers that where possible, there should be elements of consistency in structure and presentation with local authority plans and across other marine and coastal plans in Argyll and Bute and Highland, in order to minimise the potential for confusion where stakeholders and regulators need to consult multiple plans/documents.

The Council also considers that the draft plan may benefit from being split into a number of documents to separate the policy framework (policy and proposals) from parts of the supporting information (background/technical).

#### **4.3 Marine Plan policies**

The Council considers that the plan includes a suitable number of policies which are both consistent with and complement the Argyll and Bute Development Plan. It is felt however feel that the existing policy framework of the plan could be further improved and we would be happy to work closely with the project officer and Sound of Mull Working Group in order to address a number of points detailed in the draft response (Annex 1).

#### **4.4 Monitoring, Review & Action Plan Implementation**

The pilot project is due to finish in June 2010 which unfortunately will not allow adequate time to monitor and implement the plan which is an important stage in measuring the success of the Sound of Mull Plan and the pilot project. Given the time and effort put in from all stakeholders in the development of this plan the Council consider that it is essential that the plan is implemented, reviewed and updated in the future. The Council is a partner in a current bid for INTERREG funding which if successful would extend the duration of the project officer post to allow the plan to undergo a period of monitoring and implementation. Should this funding bid not be successful the Council would like to see the Scottish Government provide the necessary resources to allow appropriate implementation of the plan.

#### **The implementation of this marine plan may have resource implications for the Council in terms of staff time and implementation of relevant policies and actions.**

The draft plan includes a preliminary five-year Action Plan (2010 to 2015) which details potential partner organisations and the target year for delivery of specific actions. Resources to deliver these actions have not yet been allocated and therefore it is not currently clear exactly what the financial implications of implementing these actions may be.

Actions where Argyll and Bute Council have been identified as a potential partner organisation are presented in Annex 2. Actions 2, 3 and 12 are likely to involve some officer time, primarily the Marine & Coastal Development Unit, Outdoor Access Team and the Transportation & Infrastructure Unit. Action 9 could be implemented as the existing Oil Spill Contingency Plans and Shoreline Management Plans are reviewed and updated. Actions 14 and 15 will require funding in addition to officer time.

#### **4.5 Future marine planning (Marine Bill)**

The Marine (Scotland) Bill proposes a new statutory system of marine planning in Scotland, including planning at a national and regional level. It is felt that there is an opportunity for the Sound of Mull project to be extended not only to implement and monitor the final marine plan but also for the project officer post to help inform and support the development of this new marine planning system, particularly at a regional level.

### **5. CONCLUSION**

The draft Sound of Mull Marine Spatial Plan is an impressive and detailed document which should be a significant piece of guidance in the use and development of the marine and

coastal area of the Sound of Mull over the next five years. It has been designed to complement the Argyll & Bute Development Plan and aims to improve efficiency of development proposal evaluation, help minimise conflicts of interest and guide future investment.

The development of this draft plan is welcomed as an important step towards delivering more integrated and sustainable management of the Sound of Mull. Our response to the consultation focuses on ways to further improve the existing document in terms of its structure and policy framework.

## 6. IMPLICATIONS

- Policy:** The development of a marine spatial plan will assist the Council in addressing the growing pressures from users within the Sound of Mull and would be consistent with both Structure and Local Plan policy which seek the development of coastal and marine framework plans for the Sound of Mull. Following further development of the draft plan, the Council hopes to adopt the final plan as Supplementary Guidance for marine and coastal development in the Sound of Mull.
- Financial:** The implementation of this draft plan may have resource implications for the Council in terms of staff time and implementation of relevant policies and proposals. Clarity on resources implications and costing of the Action Plan is required before the Council would be able to commit to any individual actions.
- Personnel:** Continued involvement of the Marine & Coastal Development Manager in the Sound of Mull Working Group, in relation to further development and implementation of the Sound of Mull Marine Spatial Plan.
- Equal Opportunity:** A Scottish Government draft Equalities Impact Assessment has been conducted during the plan development, and will be reviewed post consultation.

For further information contact:

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## **Annex 1 - Proposed response to draft Sound of Mull Marine Spatial Plan Consultation**

The development of the draft Sound of Mull Marine Spatial Plan is welcomed by Argyll and Bute Council as an impressive and detailed document which should be a significant piece of guidance in the use and development of the marine and coastal area of the Sound of Mull over the next five years. The draft plan has clearly involved a significant amount of work and information gathering. Our response to the consultation focuses on ways to further improve the existing document in terms of its structure and policy framework.

Argyll and Bute Council are happy to work with the project officer and Sound of Mull Working Group to further develop the structure, presentation and policy framework of this draft plan. Given the cross-boundary nature of the plan we also recognise the need for alignment of views where possible between Argyll and Bute and Highland Council, particularly on the policy framework of the plan, and are happy to discuss our views with Highland Council.

### **1. General Questions**

*Q1: Do you feel that this plan provides the information that you require easily, and in a format that is helpful. If your answer is no, what do you feel would improve the accessibility and format of the information for your special area of interest?*

Argyll and Bute Council consider that while the draft plan does provide the information that is required, the final version of the plan could benefit from changes to its format and structure.

#### Format and structure of the Sound of Mull Marine Spatial Plan

Argyll and Bute Council recognise the significant effort that has gone into developing the draft plan and the amount of discussion that has already taken place on the plans structure by the working group. As the development of the plan has been steered by a group of stakeholders rather than a single lead agency it has perhaps been a more difficult task to achieve a plan structure that is broadly acceptable for all stakeholders, and consistent in structure with existing local authority plans.

The Council understands that the current structure of the plan is also a result of its aim to provide guidance for both developers and those undertaking activities, and that its audience is a wide range of stakeholders and regulators. However, in terms of providing guidance purely for developers and assisting regulators in decision making, it is felt that the clearer the direction upfront of what can and can't be done in a given area, the easier the plan will be to use.

The Council considers that where possible, there should be elements of consistency in structure and presentation with local authority plans and across other marine and coastal plans in Argyll and Bute and Highland, in order to minimise the potential for confusion where stakeholders and regulators need to consult multiple plans/documents. It would therefore be prudent for the Sound of Mull Plan to consider recent national guidance for the development of terrestrial local authority development plans, which seeks shorter more concise plans with fewer policies and less repetition.

The Council considers that the draft plan may benefit from being split into a number of documents to separate the 'Policy Framework (policy and proposals)', 'Opportunities' and 'Supporting information (background/technical)'. Presenting the final plan in a folder may make access to the relevant sections of the plan easier for the user, rather than having to search through the document.

The use of maps showing spatial information for all activities and interests is a key element of the draft plan and enables the amount of descriptive text be cut down. The project officers should be congratulated on the significant amount of detailed information that has been gathered and displayed in the plan and the Council are supportive of making this GIS mapping resource available on the internet through an interactive web-based GIS system.

Q2: Does the plan provide sufficient guidance for:

- a) users of the Sound of Mull?
- b) developers preparing proposals for the Sound of Mull?
- c) regulators evaluating proposal for the Sound of Mull?

It is felt that the draft plan does provide sufficient guidance for users, developers and regulators but that it is also a detailed and complex document in places. As discussed under Q1 and 6, changes to the structure and policy framework of the plan may make an easier process.

Q3: How do you see you or your organisation using this plan in its current format?

#### Integration with the Argyll and Bute Development Plan

The Council seeks through its Corporate policy and Development Plan, to support the sustainable management of our marine and coastal area. The Argyll and Bute Council Structure Plan 2002 outlines the Council's objectives for coastal planning and emphasises the necessity of working with all the relevant sectors to fully harness the productive capacity of the marine and coastal area, whilst safeguarding its unique environmental qualities via sustainable development and recognition of important natural and historic features. The Sound of Mull is identified as one of seven priority areas that would benefit from a coastal framework plan, and this reference therefore gives additional weight to the Sound of Mull Plan, should the Council adopt it as Supplementary Guidance.

The marine policies have been reviewed and are considered to be both consistent with and complement the policies in the Argyll and Bute Development Plan. The Sound of Mull Plan aims to provide a guidance and decision making tool to guide development and activity within the marine and coastal environment of the Sound of Mull. Argyll and Bute Council are supportive of this detailed information and guidance being used by both developers and regulators, including local authority planners, to ensure that sustainable development is achieved.

Following further development of the plan as a result of the public consultation, the Council aim to have regard to the marine plan in the determination of development applications and it is hoped that this document can be adopted and integrated into the next Local Development Plan, due to be in place by 2013, as Supplementary Guidance.

Q4: Are there any potential equality impacts such as race, gender or other aspects that you feel would be affected by the implementation of this plan and its policies?

No.

## **2. Sections 2 & 3: Plan Introduction & Guide to its Use; Area Introduction**

Q5: Was the guide to the plan in Section 2 helpful when navigating through the document?

Several development scenarios were tested by Argyll and Bute Council planners, to determine how easy the plan was to use and follow, and whether it gave a clear steer on development potential at a given location. The feedback is as follows:

- The flow chart detailed in Figure 2.1 was felt to be very useful in explaining how the plan is structured and how it should be used;
- The general policy led the user to the relevant sector and then sub-area for further guidance;
- The information in the Sectors and Sub-areas is easy to identify;
- The Sectoral Policies and General Policies are consistent with each other; and
- Appendix 6 was a very useful guide of how the plan should be used and a link to this appendix from Section 2 of the plan would be beneficial.

Q6: Do you feel these sections give a good overall perspective of the area and its characteristics?

Yes



### 3. Section 4: General Policies

*Q7: Do the General Policies provide a good level protection for areas of importance and the community in the Sound of Mull, and do they encourage sustainable use of marine resources? Are they applicable as umbrella policies for all sectoral activities?*

#### Marine Plan policies

The Council considers that the plan includes a suitable number of policies which are both consistent with and complement the Argyll and Bute Development Plan. We do however feel that the existing policy framework of the plan could be further improved and we would be happy to work closely with the project officer and working group in order to address the following points.

- It is felt that the language of some policies is complicated and potentially confusing and that these policies would benefit from minor redrafting to help make them clearer, and provide greater direction to guide development.
- Consolidation of policies to reduce repetition should be considered where appropriate.
- As discussed above the Council feels the plan would benefit from having the policies separated from the data, background information and analysis.
- The sectoral policies should provide more detailed guidance than the general policies.
- Reference to opportunities in both the General and Sectoral policies should be reviewed, although we note that this adds to the spatial element of the policies.
- Landscape information could perhaps be further integrated into some of the sectoral policies in particular Policy AQ1, rather than all information provided in the appendices.
- Consideration should also be given as to whether elements of policies where something is encouraged, should be included in the plan as a recommendation.

### 4. Section 5: Sectors

*Q8: After evaluating the information contained within the sectors, do you feel that there is anything missing, or incorrectly stated?*

See comments above, under Q7 relating to sector policies.

The Council supports the use of both Sectors and Sub-areas in the plan and considers that while the Sectors contain a lot of useful information, they are also relatively complex in their structure and content. It is felt that the SWOT analysis and maps for each sector are particularly useful. In the tables listing the hard and soft constraints for each sector it is not clear what the reference number for some constraints relates to.

For each sector a table of hard and soft constraints is presented. The Council would like to see Landscape/seascape listed under the 'Natural & Historic Environment' heading.

There are a number of opportunities identified in Section 5.5 (Coastal & Marine Infrastructure) that should also be identified or referenced in Section 5.4 (Shipping & Transport).

The table in section 5.6.2 describes the different seabed habitat types present in the Sound of Mull and lists where these habitats may relate to sensitive or protected habitat. This information is very useful but may benefit from listing the actual name of the BAP habitat that is being referred to in the relevant footnotes. The information on sensitivity in section 5.6.4 is also very useful and provides additional detail to assess the more general constraints listed for the Natural Environment in the other sectors and in the sub-areas.

### 5. Section 6: Sub-areas

*Q9: Are the Sub-areas a good method of presenting the information at an appropriate level, and do you feel the area divisions are suitable?*

The Council supports the use of both Sectors and Sub-areas in the plan and given the size of the project area, it is felt that the number of sub-areas in the plan is about right.

The Natural Environment table in each Sub-area provides the same level of information to that provided in the Natural & Historic Environment Sector (Section 5.6). The amount of information presented in the Sub-area could be reduced to prevent repetition.

The information on Landscape/Seascape Character in each Sub-area could make clear that it is Appendices 10-14 that present information on the sensitivity of each part of the coast to development.

*Q10: Does the information in the Sectors and Sub-areas compliment each other?*

Yes, but there is some repetition between the two.

## **6. Section 7: Action Plan Implementation**

*Q11: Do you think that the action plan is achievable, and do you feel this plan should be monitored and updated?*

### Monitoring, Review & Action Plan Implementation

It is not clear how the plan will be implemented, given that the pilot project is due to finish in June 2010. Unfortunately this timescale will not allow adequate time to monitor and implement the plan which is an important stage in measuring the success of the Sound of Mull Plan and the pilot project. Given the time and effort put in from all stakeholders in the development of this plan it is essential that the plan is implemented, reviewed and updated in the future. The Council is a partner in a current bid for INTERREG funding which if successful would extend the duration of the project officer post to allow the plan to undergo a period of monitoring and implementation. Should this funding bid not be successful the Council would like to see necessary resources made available by the Scottish Government to allow appropriate implementation of the plan.

The implementation of this marine plan may have resource implications for the Council in terms of staff time and implementation of relevant policies and actions. The draft plan includes a preliminary five-year Action Plan (2010 to 2015) which details potential partner organisations and the target year for delivery of specific actions. Resources to deliver these actions have not yet been allocated and therefore it is not currently clear exactly what the financial implications of implementing these actions may be.

The Action Plan includes six actions where Argyll and Bute Council have been identified as a potential partner organisation. Actions 2, 3 and 12 are likely to involve some officer time, Action 9 can be implemented as the existing Oil Spill Contingency Plans and Shoreline Management Plans are reviewed and updated and Actions 14 and 15 will require funding in addition to officer time.

The Scottish Ferry Review which is due for public consultation in May 2011 may have an impact on Actions 12 and 14. This all encompassing review is looking at ports/harbours, services and routes, accessibility, fares, funding etc and will inform the production of a long term Ferries Strategy to 2022.

*Action 15* - The transfer of freight from road to rail or sea accords well with our Local Transport Strategy. The largest volumes of freight in our area are associated with the agriculture, forestry and fishing industries. Much of this freight is transported by road over long distances in large vehicles. This traffic causes disproportionate damage to the road network and necessitates an increased maintenance effort to keep roads serviceable. In addition, the draft Argyll and Bute Woodland and Forestry Strategy identifies that continued development of marine timber transport will further enhance the economic potential of the island of Mull's forest resource. The amount of woodland reaching maturity means there is likely to be continued pressure on the transport infrastructure of Argyll and Bute. The Timberlink project, which removes approximately 8,000 lorry journeys per year from the areas road network, is a major asset. The proactive

partnership approach adopted by the Argyll Timber Transport Group is a key strength of the forestry sector in the area, and should continue to be supported.

### Future marine planning (Marine Bill)

The planning framework in the Scottish Marine Bill has proposed a regional level of planning, and Marine Scotland aims to develop Strategic Marine Regions for this purpose. The number and scale of these regions are yet to be decided, but much of what is being carried out by the SSMEI pilots could be translated and transferred to regional planning.

Section 1.3.3 (Local context for Marine Spatial Planning) identifies that the Sound of Mull Pilot provides good lessons for areas that are small scale, cross local authority boundaries and feature communities that rely heavily in the marine environment for economic needs and social values. The Council considers that as the majority of the coastal area in Argyll and Bute relies on the marine environment economically and socially and therefore this pilot also provides useful lessons for a much wider area.

It is felt that there is an opportunity for the Sound of Mull project to be extended not only to implement and monitor the final marine plan but also for the project officer post to help inform and support the development of this new marine planning system, particularly at a regional level.

**Annex 2** – Actions where Argyll and Bute Council is identified as a ‘Potential partner organisation’

<b>ACTION NO.</b>	<b>PROPOSAL</b>	<b>DETAILS</b>	<b>PARTNER ORGANISATIONS</b>	<b>TARGET DELIVERY</b>
2	<i>Improve awareness of public access points around the Sound of Mull.</i>	<i>A lack of public access points in areas of the Sound of Mull has resulted in damage and disturbance to other interests from inappropriate behaviour.</i>	<i>SNH, Argyll &amp; Bute Council, Highland Council</i>	<i>Ongoing</i>
3	<i>Improve awareness of Common Skate.</i>	<i>Common Skate is an important species for commercial angling and is recognised as of international importance</i>	<i>SNH, Argyll &amp; Bute Council, Highland Council</i>	<i>Ongoing</i>
9	<i>Reduce incidences of marine pollution in the Sound of Mull</i>	<i>Measures for the reduction of litter and pollution from marine users to be investigated</i>	<i>Argyll &amp; Bute Council, Highland Council, GRAB Trust</i>	<i>December 2010</i>
12	<i>Encourage application of Road Equivalent Tariff (RET) to all ferries in area</i>	<i>RET would support and encourage tourism, and transport of goods and passengers by sea.</i>	<i>HITrans, Argyll &amp; Bute Council, Highland Council</i>	<i>2011</i>
14	<i>Study on the viability of fast ferry passenger service linking Sound of Mull with mainland ports</i>	<i>Potential for fast ferry to link communities on Mull, Morvern, Ardnamurchan, Coll and Tiree with Oban.</i>	<i>HITrans, Argyll &amp; Bute Council, Highland Council</i>	<i>2012</i>
15	<i>Study on feasibility of increased goods transportation by sea off Mull and Morvern</i>	<i>Increased transportation of large bulk cargoes such as timber and aggregates would reduce environmental impacts</i>	<i>Argyll &amp; Bute Council, Highland Council, Forestry Scotland</i>	<i>2012</i>

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