

# Public Document Pack

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

**Customer Services**  
**Executive Director: Douglas Hendry**



*Kilmory, Lochgilphead, PA31 8RT*  
*Tel: 01546 602127 Fax: 01546 604435*  
*DX 599700 LOCHGILPHEAD*  
*e.mail –douglas.hendry@argyll-bute.gov.uk*

28 November 2014

## **NOTICE OF MEETING**

A meeting of the **MID ARGYLL PARTNERSHIP** will be held in the **COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD** on **WEDNESDAY, 10 DECEMBER 2014** at **10:00 AM**, which you are requested to attend.

Douglas Hendry  
Executive Director - Customer Services

## **BUSINESS**

1. **APOLOGIES**
2. **MINUTES OF MEETING HELD ON 11 JUNE 2014** (Pages 1 - 8)
3. **MATTERS ARISING**
4. **TRADING STANDARDS - PROTECTING VULNERABLE CONSUMERS**  
Presentation by Trading Standards Officer. (Pages 9 - 24)
5. **COMMUNITY**
6. **COMMUNITY PARTNER**
7. **COUNCIL SERVICE**
8. **ANY OTHER BUSINESS**  
Future Meeting Dates/Programme

## **MID ARGYLL PARTNERSHIP**

Councillor Sandy Taylor (Chair)

Lorna Elliott, Community Governance Manager

Contact: Lynsey Innis, Senior Area Committee Assistant; Tel: 01546 604338

This page is intentionally left blank

**MINUTES of MEETING of MID ARGYLL PARTNERSHIP held in the COUNCIL CHAMBERS,  
KILMORY, LOCHGILPHEAD  
on WEDNESDAY, 11 JUNE 2014**

**Present:**

(Chair)

Councillor Sandy Taylor

Councillor Anne Horn  
Iain MacLeod (ACHA)Councillor Donald MacMillan  
Sgt David Ferguson Police  
ScotlandFred Bruce  
David McTaggart  
Adrian Davies  
David Kent  
Mary Smyth  
John WoodsWest Lochfyne CC  
West Lochfyne CC  
Inveraray CC  
South Knapdale CC  
Craignish CC  
Ardsishaig CC**Attending**Ishabel Bremner  
  
Stephen DooganEconomic Development  
Manager  
Area Governance Officer**1. APOLOGIES**

Apologies were intimated by:

Kate Macaulay NHS  
David Jardine Forestry Commission  
Barbara Holness Dunadd CC  
Jim Frame SEPA  
Benedict Tustin SEPA  
Stewart Clark Roads  
Paul Martin Roads**2. MINUTES OF MEETING HELD ON 12 MARCH 2014**

The Minute of the previous meeting held on 12 March 2014 was approved as a true record.

**3. MATTERS ARISING**

There were no matters arising.

**4. REFLECTION ON SEMINAR (AMENITY SERVICES, INSURANCE AND COMMUNITY ENGAGEMENT)**

On 17<sup>th</sup> April, a training event was held in Lochgilphead Community Centre, to which all Members of the MAP, as well as all Community Councils on the Kintyre peninsula were invited. The training was in three parts with input from the Councils Insurance Services, a presentation on future challenges from

Amenity Services, and a Community Engagement workshop.

The Chair asked that the meeting pause for a moment and reflect on the learning points from the training. Some issues which were highlighted were that the Community Council insurance cover is more flexible than most Community Councils thought and the ease with which advice is accessible had sometimes not been fully understood. The Amenity Services input was seen as a form of Community Engagement and the challenges were better understood following the presentation, with a number of possible projects being mooted. The Workshop was seen as a very positive experience, and again a number of the issues raised encouraged participants to relate the workshop back to their own practice. As with the Amenity Services presentation, the assistance of the Community development and Governance teams was noted.

The Chair particularly acknowledged the contribution of Duncan Clelland and noted his and others regret that Duncan has now moved on from the Council.

### **(a) COMMUNITY REPRESENTATION AND TERMS OF REFERENCE**

**A discussion took place, the Chair recapped the discussions which had taken place at the previous meeting and outlined his view as to why the Group needs to continue to develop as a strategic partner of the C.P.P.**

**A general discussion followed, with all acknowledging that if the group is to successfully operate as a strategic partner, then better use needs to be made of the alternative ways of getting minor issues dealt with timeously, (such as submitting reports and such like via existing reporting mechanisms and through the governance team if that does not work initially). if the group is to be able to focus on broader issues for the area, such as improving tourism and infrastructure its time at meetings must be most productively used.**

**Mary Smyth, from Craignish C.C., noted that in some ways the terms of reference and the accompanying paper might be seen as aspirational, in that while the paper refers to the MAP as “well regarded” Mary is not sure that this is always the case. It was suggested that perceptions will always play a role in this type of case and that those participating in the process may have a different view from others.**

**A query was raised about the mention of different funding streams which might be available to some partners and where the MAP sits in relation to this. It was clarified that the Map itself as an unincorporated body did not have specific access to funding streams, but that M.A.P. members, when working in partnership for example with third sector partners may be able to apply to various grant making bodies which are closed to the public sector. Mary noted that the group is very good as a forum for sharing ideas and best practice and that this could be strengthened still further by looking again at the modes of communication which are used, and seeing whether there is room for expansion/improvement.**

## **5. LOCAL ECONOMIC DEVELOPMENT ACTION PLAN 2013-2018**

The Chair suggested, and the group agreed, to take this Item out of sequence and it was taken at the end of the meeting.

Ishabel Bremner gave an enlightening presentation on the Local Economic Development Plan outlining where the community council and other groups could contribute to its development. Ishabel noted that the main plan had been approved in April 2013, and that as a consequence of this approval, area development plans are now to be created. Looking at the experience of the past, it is essential that these plans be realistically achievable within a reasonable timescale, and are not merely aspirational wish lists which will never happen.

An initial working plan has been created already which has been developed through consultation with key partners, however, this is very much a working document which will change regularly as tasks change and community aspirations develop and are included. Community Councils and other groups are encouraged to participate in this process although it is important to remember that the issues surrounding the deployment of finite resources still apply,

For 2014/15 there are six deliverables in the plan which includes the regeneration of Lochgilphead and Bowmore town centres as well as developing Kilmartin Community Museum.

The most ambitious goal of the plan is to reverse the decline in population in Argyll; and specifically to retain and grow the working age citizenry. Although there have been some pockets of growth in population in Argyll, across the board, our population has seriously declined by approximately 10,000 in the last 10 years.

A major Challenge for all partners is to answer the question “How do we make MAKI compelling” - i.e. How do we make people want to holiday/move/live and stay here?

A partial answer to this question is that we absolutely need to provide all the services which people want, and form those services to be readily available within Argyll, which is not always the case. It is also accepted that Quality and fast broadband is essential if this plan is to succeed.

A Skills audit is to be conducted which will identify any gaps in service provision which can then be addressed by training and recruitment. The skills audit will tie in and be able to close the differential between the expectations/requirements of employers and the current skill sets of the local population, (particularly young people). Key partners in this will obviously be the educational establishments and the employers. As well as innovative opportunities for people to retrain or expand their abilities locally.

A second vital issue is the need to recognise that most people coming into the area, and certainly most who stay, come as part of a family unit of some type. This means that the area must provide suitable opportunities not only for the one person, but makes it vital that employment and educational opportunities are created and sustained for spouses, partners and children as well as for extended family members as necessary.

Another major Challenge is how to engage with and grow local businesses to support the goals of the plan. The council has earmarked £12m to support business development in the next several years.

**6. VILLAGE/ TOWN/AREA PLAN UPDATES INCLUDING**

**(a) ARDRISHAIG**

John Woods – Noted that this had been a period very much of continuity of themes in the village. There was nothing particularly new to report other than that the community survey re wind farms is progressing well.

**(b) CRAIGNISH**

Mary Smyth - Noted that the grass cutting by roads and amenity services was done very early this year with the unfortunate consequence the wild flowers have not had a chance to seed in Craignish. Knotweed has also been sprayed, but not all of it, and if it is not all done then the bits that are sprayed will simply regrow.

**(c) DUNADD**

Dunadd CC sent their apologies, but noted that they were content to support to the TOR and remit as proposed.

**(d) FURNACE**

No update received.

**(e) INVERARAY**

Adrian Davies noted that the Community council is working with the community to form a new organisation - the "Inverary Community Company " The purpose of the company is to become the holding company and the legal owner of a number of Community Assets, including the Community Hall and any other heritable assets which become community property in the Future. The Community Council remain concerned about the state of the Pier and noted that this has impacted both on a recent visit by a cruise ship but will also impact on the Viking festival since there is nowhere to dock.

**(f) LOCHGILPHEAD**

Robert Millar- asked anyone affected to submit comments about the planning application currently before the council for a wind farm.

He noted that the Manse Brae Residents association was still dealing with a planning issue re the Old School Site and that the Community Council welcomed the proposal to install a new path in the Barbluie woodland exiting at Macintyre terrace.

Cllr MacMillan noted that he understood that the lighting issue referred to would be resolved before the autumn and also noted that the Planning application referred to has been "called in" by the Scottish Government and

consequently the decision no longer rests with the council.

**(g) SOUTH KNAPDALE**

David Kent noted that the council has sent out a letter asking for consultation responses on a wind farm application, including a CD full of representations and documents about the application, and that given that there were over 1000 pages, the CC felt that the deadline was far too short, and have asked the council for an extension.

**(h) TARBERT CONSERVATION AREA**

Cllr Horn reported that the town is gearing up for the Viking Festival and so far is looking very good.

She noted that the new flats currently being built are moving forward well, and will soon be able to be occupied. Cllr Horn highlighted that Yvonne Lister (ACHA area manager) attended a meeting to discuss social housing in Tarbert and discovered through questioning that the demand within the community is considerably greater than previously thought.

Negotiations about obtaining community ownership of a turbine at Stronegar wind farm are ongoing. The new "Green Gym" is doing well. Cllr Horn also noted that a member of the CC is undertaking the challenge of doing a sponsored kayak paddle round the Kintyre peninsula.

**(i) WEST LOCHFYNE**

It was reported that the CC is "ticking over well" and is working steadily. The CC has worked with the Lochgair Amenity Association and the Woodland Trust and has assisted in organising community consultations with the two associations. The CC has also been involved in assisting obtaining funding and developing the organisation. It was noted with some concern that discussions with Wind farms appear to have gone quiet. This lack of communication is worrying to the CC since not all issues were settled. Re the Tullochgorm War Memorial, the Cc has been in discussion with the land owner where the memorial is sited, and he has granted permission for the necessary works to maintain the monument.

It was noted that the BEAR team cutting the verges of the A83 at Lochgair had used a chain flail, but that it had been set at an angle which caused a significant number of lengths of wooden root to stick up like spears which present a real danger to motorcyclist and cyclists. The Area Governance Officer was asked to enquire whether the angle could be modified.

**7. HOUSING ISSUES**

Iain Macleod of ACHA reported that the regeneration of the eight units in Tarbert is still scheduled to be finished by Jan 15. Insulation replacement/installation and roof/roughcast repair/replacement is ongoing in Tarbert.

There is a Planning application is being considered currently for 12 units in Inverary, and the planned upgrades of kitchens, windows and wiring across the housing stock are almost complete.

Iain noted that ACHA are now in year 8 of their capital investment plan. There are also a significant number of other small scale or single house repairs ongoing.

The CARS project in Inverary is now in place (CARS to provide input and inform suggestions to some of the future work of the M.A.P.

ACHA and its new trading arm AHFA (Argyll Homes For All) has now completed its first full year of operation and ACHA are happy with the outcomes of the project and the standard of work provided. .

There are major works needing done within the void properties, but ACH is working with the council to reduce the void numbers

Iain noted that the govt minister for housing had visited Duncholigan Travelling person's site and had heard the residents views.

Iain also noted that Rob Buchanan is still in negotiations with owners in Furnace re local works.

A short discussion regarding the availability of larger houses (4bedrooms) and how many ACHA have of these took place, – Iain agreed to provide figures to West Lochfyne CC, but noted that these houses would only be built if the local demographic showed that they were necessary.

### **8. SCOTTISH WATER**

There was no update from Scottish Water.

### **9. TRANSPORTATION ISSUES**

An update from the Roads Department was tabled

### **10. HEALTH/SOCIAL CARE ISSUES**

There were no update on Health and Social Care issues.

### **11. COMMUNITY SAFETY**

**Sgt Ferguson noted that the police community safety newsletter had been circulated It was noted that not everyone had received this and the magazine will now be passed to the Area Governance assistance to circulate to Forum members, The Summer Drink-driving campaign is currently ongoing, and the figures for both violence and crimes of dishonesty are currently down; more detailed figures are in the newsletter. The importance of using the new 101 number to advise or call police in non-emergency situations was highlighted and the group agreed to disseminate this information as widely as possible.**

Sgt. Ferguson noted that the commonwealth games is coming up shortly



and will be very demanding in terms of resourcing, however plans have been developed and the games will not affect the police ability to provide their service on the ground.

**12. COMMUNITY INITIATIVES**

John Woods advised that he had moved on from his previous post and was now working in a development project funded by the Robertson Trust, tackling alcohol misuse. Johns agreed to provide a presentation on this new project to a future meeting.

**13. AMENITY ISSUES**

The Update at item 10 was tabled.

**14. AOB**

**A question was raised about changing the time of the meeting, and it was suggested that this could be considered and reviewed at a later date**

**The next meeting will be held on 10 September in the Council Chambers at 10.00 AM**



# Trading Standards Protecting Vulnerable Consumers

Kathleen Munro  
Trading Standards Officer  
Mid Argyll, Kintyre and the Islands

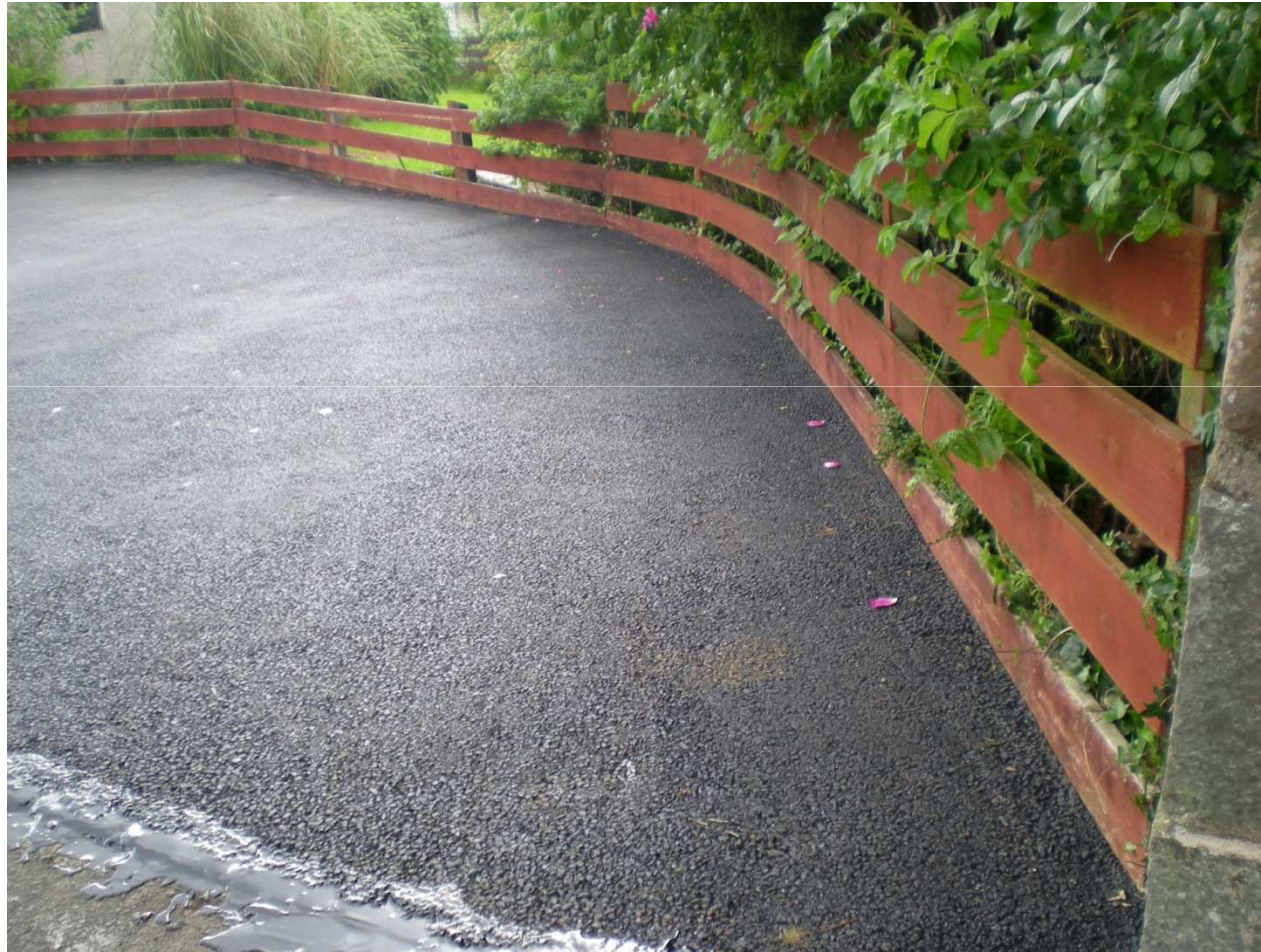
# Corporate Outcome

Vulnerable adults, children and families are protected and supported within their communities

# Trading Standards Service Goals

- Empowered, confident customers capable of successfully exercising their legal rights and accessing advice / support.
- Failure to support consumers leading to consumers being unsupported and being vulnerable to illegitimate businesses.
- Protect the health of our communities through effective partnership working.

# Mrs Macs Driveway



# Consumers Right to Cancel

- The Cancellation of Contracts made in a Consumer's Home or Place of Work etc. Regulations 2008
- 7 days cancellation rights for consumer
- Regulations set format of information to be given by the trader
- If cancellation notice not given to consumer they can still cancel after work has taken place

# Mrs Macs Letter

Dear Sir

You are aware that “Trading Standards” has informed me that according to them I do not require to pay any moneys to you.

However, I enclose a cheque for £1500.00 as full and final payment for work done and in addition to £486.00 for down payment on windows already given to you.

This I am paying you on the understanding that you will not contact me in any way from now on. I do not want to continue with the installation of windows or any work of any kind by your firm.



# Update to Regulations

- Contracts made after the 13<sup>th</sup> June 2014
- Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013
- Revoke Distance Selling and Cancellation of contracts Regulations
- Provide for 14 days to cancel the contract

“If you do mine like that the job is yours”



# Misleading Action

- Sales agreement lists 12.5metres of concrete kerb which was never installed
- It contains false information
- it causes or is likely to cause the average consumer to take a transactional decision he would not have taken otherwise
- With regard to the main characteristics of the product, the specification of the product

# Consumer Protection from Unfair Trading Regulations 2008

## SCHEDULE 1

Commercial practices which are in all circumstances considered unfair

- Explicitly informing a consumer that if he does not buy the product or service, the trader's job or livelihood will be in jeopardy
- Making persistent and unwanted solicitations by telephone, fax, e-mail or other remote media except in circumstances and to the extent justified to enforce a contractual obligation

# Roof and Chimney Repair



# Helensburgh Consumer

- TSO contacted by Police. 80 year old consumer had signed up for various works at their home after cold calling.
- Trader started work earlier than agreed (although no one could see what work they have done) and had taken £500 deposit from the consumer towards total cost of £2520
- The Trader had not provided the correct cancellation information. Complainant cancelled contract and trader has not returned.
- TSO now working with East Ayrshire Council in an attempt to secure refund of £500 to consumer

## Call Blockers

True Call Care blocks nuisance callers but lets friends and family and legitimate callers through

When a call arrives it checks the caller's number against a list held in its memory. If it is recognised as a trusted caller then the phone rings as normal, but true Call Care intercepts all other callers and plays them a message



# Cold Calling Notices





# Buy with Confidence

- A scheme which will provide Argyll and Bute residents with the confidence to select a trader who has been vetted and who will provide quality goods and services at a reasonable cost





**Any Questions?**