

**Argyll and Bute Council**  
**Comhairle Earra-Ghàidheal Agus Bhòid**

*Customer Services*  
*Executive Director: Douglas Hendry*



*Kilmory, Lochgilphead, PA31 8RT*  
*Tel: 01546 602127 Fax: 01546 604435*  
*DX 599700 LOCHGILPHEAD*

11 May 2017

**NOTICE OF MEETING**

A meeting of the **ARGYLL AND BUTE COUNCIL** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **THURSDAY, 18 MAY 2017** at **12:00 PM**, which you are requested to attend.

Douglas Hendry  
Executive Director of Customer Services

[Note 1 – All Members must have completed and lodged with the Executive Director – Customer Services the Statutory Declaration of Acceptance of Office before the start of the meeting, otherwise they will be unable to participate as a Member of this meeting.]

[Note 2 – This Agenda has been constructed in keeping with the Council's current Standing Orders and Scheme of Administration and Delegations and may be varied in light of any decision taken by the Council in relation to those Standing Orders etc.]

**BUSINESS**

1. **MEMBERS OF THE COUNCIL: REPORT BY RETURNING OFFICER (Pages 1 - 4)**
2. **ELECT PROVOST OF THE COUNCIL**
3. **APOLOGIES FOR ABSENCE**
4. **DECLARATIONS OF INTEREST (IF ANY)**
5. **ELECT DEPUTE PROVOST OF THE COUNCIL**
6. **ELECT THE LEADER OF THE COUNCIL**
7. **ELECT THE DEPUTE LEADER OF THE COUNCIL**
8. **COMPOSITION OF THE COUNCIL (Pages 5 - 8)**  
Report by Executive Director – Customer Services

## **9. COUNCIL CONSTITUTION**

Confirm adoption (Pro Tem) of

- (a) Standing Orders for Meetings
- (b) Scheme of Administration and Delegations
- (c) Financial and Security Regulations
- (d) Contract Standing Orders
- (e) Ethical Framework
- (f) Scheme of Approved Duties

(Council Constitution previously circulated to all Members or accessed from the following link - <https://www.argyll-bute.gov.uk/constitution>)

## **10. POLITICAL MANAGEMENT ARRANGEMENTS (Pages 9 - 28)**

Report by Executive Director – Customer Services

## **11. COUNCILLORS' REMUNERATION SCHEME (Pages 29 - 30)**

Consider and, if so resolved, approve or take relevant decisions in relation to Councillors' Remuneration to give effect to the decisions at 10 above

## **12. APPOINTMENT OF PERSONS INTERESTED IN THE PROMOTION OF RELIGIOUS EDUCATION (Pages 31 - 34)**

Report by Executive Director – Customer Services

## **13. CONSIDER APPOINTMENT OF TEACHER REPRESENTATIVES (Pages 35 - 36)**

Report by Executive Director – Customer Services

## **14. APPOINT MEMBERS OF STATUTORY BOARDS/JOINT COMMITTEES (Pages 37 - 38)**

Report by Executive Director – Customer Services

## **15. APPOINT MEMBERS TO THE LICENSING BOARD (Pages 39 - 40)**

Report by Executive Director – Customer Services

## **16. CONVENTION OF SCOTTISH LOCAL AUTHORITIES (Pages 41 - 50)**

Report by Executive Director – Customer Services

## **17. APPOINTMENTS TO OUTSIDE BODIES (Pages 51 - 68)**

Report by Executive Director – Customer Services

## **18. EMPLOYEE JOINT CONSULTATIVE COMMITTEE (Pages 69 - 70)**

Report by Executive Director – Customer Services

## **19. LOCAL NEGOTIATING COMMITTEE FOR TEACHERS (Pages 71 - 72)**

Report by Executive Director – Customer Services

## **20. COMMON GOOD FUNDS (Pages 73 - 76)**

Report by Executive Director – Customer Services

**21. LOCAL LICENSING FORUM** (Pages 77 - 80)

Report by Executive Director – Customer Services

**22. REVIEW OF SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS**  
(Pages 81 - 86)

Report by Executive Director – Customer Services

**COUNCIL**

All Members

Contact: Hazel MacInnes Tel: 01546 604269

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**ARGYLL AND BUTE COUNCIL  
ELECTION OF COUNCILLORS  
4 MAY 2017**

The names and addresses of the persons who have been elected as a Councillor in each of the 11 wards into which the Argyll and Bute Local Government Area is divided is as follows:-

<b>ELECTORAL WARD</b>	<b>NAME</b>	<b>ADDRESS</b>	<b>DESCRIPTION</b>
No. 1 South Kintyre	John Armour	Kintara, Machrihanish Road, Campbeltown	Scottish National Party
	Rory Colville	Langa Farm, Kilkennie, Campbeltown	Scottish Liberal Democrats
	Donald Kelly	Strathmore, Drumlemble, Campbeltown	Scottish Conservative and Unionist Party
No. 2 Kintyre and the Islands	Robin Currie	10 Burnside, Bruichladdich, Isle of Islay	Scottish Liberal Democrats
	Anne Horn	4 Lochgair Place, Tarbert	Scottish National Party
	Alastair Redman	10 Bruach Gorm, Port Charlotte, Isle of Islay	Scottish Conservative and Unionist Party
No. 3 Mid Argyll	Donnie MacMillan	10 Ardpatrik Place, Lochgilphead	Independent
	Douglas Trevor Philand	Oriago, 32 Fernoch Crescent, Lochgilphead	Independent
	Sandy Taylor	9 Dun Mor Avenue, Lochgilphead	Scottish National Party
No. 4 Oban South and the Isles	Mary-Jean Devon	5 Struan Crescent, Tobermory, Isle of Mull	Independent
	Jim Lynch	8 Balvicar Road, Oban	Scottish National Party
	Roddy McCuish	20B Dalintart Drive, Oban	Independent
	Jamie McGrigor	Ardchonnell House, Dalmally	Scottish Conservative and Unionist Party
No. 5 Oban North and Lorn	Keiron Green	Flat1/4, 49 Combie Street, Oban	Independent
	Julie McKenzie	37 Creag Bhan Village, Oban	Scottish National Party

	Elaine Robertson	Dungrianach, Pulpit Hill, Oban	Independent
	Andrew Vennard	9A Tweeddale Street, Oban	Scottish Conservative and Unionist Party
No. 6 Cowal	William Gordon Blair	63 Sandhaven, Sandbank, Dunoon	Scottish National Party
	Yvonne McNeilly	1 Kilbride Avenue, Dunoon	Scottish Conservative and Unionist Party
	Alan Reid	136 Fairhaven, Kirn, Dunoon	Scottish Liberal Democrats
No. 7 Dunoon	Jim Anderson	Carmona Bank, 5 Alexander Street, Dunoon	Independent
	Audrey E Forrest	131 Argyll Road, Kirn, Dunoon	Scottish National Party
	Bobby Good	Fernlee, 52 Mary Street, Dunoon	Scottish Conservative and Unionist Party
No. 8 Isle of Bute	Jim Findlay	Flat 1, 1 Duncan Street, Port Bannatyne, Isle of Bute	Scottish National Party
	Jean Murray Moffat	1 Timber Cottage, Mount Stuart, Isle of Bute	Independent
	Len Scoullar	Tangmeer, 45 Craigmore Road, Rothesay, Isle of Bute	Independent
No. 9 Lomond North	George Freeman	8 Upland Wynd, Garelochhead, Helensburgh	Independent
	Barbara Morgan	Autumnwood, Argyll Road, Kilcreggan	Scottish Conservative and Unionist Party
	Iain Shonny Paterson	Guithas Cottage, Arrochar	Scottish National Party
No. 10 Helensburgh Central	Lorna Douglas	8 Craigendoran Avenue, Helensburgh	Scottish National Party
	Graham Archibald Hardie	Flat 1/1, 149 East Clyde Street, Helensburgh	Scottish Liberal Democrats
	Aileen Morton	11 Collins Road, Helensburgh	Scottish Liberal Democrats
	Gary Mulvaney	105 East Princes Street, Helensburgh	Scottish Conservative and Unionist Party

No. 11  
Helensburgh and Lomond  
South

David Kinniburgh

15 Fraser Avenue, Dumbarton

Scottish Conservative and  
Unionist Party

Ellen Morton

Elie Cottage, Adelaide Street,  
Helensburgh

Scottish Liberal Democrats

Richard Trail

10 Havelock Place,  
Helensburgh

Scottish National Party

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**ARGYLL AND BUTE COUNCIL****COUNCIL****CUSTOMER SERVICES****18 MAY 2017**

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**COMPOSITION OF THE COUNCIL**

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**1.0 EXECUTIVE SUMMARY**

This report is intended to provide information to the Council about its composition in terms of the formation of groups of Councillors following the election on 4 May 2017. Further updated information may be tabled at the Council Meeting.

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**ARGYLL AND BUTE COUNCIL**
**COUNCIL****CUSTOMER SERVICES****18 MAY 2017**


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**COMPOSITION OF THE COUNCIL**


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**2.0 INTRODUCTION**

- 2.1 This report is intended to provide information to the Council about its composition in terms of the formation of groups of Councillors following the election on 4 May 2017. Further updated information may be tabled at the Council Meeting. Members should note that written notification should be given to the Executive Director of Customer Services as soon as possible after the Election and in any event before the Council Meeting as to the Membership of any groups which may have been formed.

**3.0 RECOMMENDATIONS**

- 3.1 The Council is invited to note the terms of the report.

**4.0 DETAIL**

- 4.1 The Council's current constitution provides for the allocation of the seats on Strategic Committees and it is a matter for the Council to determine the composition and political balance (with the exception of the current Area Committees).
- 4.2 At the date of this report the composition of groups on the Council is as follows, subject to final notification to the Executive Director of Customer Services from the Groups:-

<b>Group</b>	<b>No. of Members</b>	<b>% of Total Members</b>
Independent Councillors	10	28%
Scottish Conservative and Unionist	9	25%
Scottish Liberal Democrats	6	17%
Scottish National Party	11	30%

4.3 Any decisions that the Council takes in respect of items 9(Council Constitution) and 10(Political Management Arrangements) will determine or may have an implication for the allocation of seats on any Committee or other body of the Council.

4.4 Membership of the groups is detailed at Appendix 1.

## **5.0 CONCLUSION**

5.1 Elected Members are invited to note the composition of the Council following the Election on 4 May 2017. Members should note that written notification should be given to the Executive Director of Customer Services as soon as possible after the Election and in any event before the Council Meeting as to the membership of any groups which may have been formed and consequently further updated information may be tabled at the Council Meeting.

## **6.0 IMPLICATIONS**

- 6.1 Policy – none
- 6.2 Financial – none
- 6.3 Legal – none
- 6.4 HR – none
- 6.5 Equalities – none
- 6.6 Risk – none
- 6.7 Customer Service - none

**Douglas Hendry**  
**Executive Director of Customer Services**  
**10<sup>th</sup> May 2017**

**For further information contact:** Charles Reppke, Head of Governance and Law,  
Tel: 01546 604192 email: [Charles.reppke@argyll-bute.gov.uk](mailto:Charles.reppke@argyll-bute.gov.uk)

**Appendix 1: Argyll and Bute Council - Political Composition**

<b>Argyll and Bute Council Political Composition</b>
<p><b>INDEPENDENT (10)</b></p> <p>Jim Anderson Mary-Jean Devon George Freeman Kieron Green Donald MacMillan Roddy McCuish Jean Murray Moffat Douglas Philand Elaine Robertson Len Scoullar</p>
<p><b>SCOTTISH CONSERVATIVE AND UNIONIST (9)</b></p> <p>Bobby Good Donald Kelly David Kinniburgh Jamie McGrigor Yvonne McNeilly Barbara Morgan Gary Mulvaney Alastair Redman Andrew Vennard</p>
<p><b>SCOTTISH LIBERAL DEMOCRATS (6)</b></p> <p>Rory Colville Robin Currie Graham Archibald Hardie Aileen Morton Ellen Morton Alan Reid</p>
<p><b>SCOTTISH NATIONAL PARTY (11)</b></p> <p>John Armour William Gordon Blair Lorna Douglas Jim Findlay Audrey E Forrest Anne Horn Jim Lynch Julie McKenzie Iain Shonny Paterson Sandy Taylor Richard Trail</p>

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**ARGYLL AND BUTE COUNCIL****COUNCIL****CUSTOMER SERVICES****18 MAY 2017**

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**POLITICAL MANAGEMENT ARRANGEMENTS**

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**1.0 EXECUTIVE SUMMARY**

1.1 The previous Council agreed at its meeting held on 21 April 2016 to establish a Short Life Working Group (SLWG) which would review the current Political Management Arrangements and work to make recommendations on future arrangements which would be presented to the final meeting of Council and then given to the new Council for consideration.

1.2 The recommendations from the Short Life Working Group were presented to the Council meeting of 20<sup>th</sup> April 2017, where the following was agreed:-

*“The Council agreed to refer the findings of the Short Life Working Group on Political Management Arrangements to the first meeting of the new Council for consideration”*

1.3 The report which was presented to Council is attached and provides an outline of the work undertaken by the Short Life Working Group, and highlights the areas which have been taken into consideration during the discussions. It also provides the conclusions reached by that Short Life Working Group for consideration by Council.

**Recommendations**

1.4 Council is invited to

- (a) Consider recommendation from Council and report by Short Life Working Group on Political Management Arrangements and, if so resolved, proceed to establish Political Management Arrangements.
- (b) Appoint the Members and Chairs and Vice Chairs of the Various Committees subject to decisions taken at Item 10a above.
- (c) Instruct the Executive Director - Customer Services to implement the decisions to be taken at Item 10a above and to report to the Council with a revised Scheme of Administration and Delegations as necessary.
- (d) Agree an initial programme of meetings:

Planning, Protective Services and Licensing Committee - 21 June 2017  
Council - 29 June 2017

Audit Committee - 30 June 2017

Area Committee Development Days –

- Bute and Cowal – Tuesday 13 June 2017
- Mid Argyll, Kintyre and the Islands – Wednesday 14 June 2017
- Helensburgh and Lomond – Monday 19 June 2017
- Oban, Lorn and the Isles – Monday 26 June 2017

- (e) Instruct the Executive Director - Customer Services to prepare a programme of meetings in light of the decisions at item 10 above.

**Douglas Hendry**  
**Executive director Customer Services**  
**10<sup>th</sup> May 2017**

**For further information contact:** Charles Reppke, Head of Governance and Law,  
Tel: 01546 604192 email: [Charles.reppke@argyll-bute.gov.uk](mailto:Charles.reppke@argyll-bute.gov.uk)

Appendix 1 – Recommendations from Short Life Working Group on Political Management Arrangements Report and Appendices

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ARGYLL AND BUTE COUNCIL

COUNCIL

20 April 2017

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**RECOMMENDATIONS FROM SHORT LIFE WORKING GROUP ON POLITICAL  
MANAGEMENT ARRANGEMENTS**

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**1.0 EXECUTIVE SUMMARY**

- 1.1 The Council agreed at the meeting held on 21 April 2016 to establish a Short Life Working Group (SLWG) which would review the current Political Management Arrangements and work to make recommendations on future arrangements which would be presented to the final meeting of Council and then given to the new Council for consideration. The decision of Council was as follows:-

*“The Council agrees to set up a Short Life Working Group (SLWG) for the purpose of considering the future local democratic and governance arrangements of the Council, to consider also the detail in the proposed Performance and Scrutiny Review Handbook and how all of this will relate to future governance arrangements, and to bring forward a report to a future meeting of the Council in readiness for the new Council.”*

- 1.2 This report provides an outline of the work undertaken by the Short Life Working Group, and highlights the areas which have been taken into consideration during the discussions. The report also provides draft timetables and protocols for consideration by Council.

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**ARGYLL AND BUTE COUNCIL****COUNCIL****20 April 2017**

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**RECOMMENDATIONS FROM SHORT LIFE WORKING GROUP ON POLITICAL  
MANAGEMENT ARRANGEMENTS**

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**2.0 INTRODUCTION**

2.1 This report provides Council with recommendations from the Short Life Working Group on Political Management Arrangements for consideration.

**3.0 RECOMMENDATIONS**

3.1 Council agrees to refer the findings of the Short Life Working Group to the first meeting of the new Council for consideration.

**4.0 DETAIL**

4.1 The Council agreed at the meeting held on 21 April 2016 to establish a Short Life Working Group (SLWG) which would review the current Political Management Arrangements and work to make recommendations on future arrangements which would be presented to the final meeting of Council and then given to the new Council for consideration. The decision of Council was as follows:-

*“The Council agrees to set up a Short Life Working Group (SLWG) for the purpose of considering the future local democratic and governance arrangements of the Council, to consider also the detail in the proposed Performance and Scrutiny Review Handbook and how all of this will relate to future governance arrangements, and to bring forward a report to a future meeting of the Council in readiness for the new Council.”*

**4.2 Work of the Short Life Working Group**

4.2.1 The SLWG has met on 5 occasions and has considered a wide variety of information. At the first meeting of the Group, Members determined the basic principles for the review as follows:-

- (a) Stability in political management arrangements
- (b) Clear strategic direction to deliver on Single Outcome Agreement
- (c) The development of clear and sustainable policies
- (d) An inclusive Council
- (e) Positive Culture
- (f) Constructive working relationships across all Elected Members
- (g) Members focus on addressing challenges and identifying opportunities
- (h) Good reputation



- (i) Leadership
- (j) Effective political scrutiny
- (k) Effective decision making
- (l) Focus on all our customers
- (m) Achieving our ambition
- (n) Future proofing

These basic principles informed the discussion on the different types of Committee model.

- 4.2.2 Following the first meeting of the SLWG, a consultation was undertaken across all 36 Elected Members asking them to provide feedback on the current Political Management Arrangements, to make suggestions as to what any future structure should look like and also to provide any comment on the Scrutiny Review Handbook which had been produced by the PRS Committee. A small number of responses were received with general comments and suggestions and these were discussed by the Working Group.
- 4.2.3 The Group identified that there were 3 options in terms of Committee models – Traditional, Cabinet and Executive. Officers were tasked with providing information on all 3 models, and were also asked to provide information on the structures which were in place across Scotland with particular interest being placed on Authorities with similar geography to Argyll and Bute. The position across Scotland varies, with it being noted that in those Authorities which most closely align with Argyll and Bute the majority operate a Traditional Committee model. Discussion also took place on the Area Committee arrangements, and officers provided information on the situation across Scotland.

#### 4.3 Committee Structures

- 4.3.1 The three models identified are Traditional, Cabinet and Executive – a short description of each model is provided below:-

##### 4.3.2 **Traditional Committee model**

This is the type of system currently in place within Argyll and Bute Council. The traditional system delegates authority to a number of Committees to make those decisions which are not reserved for the Council. The membership of these Committees is reflective of the political balance of the Council and can allow for a geographical balance to be maintained. It allows for a significant portion of Council business to be undertaken using the delegation to Committees.

##### 4.3.3 **Cabinet model**

In this model, a small group of elected members from the administration and with Portfolio/Policy remits make all the day-to-day decisions within a policy framework set by the council as a whole. The Cabinet would meet on a regular basis, with those Members who are not part of the Cabinet being

involved in providing a robust scrutiny function. There would be no requirement for service Committees, there would be less Committees overall, but meetings of the Cabinet would be more frequent than current Committee schedules. This model would provide stability and strategic direction but would not provide political balance, nor would it involve all members in decision making.

#### 4.3.4 **Executive model**

The Executive model is similar to the Cabinet model, but the Executive generally has membership from both administration and opposition councilors. The Executive would meet on a regular basis and there would again be a robust scrutiny process in place. In this model there would be no requirement for service Committees and there would be less Committees overall. This model can be seen as more efficient and can provide political balance whilst providing a greater opportunity for strategic direction. It may be seen as less democratic and as offering less involvement for all members in the business of the Council.

#### 4.4 Other areas of consideration

##### 4.4.1 **Area Committees**

The Group had lengthy discussion around the future arrangements for Area Committees. The general consensus was that Members wanted to retain the current 4 Area Committee arrangement, but it was recognised that there required to be a reduction in the number of meetings which were supported by Governance. They also considered the Area Committee Business Days, with there being a broad agreement that Business Day meetings could continue but that they would no longer be supported by Governance and it would be for Members in the 4 Administrative areas to organise these meetings – there would be no minute taken of the meeting, but it would give Members the opportunity to discuss local issues in a less formal environment. As a result of these discussions a protocol for Area Committee Business Days has been drafted, a copy of which is attached as Appendix 1 to this report.

##### 4.4.2 **Audit and Scrutiny arrangements**

Consideration was given to the future arrangements in relation to the Audit and Scrutiny functions of the Council. There was discussion around whether the current arrangements in place should continue with a separate Audit Committee and a Committee dealing with Performance Review and Scrutiny. Feedback from Members on those Committees was that they should remain separate, but following discussion there was a general consensus that if a Traditional model was adopted then the 2 Committees should be reviewed. In both the Cabinet and Executive models, there would be a requirement for a robust system of Scrutiny which would necessitate a separate Audit Committee.

#### 4.4.3 **Regulatory Committee arrangements**

The Members of the Group gave consideration to the current structure and there was general agreement that the Planning, Protective Services and Licensing Committee (PPSL) arrangements which are in place at the moment work extremely well. There was a consensus view that these arrangements should be replicated regardless of which type of structure is agreed.

#### 4.4.4 **Reports for Noting**

One of the key drivers for making change to the Political Management Arrangements is to provide a more streamlined structure which in turn should provide a more effective basis for decision making. The Group highlighted their concern over the number of reports which are put forward to Committee for noting. It was recognised, however, that it can be important that information is shared through the formal Committee process, but that sometimes this doesn't require a decision to be made. To facilitate this, there was a consensus view that reports for noting should be tabled at meetings but that they could be taken at the end of an agenda, there would be no opportunity for discussion on these items and they would be noted in block. In order to assist with this a protocol has been drafted and this is attached as Appendix 2 to this report.

#### 4.4.5 **Consultations**

The Group also gave consideration to the process for dealing with consultations, particularly those which are received by the Council which do not fall within a Committee cycle and are of a non-technical or policy nature. There was agreement that such consultations should be passed on to Members of the relevant Committee for comment and that a response would then be agreed by the Chair/Vice Chair and the relevant Executive Director. A protocol has been drafted which sets out how to deal with consultations of this type and this is attached as Appendix 3 to the report.

#### 4.4.6 **Harbour Board**

The Harbour Board currently sits as Sub Committee of the Environment, Development and Infrastructure Committee and meets 4 times per year. The Group were in agreement that the frequency of Harbour Board meetings is reduced and it moves to meet on a bi-annual basis with meetings being held directly following the EDI Committee (If a Traditional Model is agreed) or on a bi-annual basis as a stand-alone Committee (if an Executive/Cabinet Model is agreed). It is also suggested that the Membership of the Board could be reduced, retaining representation from the 4 administrative areas (2 Members from each administrative area) and the Chair/Vice Chair appointed from these 8 Members.

#### 4.4.7 **Islands Task Force**

The Islands Task Force is a Short Life Working Group which was set up by Council at the meeting held on 23 January 2014, with the aim of being the

vehicle for the Council developing its own islands initiative including a position statement for the islands which outlines the key areas for support, including any increased resources and powers from the Scottish Government and UK Government. At the conclusion of the current Council all Short Life Working Groups will cease to exist, and as such there will no longer be an Islands Task Force. It is noted that there is a national intention that there will be an Islands Bill put through Parliament and the new Council should ensure that it has a Group or Committee which would be able to assist in the implementation of such a Bill.

#### **4.4.8 Scrutiny Handbook**

The Scrutiny Handbook developed by the PRS Committee was also subject to discussion by the Group, in line with the initial Council decision to set up the review. It was recognised that whichever model is adopted by the new Council there will be a need to have regard to developing procedures for scrutiny. It would therefore be appropriate for further consideration of the Handbook to be put on hold until the new Political Management Arrangements are agreed. This would allow for the handbook to be looked at in detail as the scrutiny function will vary depending on the model adopted.

#### **4.4.9 Localism**

Members discussed Localism and received a report submitted by the Community Planning Manager. It was noted that guidance is still awaited from the Scottish Government and will be taken forward at an appropriate time. The issue of localism will be dealt with separately and does not have an impact on the decision relating to the review of Political Management Arrangements.

#### **4.4.10 Area Community Planning**

Members were in agreement that the current structure for the Area Community Planning Groups works well. It was recognised that due to a reduction in resource available to support these groups there would require to be a subsequent reduction in the number of meetings. It is proposed that the Area CPG meetings continue in their current format, with meetings 3 times per year.

#### **4.4.11 Service Choices**

The current round of Service Choices reductions were also a consideration in looking forward and in the building of any future Committee model. The Governance service has implemented a 38% reduction in budget which has reduced the number of staff available to provide support to meetings from 14.9 FTE to 9.3 FTE. Any model which is adopted would need to be resourced by this reduced number of staff.

#### **4.4.12 Programme of Meetings 2017/2018**

In line with the discussions at the previous meetings and taking into account all of the considerations outlined above, officers have prepared draft timetables for

meetings in 2017/2018 following on from the Local Government Elections (Appendices 4 and 5). Schedules have been produced which give an indication on meetings for both the Traditional Committee model, for the Cabinet model and for the Executive model. The Traditional Committee model has the same structure as is currently in place but in line with the discussions at the Group, the number of meetings of Council and Policy and Resources Committee have been reduced. It would be proposed that an update to the delegations for Service Committees would be undertaken to allow for more streamlined decision making which would make the move to fewer meetings of Policy and Resources Committee achievable. The Cabinet and Executive models incorporate meetings of the Council 4 times per year plus a budget meeting with meetings of the Cabinet or Executive and the Scrutiny Committee on a 6 weekly basis. The timetables which have been produced for consideration can be supported using the available resource within Governance.

## 5.0 CONCLUSION

5.1 This report provides Council with an overview of the work of the Short Life Working Group on Political Management Arrangements. It outlines the discussions which have taken place and the information which has been taken into consideration. The Working Group provides the information contained in this report to allow the new Council to make a reasoned decision in terms of the future Political Management Arrangements, and provides a draft schedule of meetings which could be implemented by officers as soon as it is agreed.

5.2 In summary, the Short Life Working Group have come to the following conclusions:-

- There are 3 models which could be adopted, but it will be for the new Council to consider which model is their preferred option
- Area Committees should be retained, but with a reduced frequency of meetings
- Business Day meetings at area level should be Member only meetings with no support from Governance and no minute taken
- Audit and Scrutiny functions should be reviewed dependent on which model is adopted
- The new Council in agreeing any scrutiny function should have regard to developing procedures for undertaking effective scrutiny
- The PPSL Committee should be retained regardless of the model adopted
- A protocol for dealing with Reports for Noting should be agreed to streamline meetings
- A process for dealing with consultations should be agreed which would enable responses to be given outwith the normal Committee cycle
- The Harbour Board should move to be a bi-annual meeting, but has to be included in any future structure
- The new Council should have regard to a mechanism for dealing with any proposed Islands Bill
- Area Community Planning is working well, and should continue but with a slightly reduced frequency of meetings
- Any model which is agreed will have to be deliverable using the reduced

resources available within the Governance team

- The Localism agenda will be picked up at an appropriate time once guidance is received from the Scottish Government

## **6.0 IMPLICATIONS**

6.1 Policy – none at this stage.

6.2 Financial – meeting schedules outlined in this report can be supported using existing financial resources.

6.3 Legal – none at this stage.

6.4 HR – none at present, but may have HR implications dependent on the agreement made by the new Council.

6.5 Equalities - none

6.6 Risk - none

6.7 Customer Service - none

Councillor Dick Walsh  
Councillor Ellen Morton  
Councillor Aileen Morton  
Councillor Rory Colville  
Councillor Elaine Robertson  
Councillor Roddy McCuish

Councillor Robin Currie  
Councillor Sandy Taylor  
Councillor Richard Trail  
Councillor Ann Horn  
Councillor James Robb

Members of the Short Life Working Group on Political Management Arrangements

**For further information contact:** Councillor Dick Walsh

## **APPENDICES**

Appendix 1 – Draft Protocol for Area Committee Business Day meetings

Appendix 2 – Draft Protocol for dealing with Reports for Noting

Appendix 3 – Draft Protocol for Consultations

Appendix 4 – Draft timetable of meetings (Traditional Model)

Appendix 5 – Draft timetable of meetings (Cabinet or Executive Model)

**Protocol for Area Committee Business Days**

1. At the start of each year the AC will agree a programme of business days and the Head of Governance and Law shall arrange accommodation for the scheduled meetings and notify the members of the arrangements.
2. The Area Chair shall convene the meetings which will be informal and no minutes shall be taken.
3. The meeting shall not be regarded as a formal meeting to which the Local Government Access to Information provisions would apply and all members should recognise and respect that circumstance.
4. Members attending the business days should recognise that the meetings are designed to encourage and support good relations between all members and this objective will only be achieved if the meetings operate in a spirit of mutual trust and respect .This may on occasion mean that meetings progress on Chatham House protocol and or having regard to the commercial confidentiality of matters that may be discussed.
5. No decision can be taken at such a meeting. Officers may attend meetings if it has been agreed in advance by the Area Chair and the Chief Executive.

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**Reports for Noting**

The Constitution shall contain a provision at Standing Order 8.1 as follows:

8.1.8 Other business which is included on the agenda ,including those items advised for noting only ,which in the case of the latter shall not be subject to debate or discussion nor shall it be competent to move any motion other than that the matter be referred to the next meeting of the committee as a substantive item

There will be an addition to SO 10 in the following terms

10.9 In respect of any item on a committee agenda marked as for noting only, then the only competent motion [other than to note] will be for the matter to be referred to the next meeting of the committee as a substantive item. If such a motion is put to the meeting there shall be no other procedure than a vote for or against the terms of the motion. If the motion is carried then it will stand referred if it is lost then the item is noted.

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**Protocol for Consultations**

There shall be delegated to each Executive Director the power to respond to consultations which are reasonably considered by that officer to be of a technical nature without reference to Committee .In the event that a Consultation is received with a return date prior to the next ordinary meeting of the relevant committee then the Executive Director shall, after consultation with the Chair and Vice Chair of the Committee, determine whether to consult all members of the relevant committee. Once that consultation has been undertaken the response shall be submitted by the officer who in the event of there being a range of views expressed by members, or otherwise at their discretion, may consult with the Chair.

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# Schedule of Committee Meetings – Traditional Committee Structure

# Appendix 4

	2017							2018							
Committee	May	Jun	July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July
Council	Thurs 18 / 25	Thurs 29			Thurs 28		Thurs 30			Thurs 22		Thurs 26		Thurs 28	
P&R				Thurs 17		Thurs 19		Fri 8		Thurs 15			Thurs 17		
Comm. S		Thurs 15			Thurs 14			Thurs 14			Thurs 15			Thurs 14	
EDI		Thurs 8			Thurs 7			Thurs 7			Thurs 8			Thurs 7	
PPSL	Tues 30	Wed 21		Wed 23	Wed 20	Wed 18	Wed 22	Fri 15	Wed 24	Wed 21	Wed 21	Wed 18	Wed 16	Wed 20	
Audit		Tues 20			Tues 19			Fri 1			Tues 20			Tues 19	
PRS				Tues 15			Tues 21			Tues 20			Tues 15		
B&C Area		Tues 6			Tues 5			Tues 5			Tues 6			Tues 5	
B&C CPG	Tues 2					Tues 3				Tues 6			Tues 1		
MAKI Area		Wed 7			Wed 6			Wed 6			Wed 7			Wed 6	
MAKI CPG	Wed 3					Wed 4				Wed 7			Wed 2		
H&L Area		Tues 13			Tues 12			Tues 12			Tues 13			Tues 12	
H&L CPG	Tues 9					Tues 10				Tues 13			Tues 8		
OLI Area		Wed 14			Wed 13			Wed 13			Wed 14			Wed 13	
OLI CPG	Wed 10					Wed 11				Wed 14			Wed 9		

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## Schedule of Committee Meetings – Cabinet / Executive Structure

	2017							2018							
Committee	May	June	July	August	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	July
Council	Thurs 18 / 25	Thurs 29			Thurs 28		Thurs 30			Thurs 22		Thurs 26		Thurs 28	
Cabinet / Executive		Thurs 22		Thurs 17	Thurs 21		Thurs 23	Thurs 14		Thurs 15	Thurs 22		Thurs 17	Thurs 21	
PPSL	Tues 30	Wed 21		Wed 23	Wed 20	Wed 18	Wed 22	Fri 15	Wed 24	Wed 21	Wed 21	Wed 18	Wed 16	Wed 20	
Audit		Tues 20			Tues 19			Fri 1			Tues 20			Tues 19	
Scrutiny		Thurs 8			Thurs 7		Thurs 9	Thurs 7		Thurs 8	Thurs 8	Thurs 5	Thurs 3	Thurs 7	
B&C Area		Tues 6			Tues 5			Tues 5			Tues 6			Tues 5	
B&C CPG	Tues 2					Tues 3				Tues 6			Tues 1		
MAKI Area		Wed 7			Wed 6			Wed 6			Wed 7			Wed 6	
MAKI CPG	Wed 3					Wed 4				Wed 7			Wed 2		
H&L Area		Tues 13			Tues 12			Tues 12			Tues 13			Tues 12	
H&L CPG	Tues 9					Tues 10				Tues 13			Tues 8		
OLI Area		Wed 14			Wed 13			Wed 13			Wed 14			Wed 13	
OLI CPG	Wed 10					Wed 11				Wed 14			Wed 9		

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## ARGYLL AND BUTE COUNCIL

18 MAY 2017

## REMUNERATION

1	In terms of the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 the Council determine to pay in respect of the positions in column 1 below the amount shown in column 2, and in the event that the same person holds more than one of these positions that person will receive the higher amount only in respect of the relevant position.	
	Provost	£25,392
	Leader of the Council	£33,857
	<b>Senior Councillors</b>	
	Policy Lead	
	Area Committee Chair	
2	In terms of the Local Government (Allowances and Expenses) (Scotland) Regulations the Council determines to pay a civic allowance of up to £3,000 in respect of the position of Provost of the Council.	

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**ARGYLL AND BUTE COUNCIL****COUNCIL****CUSTOMER SERVICES****18 MAY 2017**

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**APPOINTMENT OF PERSONS INTERESTED IN THE PROMOTION OF  
RELIGIOUS EDUCATION**

---

**1.0 EXECUTIVE SUMMARY**

This report provides information about the appointment of 3 persons interested in the promotion of religious education to any Committee of the Council to which the functions of the Council as education authority are delegated. The requirements are set out in Section 31 of the Local Government etc. (Scotland) Act 1994 and the Council is invited to confirm appointments as notified by the relevant organisations.

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ARGYLL AND BUTE COUNCIL

COUNCIL

CUSTOMER SERVICES

18 MAY 2017

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**APPOINTMENT OF PERSONS INTERESTED IN THE PROMOTION OF  
RELIGIOUS EDUCATION**

---

**2.0 INTRODUCTION**

- 2.1 This report provides information about the appointment of 3 persons interested in the promotion of religious education to any Committee of the Council to which the functions of the Council as education authority are delegated. The Council are required to have as members of such a Committee one person appointed by the Church of Scotland, one person appointed by the Roman Catholic Church, and a third person in the selection of whom a Council should have regard to the comparative strength of the churches and denominational bodies within their area.

**3.0 RECOMMENDATIONS**

The Council is invited:-

- 3.1 To confirm the appointment of William Stewart Shaw as a member of the relevant Committee (as nominated by the Church of Scotland).
- 3.2 To confirm the appointment of Margaret Anderson as a member of the relevant Committee (as nominated by the Roman Catholic Diocese of Argyll and the Isles)
- 3.3 To continue to seek a nomination to be a member of the relevant Committee from the Scottish Episcopal Church Diocese of Argyll & the Isles.
- 3.4 To note that the appointment of the 3 persons is conditional on the terms and requirements of the Councillors Code applying to those appointments.

**4.0 DETAIL**

- 4.1 Section 31 of the Local Government etc. (Scotland) Act 1994 requires a local authority to appoint to any Committee of the Council to which the functions of the Council as education authority are delegated 3 persons as described in the section as follows:-

- (a) One representative of the Church of Scotland.
- (b) One representative of the Roman Catholic Church.

- (c) One person in the selection of whom the Authority shall have regard (taking account of the representation of Churches under paragraphs (a) and (b) above) to the comparative strength within their area of all the churches and denominational bodies having duly constituted charges or other regularly appointed places of worship there.

4.2 During the life of the last Council, the 3 representatives came from the Church of Scotland, the Roman Catholic Church and the Scottish Episcopal Church. It is not considered in relation to (c) above that the comparative strength of the denominated bodies within the Council area has changed.

4.3 On the assumption that the Council will establish a Committee to which education functions will be delegated (although this is dependent on decisions the Council may take in relation of item 10 on the Council Agenda) nominations have been sought from these three denominated groups. The Scottish Episcopal Church has yet to make a nomination, The Church of Scotland has nominated William Stewart Shaw and the Roman Catholic Church has nominated Margaret Anderson.

## **5.0 CONCLUSION**

5.1 The Council is invited to note the requirements of Section 31 of the Local Government etc. (Scotland) Act 1994 with regards to the functions of the Council as education authority and to confirm the appointments as specified within the report.

## **6.0 IMPLICATIONS**

- 6.1 Policy – representatives have a role in relation to oversight of education policy.
- 6.2 Financial – posts are not remunerated
- 6.3 Legal – meets requirements of Local Government etc. (Scotland) Act 1994.
- 6.4 HR – none.
- 6.5 Equalities – supports council in addressing equality duties.
- 6.6 Risk – none.
- 6.7 Customer Service – none.

**Douglas Hendry**  
**Executive Director of Customer Services**  
**10<sup>th</sup> May 2017**

For further information contact: Charles Reppke, Head of Governance and Law, Tel: 01546 604192 email: [Charles.reppke@argyll-bute.gov.uk](mailto:Charles.reppke@argyll-bute.gov.uk)

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**ARGYLL AND BUTE COUNCIL**  
**CUSTOMER SERVICES**

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**COUNCIL**  
**18 MAY 2017**

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## **APPOINTMENT OF TEACHER REPRESENTATIVES**

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### **1.0 INTRODUCTION**

- 1.1 While the Council is required to appoint 3 persons interested in the promotion of religious education to any Committee to which the Council delegates any of its functions as education authority, they have a discretion, but not an obligation, to appoint up to 2 representatives of teaching staff to such a Committee.

The Council in the past has appointed as non-voting members, 2 teacher representatives nominated by the teachers serving within the Education Service. The Executive Director - Community Services arranges to take nominations and to hold an election, if appropriate.

### **2.0 RECOMMENDATION**

The Council is invited to consider whether they wish to appoint as non-voting members, 2 teacher representatives, and if so, invite the Executive Director - Community Services to make the necessary arrangements and report back to any Committee the Council establishes, with delegated powers to that Committee to appoint the persons nominated to the Committee.

**Douglas Hendry**  
**Executive Director of Customer Services**  
**10<sup>th</sup> May 2017**

**For further information contact: For further information contact:** Charles Reppke, Head of Governance and Law, Tel: 01546 604192 email: [Charles.reppke@argyll-bute.gov.uk](mailto:Charles.reppke@argyll-bute.gov.uk)

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**ARGYLL AND BUTE COUNCIL****COUNCIL****CUSTOMER SERVICES****18 May 2017**

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**APPOINTMENTS TO STATUTORY BODIES AND JOINT COMMITTEES**

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**1. EXECUTIVE SUMMARY**

- 1.1** This report sets out a list of statutory boards and joint committees on which the Council is represented and to which it has a requirement to make appointments.

**2. RECOMMENDATIONS**

- 2.1** The Council is asked to consider the appointments it wishes to make to the statutory boards and joint committees listed within the report at Section 3.

**3. MEMBERSHIP OF STATUTORY BOARDS AND JOINT COMMITTEES****3.1 Scotland Excel**

The Council is asked to appoint one representative and one substitute to Scotland Excel.

**3.2 Dunbartonshire and Argyll and Bute Valuation Joint Board**

The Council is asked to appoint five representatives and up to five substitutes to the Valuation Joint Board.

**3.3 Highlands and Islands Transport Partnership (HITRANS)**

The Council is asked to appoint one representative and one substitute to HITRANS.

**3.4 Strathclyde Concessionary Travel Scheme Joint Committee**

The Council is asked to appoint one representative and one substitute to the Joint Committee.

**3.5 Strathclyde Partnership for Transport and Strathclyde Passenger Transport Authority**

The Council is asked to appoint one representative and one substitute who will represent the Council on both the Partnership and the Transport Authority.

**3.6 West of Scotland European Forum**

The Council is asked to appoint one representative and one substitute to the Forum.

**3.7 Argyll and Bute Health and Social Care Integrated Joint Board (IJB)**

The Council is asked to appoint four representatives to the IJB.

**4. CONCLUSION**

**4.1** The report lists the statutory bodies and organisations on which the Council is currently represented and to which it will require to consider new appointments following the local government election in May 2017.

**5. IMPLICATIONS**

**5.1 Policy** – It is in keeping with the Council's policy to participate fully in these boards and joint committees.

**5.2 Financial** – The cost of travel and subsistence of Elected Members in attending meetings of these bodies is met by the Council, except where the body has its own allowances scheme.

**5.3 Legal** – None

**5.4 HR** – None

**5.5 Equalities** – None

**5.6 Risk** – None

**5.7 Customer Service** – None

**Douglas Hendry**  
**Executive Director – Customer Services**

**11<sup>th</sup> May 2017**

**For further information please contact Charles Reppke Head of Governance and Law, on 01546 604192 or email [charles.reppke@argyll-bute.gov.uk](mailto:charles.reppke@argyll-bute.gov.uk)**

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**ARGYLL AND BUTE COUNCIL****COUNCIL****CLERK TO THE LICENSING BOARD****18 MAY 2017**

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**APPOINTMENT OF MEMBERS TO LICENSING BOARD**

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**1. BACKGROUND**

- 1.1** The administration and regulation of liquor licensing is the responsibility of a Licensing Board which is a completely separate and distinct entity from the Council. At its first statutory meeting, however, it is the responsibility of the Council to appoint Members to the Licensing Board.
- 1.2** The Licensing (Scotland) Act 2005 requires this Council to appoint Members to a Licensing Board.

**2. RECOMMENDATIONS**

- 2.1** Appoint at least five and not more than ten Councillors from the Regulatory Cohort to be members of the Argyll and Bute Licensing Board.

**3. DETAIL**

- 3.1** The Licensing (Scotland) Act 2005 requires this Council to appoint Members to a Licensing Board. Since 2007 there has been one Licensing Board covering the whole of the Argyll and Bute area and ten Members have been appointed to this Board from the Members of the Regulatory Cohort. Schedule 1 of the 2005 Act provides that a Licensing Board must consist of at least five, and not more than ten members
- 3.2** The Council must have regard to the following when giving consideration to appointment to a Licensing Board. A Councillor is disqualified from being a member of a Board if the Councillor is
- (a) The holder of a licence
  - (b) An employee of a licence holder and works as such in licensed premises
  - (c) Whether alone or in partnership with another person, is engaged in the business of producing or selling alcohol
  - (d) A Director or other Officer of a company so engaged, or
  - (e) An employee of any person so engaged and works as such in that business.

- 4.3** The next meeting of the Argyll and Bute Licensing Board is due to take place on 20 June 2017.

**Charles Reppke**  
**Clerk to the Licensing Board**  
**10<sup>th</sup> May 2017**

**For further information contact:** Susan Mair, Legal Services Manager -  
Corporate/Depute Clerk to the Licensing Board Tel: 01546 604117,  
E-mail: [susan.mair@argyll-bute.gov.uk](mailto:susan.mair@argyll-bute.gov.uk)

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**ARGYLL AND BUTE COUNCIL****COUNCIL****CUSTOMER SERVICES****18 MAY 2017**

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**MEMBERSHIP OF COSLA**

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**1.0 EXECUTIVE SUMMARY**

The Council is currently a member of the Convention of Scottish Local Authorities (COSLA) and as such is entitled to appoint three Members to the Convention.

The report includes detail on the first COSLA Leaders' meeting after the elections and the Convention meeting which will include the election of COSLA's President and Vice President, along with the appointment of Spokespersons.

The Council is invited to appoint three representatives to the Convention for the period up to the next Local Government Elections, having regard to the guidance from COSLA that the delegation should reflect the balance of party political strength within each member council as well as to consider its position with regards to nominations to the appointments of COSLA's President and Vice President.

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**ARGYLL AND BUTE COUNCIL**

**COUNCIL**

**CUSTOMER SERVICES**

**18 MAY 2017**

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**MEMBERSHIP OF COSLA**

---

**2. BACKGROUND**

2.1 The Council is currently a member of the Convention of Scottish Local Authorities (COSLA) and as such is entitled to appoint three Members to the Convention.

**3. RECOMMENDATIONS**

The Council is invited:-

3.1 to appoint three representatives to the Convention for the period up to the next Local Government Elections, having regard to the guidance from COSLA that the delegation should reflect the balance of party political strength within each member council.

3.2 to note that the Leader of the Council will be a Member of the COSLA Leaders' Group.

3.3 to consider its position with regards to nominations for the President and Vice President of COSLA .

**4. DETAIL**

4.1 The Council will require to appoint three representatives to COSLA for the period up to the next Local Government Elections and should have regard to the guidance from COSLA that the delegation should reflect the balance of party political strength within each member council in making these appointments. COSLA recognises that there is a range of arrangements within Member Councils, including formal and informal coalitions and partnerships, and would wish to allow each Council to reach its own view on what is a balanced delegation.

4.2 The Leader of the Council will be a Member of the COSLA Leaders' Group.

4.3 The Council is not being asked, at this stage, to make any further appointments to COSLA pending clarification of COSLA's future political management structure.

4.4 The first COSLA Leaders' meeting after the elections will take

place on 26th May 2017 and the Convention meeting will take place on 30th June 2017. This meeting will include the election of COSLA's President and Vice President, along with the appointment of Spokespersons. Nominations for the President and Vice President must be sent to COSLA no later than Friday 9th June. The Council is therefore invited to consider its position with regards to nominations to these appointments as set out in the letter from the Chief Executive of COSLA at Appendix 1.

## 5. IMPLICATIONS

5.1	Policy	None
5.2	Financial	The cost of COSLA Membership is budgeted for in the current year's budget. The costs of travel and subsistence incurred by Members who are appointed to the Convention in respect of their attendance at COSLA meetings and at other meetings of bodies they are appointed to by the Convention are met by the Council.
5.3	Legal	None
5.4	HR	None
5.5	Equalities	None
5.6	Risk	None
5.7	Customer Service	None

**Douglas Hendry**  
**Executive Director of Customer Services**  
**10<sup>th</sup> May 2017**

**For further information contact:** Charles Reppke, Head of Governance and Law Tel: 01546 604192, email: [Charles.reppke@argyll-bute.gov.uk](mailto:Charles.reppke@argyll-bute.gov.uk)

**Appendix 1 - Letter from Chief Executive COSLA**

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From the Chief Executive Sally Loudon



8 May 2017

Sent to: Chief Executives

Dear Colleague

I realise that the next couple of weeks will be very busy as your new Council beds in and I wish you all the best for this period.

— The purpose of this letter is to outline all the information and deadlines that your Council needs to be aware of and adhere to, to enable this term of COSLA to begin smoothly and ensure a properly empowered Convention takes place on 30<sup>th</sup> June. This letter formally outlines the information I previously wrote to you with on 8<sup>th</sup> March.

#### **Leaders' Meeting**

The first COSLA Leaders' meeting after the elections will take place on 26<sup>th</sup> May. It would be helpful if we were to know the name and contact details of the Leader of your Council in time to send out papers for this meeting. This would mean that, ideally, contact details should be with COSLA by **19<sup>th</sup> May**. Any Council who has not appointed a Leader can send an elected member to act as an interim Leader and they could represent the Council's views for this one meeting. Like any normal COSLA meeting, substitutes will also be permissible, if necessary, but I would encourage you to inform us of this as soon as possible.

#### **Convention Meeting**

The Convention meeting will take place on 30<sup>th</sup> June. This pivotal meeting will include the election of COSLA's President and Vice President, along with the appointment of Spokespersons. The following information sets out the process that COSLA is constitutionally required to undertake, and the steps that your Council will need to undertake in relation to this.

For ease, a clear breakdown of the timelines which COSLA is working to between now and the Convention meeting on 30<sup>th</sup> June is attached as Appendix 1 to this letter.

#### **- Nominations for President and Vice President**

Under the terms of paragraph 5.3 of the Constitution, COSLA is required to elect its principal office bearers at the first meeting of the Convention following the election of Councillors. This meeting has to be held within 9 weeks of the election date. The principal office bearers are the President and Vice President. The Constitution also requires that the President and Vice President must be of different political groups and of different genders.

**This letter provides formal notification that COSLA is seeking nominations for the posts of President and Vice President, and sets out the arrangements for doing so.**

WHEN CALLING PLEASE ASK FOR: Stuart Johnston 0131 474 9214    [stuart.johnston@cosla.gov.uk](mailto:stuart.johnston@cosla.gov.uk)

COSLA, Verity House, 19 Haymarket Yards, Edinburgh EH12 5BH

Telephone 0131 474 9200    Fax 0131 474 9292    Internet [www.cosla.gov.uk](http://www.cosla.gov.uk)

Nominations for the President and Vice President must be sent to Stuart Johnston no later than **Friday 9<sup>th</sup> June**. There is no scope for us to vary these timescales because they are set out in the Constitution. Stuart can be contacted by email on [stuart.johnston@cosla.gov.uk](mailto:stuart.johnston@cosla.gov.uk) or alternatively 0131 474 9214.

It is Convention delegates who nominate for the posts of President and Vice President. Any elected member from a COSLA member Council is eligible to be nominated for President and Vice President. The same candidate can be nominated for both posts. In order to be valid, nominations must be made by two members of the Convention. The key considerations associated with the Convention Delegations and Election of President and Vice President are attached at Appendix 2 of this letter.

While it is possible for nominations to be withdrawn, it is not possible, constitutionally, to add further nominations after 9<sup>th</sup> June deadline. **If your Convention members miss the deadlines involved they lose the chance to nominate and we have no flexibility to make an exception.**

Once all nominations have been received, COSLA will write to all Convention delegates setting out the names received for each position along with their political group, the Council they represent, and the elected members supporting their nomination. COSLA intends to do this on Friday 16<sup>th</sup> June.

### - **Council Delegation to Convention**

Your Council has a defined number of delegates and the Constitution of COSLA requires that your delegation reflects the balance of party political representation on your Council. Attached to this letter at Appendix 3 is a page which indicates the total number of places each Council has on the COSLA Convention.

Whilst Councils could appoint Convention delegates right up until 29<sup>th</sup> June, as the above makes clear, the deadline for receiving nominations for the posts of President and Vice President is the 9<sup>th</sup> June. **As such, for any Convention Member to be able to fully participate in nominations for the election of the Presidential Team, they must be appointed no later than 8<sup>th</sup> June, and have intimated any nominations for the Presidential Team to COSLA by 9<sup>th</sup> June.**

COSLA cannot appoint any Spokespersons until the political balance of the Convention is established. This hinges on receiving your Council's delegation for Convention. Once the political balance on the Convention is clear, the Groups (via Political Group Leaders) on COSLA will be advised of any Spokesperson vacancies available to them and invited to agree the division of portfolios and agree nominations for Spokespersons. This will collectively have to be gender balanced.

I would therefore be grateful if the names and political affiliation of your Council's delegation to the Convention could be sent no later than **Thursday 8<sup>th</sup> June**. If you foresee any difficulties in meeting this deadline, please let Stuart Johnston (contact details above) know as soon as this becomes apparent.

### **Changes to Constitution**

You will recall that, at its meeting on 31<sup>st</sup> March 2017, the Convention agreed the recommendations arising from the COSLA Review and as such authorised the necessary steps be taken to enact the package of proposals, including the process for updating COSLA's Constitution. Immediately following that meeting the Special Leaders' meeting also noted that the Constitution would now require changes and that details of these amendments would be brought forward to the Leaders' meeting on 26<sup>th</sup> May.

The final part of this letter is therefore to make you aware of the next steps and processes involved to change the Constitution. Since those meetings on the 31<sup>st</sup> March, COSLA officers have been working their way through the required amendments and these proposals have been given to COSLA's legal advisers who are in the process of translating them into the necessary language to be included in the revised Constitution. Only the Leaders meeting on 26<sup>th</sup> May can approve the final proposals that will be submitted to Convention on 30<sup>th</sup> June. Therefore, the proposed changes will be the subject of a full report to the Leaders meeting on 26<sup>th</sup> May and following that, 28 days' notice will be given to member Councils of the exact proposals to be discussed at the June Convention. This process is required to fulfil the requirements regarding how our Constitution can be changed.

I appreciate the challenges involved at this very busy time but by writing to you early I hope that this will make it as easy as possible to integrate COSLA's Constitutional requirements and timescales into your Council's decision making process. Clearly, you will wish to bring these to the attention of your political leadership and appointed Convention delegations as soon as you know who they are.

I hope everything I've outlined makes sense but should you have any queries please do get in touch. I look forward to seeing Council Leaders on 26<sup>th</sup> May and receiving full Convention delegations from every Council by 8<sup>th</sup> June.

Yours sincerely,



Sally Loudon  
Chief Executive

LOCAL GOVERNMENT 2017 ELECTION TO COSLA CONVENTION TIMELINE

8 <sup>th</sup> March	Email to all Councils outlining constitutional position within COSLA and timelines
4 <sup>th</sup> May	Local Government Elections
8 <sup>th</sup> May	Letter to all Councils inviting nominations for their delegation to COSLA Convention, nominations for President and Vice President and explaining procedures
19 <sup>th</sup> May	Agenda & reports distributed for Leaders meeting on 26 <sup>th</sup> May
26 <sup>th</sup> May	Leaders meeting at the COSLA Offices, Verity House, Edinburgh
<b>8<sup>th</sup> June</b>	<b>Date for receiving notification of Council's Convention delegations</b>
<b>9<sup>th</sup> June</b>	<b>Nominations <u>must</u> be received from Convention delegates for COSLA President and Vice-President posts</b>
16 <sup>th</sup> June	Letter to all Councils containing nominations received for President and Vice President
23 <sup>rd</sup> June	Agenda and reports for Convention meeting on 30 <sup>th</sup> June distributed
30 <sup>th</sup> June	COSLA Convention at the COSLA Offices, Verity House, Edinburgh

**Convention Delegations and Election of President and Vice President:  
Key Considerations**

- Councils are responsible individually for agreeing their Convention delegation. This must reflect the balance of political representation on the Council.
- Councils should inform COSLA of their Convention delegation no later than 8<sup>th</sup> June in order to allow delegates to be able to make nominations for COSLA President and Vice President.
- All nominations for President and Vice President must be made by members of Convention
- All nominations must be received by COSLA by June 9<sup>th</sup>. COSLA cannot provide any flexibility around this date.
- Any local elected member from a COSLA member Council is eligible to be nominated for President and Vice President.
- The COSLA Constitution requires that President and Vice President must be of different political groups and of different genders.
- The same candidate can be nominated for both President and Vice President.
- To be a competent nomination, any candidate must have at least two nominations.
- The election will take place at COSLA Convention on 30 June by secret ballot. The President will be elected first, followed by the Vice President.
- Councils should provide information to Convention members about the nomination requirements for President and Vice President, and the process for making these. COSLA will also contact all Convention members once these have been confirmed by Councils but, particularly in cases where notification is close to the deadline, it will be important that Councils share relevant information with elected members as early as possible.

**NUMBER OF PLACES ON CONVENTION**

<b>COUNCIL</b>	<b>NO. OF COUNCIL PLACES</b>
Glasgow City	8
Edinburgh, City of	6
Fife	6
North Lanarkshire	6
South Lanarkshire	6
Aberdeen City	5
Aberdeenshire	5
Dundee City	5
Highland	5
Renfrewshire	5
Angus	4
Dumfries and Galloway	4
East Ayrshire	4
East Dunbartonshire	4
Falkirk	4
North Ayrshire	4
Perth and Kinross	4
Scottish Borders	4
South Ayrshire	4
West Lothian	4
Argyll and Bute	3
Clackmannanshire	3
Comhairle nan Eilean Siar	3
East Lothian	3
East Renfrewshire	3
Inverclyde	3
Midlothian	3
Moray	3
Orkney Islands	3
Shetland Islands	3
Stirling	3
West Dunbartonshire	3
<b>TOTAL SCOTLAND</b>	<b>133</b>

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**ARGYLL AND BUTE COUNCIL****COUNCIL****CUSTOMER SERVICES****18 May 2017**

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**APPOINTMENTS TO OUTSIDE BODIES/ORGANISATIONS**

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**1. EXECUTIVE SUMMARY**

- 1.1 This report sets out a list of outside bodies and organisations to which the Council is invited to make appointments.

**2. RECOMMENDATIONS**

- 2.1 The Council is invited to consider whether or not it wishes to make appointments to any of the outside bodies/organisations listed in Appendix 1 and to make such appointments at this meeting as appropriate.
- 2.2 The Council is asked to instruct the Area Governance Manager to prepare a report for the first meetings of all Area Committees with details of area-based outside bodies to which the Committee may wish to make appointments.

**3. MEMBERSHIP OF OUTSIDE BODIES AND ORGANISATIONS**

- 3.1 It has been the Council's practice to appoint members to a range of outside bodies and organisations. Members are now invited to make appointments on the basis of the detail in the schedule attached as Appendix 1.

**4. IMPLICATIONS**

- 4.1 **Policy** – This is in keeping with the Council's commitment to working in partnership with other agencies to benefit the people and communities of Argyll and Bute.

- 4.2 Financial** – The Council will incur costs arising from Elected Members' participation in some meetings, except where the body has its own allowances scheme.
- 4.3 Legal** – None
- 4.4 HR** – None
- 4.5 Equalities** – None
- 4.6 Risk** – None
- 4.7 Customer Service** – None

**Douglas Hendry**  
**Executive Director – Customer Services**

**9<sup>th</sup> May 2017**

**For further information please contact Charles Reppke, Head of Governance and Law on 01546 604192 or email [charles.reppke@argyll-bute.gov.uk](mailto:charles.reppke@argyll-bute.gov.uk)**

**Appendix 1 – List of Outside Bodies and Organisations with detail on representation**



Appendix 1 – Membership of Outside Bodies and Organisations

<b>OUTSIDE BODY/ORGANISATION</b>	<b>NO OF APPOINTMENTS PREVIOUSLY MADE</b>	<b>LENGTH/TERM OF APPOINTMENT</b>	<b>VALUE OF MEMBERSHIP TO THE COUNCIL</b>	<b>DESCRIPTION</b>
<b>HEALTH</b>				
<b>NHS Highland Board</b>	1 nomination	Until the next election	Essential	Accountable to the Secretary of State
<b>NHS Highland Health and Wellbeing Partnership</b>	1 nomination	Until the next election	Desirable	
<b>EDUCATION</b>				
<b>University of the Highlands and Islands Foundation Committee</b>	1 representative	Until the next election	Essential	The UHI Project was established in 1992 with the aim of creating a university which would reach the smallest communities in remote regions. In 2001 the project was designated as a higher education institute and currently has around 5,000 students throughout the Highlands and Islands, offering over 100 undergraduate and postgraduate courses.

Appendix 1 – Membership of Outside Bodies and Organisations

<b>SOILLSE National Network for Gaelic Research – Consultative Committee</b>	1 representative	Until the next election	Essential	Recently established project which aims to provide an enhanced research capacity to inform public policy towards the maintenance and revitalisation of the Gaelic language and culture. Committee will meet once per year.
<b>ENTERPRISE/ECONOMY</b>				
<b>Stramash Board</b>	2 representatives	Until the next election	Desirable	
<b>PA23BID Board</b>	1 representative (director)	Until the next election	Desirable	In accordance with PA23 BID proposal and BID Business Plan. 1 Director to be an elected member nominated from Argyll and Bute Council, 10 directors elected by businesses in Dunoon; plus Strathclyde Police but only as observer with no voting rights.

Appendix 1 – Membership of Outside Bodies and Organisations

<b>RURAL/ENVIRONMENTAL</b>				
<b>Argyll &amp; Bute Local Biodiversity Partnership</b>	1 representative	Until the next election	Desirable	This has a membership of 31 organisations and a number of individuals which monitors the Local Biodiversity Action Plan. The plan seeks to manage and conserve our wealth of habitats and species which are under threat
<b>Argyll, Lomond and The Islands Energy Agency – Management Board</b>	2 nominations	Until the next election	Desirable	Alienergy dedicated to both increasing energy efficiency and the energy derived from renewable resources. A non profit making organisation which offers free and impartial energy advice to all sectors within the area.
<b>Argyll and Bute Renewables Alliance (ABRA)</b>	1 representative	Until the next election	Desirable	Brings together key public and private sector partners to

Appendix 1 – Membership of Outside Bodies and Organisations

				ensure greater awareness of issues around renewable development in the area, and to assist in the delivery of the Renewable Energy Action Plan
<b>Argyll and Bute Agriculture Forum</b>	2 representatives	Until the next election	Desirable	Set up in 1999 to raise awareness of agricultural issues across Argyll and Bute; act as forum for discussion about agricultural issues; promote sustainable development of agriculture; and create unique opportunities for all agencies with an interest in land use sectors to work together.
<b>Argyll and the Isles Coast and Countryside Trust</b>	1 representative	Until the next election	Desirable	
<b>Argyll and the Isles Strategic Tourism Partnership</b>	1 representative	Until the next election	Essential	Has equal standing to the Agricultural Forum and

Appendix 1 – Membership of Outside Bodies and Organisations

				Alienergy.
<b>KIMO (Kommuners International Kiljorganisation)</b>	1 representative	Until the next election	Desirable	Campaigns on marine pollution issues affecting coastal communities, exchanging information on effective pollution prevention, clean up operations and sustainable development. It currently has 128 members from 10 European communities and lobbies national Governments, the European Commission and others to take effective actions on issues affecting Northern Seas.
<b>Loch Lomond and the Trossachs National Park Authority Board</b>	2 nominees	Until the next election	Essential	Has 17 members appointed by Scottish Executive. Its purpose is to deliver the 4

Appendix 1 – Membership of Outside Bodies and Organisations

				<p>statutory aims of the National Park in a collective and coordinated way. Aims: to conserve and enhance the natural and cultural heritage; promote sustainable use of natural resources of area; promote understanding and enjoyment of special qualities of area; and promote sustainable social and economic development of the communities of the area.</p>
<p><b>Scottish Liaison Group on Radioactive Waste Management</b></p>	<p>1 representative</p>	<p>Until the next election</p>	<p>Desirable</p>	<p>To provide a mechanism to identify a common, Scottish local authority viewpoint on radioactive waste management issues; to act as an interface with the Scottish Executive, Scottish Parliament and regulatory</p>

Appendix 1 – Membership of Outside Bodies and Organisations

				bodies as they consult on radioactive waste management and clean-up policy and practice; and to influence national policy on radioactive waste management in the interests of the communities affected
<b>Scottish Councils' Committee on Radioactive Substances</b>	1 representative	Until the next election	Desirable	Aims to give factual advice to Scottish local governments on radiation and radioactive waste matters.
<b>West of Scotland Archaeology Service Joint Committee</b>	1 representative 1 substitute	Until the next election	Desirable	The Service provides information and advice to the Planning Departments and other services of the twelve WoSAS Councils
<b>Argyll Marine SAC Forum</b>	2 representatives, one of which chairs the Forum	Until the next election	Essential	The Argyll Marine SAC Management Forum brings together organisations with an interest in the

Appendix 1 – Membership of Outside Bodies and Organisations

				activities that have the potential to impact on the conservation of each marine SAC site and the management of these activities in a sustainable manner.
<b>Argyll and Bute Economic Forum</b>	2 representatives	Until the next election	Essential	Set up by the Council, with private sector representatives.
<b>A83 Taskforce</b>	4 representatives	Until the next election	Essential	Set up in August 2012 to provide leadership and direction, and ensure the delivery of an emergency diversion route and the wider study into the permanent solution to landslides at the Rest and be Thankful.
<b>SOCIAL (INCLUDING ARTS AND LEISURE)</b>				
<b>Argyll &amp; Bute Care &amp; Repair Agency</b>	2 representatives	Until the next election	Desirable	Argyll & Bute Care & Repair (ABCR) is part of a nationwide network of organisations to



Appendix 1 – Membership of Outside Bodies and Organisations

				help the elderly and/or disabled in the private sector remain in their homes in the community by helping with repair, maintenance, improvement or adaptation.
<b>Fyne Homes Group</b>	1 representative	Until the next election	Essential	Registered Social Landlord across Argyll and Bute.
<b>Argyll Community Housing Association (ACHA)</b>	3 substantive representatives	Until the next election	Essential	ACHA is a community led housing association that manages all 5,800 Council properties across Argyll and Bute as well as delivering associated housing services.
<b>STRATEGIC/FINANCE</b>				
<b>The Convention of the Highlands and Islands</b>	1 representative (usually Leader) 1 substitute	Until the next election	Essential	The Convention is a meeting between the Executive and its main partner agencies, represented by the

Appendix 1 – Membership of Outside Bodies and Organisations

				Chairperson of each organisation. It is currently held twice yearly, and is hosted by a different local authority each time with the location alternating between a mainland and an island. The Convention is intended to strengthen co-ordination between member organisations, the Executive and other representative bodies to better inform the development and realisation of strategic economic, environmental, cultural and social justice objectives
<b>Programme Monitoring Committee (Highlands and Islands)</b>	1 representative (automatically Leader) 1 substitute	Ministerial appointment	Essential	Following the success of the 1994-99 Objective 1 Programme, the economy of the

Appendix 1 – Membership of Outside Bodies and Organisations

				<p>Highlands &amp; Islands has improved to such an extent that the region is no longer eligible for Objective 1. However, in recognition of the difficulties still being faced by this large, peripheral area, a special transitional programme has been put in place. The Programme Monitoring Committee was established to oversee the strategic implementation of the programme, and includes representatives from the regional bodies, the social partners, the Scottish Executive and the European Commission.</p>
<b>Scottish Islands Federation</b>	2 representatives	Until the next election	Desirable	The aim of the Scottish Islands Federation is to

Appendix 1 – Membership of Outside Bodies and Organisations

				promote, publicise and advance the interests of Scotland's islands.
<b>Islands Strategic Group</b>	1 representative (automatically Leader)	Ministerial appointment	Essential	Established in 2016 in light of the Scottish Government Islands Bill
<b>Conference of Peripheral Maritime Regions &amp; CPMR Atlantic Arc Political Bureau</b>	1 representative	Until the next election		Objective of CPMR is to influence EU institutions and national governments to ensure its member's needs and interests are met, so that regions are taken into account in the development of policies which have a territorial impact. Further see report at Council meeting on 14 June 2012.
<b>Scottish Government Forum Against Poverty</b>	1 representative	Until the next election	Desirable	Forum operating since 1996 and is a cross party network of Scottish local authority elected Members with a specific interest in anti-poverty,

Appendix 1 – Membership of Outside Bodies and Organisations

				<p>inequality and social justice and to develop and shore “good practice” in anti-poverty strategy development amongst its Members. Meets 6 times per year. Cost to Councils of annual membership to the Forum is £10 per 1,000 people within local pop up to a max of £3,750.</p>
<p><b>Association for Public Service Excellence (APSE)</b></p>	<p>1 representative</p>	<p>Until the next election</p>	<p>Desirable</p>	<p>Is a not for profit local government body working with over 300 councils throughout the UK. It promotes excellence in public services and is the foremost specialist in local authority front line services, housing a network for front line service providers in areas such as waste and refuse collection,</p>

Appendix 1 – Membership of Outside Bodies and Organisations

				<p>parks and environmental services, leisure, school meals, cleaning, housing and building maintenance.</p>
<p><b>Argyll and Bute Leisure and Libraries Trust</b></p>	<p>3 representatives</p>	<p>Until the next election</p>	<p>Essential</p>	<p>Charitable trust established to deliver leisure and library services in Argyll and Bute.</p>
<p><b>Business Loans Scotland</b></p>	<p>1 representative (Director)</p>	<p>Until the next election</p>	<p>Essential</p>	<p>Set up in 2016 and replaces the West of Scotland Loan Fund.</p>
<p><b>TRANSPORT</b></p>				
<p><b>Clyde Ferry User Group</b></p>	<p>3 representatives</p>	<p>Until the next election</p>	<p>Essential</p>	<p>These groups deal with operational and some strategic issues arising from the ferry services operating in these areas.</p>
<p><b>Argyll Ferry User Group</b></p>	<p>4 representatives</p>	<p>Until the next election</p>	<p>Essential</p>	<p>As above</p>
<p><b>Raasay, Skye, Small Isles, Ardnamurchan &amp; Mull Ferry User Group</b></p>	<p>1 representative</p>	<p>Until the next election</p>	<p>Essential</p>	<p>As above</p>

Appendix 1 – Membership of Outside Bodies and Organisations

<b>(Hebrides)</b>				
<b>West of Scotland Road Safety Forum</b>	1 representative 1 substitute	Until the next election	Essential	Provides a co-ordinated, co-operative approach to all aspects of road safety provision. It is a partnership between 12 local authorities and Police Scotland. Each authority takes turn to chair the forum – this authority was chair for 2007/8.

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**ARGYLL AND BUTE COUNCIL**
**COUNCIL****CUSTOMER SERVICES****18 MAY 2017**


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**EMPLOYEE JOINT CONSULTATIVE COMMITTEE**


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**1. BACKGROUND**

- 1.1 The Council has an Employee Joint Consultative Committee (EJCC) to negotiate conditions of service and other local matters with representatives of the Council's employees. This report invites the Council to re-appoint the EJCC and to appoint Members to the Committee.

**2. RECOMMENDATIONS**

That the Council re-appoint the EJCC and to appoint Members to the Committee.

**3. DETAIL**

- 3.1 The Council has previously resolved to appoint Members to represent the Council on the Employee Joint Consultative Committee which meets with Unions on a regular basis to consider matters of mutual interest.
- 3.2 The representation from the Council prior to elections on 4 May 2017 was the Leader, Depute Leader, Policy Lead Councillors and the Leader of the largest opposition group.

**4. IMPLICATIONS**

- |            |                  |   |
|------------|------------------|---|
| <b>4.1</b> | Policy           | Commitment to working in partnership in relation to policy. |
| <b>4.2</b> | Financial        | None  |
| <b>4.3</b> | Legal            | None  |
| <b>4.4</b> | HR               | Supports strategic oversight of HR related matters.         |
| <b>4.5</b> | Equalities       | None  |
| <b>4.6</b> | Risk             | None  |
| <b>4.7</b> | Customer Service | None  |

**Douglas Hendry**  
**Executive Director of Customer Services**  
**10<sup>th</sup> May 2017**

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**ARGYLL AND BUTE COUNCIL**
**COUNCIL****CUSTOMER SERVICES****18 MAY 2017**


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**LOCAL NEGOTIATING COMMITTEE FOR TEACHERS (LNCT)**


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**1. BACKGROUND**

The Council has a Local Negotiating Committee for Teachers to negotiate certain conditions of service and other local matters related to the organisation of the Education Service. The Council agreed representation is the Policy Lead for Education, Depute Policy Lead for Education and the Policy Lead for HR, as set out in the Local Framework Recognition and Procedure Agreement.

**2. RECOMMENDATIONS**

The Council is invited to :

- a) re-appoint the Local Negotiating Committee for Teachers comprising three Elected Members to negotiate certain conditions of service and other local matters related to the organisation of the Education Service, and if so approved;
- b) to appoint the Elected Members to sit on the Committee as appropriate.

**3. IMPLICATIONS**

<b>3.1</b>	Policy	Commitment to working in partnership in relation to policy.
<b>3.2</b>	Financial	None
<b>3.3</b>	Legal	None
<b>3.4</b>	HR	Supports strategic oversight of HR related matters.
<b>3.5</b>	Equalities	None
<b>3.6</b>	Risk	None
<b>3.7</b>	Customer Service	None

**Douglas Hendry**  
**Executive Director of Customer Services**  
**10<sup>th</sup> May 2017**

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**ARGYLL AND BUTE COUNCIL  
CUSTOMER SERVICES**

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**COUNCIL  
18 MAY 2017**

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**ADMINISTRATION OF COMMON GOOD FUNDS**

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**1.0 EXECUTIVE SUMMARY**

The purpose of this report is to provide Members with information relating to the administration of common good funds in Argyll, and to invite them to appoint members of the new council to serve as trustees on the funds relating to Campbeltown, Dunoon, Rothesay, Lochgilphead and Oban.

**ADMINISTRATION OF COMMON GOOD FUNDS**

---

**1. SUMMARY**

This report sets out the administration of common good funds for the new council.

**2. RECOMMENDATIONS**

**2.1** The council agree to appoint a panel of members to be the common good fund trustees and to make all decisions in regard to financial matters relating to those common good funds, including advice and investments from the Head of Strategic Finance or the relevant independent financial adviser to the funds, and the determination of applications for financial assistance.

**2.2** The council agree that in respect of the Campbeltown, Dunoon, Rothesay and Lochgilphead common good funds the members for the South Kintyre, Dunoon, Isle of Bute and Mid Argyll wards be the panel, and in respect of the Oban common good fund that the Council appoint 2 members from those members elected within the Oban South and the Isles and 2 members from those members elected within the Oban North and Lorn wards.

**3. DETAIL**

**3.1** Members will be aware that there are common good funds in existence for Campbeltown, Rothesay and Oban, with very small ones for Dunoon and Lochgilphead.

**3.2** In the past these have been administered by the council on the basis of the local members appointed for the Burgh areas being the panel which makes decisions on requests for final assistance in accordance with the rules which apply to common good funds.

- 3.3** Since the introduction of the multi member awards these have been administered as follows:-

In respect of Campbeltown, Dunoon, Rothesay and Lochgilphead, the multi member ward which covers the Burgh area comprises of 3 Councillors and these Councillors have been identified as the decision making body for common good applications in respect of each of those common good funds.

In respect of Oban where the 2 multi member awards Oban South and the Isles and Oban North and Lorn both have an interest in the Burgh of Oban, the council, since January 2011, have appointed 2 members from Oban South and the Isles and 2 members from Oban, North and Lorn wards to serve as the decision making panel for Oban Common Good Fund applications.

- 3.4** The procedure for dealing with financial requests would be in accordance with existing practice.
- 3.5** The quorum for a meeting of the common good fund members would be a full representation of members and this will ensure that matters can be dealt with in an efficient manner.

#### **4. IMPLICATIONS**

- 4.1 Policy – The delegation to a group of local members is in keeping with the council's policy of bringing decision making to the lowest possible level.
- 4.2 Financial - None
- 4.3 Legal – None
- 4.4 HR - None
- 4.5 Equalities – None
- 4.6 Risk – none
- 4.7 Customer Service - none

**Douglas Hendry**  
**Executive Director of Customer Services**  
**10th May 2017**

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**ARGYLL AND BUTE COUNCIL  
CUSTOMER SERVICES**

**COUNCIL  
18 MAY 2017**

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**LICENSING (SCOTLAND) ACT 2005  
LOCAL LICENSING FORUM**

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**1. EXECUTIVE SUMMARY**

- 1.1 This report provides information relating to the legal status and role of the Local Licensing Forum (LLF) of Argyll and Bute Licensing Board.
- 1.2 The recommendations of the report take account of the decision taken by the Council at its meeting on 21<sup>st</sup> April 2016 regarding the membership of the LLF.

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**ARGYLL AND BUTE COUNCIL  
CUSTOMER SERVICES**

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18 MAY 2017**

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**LICENSING (SCOTLAND) ACT 2005  
LOCAL LICENSING FORUM**

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## **2. SUMMARY**

- 2.1** The Licensing (Scotland) Act 2005 (s10) requires the Council to establish a Local Licensing Forum (the 'LLF').
- 2.2** The role of the LLF is to keep under review the operation of the licensing system in the area and to give advice and recommendations to the Licensing Board. The Board has a duty to "have regard" to the LLF's views and must offer reasons where it takes decisions against the advice of the LLF.

## **3. RECOMMENDATIONS**

- 3.1** The LLF for the Argyll and Bute Council Licensing Board should comprise at least 5 and no more than 21 members.
- 3.2** That the following persons or their nominated representatives be appointed as members of the Licensing Forum:–
- Chief Constable of Strathclyde Police;
  - Licensing Standards Officer;
  - Representative from the Council's Social Work/Substance Misuse Service;
  - Representative from the Council's Education Service;
  - Representative from the Health Service;
  - Representative for young persons, e.g. via Young Scot, local Youth projects
  - Alcohol and Bute Alcohol and Drugs Partnership

- 3.3** In addition to the nominees listed above, the membership of the LLF may also be extended to include representatives from
- Community Councils
  - Relevant statutory agencies e.g. Scottish Children's Reporter Administration (Children's Hearing organisation)
  - Trade representatives; including off sales premises, hotels
  - 'Pub Watch' groups
  - Local residents
  - Other relevant agencies and groups
- 3.4** To confirm the appointment of the existing membership of the LLF pro tem and agree that a review and refresh of membership be undertaken by the end of the calendar year.
- 3.5** LLF members attend the national training sessions, the cost of which is met by the Council.
- 3.6** Members of the public who are selected to serve on the Forum are paid travel and subsistence rates in line with the rates paid to members of the public who sit on similar Council operated Committees.

#### **4. BACKGROUND**

- 4.1** The Licensing (Scotland) Act 2005 provides that the Council must establish a LLF; this must meet at least 4 times a year with one joint meeting with the Licensing Board(s) annually. The costs associated with the operation of the LLF must be met by the Council.
- 4.2** An effective LLF should reflect both independence and expertise in order to enjoy the trust of all those affected by licensing.
- 4.3** The Forum must consist of between 5 and 21 members. In view of the geography of Argyll and Bute, efforts are continuing to ensure a wide range of participation and interests. It is therefore proposed that the existing membership should continue pro tem and that a review and refresh of membership be undertaken by the end of the calendar year.
- 4.4** The Act provides that the Licensing Standards Officer must be a member of the Forum. The other members are to be individuals appointed by the Council on such terms and conditions as may be determined. The relevant guidance issued by the Scottish Executive suggests that the following should be included :-
- (a) Holders of premises licences and personal licences;
  - (b) The Chief Constable;
  - (c) Persons having functions relating to health, education or social work;

- (d) Young people; and
- (e) Persons resident within the Forum area.

**4.5** Whilst it is not anticipated that members will be paid for attending meetings, it is recommended that, to be consistent with other Council operated bodies, members of the public who serve on the LLF should receive the same travel and subsistence rates.

## **5. CONCLUSION**

The Council agree the recommendations set out in this Report.

## **6. IMPLICATIONS**

<b>6.1</b>	Policy	Consistent with current policy
<b>6.2</b>	Financial	Within current provision
<b>6.3</b>	Legal	Consistent with statutory duties
<b>6.4</b>	HR	No new issues
<b>6.5</b>	Equalities	To be addressed in recruiting membership
<b>6.6</b>	Risk	No new risks identified
<b>6.7</b>	Customer Service	No new issues

**Douglas Hendry**  
**Executive Director of Customer Services**  
**10<sup>th</sup> May 2017**

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**ARGYLL AND BUTE COUNCIL****COUNCIL****CUSTOMER SERVICES****18 MAY 2017**

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**REVIEW OF SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS**

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**1.0 EXECUTIVE SUMMARY**

The purpose of this report is to seek a decision from Council as to the timing of the next review of the Scheme for the Establishment of Community Councils in Argyll and Bute.

The quadrennial review of the Scheme is scheduled to take place this year having been implemented in October 2013. However, the Scottish Government has a manifesto commitment to deliver National Elections for Community Councils and their Policy Officers have already been seeking information about various methods of elections and costs of running these with the 32 Scottish Local Authorities. While no timescale for introducing National Elections has been divulged, there are no scheduled elections during 2018 which could pave the way for elections to take place at this time without coinciding with other planned elections.

As the position re National Elections is not clear at present, officers have sought views of our community councils as to whether they would be willing to continue in position for a further 6 month period thus delaying the implementation of a new Scheme until May 2018. The majority who responded indicated that they see the merit in extending the current Scheme until the position with National Elections became clearer and that they would continue to serve as Community Councillors. The Council therefore has the option to (a) agree to immediately review the Scheme so that elections take place in 2017 to ensure elections can be held during the course of this year or (b) to continue the existing Scheme for a period of 6 months by which time the position as to National Community Council Elections may become be clearer.

Previous decisions of the Council will require to be implemented as part of a review process. The first agreement was that a provision would be incorporated to allow 16-17 year old candidates to stand and vote in community council elections which reflects changes in the Local Government Election rules. It was also agreed that the next Scheme would pick up on a request to amend the name of Arrochar & Tarbet Community Council to Arrochar, Tarbet & Ardlui Community Council. Having worked effectively it is also suggested that the period of co-option be extended from 6 months to 2 years with annual by-elections being removed and replaced with an interim election to ratify co-option.

The review process should also consider the request of the Minister for Local Government and Housing, Kevin Stewart MSP, who has invited Councils, when next reviewing their Schemes, to incorporate a robust complaints process including sanctions to remove community councillors. A copy of his request is attached as Appendix 1. This additional work may be difficult to resource from existing staff resources due to the reduction of staffing in the Area Governance Team from 12 fte to 7.6 fte as of 1<sup>st</sup> April 2017.

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**ARGYLL AND BUTE COUNCIL**

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**CUSTOMER SERVICES**

**18 MAY 2017**

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**REVIEW OF SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS**

---

**2.0 INTRODUCTION**

2.1 The purpose of this report is to seek approval from Council as to the timing of a review of the Scheme for the Establishment of Community Councils in Argyll and Bute. The key purpose of the review is to update the Scheme as required and ensure it continues to underpin and support effective working arrangements against the context of:

- National policy and model frameworks
- Community Planning and Community Engagement
- Representative Democracy
- Practical issues relating to boundaries and geography

The review will be completed prior to Community Council Elections which are currently scheduled on a four-yearly cycle and fall due in 2017.

**3.0 RECOMMENDATIONS**

3.1 The Council is asked to resolve in favour of one of the following two options:

(a) Agree to immediately review the Scheme so that elections take place in 2017; or

(b) Continue the existing Scheme for a period of 6 months by which time the position as to National Community Council Elections may become be clearer.

3.2 In addition the Council should determine whether the new Scheme should contain provisions to apply sanctions to any community council or community councillor found to be in breach of the Code of Conduct per the recommendation by the Minister for Local Government and Housing (Appendix 1)

**4.0 DETAIL**

4.1 The Council previously appointed a Short Life Working Group who undertook a review of Community Councils during 2013. In June

2013 the Council approved a revised Scheme for the Establishment of Community Councils with associated Model Constitution, Model Standing Orders, and Best Practice Agreement.

- 4.2 Every review of the Scheme is underpinned by an extensive, two stage consultation process during which Community Councils, and other stakeholders, were asked to consider a number of strategic issues regarding the effectiveness of Community Councils, including the boundaries of designated Community Councils. There was only one minor change made to boundaries as part of the 2013 review and no issues were identified regarding boundaries during the current 4 years term.
- 4.3 On 23 April 2015 the Council agreed that the next Review would seek to ensure 16-17 year old could stand and vote in CC elections in order that this could be implemented for the next full elections. As part of the same report on Community Councils the Council agreed to consult, as part of the review process of the next Scheme, on a request by Arrochar and Tarbet Community Council to change their name to Arrochar, Tarbet and Ardlui Community Council.
- 4.4 The Community Empowerment Act creates an expectation that community councils will, in some instances, want to undertake delivery of certain services. In light of this, the Minister for Local Government and Housing has suggested that any Councils whose Scheme does not contain provision for sanctioning community councils/community councilors who breach the Code of Conduct or otherwise bring the community council into disrepute should look to incorporate such a provision in their next review process. If the Council wishes to incorporate a process for sanctions then options will be scoped out by officers which the Council would then be asked to approve as part of the Review.
- 4.5 The Scottish Government have a manifesto commitment allowing community councils that can demonstrate a strong democratic mandate to deliver some services. It further states that they intend that in future community council elections will be held on the same day across the country to increase their profile and recognition. There is no clarity to date on when such a national election might take place and in delaying introduction of a new Scheme until early 2018 will allow a longer period of time for details of this to emerge.
- 4.6 Given that the current Scheme runs from 2013-2017 it is critical that a decision be made as to when to review the next Scheme to allow time for the consultation phases required. Once determined, officers will take the necessary steps to conduct a first stage of consultation with a report being taken back on the findings of this consultation to a

future special meeting of the council as is required in terms of the Local Government (Scotland) Act 1973. A second stage consultation will then take place should there be any amendments necessary with the Council being asked to endorse the final version of the Scheme and agreeing a date when the new Scheme it will come into effect. This will be followed by elections and a process of inaugural meetings conducted by the Returning Officer's staff.

## 5.0 CONCLUSION

- 5.1 In order to support Community Councils effectively fulfil their statutory role and represent local communities within Argyll and Bute the Council is asked to resolve in favour of one of the two options outlined at paragraph 2.1 and determine whether there should be provision for sanctions incorporated within the new Scheme as well as the resource for this should there be no provision to resource from within the reduced resources of the Area Governance Team.

## 6.0 IMPLICATIONS

- 6.1 Policy – None. Only the Council has the power to approve a Scheme for the Establishment of Community Councils.
- 6.2 Financial – Incorporating sanctions may require an additional post which would incur an expense which is not budgeted for.
- 6.3 Legal – Community Councils are required in terms of the Local Government (Scotland) Act 1973 (as amended)
- 6.4 HR – There may be requirement for additional personnel to staff any complaints should there be an increase due to provision to apply sanctions to community councilors.
- 6.5 Equalities - none
- 6.6 Risk – Lack of sanctions could give rise to a lack of faith in our community councils when those breaching the code of conduct cannot be held accountable for their actions.
- 6.7 Customer Service - None

### **Executive Director of Customer Services**

5 April 2017

**For further information contact:** Melissa Stewart, Area Governance Officer, Kilmory, Lochgilphead, PA31 8RT (Tel. No. 01546 604331)

## APPENDICES

Appendix 1- Request by Minister for Local Government and Housing to incorporate process for applying sanctions to community councillors as part of the Review process.



Minister for Local Government and Housing  
Kevin Stewart MSP



Scottish Government  
Riaghaltas na h-Alba  
gov.scot

T: 0300 244 4000  
E: scottish.ministers@gov.scot

Community Council Liaison Officers

19 January 2017

Dear CCLOs

I am writing to you about procedures for complaints against community councils and community councillors. Some of you will already know that community councils fall within my Ministerial portfolio although I appreciate that statutory responsibility for them rests with local authorities.

The Scottish Government is aware of concerns around provisions in Schemes of Establishment for complaints against community councils and community councillors and also the sanctions that can be enforced.

We know that some local authority Schemes, for example in [East Renfrewshire Council area](#), do contain comprehensive procedures covering this area which include removal of community councillors, if a complaint is upheld. Moray Council has also facilitated, along with the Joint Community Councils of Moray and individual community councils/councillors, a separate [community council complaints procedure](#).

We are, however, aware that many local authorities do not have such comprehensive complaints procedures and sanctions in place. With the increasing emphasis on community empowerment it strikes me that it is important community councils and community councillors should be accountable for their actions and that there is an appropriate system of redress for complaints.

I would, therefore, like to encourage all local authorities, when next reviewing their Schemes and Codes, to consider including a robust complaints procedures and sanctions.

I would be grateful if questions relating to this letter are addressed to Laura Mulheron in the Community Empowerment Team in the first instance. She can be contacted at [laura.mulheron@gov.scot](mailto:laura.mulheron@gov.scot)

Yours faithfully,

**KEVIN STEWART**

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