

Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Customer Services
Executive Director: Douglas Hendry



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15 February 2018

NOTICE OF MEETING

A Special meeting of **ARGYLL AND BUTE COUNCIL** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **THURSDAY, 22 FEBRUARY 2018** at **11:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTERESTS (IF ANY)**
- 3. AMENDMENT TO THE HEALTH AND SOCIAL CARE INTEGRATION SCHEME**
Report by Acting Executive Director of Community Services (Pages 3 - 70)
- 4. REVIEW FOR THE SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS - STAGE 2 FEEDBACK**
Report by Executive Director of Customer Services (Pages 71 - 134)

ARGYLL AND BUTE COUNCIL

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ARGYLL AND BUTE COUNCIL

ARGYLL & BUTE HSCP

1st February 2018

Revised Integration Scheme

1.0 EXECUTIVE SUMMARY

The Scottish Government requires every Integration Authority to revise their Integration Scheme to include the functions enshrined in the Carers (Scotland) Act 2016, which will take effect from April 1st 2018.

Regulations have been set out in The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment Regulations 2017 and in The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment (No 2) Regulations 2017.

The Act contributes to the Scottish Government's vision of a healthier and fairer Scotland, and sits alongside related policy on the integration of Health and Social Care, new social security powers; and the Fair Work agenda

The Act is designed to support carers' health and wellbeing and help make caring more sustainable. Measures include:

- a duty for local authorities to provide support to carers, based on the carer's identified needs which meet the local eligibility criteria.
- a specific adult carer support plan and young carer statement to identify carers' needs and personal outcomes.
- a requirement for local authorities to have an information and advice service for carers which provides information and advice on, amongst other things, emergency and future care planning, advocacy, income maximisation and carers' rights.

ARGYLL AND BUTE COUNCIL

COUNCIL

ARGYLL & BUTE HSCP

25th January 2018

Revised Integration Scheme

1. INTRODUCTION

- 1.1 The Carers (Scotland) Act 2016 <http://www.gov.scot/Topics/Health/Support-Social-Care/Unpaid-Carers/Implementation/Carers-scotland-act-2016> is part of the Scottish Government's vision of a healthier and fairer Scotland, and sits alongside related policy on the integration of Health and Social Care, new social security powers; and the Fair Work agenda
- 1.2 The Act is designed to support carers' health and wellbeing and help make caring more sustainable.
- 1.3 Every Integration Authority is required to revise their Integration Scheme to comply with regulations set out in The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment Regulations 2017 and in The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment (No 2) Regulations 2017.

2. RECOMMENDATIONS

- 2.1 Argyll & Bute Council is asked to note the revisions to the Integration Scheme and to agree the submission of the revised scheme to the Scottish Government by 2nd March 2018.

3. DETAIL

3.1 The Carers' (Scotland) Act 2016

The Carers (Scotland) Act 2016 will take effect from April 1st 2018. The Act is part of the government's vision for a fairer Scotland. It aims to support unpaid and family carers to continue in their caring role for as long as they wish, whilst having enough support to pursue their own life and to maintain their own health and wellbeing.

This is achieved through assessment of need and production of a Young Carers Statement or an Adult Carers Support Plan, to ensure that support needs are met.

3.2 The Regulations

The Scottish Government set out regulations for Integration Authorities which are described in The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment Regulations 2017, which sets out what the Integration Authority must do and The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment (No 2) Regulations 2017, which sets out what the Integration Authority may do.

<https://www.legislation.gov.uk/sdsi/2017/9780111035436>

3.3 Revision of the Integration Scheme

The Scottish Government requires all Integration Authorities to revise their Integration Scheme to include the requirements imposed by The Carers (Scotland) Act 2016. Revised Integration Schemes must be agreed by the parent bodies and submitted to the Scottish Government by 2nd March 2018.

The Chief Officer will take the revised Argyll and Bute Integration Scheme to NHS Highland Board and to Argyll and Bute Council for agreement prior to submission.

A statement on our websites, with a link to the revised Integration Scheme, for a minimum of 28 days will inform our partners and stakeholders of the revision. Public Consultation is not necessary in this instance as the revision is prescribed in legislation.

4. CONCLUSION

4.1 Argyll and Bute's Integration Scheme has been revised as required by the Scottish Government, in accordance with the regulations to meet the requirements of The Carers (Scotland) Act 2016.

The revised Integration Scheme will be agreed with NHS Highland Board and Argyll and Bute Council before being submitted to Scottish Government by March 2nd 2018. It will then be laid before parliament awaiting ministerial approval.

5. IMPLICATIONS

5.1 Policy:

5.2 **Financial:** Providing additional carer support will impose a financial impact.

5.3 **Legal:** The Scottish Government requires all Integration Authorities to be supported by their Local Authorities and Health Boards to comply with the regulations set out in The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment Regulations 2017, which sets out what the Integration Authority must do and The Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment (No 2) Regulations 2017.

5.4 **HR:** The Carers (Scotland) 2016 Act brings a number of new and different obligations for staff. Resources will need to be identified to ensure the Act is implemented. Appropriate information and training will need to be given to all staff along with revised tools and processes.

5.5 **Equalities:** The Carers Strategy requires a full EQIA assessment. This does not apply to the revised Integration Scheme.

5.5 **Risk:** There is a risk that the IJB and the services that it directs and has operational oversight of fail to meet performance standards or outcomes as set by regulatory bodies.

5.6 **Customer service:** None

5.7 Appendices List

Appendix A: Argyll & Bute Integration Scheme (revised)

Christina West
Chief Officer Health and Social Care

Policy Lead: Cllr. Kieron Green
January 2018

For further information contact:

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INTEGRATION SCHEME
BETWEEN
ARGYLL AND BUTE COUNCIL
AND
NHS HIGHLAND

Revised January 2018

Introduction

1. Vision and Values:

The vision of Argyll and Bute Council and NHS Highland is that the people in Argyll and Bute will live longer, healthier, happier, independent lives.

The core values of Argyll and Bute Council and NHS Highland are: compassion; respect; integrity; team work; equality; fairness; transparency; efficiency; improvement; involvement ,co-production and a person centred approach.

2. Aims and Outcomes:

The main purpose of integration is to improve the wellbeing of people who use health and social care services, particularly those whose needs are complex and involve support from health and social care at the same time. The Integration Scheme is intended to achieve the National Health and Wellbeing Outcomes.

Argyll and Bute Integration Joint Board will plan for and deliver high quality health and social care services to and in partnership with the communities of Argyll and Bute.

Argyll and Bute Integration Joint Board will set out within its Strategic Plan how it will effectively use allocated resources to deliver the National Health and Wellbeing Outcomes prescribed by the Scottish Ministers in regulations under section 5(1) of the Act, namely that:

- People are able to look after and improve their own health and wellbeing and live in good health for longer.
- People, including those with disabilities or long term conditions or who are frail are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community.
- People who use health and social care services have positive experiences of those services, and have their dignity respected.

- Health and social care services are centred on helping to maintain or improve the quality of life of people who use those services.
- Health and social care services contribute to reducing health inequalities.
- People who provide unpaid care are supported to look after their own health and wellbeing, including reducing any negative impact of their caring role on their own health and wellbeing.
- People using health and social care services are safe from harm.
- People who work in health and social care services feel engaged with the work they do and are supported to continuously improve the information, support, care and treatment they provide.
- Resources are used effectively and efficiently in the provision of health and social care services..
- Any other National Health and Well Being outcome prescribed in the future will also be adopted.

Argyll and Bute Council and NHS Highland have agreed that Children and Families social work services and Criminal Justice services should be included within the functions and services to be delegated to Argyll and Bute Integration Joint Board, therefore the specific national outcomes as detailed below for Children and Families and Criminal Justice are also included:

The national outcomes for Children and Families are:-

- Our children have the best start in life and are ready to succeed.
- Our young people are successful learners, confident individuals, effective contributors and responsible citizens; and
- We have improved the life chances of children, young people and families at risk.
- Any national outcomes prescribed in the future will also be adopted.

National outcomes and standards for Social Work Services in the Criminal Justice System are:-

- Community safety and public protection.
- The reduction of re-offending.
- Social inclusion to support desistance from offending.
- Any national outcomes prescribed in the future will also be adopted

3. Scope of Integration:

Argyll and Bute Council and NHS Highland have agreed to delegate to Argyll and Bute Integration Joint Board the following functions:

- All NHS services that the legislation permits for delegation .
- All Adult social work services.
- All Children & Families social work services.
- All Criminal Justice social work services.

4. Finance arrangements:

The general principles are agreed as:

- The Council and NHS Highland recognise that they each have continuing financial governance responsibilities, and have agreed to establish Argyll and Bute Integration Joint Board as a “joint operation” as defined by IFRS 11.
- The Council and NHS Highland will work together in the spirit of openness and transparency.
- The Council and NHS Highland payments to Argyll and Bute Integration Joint Board derive from a process that recognises that both organisations have expenditure commitments that cannot be avoided in the short to medium term. The Council and NHS Highland will prepare and maintain a record of what those commitments are and provide this to Argyll and Bute Integration Joint Board.
- Argyll and Bute Integration Joint Board will monitor its financial position and make arrangements for the provision of regular, timely, reliable and relevant financial information on its financial position which will be shared with the Council and NHS Highland. Argyll and Bute Integration Joint Board, the Council and NHS Highland will share financial information to ensure all parties have a full understanding of their current financial information and future financial challenges and funding streams.

- The existing financial regulations of the Council and NHS Highland will apply to resources transferred to Argyll and Bute Integration Joint Board.

Integration Scheme

The Parties:

The Argyll and Bute Council, established under the Local Government (Scotland) Act 1994 and having its principal offices at, Kilmory, Lochgilphead, Argyll, PA31 8RT (herein after referred to as “the Council”);

And

NHS Highland Health Board, established under section 2(1) of the National Health Service (Scotland) Act 1978 (operating as “Argyll and Bute CHP”) and having its principal offices at Aros, Lochgilphead, Argyll PA31 8LB] (hereinafter referred to as “NHS Highland”) (together referred to as “the Parties”).

1. Definitions and Interpretation

1.1 “The Act” means the Public Bodies (Joint Working) (Scotland) Act 2014.

1.2 “Argyll and Bute Integration Joint Board” means the Integration Joint Board to be established by Order under section 9 of the Act.

1.3 “Outcomes” means the Health and Wellbeing Outcomes prescribed by the Scottish Ministers in Regulations under section 5(1) of the Act.

1.4 “The Integration Scheme Regulations” means The Public Bodies (Joint Working) (Integration Scheme) (Scotland) Regulations 2014.

1.5 “Integration Joint Board Order” means The Public Bodies (Joint Working) (Integration Joint Boards) (Scotland) Order 2014.

1.6 “Scheme” means this Integration Scheme.

1.7 “Strategic Plan” means the plan which Argyll and Bute Integration Joint Board is required to prepare and implement in relation to the delegated provision of health and social care services to adults and children in accordance with section 29 of the Act.

1.8 “Acute Services” means medical and surgical treatment provided mainly in hospitals and minor injury units.

1.9 “Locality Planning Groups” means local management groups who are accountable for local services and have a level of devolved financial and operational responsibility to make decisions on the use of resources and service delivery for their communities.

In implementation of their obligations under the Act, the Parties hereby agree as follows:

In accordance with section 1(2) of the Act, the Parties have agreed that the integration model set out in sections 1(4)(a) of the Act will be put in place for Argyll and Bute Health Integration Joint Board, namely the delegation of functions by the Parties to a body corporate that is to be established by Order under section 9 of the Act. This Scheme comes into effect on the date the Parliamentary Order to establish Argyll and Bute Integration Joint Board comes into force.

2. Local Governance Arrangements

2.1 The role and constitution of the Argyll and Bute Integration Joint Board is established through legislation, with the Parties having agreed that the voting membership will be:

2.1.1 NHS Highland: 4 members of the NHS Highland Health Board.

2.1.2 Council: 4 Elected Members of the Council nominated by the Council.

2.1.3 The Parties have agreed that the first Chair of Argyll and Bute Integration Joint Board will be the nominee of the Council. The term of office of the Chair and the Vice Chair will be a period of two years.

2.2 Argyll and Bute Integration Joint Board will set out within its Strategic Plan how it will effectively use allocated resources to deliver the National Health and Wellbeing Outcomes prescribed by the Scottish Ministers in regulations under section 5(1) of the Act, namely that:

- People are able to look after and improve their own health and wellbeing and live in good health for longer.
- People, including those with disabilities or long term conditions or who are frail are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community.
- People who use health and social care services have positive experiences of those services, and have their dignity respected.
- Health and social care services are centred on helping to maintain or improve the quality of life of people who use those services.
- Health and social care services contribute to reducing health inequalities.
- People who provide unpaid care are supported to look after their own health and wellbeing, including reducing any negative impact of their caring role on their own health and wellbeing.
- People using health and social care services are safe from harm.
- People who work in health and social care services feel engaged with the work they do and are supported to continuously improve the information, support, care and treatment they provide.
- Resources are used effectively and efficiently in the provision of health and social care services.
- Any other National Health and Well Being outcomes prescribed by the Scottish Ministers.

2.3 The Parties have agreed that Children and Families social work and Criminal Justice social work should be included within the functions and services to be delegated to Argyll and Bute Integration Joint Board, therefore the specific national outcomes as detailed below for Children and Families and Criminal Justice are also included:

The national outcomes for Children and Families are:-

- Our children have the best start in life and are ready to succeed.
- Our young people are successful learners, confident individuals, effective contributors and responsible citizens; and
- We have improved the life chances of children, young people and families at risk.
- Any national outcomes prescribed in the future will also be adopted.

National outcomes and standards for Social Work Services in the Criminal Justice System are:-

- Community safety and public protection.
- The reduction of re-offending.
- Social inclusion to support desistance from offending.
- Any national outcomes prescribed in the future will also be adopted

3. Delegation of Functions

3.1 The Parties agree to delegate a comprehensive range of health and social care functions for adults and children to Argyll and Bute Integration Joint Board.

3.2 The functions that are to be delegated by NHS Highland to Argyll and Bute Integration Joint Board are set out in Annex 1.

3.3 The functions that are to be delegated by the Council to Argyll and Bute Integration Joint Board are set out in Annex 2.

4. Local Operational Delivery Arrangements

4.1 The local operational arrangements agreed by the Parties are:

4.1.2 Argyll and Bute Integration Joint Board has responsibility for the planning and delivery of services. This will be achieved through the Strategic Plan.

4.1.3 Argyll and Bute Integration Joint Board is responsible for the operational oversight of Integrated Services, and through the Chief Officer will be responsible for the operational management of Integrated Services.

4.1.4 Argyll and Bute Integration Joint Board will be responsible for the operational oversight of the planning, commissioning and contracting of delegated Acute Services and through the Chief Officer will be responsible for the operational management, and budget of Acute Services.

4.1.5 As the majority of Acute services are contracted from a neighbouring Health Board (NHS Greater Glasgow or Clyde) Argyll and Bute Integration Joint Board will be responsible for the operational oversight of Acute Services. A lead Director for Acute Services in NHS Greater Glasgow and Clyde (GG&C) has been identified as the contract liaison officer who is responsible for the operational management of Acute Services in NHS GG&C .

4.1.6 NHS Greater Glasgow and Clyde will provide information as part of the contract monitoring arrangements on a regular basis to the Chief Officer and Argyll and Bute Integration Joint Board on the operational delivery and performance of these services.

4.2 Support for Strategic Plan

4.2.1 Argyll and Bute Integration Joint Board is required under section 29 of the Act to prepare a strategic plan. All Health and Social Care Partnerships' primary responsibility is the achievement of the national health and wellbeing outcomes through the delivery of the principles of integration. A critical element in discharging this responsibility is the production and delivery of a Strategic Plan.

4.2.2 The NHS Board will share with Argyll and Bute Integration Joint Board necessary activity and financial data for Services, facilities and resources that relate to the planned use of services by service users within Argyll and Bute for its service and for those provided by other Health Boards.

4.2.3 The Council will share with Argyll and Bute Integration Joint Board necessary activity and financial data for services, facilities and resources that relate to the planned use of services by service users within Argyll and Bute for its services and for those provided by other councils.

4.2.4 The Parties agree to use all reasonable endeavours to ensure that other Integration Joint Boards and any other relevant Integration Authority will share the necessary activity and financial data for Services, facilities and resources that relate to the planned use by service users within the area of their Integration Authority.

4.2.5 The Parties shall ensure that their Officers acting jointly will consider the Strategic Plans of the other Integration Joint Boards or Authorities to ensure that they do not prevent the Parties and Argyll and Bute Integration Joint Board from carrying out their functions appropriately and in accordance with the Integration Planning and Delivery Principles, and to ensure they contribute to achieving the National Health and Wellbeing Outcomes. The Integration Authorities that are most likely to be affected by the Strategic Plan are:

- West Dumbarton Integration Joint Board
- Inverclyde and Renfrew and East Renfrew Integration Joint Boards share a common acute provider of services (NHS Great Glasgow and Clyde)

4.2.6 The Parties shall advise Argyll and Bute Integration Joint Board where they intend to change service provision of non- Integrated Services that will have a resultant impact on the Strategic Plan.

4.2.7. The NHS Highland Board will consult with Argyll and Bute Integration Joint Board to ensure that any overarching Strategic Plan for Acute Services

and any plan setting out the capacity and resource levels required for non-delegated budgets for such Acute Services is appropriately co-ordinated with the delivery of Services across the NHS Highland area. The parties shall ensure that a group including the Chief Operating Officer, NHS Highland and Chief Officer of Argyll and Bute Integration Joint Board will meet regularly to discuss such issues.

4.3 Corporate Support Services

4.3.1 The Parties will identify and put in place the corporate support required to fulfil the duties of Argyll and Bute Integration Joint Board. The Parties will, by 1.04.2016:

- Identify the corporate resources currently utilised to deliver the delegated functions.
- Agree the corporate support services required to fully discharge Argyll and Bute Integration Joint Board's duties under the Act.
- The Parties will provide Argyll and Bute Integration Joint Board with the corporate support services it requires to fully discharge its duties under the Act . The provision will be reviewed within the first year to ensure that it is adequate.

4.4 Performance Targets, Improvement Measures and Reporting Arrangements

4.4.1 The Parties will identify a core set of indicators that relate to services, from publicly accountable and national indicators and targets against which the Parties currently report. A list of indicators and measures which relate to integration functions will be collated in a Performance Management Framework and will provide information on the data gathering and reporting requirements for performance targets and improvement measures. The Parties will share all performance information, targets and indicators from the Performance Management Framework with Argyll and Bute Integration Joint

Board. The improvement measures will be a combination of existing and new measures that will allow assessment at local level. The performance targets and improvement measures will be linked to the national and local outcomes to assess the timeframe and the scope of change.

4.4.2 The Performance Management Framework will also indicate where the responsibility for each measure lies, whether in full or in part. Where there is an ongoing requirement in respect of organisational accountability for a performance target for the NHS Board or the Council this will be taken into account by Argyll and Bute Integration Joint Board when preparing the Strategic Plan.

4.4.3 The Performance Management Framework will also be used to prepare a list of any targets, measures and arrangements which relate to functions of the Parties, which are not delegated to Argyll and Bute Integration Joint Board, but which are affected by the performance and funding of integration functions and which are to be taken account of by Argyll and Bute Integration Joint Board when preparing the Strategic Plan.

4.4.4 The Performance Management Framework will be reviewed regularly to ensure the improvement measures it contains continue to be relevant and reflective of the national and local outcomes to which they are aligned.

4.4.5 The work on the core indicators, including HEAT Targets, National Health and Wellbeing Outcomes and locally agreed indicators and establishment of a Performance Management Framework will be completed by the 31st March 2016.

4.4.6 The Parties will continue to provide support to Argyll and Bute Integration Joint Board for the Performance Targets, Improvement Measures and Reporting arrangements, including the effective monitoring and reporting of targets and measures for adjoining NHS Boards and Integration Joint Boards

4.4.7 Argyll and Bute Integration Joint Board will receive performance management information for consideration, approval and agreement, and will act appropriately as necessary, in response to all relevant performance management information.

4.4.8 Public Health and Wellbeing Status reports including analysis of Argyll and Bute population, at macro, demographic specific and locality level.

4.4.9 Clinical and Care Governance reports to be assured of the quality, safety, risk and effectiveness of services.

4.4.10 Staff Governance reports to be assured of compliance and best practice in workforce relations, workforce planning and organisational development.

4.4.11 Patients and Users of Care Services; Involvement and Community Engagement reports ensuring their involvement in the shaping, delivery and evaluation of service performance.

4.4.12 Financial Governance reports including financial management, budget setting recommendation, expenditure reporting and cost improvement plans for consideration and approval.

4.4.13 Performance Management Framework information, to be assured of the performance of services against targets, indicators and outcomes.

5. Clinical and Care Governance

5.1 The Parties and Argyll and Bute Integration joint Board are accountable for ensuring appropriate clinical and care governance arrangements in respect of their duties under the Act. The Parties will have regard to the principles of the Scottish Government's draft Clinical and Care Governance Framework, including the focus on localities and service user and carer feedback.

5.2 The Parties recognise that the establishment and continuous review of the arrangements for Clinical and Care Governance and Professional Governance are essential in delivering their obligations and quality ambitions. The arrangements described in this section are designed to assure Argyll and Bute Integration Joint Board of the quality and safety of services delivered in Argyll and Bute.

5.3 Explicit lines of professional and operational accountability are essential to assure Argyll and Bute Integration Joint Board and the Parties of the robustness of governance arrangements for their duties under the Act. They underpin delivery of safe, effective and person-centred care in all care settings delivered by employees of the Council, NHS Highland and of the third and independent sectors.

5.4 In relation to existing health and social care services, NHS Highland is accountable for health functions and services, whilst Argyll and Bute Council is responsible for social care services. Professional governance responsibilities are carried out by the professional leads through to the health and social care professional regulatory bodies.

5.5 The Chief Social Work Officer holds professional accountability for social work and social care services. The Chief Social Work Officer reports directly to the Chief Executive and Elected Members of the Council in respect of professional social work matters. He/she is responsible for ensuring that social work and social care services are delivered in accordance with relevant legislation and that staff delivering such services do so in accordance with the requirements of the Scottish Social Services Council.

5.6 Principles of Clinical and Care Governance will be embedded at service user/clinical care/professional interface using the framework outlined below. Argyll and Bute Integration Joint Board will ensure that explicit arrangements are made for professional supervision, learning, support and continuous improvement for all staff.

5.7 Argyll and Bute Integration Joint Board will fulfil its devolved responsibility in terms of overseeing delivery of delegated functions by ensuring that there is evidence of effective performance management systems. Professional and service

user networks or groups will inform the agreed Clinical and Care Governance framework directing the focus towards a quality approach and continuous improvement.

5.8 The Clinical and Care Governance and Professional Governance framework will encompass the following:

- Measure the quality of integrated service delivery by measuring delivery of personal outcomes and seeking feedback from service users and/or carers.
- Professional regulation and workforce development.
- Information governance.
- Safety of integrated service delivery and personal outcomes and quality of registered services

5.9 Each of the four elements, listed at 5.8, will be underpinned by mechanisms to measure quality, clinical and service effectiveness and sustainability. They will be compliant with statutory, legal and policy obligations strongly underpinned by human rights values and social justice. Service delivery will be evidence-based, underpinned by robust mechanisms to integrate professional education, research and development.

5.10 Argyll and Bute Integration Joint Board is responsible for embedding mechanisms for continuous improvement of all services through application of a Clinical and Care Governance and Professional Governance Framework. Argyll and Bute Integration Joint Board will be responsible for ensuring effective mechanisms for service user and carer feedback and for complaints handling.

5.11 NHS Highland Executive Medical Director and Board Nurse Director share accountability for Clinical and Professional Governance across NHS Highland as a duty delegated by NHS Highland. This will include ensuring:

- Quality monitoring and governance arrangements that include compliance with professional codes, legislation, standards, guidance and that these are regularly open to scrutiny.

- Systems and processes to ensure a workforce with the appropriate knowledge and skills to meet the needs of the local population.
- Effective internal systems that provide and publish clear, robust, accurate and timely information on the quality of service performance.
- Systems to support the structured, systematic monitoring, assessment and management of risk.
- Co-ordinated risk management, complaints, feedback and adverse events/incident system, ensuring that this focuses on learning, assurance and improvement.
- Improvement and learning in areas of challenge or risk that are identified through local governance mechanisms and external scrutiny.
- Mechanisms that encourage effective and open engagement with staff on the design, delivery, monitoring and improvement of the quality of care and services.
- Planned and strategic approaches to learning, improvement, innovation and development, supporting an effective organisational learning culture.

5.12 The Chief Medical Officer, or his/her depute, will be a member of the Clinical and Care Governance Committee and will provide professional advice in respect of the overview and consistency of the Clinical and Care Governance and Professional Governance Framework.

5.13 The Board Nurse Director, or his/her depute, will be a member of the Clinical and Care Governance Committee and will provide professional advice in respect of the overview and consistency of the Clinical and Care Governance and Professional Governance Framework.

5.14 The Chief Social Work Officer, through delegated authority holds professional and operational accountability for the delivery of safe and high quality social work and social care services within the Council. An annual report on these matters will be provided to the Council, NHS Highland and Argyll and Bute Integration Joint Board.

5.15 The Chief Social Work Officer will be a member of the Clinical and Care Governance Committee and will provide professional advice in respect of the delivery of social work and social care services by Council staff and commissioned care providers in Argyll and Bute.

5.16 The Parties, in support of Argyll and Bute Integration Joint Board will put in place structures and processes to support clinical and care governance, thus providing assurance on the quality of health and social care in Argyll and Bute. A Clinical and Care Governance Committee, bringing together senior professional leaders across Argyll and Bute, including the Medical Director, Board Nurse Director, Chief Social Work Officer, and the Director of Public Health, will be established. This committee, chaired by one of its members, will ensure that quality monitoring and governance arrangements are in place for safe and effective health and social care service delivery in Argyll and Bute. This will include the following:

- compliance with professional codes, legislation, standards, guidance
- systems and processes to ensure a workforce with the appropriate knowledge and skills to meet the needs of the local population.
- effective internal systems that provide and publish clear, robust, accurate and timely information on the quality of service performance.
- systems to support the structured, systematic monitoring, assessment and management of risk.
- co-ordinated risk management, complaints, feedback and adverse events/incident system, ensuring that this focuses on learning, assurance and improvement.
- improvement and learning in areas of challenge or risk that are identified through local governance mechanisms and external scrutiny.
- mechanisms that encourage effective and open engagement with staff on the design, delivery, monitoring and improvement of the quality of care and services.
- planned and strategic approaches to learning, improvement, innovation and development, supporting an effective organisational learning culture.

5.17 The Clinical and Care Governance Committee will provide advice to Argyll and Bute Integration Joint Board; The Strategic Planning Group and to locality planning groups, all of whom may seek relevant advice directly from the Clinical and Care Governance Committee, as required.

5.18 Arrangements will be put in place so that the Area Clinical Forums, Managed Care networks, other appropriate professional groups, and the Adult and Child Protection Committees are able to directly provide advice to the Clinical and Care Governance Committee.

5.19 The Clinical and Care Governance Committee will report directly to Argyll and Bute Integration Joint Board and will provide clear robust, accurate and timely information on the quality of service performance.

5.20 Information will be used to provide oversight and guidance to the Strategic Planning Group in respect of Clinical and Care Governance and Professional Governance, for the delivery of Health and Social Care Services across localities identified in the Strategic Plan.

5.2.1 Annexe 3 provides a schematic to show the systems governance arrangements.

5.22 Annexe 4 provides a schematic to show the clinical and care governance arrangements.

6. Chief Officer

6.1 The Chief Officer has both strategic and operational responsibility for the delivery of services. The Chief Officer will be directly responsible to and line-managed by the Chief Executive Officers of both Parties, and via the Chief Executive Officers is responsible to NHS Highland and the Council. The Chief Officer is also accountable to Argyll and Bute Integration Joint Board.

6.2 The Chief Officer will be accountable directly to Argyll and Bute Integration Joint Board for the preparation, implementation of and reporting on the Strategic Plan. The Chief Officer will also be responsible for operational delivery of services and the appropriate management of staff and resources.

6.3 The Chief Officer will establish a senior management team, equipped to direct and oversee the structures and procedures necessary to carry out all functions in accordance with the Strategic Plan.

6.4 In the event that there is a prolonged period when the Chief Officer is unable or unavailable to fulfil his/her functions, interim arrangements will be required to temporarily replace the Chief Officer. The Parties will nominate suitably qualified and experienced senior officers to carry out the functions of the Chief Officer for the duration of the interim period, and submit the said nominations for approval by Argyll and Bute Integration Joint Board.

6.5 The Chief Officer's objectives will be set annually and performance appraised by the Chief Executive Officers of both Parties, in consultation with the Chair and Vice Chair of Argyll and Bute Integration Joint Board.

6.6 The Chief Officer will be a full member of both the Council and NHS Highland's corporate management teams, as well a non-voting member of Argyll and Bute Integration Joint Board.

6.7 The Chief Officer will ensure the maintenance of an up to date integrated risk register in respect of all functions delegated to Argyll and Bute Integration Joint Board.

6.8 The Chief Officer will routinely liaise with appropriate officers of NHS Highland in respect of the Argyll and Bute Integration Joint Board's role in contributing to the strategic planning of acute NHS healthcare services and provision (in accordance with the Act) and delivery of agreed targets that have mutual responsibility. Operational management of Integrated Services and acute services will be responsibility of the Chief Officer, as detailed in sections 4.1.4 and 4.1.5.

6.9 The Chief Officer will routinely liaise with the relevant Executive Director(s) of the Council in respect of Argyll and Bute Integration Joint Board's role in informing strategic planning for local housing and the delivery of housing support services. Housing functions, apart from equipment, adaptations and aspects that relate to personal support, are outside the scope of Argyll and Bute Integration Joint Board; however, close liaison between the Chief Officer and the executive Director(s) will assist in the strategic planning process.

6.10 The Chief Officer will develop close working relationships with Elected Members of the Council and Executive and Non-Executive members of NHS Highland.

6.11 The Chief Officer will establish and maintain effective relationships with a range of key stakeholders across the Scottish Government, NHS Highland, the Council, Independent and Third sectors, service users, Trades Unions and professional organisations.

6.12 The Chief Officer will ensure appropriate arrangements are in place in respect of information governance and the requirements of the Information Commissioner's Office.

7. Workforce

7.1 The Parties are committed to expand upon the existing transitional plans, to produce a fully integrated Workforce and Organisational Development Plan, relating to the delegated functions, as prescribed in the Act. This will include engagement and learning and development for all staff, to promote the development of a robust organisational structure and healthy organisational culture. The plan will be complete by 01.04.2016 but will remain under annual review. Argyll and Bute Integration Joint Board, Chief Officer will be responsible for implementation and review of the plan, in conjunction with the implementation of the Strategic Plan.

7.2 The development of the plan will be remitted to the Human Resources and Workforce Development and Organisational Development work streams already in place, for completion. These workstreams are led by Human Resources and

Organisational Development Leads from both Parties and include NHS staff side (Trade Unions representing NHS Highland staff) and Trades Unions representatives (representing Council staff), as well as other key stakeholders.

8. Finance

8.1 Roles and Responsibilities

8.1.1 Argyll and Bute Integration Joint Board will make arrangements for the proper administration of its financial affairs by appointing a Chief Financial Officer to discharge the responsibilities that fall within Section 95 of the Local Government (Scotland) Act 1973.

8.1.2 The Chief Financial Officer is accountable for financial management of delegated budgets and overall financial resources of Argyll and Bute Integration Joint Board.

8.1.3 The Chief Financial Officer of Argyll and Bute Integration Joint Board will be responsible for managing preparation of the annual budget of the Argyll and Bute Integration Joint Board, managing the medium term financial planning process to support the strategic plan, and providing financial advice and information to support the planning and delivery of services by Argyll and Bute Integration Joint Board.

8.1.4 The Chief Financial Officer of Argyll and Bute Integration Joint Board will be responsible for producing regular finance reports to Argyll and Bute Integration Joint Board and managers, ensuring that those reports are timely, relevant and reliable.

8.1.5 The Chief Financial Officer of Argyll and Bute Integration Joint Board will be responsible for preparing Argyll and Bute Integration Joint Board's

accounts and ensuring compliance with statutory reporting requirements as a body under the relevant legislation.

8.1.6 The Chief Financial Officer of Argyll and Bute Integration Joint Board will work with the Council Section 95 Officer and NHS Highland Director of Finance to ensure the Council and NHS Highland are kept informed on the financial position, performance and plans of Argyll and Bute Integration Joint Board.

8.1.7 The Council Section 95 Officer and NHS Highland Accountable Officer are responsible for the resources that are allocated by Argyll and Bute Integration Joint Board to their respective organisations for operational delivery.

8.1.8 The Chief Financial Officer will work with the Council Section 95 Officer and NHS Highland Director of Finance to ensure both organisations work together to develop systems which will allow the recording and reporting of Argyll and Bute Integration Joint Board financial transactions.

8.2 Management of Revenue Budget

8.2.1 Argyll and Bute Integration Joint Board's Strategic Plan will incorporate a medium term financial plan for its resources. On an annual basis the annual financial statement will be prepared setting out the amount Argyll and Bute Integration Joint Board intends to spend to implement its Strategic Plan. This will be known as the annual budget. The medium term financial strategy will be prepared for Argyll and Bute Integration Joint Board following discussions with the Council and NHS Highland who will provide a proposed budget based on payment for year 1, indicative payments for year 2 and 3 and outline projections for later years. The medium term financial strategy will be used in conjunction with the Strategic Plan to ensure the commissioned services by Argyll and Bute Integration Joint Board are delivered within the financial resources available.

8.2.2 Argyll and Bute Integration Joint Board is able to hold reserves. There is an expectation that it will deliver the objectives of the Strategic Plan within agreed resources. Argyll and Bute Integration Joint Board cannot approve a budget which would result in the reserves moving into a deficit.

8.2.3 The term payment is used to maintain consistency with legislation and does not represent physical cash transfer. As Argyll and Bute Integration Joint Board does not operate a bank account, the net difference between payments into and out of the Argyll and Bute Integrated Joint Board will result in a balancing cash payment between the Council and NHS Highland. An initial schedule of payments will be agreed within the first 40 working days of each new financial year and may be updated taking into account any additional payments in-year.

8.2.4 The Council and NHS Highland will establish a core baseline budget for each function and service that is delegated to Argyll and Bute Integration Joint Board to form an integrated budget.

8.2.5 The budgets will be based on recurring baseline budgets plus anticipated non-recurring funding for which there is a degree of certainty for each of the functions delegated to Argyll and Bute Integration Joint Board and will take account of any applicable inflationary uplift, planned efficiency savings and any financial strategy assumptions. These budgets will form the basis of the payments to Argyll and Bute Integration Joint Board. These budgets will be reviewed against actual levels of expenditure for the previous 3 financial years.

8.2.6 Information will be provided by the Parties on the financial performance of the delegated services against budget in their respective areas for the last 3 years to enable all parties to undertake due diligence to gain assurance that the delegated resources are sufficient to deliver the delegated functions.

8.2.7 The Parties will each prepare a schedule outlining the detail and total value of the proposed initial payment, the underlying assumptions behind that

initial payment and the financial performance against budget for the delegated services in the shadow year for their respective areas. These schedules should be prepared and concluded at least one month before the start of the financial year they relate to. The payment will include funding relating to service level agreements for hospital services provided by other Health Boards to Argyll and Bute residents. The schedules will also identify any amounts included in the payments that are subject to separate legislation or subject to restrictions stipulated by third party funders. These documents must be approved by the Director of Finance for NHS Highland and the Section 95 Officer for the Council prior to submission to Argyll and Bute Integration Joint Board.

8.2.8 The Argyll and Bute Integration Joint Board Chief Financial Officer will review these documents and reach agreement with both parties on the value of the initial payment. The Chief Financial Officer will then prepare a schedule that describes the agreed value of the payments. The Council's Section 95 Officer, NHS Highland Director of Finance and Argyll and Bute Integration Joint Board Chief Officer must sign this schedule to confirm their agreement.

8.2.9 The process for agreeing the subsequent payments to Argyll and Bute Integration Joint Board will be contingent on the corporate planning and financial planning processes of the Council and NHS Highland. The funding available to Argyll and Bute Integration Joint Board will be dependent on the funding available to the Council and NHS Highland and the corporate priorities of both. Both parties will provide indicative three year allocations to Argyll and Bute Integration Joint Board subject to annual approval through the respective budget setting processes. These indicative allocations will take account of changes in NHS funding and changes in Council funding.

8.2.10 Each year the Chief Financial Officer and Chief Officer of Argyll and Bute Integration Board should prepare a draft budget for Argyll and Bute Integration Joint Board, based on the Strategic Plan and present this to the Council and NHS Highland.

8.2.11 The draft annual budget should be prepared to take account of the matters set out above and uses the previous year payment as a baseline that will be adjusted to take account of:

- Activity Changes arising from the impact on resources in respect of increased demand (e.g. demographic pressures and increased prevalence of long term conditions) and for other planned activity changes.
- Cost inflation on pay and other costs.
- Efficiency savings that can be applied to budgets.
- Performance on outcomes. The potential impact of efficiencies on agreed outcomes must be clearly stated and open to challenge by the Council and NHS Highland.
- Legal requirements that result in additional and unavoidable expenditure commitments.
- Transfers to/from the set aside budget for hospital services set out in the Strategic Plan.
- Budget savings required to ensure budgeted expenditure is in line with funding available including an assessment of the impact and risks associated with these savings.

8.2.12 The Director of Finance of NHS Highland, the Section 95 Officer of the Council and the Chief Financial Officer of Argyll and Bute Integration Joint Board will ensure a consistency of approach and application of processes in considering budget assumptions and proposals.

8.2.13 Due diligence of the Council and NHS Highland contributions will be undertaken annually and the Chief Financial Officer of Argyll and Bute Integration Joint Board will prepare a schedule outlining the agreed value of the payments. The schedule must be approved by Argyll and Bute Integration Joint Board Chief Officer; the Council Section 95 Officer and the NHS Highland Director of Finance.

8.2.14 The allocations made from Argyll and Bute Integration Joint Board to the Council and NHS Highland for operational delivery of services will be approved by Argyll and Bute Integration Joint Board. The value of the payments will be as set out in the Strategic Plan and supporting financial plan.

8.2.15 The direction from Argyll and Bute Integration Joint Board to the Council and NHS Highland will take the form of a letter from the Chief Officer referring to the arrangements for delivery set out in the Strategic Plan and will include information on:

- The delegated function/(s) that are being directed.
- The outcomes and activity levels to be delivered for those delegated functions.
- The amount of and method of determining the payment to carry out the delegated functions.

8.2.16 Once issued these can be amended or varied by a subsequent direction by Argyll and Bute Integration Joint Board.

8.2.17 Any potential deviation from the planned outturn should be reported to Argyll and Bute Integration Joint Board, the Council and NHS Highland at the earliest opportunity.

8.2.18 Where it is forecast that an overspend will arise then the Chief Officer and Chief Financial Officer of Argyll and Bute Integration Joint Board will identify the cause of the forecast overspend and prepare a recovery plan setting out how they propose to address the forecast overspend and return to a breakeven position. The Chief Officer and Chief Financial Officer of Argyll and Bute Integration Joint Board should consult the Section 95 Officer of the Council and the Director of Finance of NHS Highland in preparing the recovery plan. The recovery plan should be approved by Argyll and Bute Integration Joint Board. The report setting out the explanation of the forecast overspend and the recovery plan should also be submitted to the Council and NHS Highland.

8.2.19 A recovery plan should aim to bring the forecast expenditure of Argyll and Bute Integration Joint Board back in line with the budget within the current financial year. Where an in year recovery cannot be achieved then any recovery plan that extends into later years should ensure that over the period of the Strategic Plan forecast expenditure does not exceed the resources made available. Where a recovery plan extends beyond the current year the amount of any shortfall or deficit carried forward cannot exceed the reserves held by Argyll and Bute Integration Joint Board. Any recovery plan extending beyond in year will require prior approval of the Council and NHS Highland in addition to Argyll and Bute Integration Joint Board.

8.2.20 Where recovery plans are unsuccessful and an overspend occurs at the financial year end, and there are insufficient reserves to meet the overspend, then the Parties will be required to make additional payments to Argyll and Bute Integrated Joint Board. Where there is a requirement for additional payments an analysis of the requirement for additional payments will be carried out to determine the extent to which they relate to either budgets delegated back to or activities managed by the Council or NHS Highland with the allocation of the additional payments being based on the outcome of this analysis. Any additional payments by the Council and NHS Highland will then be deducted from future years funding/payments.

8.2.21 Argyll and Bute Integration Joint Board may retain any underspend to build up its own reserves and the Chief Financial Officer will develop a reserves policy for Argyll and Bute Integration Joint Board.

8.2.22 There will be arrangements in place to allow budget managers to vire budgets between different budget heads set out in the financial regulations.

8.2.23 Redeterminations to payments made by the Council and NHS Highland to Argyll and Bute Integration Joint Board would apply under the following circumstances:

- Additional one off funding is provided to Partner bodies by the Scottish Government, or some other body, for expenditure within a service area delegated to Argyll and Bute Integration Joint Board. This would include in year allocations for NHS and redeterminations as part of the local government finance settlement. The payments to Argyll and Bute Integration Joint Board should be adjusted to reflect the full amount of these as they relate to the delegated services. The Parties agree that an adjustment to the payment is required to reflect changes to demand and activity levels.
- Where either Party requires to reduce the payment to Argyll and Bute Integration Joint Board any proposal requires a justification to be set out and then agreed by both Parties and Argyll and Bute Integration Joint Board.

8.2.24 Where payments by the Council and NHS Highland are agreed under paragraphs 8.2.3 to 8.2.23 above they should only be varied as a result of the circumstances set out in paragraph 8.2.23. Any proposal to amend the payments out with the above, including any proposal to reduce payments as a result of changes in the financial circumstances of either the Council or NHS Highland requires a justification to be set out and the agreement of both Parties.

8.3 Financial Systems

8.3.1 The Chief Financial Officer will work with the Section 95 Officer of the Council and Director of Finance of NHS Highland to ensure appropriate systems and processes are in place to:

- Allow execution of financial transactions.
- Ensure an effective internal control environment over such transactions.
- Maintain a record of the income expenditure, assets and liabilities of Argyll and Bute Integration Joint Board.

- Enable reporting of the financial performance and position of Argyll and Bute Integration Joint Board.
- Maintain records of budgets, budget savings, forecast outturns, variances, variance explanations, proposed remedial actions and financial risks.

8.4 Financial reporting to Argyll and Bute Integration Joint Board:

8.4.1 The Chief Financial Officer will provide comprehensive financial monitoring reports to Argyll and Bute Integration Joint Board on a monthly basis. These reports will set out information on actual expenditure and budget for the year to date and forecast outturn against annual budget together with explanations of significant variances and details of any action required. These reports will also set out progress with achievement of any budgetary savings required. The Chief Financial Officer will also report to Argyll and Bute Integration Joint Board as appropriate in relation to:

- Developing a medium and longer term financial strategy to support delivery of the Strategic Plan.
- Preparation and review of the annual budget.
- Collating and reviewing budget savings proposals.
- Identifying and analysing financial risks.
- Considering the proposals in relation to reserves.

8.4.2 On a monthly basis the Parties will provide to Argyll and Bute Integration Joint Board comprehensive financial monitoring reports. The reports will set out information on actual expenditure and budget for the year to date and forecast outturn against annual budget together with explanations of significant variances and details of any action required. These reports will also set out progress with achievement of any budgetary savings required.

8.5 Financial reporting to management:

8.5.1 The Chief Financial Officer will work with the Section 95 Officer of the Council and Director of Finance of NHS Highland to ensure:

- Managers are consulted in preparing the budget of Argyll and Bute Integration Joint Board.
- Managers are supported in identifying budgetary savings.
- Managers are made aware of the budget they have available.
- Managers are provided with information on actual income and expenditure.
- Managers are provided with information on previous forecast outturns.
- Managers are supported to provide up to date information on forecast outturns.
- Managers are supported to provide explanations of significant variances.
- Managers are supported to identify action required.
- Managers are supported to identify and assess financial risks.
- Managers are supported to identify and assess future medium to longer term budget implications.

8.6 Financial Statements:

8.6.1 The Chief Financial Officer of Argyll and Bute Integration Joint Board will supply any information required to support the development of the year-end financial statements and annual report for both the Council and NHS Highland.

8.6.2 The Section 95 Officer of the Council and the Director of Finance of NHS Highland will supply the Chief Financial Officer of Argyll and Bute Integration Joint Board with any information required to support the development of the year-end financial statements and annual report of the Argyll and Bute Integration Joint Board.

8.6.3 Prior to 31 January each year the Chief Financial Officer of Argyll and Bute Integration Joint Board will agree with the Section 95 Officer of the Council and the Director of Finance of NHS Highland a procedure and timetable for the coming financial year end for reconciling payments and agreeing any balances.

8.7 Capital Expenditure and Non-Current Assets

8.7.1 Argyll and Bute Integration Joint Board will not receive any capital allocations, grants or have the power to invest in capital expenditure nor will it own any property or other non-current assets. The Council and NHS Highland will:

- Continue to own any property or non-current assets used by Argyll and Bute Integration Joint Board.
- Have access to sources of funding for capital expenditure.
- Manage and deliver any capital expenditure on behalf of Argyll and Bute Integration Joint Board.

8.7.2 The Chief Officer of Argyll and Bute Integration Joint Board will work with the relevant officers in the Council and NHS Highland to prepare and maintain an asset register of property and noncurrent assets used by Argyll and Bute Integration Joint Board.

8.7.3 The Chief Officer of Argyll and Bute Integration Joint Board will work with the relevant officers in the Council and NHS Highland to prepare an asset management plan for Argyll and Bute Integration Joint Board to be approved by Argyll and Bute Integration Joint Board within a timescale to be agreed annually by the Council and NHS Highland (it is expected this would normally be 30 September). The asset management plan will set out suitability, condition, risks, performance and investment needs related to existing property and other non-current assets identifying any new or significant changes to the asset base.

8.7.4 Alongside the asset management plan the Chief Officer of Argyll and Bute Integration Joint Board will work with the relevant officers in the Council and NHS Highland to prepare a bid for capital funding for property and other non-current assets used by Argyll and Bute Integration Joint Board. This should be approved by Argyll and Bute Integration Joint Board within a timescale to be agreed annually with the Council and NHS Highland (it is expected this would normally be 30 September). A business case approach should be adopted to set out the need and assess the options for any proposed capital investment. Any business case will set out how the investment will meet the strategic objectives of Argyll and Bute Integrated Joint Board and set out the associated revenue costs.

8.7.5 Whilst responsibility for managing and delivery of capital expenditure remains the responsibility of the Council or NHS Highland the relevant officers in the Council and NHS Highland will work with the Chief Officer of Argyll and Bute Integration Joint Board to report quarterly on progress with capital expenditure related to property or other non-current assets used by Argyll and Bute Integration Joint Board.

8.7.6 Argyll and Bute Integration Joint Board, the Council and NHS Highland will work together to ensure capital expenditure and property or other non-current assets are used as effectively as possible and in compliance with the relevant legislation on use of public assets.

8.7.7 Legacy projects will be managed by the relevant partner – either the Council or NHS Highland with reporting of progress as set out above.

8.7.8 Depreciation of property and other non-current assets used in the services within the scope of Argyll and Bute Integration Joint Board will be charged to the accounts of Argyll and Bute Integration Joint Board and incorporated in the budgets and payments to Argyll and Bute Integration Joint Board.

8.7.9 Revenue costs from property and other non-current assets used in the services within the scope of Argyll and Bute Integration Joint Board will be charged to the accounts of Argyll and Bute Integration Joint Board and incorporated in the budgets and payments to Argyll and Bute Integration Joint Board.

8.7.10 Any gains or losses on disposal of property and other non-current assets used in the services within scope of Argyll and Bute Integration Joint Board will be retained within the accounts of the Council or NHS Highland and not charged to Argyll and Bute Integration Joint Board.

8.7.11 Capital receipts will be retained by the Council or NHS Highland.

8.8 VAT

8.8.1 Argyll and Bute Integration Joint Board will not be required to be registered for VAT, on the basis it is not delivering any supplies that fall within the scope of VAT. The actual delivery of functions delegated to Argyll and Bute Integration Joint Board will continue to be the responsibility of the Council and NHS Highland.

8.8.2 Both the Council and NHS Highland will continue to adhere to their respective VAT arrangements which will be accounted for through respective financial ledgers and statements. The Argyll and Bute Integration Joint Board will consult HMRC regarding any VAT issues arising from proposed transfer of services between the Parties (e.g. VAT leakage) taking specialist external VAT advice beforehand if necessary.

9. Participation and Engagement

9.1 A joint consultation took place on the integration scheme took place during December 2014. The stakeholders who were consulted in this joint consultation were:

- Local communities / general public

- Health professionals; GPs, management teams, clinical groups including Nursing Staff and Allied Health Professionals
- Social work and social care professionals
- Users of health services
- Carers of users of health care
- Commercial providers of health care
- Non-commercial providers of health care
- Argyll and Bute Council employees
- Staff side / Trades Unions
- Users of social care
- Carers of users of social care
- Commercial providers of social care
- Non-commercial providers of social care
- Non-commercial providers of social housing
- The Highland Council
- Argyll and Bute Public Partnership Forums
- Community / voluntary / Third Sector organisations
- Community Councils
- Argyll and Bute Council - local Councillors
- Scottish Ambulance Service
- NHS 24
- Scottish Health Council
- Local MPs / MSPs
- Dentists
- Pharmacists
- NHS Greater Glasgow & Clyde
- Police Scotland
- Scotland Fire & Rescue
- Argyll and Bute Advice Network (ABAN)
- Lomond & Argyll Advocacy Service
- Citizens Advice Bureau / Patient Advice & Support Service (PASS)
- Argyll and Bute Community Planning Partnership

9.2 The range of methodologies used to contact these stakeholders included both Parties' websites and intranets, third sector external website, newsletter, e mail, public events, postal correspondence, survey monkey and face to face contact with users of both health and social care services and carers of users of both health and social care services.

9.3 The Parties will support Argyll and Bute Integration Joint Board to develop a Participation and Engagement strategy by providing appropriate resources and support. The existing Communication and Engagement Plan will inform the development of the Participation and Engagement Strategy ensuring significant engagement with, and participation by, members of the public, representative groups and other organisations in relation to decisions about the carrying out of integration functions. This strategy shall be developed alongside the Strategic Plan and will be approved by Argyll and Bute Integration Joint Board prior to consultation on the Strategic Plan.

9.4 Key principles of the Communications and Engagement Plan demonstrate the value of feedback and the way it influences improvement - "You Said, We Did" philosophy. A range of methodologies will be employed to capture this including social media and web based technology e.g. Patient Opinion.

9.5 The Parties will carry out Equality Impact Assessments (EQIAs) / Planning for Fairness Assessments (PFFs), to ensure that services and policies do not disadvantage communities and staff.

9.6 The Parties will allocate responsibility to senior managers and their teams to support local public and staff involvement and communication.

10. Information Sharing and Data Handling

10.1 The Parties agree to be bound by the Data Sharing Protocol and to continuance of the existing agreement to use the Scottish Accord on the Sharing of Personal Information (SASPI), in respect of information sharing.

10.2 The Parties have developed an Information Sharing Protocol which covers guidance and procedures for staff for sharing of information.

10.3 All staff managed within the delegated functions will be contractually required to comply and adhere to respective local information security policies and procedures including data confidentiality policies of their employing organisations and the requirements of Argyll and Bute Integration Joint Board's agreed Information Sharing Protocol.

10.4 The Parties have established a group to agree the Information Sharing Protocol and procedures before 1st April 2016. Agreements and procedures will be reviewed annually by the group, or more frequently if required. The NHS Highland Information Assurance Group and Argyll and Bute Council Information Security Forum, acting on behalf of the Parties will meet annually to review the Protocol and will provide a report detailing recommendations for amendments, for the consideration of Argyll and Bute Integration Joint Board. In the event of amendment being required outside of that timescale the NHS Highland Information Assurance Group and Argyll and Bute Council Information Security Forum acting on behalf of the Parties will meet, agree the recommended amendment(s) and provide this information to the Chief Officer, who will then appropriately inform Argyll and Bute Integration Joint Board.

10.5 With regard to individually identifiable material, data will be held in both electronic and paper formats and only be accessed by authorised staff, in order to provide the patient or service user with the appropriate service. In order to provide fully integrated services it may be necessary to share information within the delegated functions and with external agencies. Where this is the case Argyll and Bute Integration Joint Board will seek the consent of the service user for the sharing of data, unless a statutory requirement exists. In order to comply with the Data Protection Act 1998, Argyll and Bute Integration Joint Board will always ensure that personal data it processes will be handled fairly, lawfully and within justification.

10.6 In order to comply with the Data Protection Act 1998 Argyll and Bute Integration Joint Board will ensure that any personal data that it holds will be processed in line with the Data Protection Principles contained within Schedule 1 of the Act.

11. Complaints

The Parties agree the following arrangements in respect of complaints on behalf of or by service users.

11.1 Both Parties will retain separate complaints policies reflecting the distinct statutory requirements.

11.1.1 There will be a single point of contact for complainants. This will be agreed between the Parties to co-ordinate complaints specific to the delegated functions to ensure that the requirements of existing legal/prescribed elements of health and social work complaints processes are met.

11.1.2 Staff within the delegated functions will apply the complaints policy of the relevant Party, depending on the nature of the complaint made. Where a complaint could be dealt with by the policies of both Parties, the appropriate manager will determine whether both need to be applied separately or a single joint response is appropriate. Where a joint response to such a complaint is not possible or appropriate, the material issues will be separated and progressed through the respective Party's procedures.

11.2 In the first instance all complaints will be handled by front line staff. If they are unresolved they will then be passed to a relevant senior manager and thereafter to the Chief Officer.

11.3 If the complaint remains unresolved the complainant may refer the matter to the Scottish Public Services Ombudsman for health or the complaints review committee and/or the Scottish Public Services Ombudsman for social care as appropriate.

11.4 All complaints procedures will be clearly explained, well publicised, accessible, will allow for timely recourse and will sign-post independent advocacy services.

11.5 The person making the complaint will always be informed which policies are being applied to their complaint.

11.6 The Parties will produce a quarterly joint report, outlining the learning from upheld complaints. This will be provided for consideration by Argyll and Bute Integration Joint Board and the Clinical and Care Governance Committee.

12. Claims Handling, Liability & Indemnity

The Parties agree the following arrangements in respect of claims handling, liability and indemnity:

12.1 Argyll and Bute Integration Joint Board, whilst having a legal personality in its own right has neither assumed nor replaced the rights or responsibilities of either NHS Highland or the Council as the employers of staff who are managed within the delegated functions, or for the operation of buildings or services under the operational remit of those staff.

12.2 The Parties will continue to indemnify, insure and accept responsibility for the staff that they employ; their particular capital assets that the Argyll and Bute Integration Joint Board uses to deliver services with or from; and the respective services themselves, which each Party has delegated to the Argyll and Bute Integration Joint Board.

12.3 Liabilities arising from decisions taken by the Argyll and Bute Integration Joint Board will be equally shared between the Parties.

13. Risk Management

13.1 The Parties will develop a shared risk management strategy that will identify, assess and prioritise risks related to the delivery of services under integration

functions, particularly any which are likely to affect Argyll and Bute Integration Joint Board's delivery of the Strategic Plan.

13.2 The risk management strategy will identify and describe processes for mitigating those risks and set out and agree the reporting standard, which will include:

- Risk Management Process
- Escalation of Risks
- Risk Register and Action Plans
- Risk Tolerance
- Training

13.3 The risk management strategy will be approved by both Parties. The risk management strategy will allow for any subsequent changes to the strategy to be approved by Argyll and Bute Integration Joint Board.

13.4 The risk management strategy will include an agreed risk monitoring framework and arrangements for reporting risks and risk information to the relevant parties from the date of inception of Argyll and Bute Integration Joint Board.

13.5 The Parties will develop an integrated risk register that will set out the key risks for Argyll and Bute Integration Joint Board. Risk officers from each of the Parties will review respective procedures and formulate revised procedures which will allow associated risks, scoring and mitigations to be identified for inclusion in the integrated risk register by 01.04.2016.

13.6 The Integrated Risk Register will be reported to Argyll and Bute Integration Joint Board on a timescale and format agreed by Argyll and Bute Integration Joint Board but this will not be less than once per year.

13.7 The risk integrated management strategy will set out the process for amending the integrated risk register.

13.8 The Parties will make appropriate resources available to support Argyll and Bute Integration Joint Board in its risk management.

14. Dispute resolution mechanism

14.1 Where either of the Parties fails to agree with the other on any issue related to this Scheme, they will follow a process which comprises:

14.1.1 A representative of NHS Highland and the Council will meet to resolve the issue.

14.1.2 In the event that the issue remains unresolved, the Chief Executive of NHS Highland and the Council, and the Chief Officer, will meet to resolve the issue.

14.1.3 In the event that the issue remains unresolved, the Chair of NHS Highland and nominated representatives of the Council will meet to resolve the issue.

14.1.4 In the event that the issue remains unresolved, NHS Highland and the Council will proceed to mediation with a view to resolving the issue.

14.2 With regard to the process of appointing a mediator, a representative of NHS Highland and a representative of the Council will meet with a view to appointing a suitable independent mediator. If agreement cannot be reached a referral will be made to the President of The Law Society of Scotland inviting the President to appoint a mediator. The Parties agree to share the cost of appointing a mediator.

14.3 Where an issue remains unresolved following the process of mediation, the Chief Executive Officers of NHS Highland and the Council will communicate in writing with Scottish Ministers, on behalf of the Parties, informing them of the issue under dispute and that agreement cannot be reached.

Annex 1

Part 1

Functions delegated by NHS Highland to the Integration Joint Board

Functions prescribed for the purposes of section 1 (6) of the act

Column A

Column B

The National Health Service (Scotland) Act 1978

All functions of Health Boards conferred by, or by virtue of, the National Health Service (Scotland) Act 1978

Except functions conferred by or by virtue of—

section 2(7) (Health Boards);

section 2CB (ref footnote 1) (Functions of Health Boards outside Scotland);

section 9 (local consultative committees);

section 17A (NHS Contracts);

section 17C (personal medical or dental services);

section 17I⁽¹⁾ (use of accommodation);

section 17J (Health Boards' power to enter into general medical services contracts);

section 28A (remuneration for Part II services);

section 48 (provision of residential and practice accommodation);

section 55⁽²⁾ (hospital accommodation on part payment);

section 57 (accommodation and services for private patients);

section 64 (permission for use of facilities in private practice);

section 75A⁽³⁾ (remission and repayment of charges and payment of travelling expenses);

section 75B⁽⁴⁾ (reimbursement of the cost of services provided in another EEA state);

⁽¹⁾ Section 17I was inserted by the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2 and amended by the Primary Medical Services (Scotland) Act 2004 (asp 1), section 4. The functions of the Scottish Ministers under section 17I are conferred on Health Boards by virtue of S.I. 1991/570, as amended by S.S.I. 2006/132.

⁽²⁾ Section 55 was amended by the Health and Medicines Act 1988 (c.49), section 7(9) and Schedule 3 and the National Health Service and Community Care Act 1990 (c.19), Schedule 9. The functions of the Secretary of State under section 55 are conferred on Health Boards by virtue of S.I. 1991/570.

⁽³⁾ Section 75A was inserted by the Social Security Act 1988 (c.7), section 14, and relevantly amended by S.S.I. 2010/283. The functions of the Scottish Ministers in respect of the payment of expenses under section 75A are conferred on Health Boards by S.S.I. 1991/570.

section 75BA ⁽⁵⁾(reimbursement of the cost of services provided in another EEA state where expenditure is incurred on or after 25 October 2013);

section 79 (purchase of land and moveable property);

section 82⁽⁶⁾ use and administration of certain endowments and other property held by Health Boards);

section 86 (accounts of health Boards and the Agency)

section 88 (payment of allowances and remuneration to members of certain bodies connected with the health services);

section 98 ⁽⁷⁾ (charges in respect of non-residents); and

paragraphs 4, 5, 11A and 13 of Schedule 1 to the Act (Health Boards);

and functions conferred by—

The National Health Service (Charges to Overseas Visitors) (Scotland) Regulations 1989 ⁽⁸⁾;

⁽⁴⁾ Section 75B was inserted by S.S.I. 2010/283, regulation 3(3) and amended by S.S.I. 2013/177.

⁽⁵⁾ Section 75BA was inserted by S.S.I. 2013/292, regulation 8(4).

⁽⁶⁾ Section 82 was amended by the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 7) section 1(2) and the National Health Service Reform (Scotland) Act 2004 (asp 7), schedule 2.

⁽⁷⁾ Section 98 was amended by the Health and Medicines Act 1988 (c.49), section 7. The functions of the Secretary of State under section 98 in respect of the making, recovering, determination and calculation of charges in accordance with regulations made under that section is conferred on Health Boards by virtue of S.S.I. 1991/570.

⁽⁸⁾ S.I. 1989/364, as amended by S.I. 1992/411; S.I. 1994/1770; S.S.I. 2004/369; S.S.I. 2005/455; S.S.I. 2005/572 S.S.I. 2006/141; S.S.I. 2008/290; S.S.I. 2011/25 and S.S.I. 2013/177.

The Health Boards (Membership and Procedure) (Scotland) Regulations 2001/302;
The National Health Service (Clinical Negligence and Other Risks Indemnity Scheme) (Scotland) Regulations 2000/54;

The National Health Services (Primary Medical Services Performers Lists) (Scotland) Regulations 2004/114;

The National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004;

The National Health Service (Discipline Committees) Regulations 2006/330;

The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006/135;

The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009/183;

The National Health Service (General Dental Services) (Scotland) Regulations 2010/205; and

The National Health Service (Free Prescription and Charges for Drugs and Appliances) (Scotland) Regulations 2011/55⁽⁹⁾.

Disabled Persons (Services, Consultation and Representation) Act 1986

Section 7

(Persons discharged from hospital)

Community Care and Health (Scotland) Act 2002

All functions of Health Boards conferred by, or by virtue of, the Community Care and Health (Scotland) Act 2002.

Mental Health (Care and Treatment) (Scotland) Act 2003

All functions of Health Boards conferred by, or by virtue of, the Mental Health (Care and Treatment) (Scotland) Act 2003.

Except functions conferred by—

section 22 (Approved medical practitioners);

section 264 (Detention in conditions of excessive security: state hospitals);

⁽⁹⁾ S.S.I. 2011/55, to which there are amendments not relevant to the exercise of a Health Board's functions.

Education (Additional Support for Learning) (Scotland) Act 2004

Section 23

(other agencies etc. to help in exercise of functions under this Act)

Public Services Reform (Scotland) Act 2010

All functions of Health Boards conferred by, or by virtue of, the Public Services Reform (Scotland) Act 2010

Except functions conferred by—

section 31(Public functions: duties to provide information on certain expenditure etc.); and

section 32 (Public functions: duty to provide information on exercise of functions).

Patient Rights (Scotland) Act 2011

All functions of Health Boards conferred by, or by virtue of, the Patient Rights (Scotland) Act 2011

Except functions conferred by The Patient Rights (Complaints Procedure and Consequential Provisions) (Scotland) Regulations 2012/36⁽¹⁰⁾.

Children and Young People (Scotland) Act 2014

All functions of Health Boards conferred by, or by virtue of, Part 4 (provision of named persons) and Part 5 (child's plan) of the Children and Young People (Scotland) Act 2014.

Carers (Scotland) Act 2016

Section 12 (duty to prepare young carer statement)"

Section 31

(duty to prepare local carer strategy)

⁽¹⁰⁾ S.S.I. 2012/36. Section 5(2) of the Patient Rights (Scotland) Act 2011 (asp 5) provides a definition of "relevant NHS body" relevant to the exercise of a Health Board's functions.

Part 2

Services currently provided by NHS Highland which are to be integrated

- Hospital inpatient (scheduled and unscheduled)
- Rural General Hospitals
- Mental Health
- Paediatrics
- Community Hospitals
- Hospital Outpatient Services
- NHS Community Services (Nursing, Allied Health Professionals, Mental Health Teams, Specialist End of Life Care, Homeless Service, Older Adult Community Psychiatric Nursing, Re-ablement, Geriatricians Community/Acute, Learning Disability Specialist, Community Midwifery, Speech and Language Therapy, Occupational Therapy, Physiotherapy, Audiology)
- Community Children's Services - Child and Adolescent Mental Health Service, Primary Mental Health workers, Public Health Nursing, Health visiting, School Nursing, Learning Disability Nursing, Child Protection Advisors, Speech and Language Therapy, Occupational Therapy, Physiotherapy and Audiology, Specialist Child Health Doctors and Service Community Paediatricians
- Public Health
- GP Services
- GP Prescribing
- General Dental, Opticians and Community Pharmacy
- Support Services
- Contracts and Service Level agreements with other NHS boards covering adults and children

Annex 2

Part 1

Functions delegated by the Council to Argyll and Bute Integration Joint Board

Functions prescribed for the purposes of section 1(7) of the Public Bodies (Joint Working) (Scotland) Act 2014

<i>Column A</i>	<i>Column B</i>
<i>Enactment conferring function</i>	<i>Limitation</i>

National Assistance Act 1948⁽¹¹⁾

Section 48

(Duty of councils to provide temporary protection for property of persons admitted to hospitals etc.)

The Disabled Persons (Employment) Act 1958⁽¹²⁾

Section 3

(Provision of sheltered employment by local authorities)

⁽¹¹⁾ 1948 c.29; section 48 was amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 39, paragraph 31(4) and the Adult Support and Protection (Scotland) Act 2007 (asp 10) schedule 2 paragraph 1.

⁽¹²⁾ 1958 c.33; section 3 was amended by the Local Government Act 1972 (c.70), section 195(6); the Local Government (Scotland) Act 1973 (c.65), Schedule 27; the National Health Service (Scotland) Act 1978 (c.70), schedule 23; the Local Government Act 1985 (c.51), Schedule 17; the Local Government (Wales) Act 1994 (c.19), Schedules 10 and 18; the Local Government etc. (Scotland) Act 1994 (c.49), Schedule 13; and the National Health Service (Consequential Provisions) Act 2006 (c.43), Schedule 1.

<i>Column A</i> <i>Enactment conferring function</i>	<i>Column B</i> <i>Limitation</i>
The Social Work (Scotland) Act 1968⁽¹³⁾	
Section 1 (Local authorities for the administration of the Act.)	So far as it is exercisable in relation to another integration function.
Section 4 (Provisions relating to performance of functions by local authorities.)	So far as it is exercisable in relation to another integration function.
Section 8 (Research.)	So far as it is exercisable in relation to another integration function.
Section 10 (Financial and other assistance to voluntary organisations etc. for social work.)	So far as it is exercisable in relation to another integration function.
Section 12 (General social welfare services of local authorities.)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 12A (Duty of local authorities to assess needs.)	So far as it is exercisable in relation to another integration function.

⁽¹³⁾ 1968 c.49; section 1 was relevantly amended by the National Health Service (Scotland) Act 1972 (c.58), schedule 7; the Children Act 1989 (c.41), Schedule 15; the National Health Service and Community Care Act 1990 (c.19) ("the 1990 Act"), schedule 10; S.S.I. 2005/486 and S.S.I. 2013/211. Section 4 was amended by the 1990 Act, Schedule 9, the Children (Scotland) Act 1995 (c.36) ("the 1995 Act"), schedule 4; the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) ("the 2003 Act"), schedule 4; and S.S.I. 2013/211. Section 10 was relevantly amended by the Children Act 1975 (c.72), Schedule 2; the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13; the Regulation of Care (Scotland) Act 2001 (asp 8) ("the 2001 Act") schedule 3; S.S.I. 2010/21 and S.S.I. 2011/211. Section 12 was relevantly amended by the 1990 Act, section 66 and Schedule 9; the 1995 Act, Schedule 4; and the Immigration and Asylum Act 1999 (c.33), section 120(2). Section 12A was inserted by the 1990 Act, section 55, and amended by the Carers (Recognition and Services) Act 1995 (c.12), section 2(3) and the Community Care and Health (Scotland) Act 2002 (asp 5) ("the 2002 Act"), sections 8 and 9(1). Section 12AZA was inserted by the Social Care (Self Directed Support) (Scotland) Act 2013 (asp 1), section 17. Section 12AA and 12AB were inserted by the 2002 Act, section 9(2). Section 13 was amended by the Community Care (Direct Payments) Act 1996 (c.30), section 5. Section 13ZA was inserted by the Adult Support and Protection (Scotland) Act 2007 (asp 10), section 64. Section 13A was inserted by the 1990 Act, section 56 and amended by the Immigration and Asylum Act 1999 (c.33), section 102(2); the 2001 Act, section 72 and schedule 3; the 2002 Act, schedule 2 and by S.S.I. 2011/211. Section 13B was inserted by the 1990 Act sections 56 and 67(2) and amended by the Immigration and Asylum Act 1999 (c.33), section 120(3). Section 14 was amended by the Health Services and Public Health Act 1968 (c.46), sections 13, 44 and 45; the National Health Service (Scotland) Act 1972 (c.58), schedule 7; the Guardianship Act 1973 (c.29), section 11(5); the Health and Social Service and Social Security Adjudications Act 1983 (c.41), schedule 10 and the 1990 Act, schedule 9. Section 28 was amended by the Social Security Act 1986 (c.50), Schedule 11 and the 1995 Act, schedule 4. Section 29 was amended by the 1995 Act, schedule 4. Section 59 was amended by the 1990 Act, schedule 9; the 2001 Act, section 72(c); the 2003 Act, section 25(4) and schedule 4 and by S.S.I. 2013/211.

<i>Column A</i> <i>Enactment conferring function</i>	<i>Column B</i> <i>Limitation</i>
Section 12AZA (Assessments under section 12A - assistance)	So far as it is exercisable in relation to another integration function.

Comment [MS1]: 12AA which relates to assessment of ability to provide care and section 12AB Duty of local authority to provide information to carer are deleted by 2017 regulations.

Section 13
(Power of local authorities to assist persons in need in disposal of produce of their work.)

Section 13ZA
(Provision of services to incapable adults.)

So far as it is exercisable in relation to another integration function.

Section 13A
(Residential accommodation with nursing.)

Section 13B
(Provision of care or aftercare.)

Section 14
(Home help and laundry facilities.)

Section 28
(Burial or cremation of the dead.)

So far as it is exercisable in relation to persons cared for or assisted under another integration function.

Section 29
(Power of local authority to defray expenses of parent, etc., visiting persons or attending funerals.)

Section 59
(Provision of residential and other establishments by local authorities and maximum period for repayment of sums borrowed for such provision.)

So far as it is exercisable in relation to another integration function.

The Local Government and Planning (Scotland) Act 1982⁽¹⁴⁾

Section 24(1)
(The provision of gardening assistance for the disabled and the elderly.)

Disabled Persons (Services, Consultation and Representation) Act 1986⁽¹⁵⁾

⁽¹⁴⁾ 1982 c.43; section 24(1) was amended by the Local Government etc. (Scotland) Act 1994 (c.39), schedule 13.

<i>Column A</i> <i>Enactment conferring function</i>	<i>Column B</i> <i>Limitation</i>
Section 2 (Rights of authorised representatives of disabled persons.)	
Section 3 (Assessment by local authorities of needs of disabled persons.)	
Section 7 (Persons discharged from hospital.)	In respect of the assessment of need for any services provided under functions contained in welfare enactments within the meaning of section 16 and which have been delegated.
Section 8 (Duty of local authority to take into account abilities of carer.)	In respect of the assessment of need for any services provided under functions contained in welfare enactments (within the meaning set out in section 16 of that Act) which are integration functions.
The Adults with Incapacity (Scotland) Act 2000⁽¹⁵⁾	
Section 10 (Functions of local authorities.)	
Section 12 (Investigations.)	
Section 37 (Residents whose affairs may be managed.)	Only in relation to residents of establishments which are managed under integration functions.
Section 39 (Matters which may be managed.)	Only in relation to residents of establishments which are managed under integration functions.
Section 41 (Duties and functions of managers of authorised establishment.)	Only in relation to residents of establishments which are managed under integration functions
Section 42 (Authorisation of named manager to withdraw from resident's account.)	Only in relation to residents of establishments which are managed under integration functions
Section 43 (Statement of resident's affairs.)	Only in relation to residents of establishments which are managed under integration functions
Section 44 (Resident ceasing to be resident of authorised establishment.)	Only in relation to residents of establishments which are managed under integration functions

⁽¹⁵⁾ 1986 c.33. There are amendments to sections 2 and 7 which are not relevant to the exercise of a local authority's functions under those sections.

⁽¹⁶⁾ 2000 asp 4; section 12 was amended by the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13), schedule 5(1). Section 37 was amended by S.S.I. 2005/465. Section 39 was amended by the Adult Support and Protection (Scotland) Act 2007 (asp 10), schedule 1 and by S.S.I. 2013/137. Section 41 was amended by S.S.I. 2005/465; the Adult Support and Protection (Scotland) Act 2007 (asp 10), schedule 1 and S.S.I. 2013/137. Section 45 was amended by the Regulation of Care (Scotland) Act 2001 (asp 8), Schedule 3.

<i>Column A</i> <i>Enactment conferring function</i>	<i>Column B</i> <i>Limitation</i>
Section 45 (Appeal, revocation etc.)	Only in relation to residents of establishments which are managed under integration functions
The Housing (Scotland) Act 2001⁽¹⁷⁾	
Section 92 (Assistance to a registered for housing purposes.)	Only in so far as it relates to an aid or adaptation.
The Community Care and Health (Scotland) Act 2002⁽¹⁸⁾	
Section 5 (Local authority arrangements for of residential accommodation outwith Scotland.)	
Section 14 (Payments by local authorities towards expenditure by NHS bodies on prescribed functions.)	
The Mental Health (Care and Treatment) (Scotland) Act 2003⁽¹⁹⁾	
Section 17 (Duties of Scottish Ministers, local authorities and others as respects Commission.)	
Section 25 (Care and support services etc.)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 26 (Services designed to promote well-being and social development.)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 27 (Assistance with travel.)	Except in so far as it is exercisable in relation to the provision of housing support services.
Section 33 (Duty to inquire.)	
Section 34 (Inquiries under section 33: Co-operation.)	
Section 228 (Request for assessment of needs: duty on local authorities and Health Boards.)	

⁽¹⁷⁾ 2001 asp 10; section 92 was amended by the Housing (Scotland) Act 2006 (asp 1), schedule 7.

⁽¹⁸⁾ 2002 asp 5.

⁽¹⁹⁾ 2003 asp 13; section 17 was amended by the Public Services Reform (Scotland) Act 2010 (asp 8), section 111(4), and schedules 14 and 17, and by the Police and Fire Reform (Scotland) Act 2012 (asp 8), schedule 7. Section 25 was amended by S.S.I. 2011/211. Section 34 was amended by the Public Services Reform (Scotland) Act 2010 (asp 8), schedules 14 and 17.

<i>Column A</i> <i>Enactment conferring function</i>	<i>Column B</i> <i>Limitation</i>
Section 259 (Advocacy.)	
The Housing (Scotland) Act 2006⁽²⁰⁾	
Section 71(1)(b) (Assistance for housing purposes.)	Only in so far as it relates to an aid or adaptation.
The Adult Support and Protection (Scotland) Act 2007⁽²¹⁾	
Section 4 (Council's duty to make inquiries.)	
Section 5 (Co-operation.)	
Section 6 (Duty to consider importance of providing advocacy and other.)	
Section 11 (Assessment Orders.)	
Section 14 (Removal orders.)	
Section 18 (Protection of moved persons property.)	
Section 22 (Right to apply for a banning order.)	
Section 40 (Urgent cases.)	
Section 42 (Adult Protection Committees.)	
Section 43 (Membership.)	

Social Care (Self-directed Support) (Scotland) Act 2013⁽²²⁾

Comment [MS2]: Section 3 which referred to support for adult carers deleted by 2017 Regulations

⁽²⁰⁾ 2006 asp 1; section 71 was amended by the Housing (Scotland) Act 2010 (asp 17) section 151.

⁽²¹⁾ 2007 asp 10; section 5 and section 42 were amended by the Public Services Reform (Scotland) Act 2010 (asp 8), schedules 14 and 17 and by the Police and Fire Reform (Scotland) Act 2012 (asp 8), schedule 7. Section 43 was amended by the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 14.

⁽²²⁾ 2013 asp 1.

Column A
Enactment conferring function

Column B
Limitation

Section 5
(Choice of options: adults.)

Section 6
(Choice of options under section 5:
assistances.)

Section 7
(Choice of options: adult carers.)

Section 9
(Provision of information about self-directed
support.)

Section 11
(Local authority functions.)

Section 12
(Eligibility for direct payment: review.)

Section 13
(Further choice of options on material change
of circumstances.)

Only in relation to a choice under section 5 or 7
of the Social Care (Self-directed Support)
(Scotland) Act 2013 .

Section 16
(Misuse of direct payment: recovery.)

Section 19
(Promotion of options for self-directed
support.)

Carers (Scotland) Act 2016 ²³²⁴

Section 6

(Duty to prepare of adult carer support plan)

Section 21
(duty to set local eligibility criteria)

Section 24
(Duty to provide support)

⁽²³⁾ section 21 was inserted into the Schedule of the Public Bodies (Joint Working) (Scotland) Act 2014 by paragraph 6 of the schedule of the Carers (Scotland) Act 2016 (asp 9)

⁽²⁴⁾ inserted by Public Bodies (Joint Working) (Prescribed Local Authority Functions etc.) (Scotland) Amendment Regulations 2017/190

<i>Column A</i>	<i>Column B</i>
<i>Enactment conferring function</i>	<i>Limitation</i>

Section 25

(Provision of support to carers: breaks from caring)

Section 31

(Duty to prepare local carer strategy)

Section 34

(Information and advice service for carers)

Section 35

(Short breaks services statements)

Functions, conferred by virtue of enactments, prescribed for the purposes of section 1(7) of the Public Bodies (Joint Working) (Scotland) Act 2014

<i>Column A</i>	<i>Column B</i>
<i>Enactment conferring function</i>	<i>Limitation</i>

The Community Care and Health (Scotland) Act 2002

Section 4⁽²⁵⁾

The functions conferred by Regulation 2 of the Community Care (Additional Payments) (Scotland) Regulations 2002⁽²⁶⁾

~~Section 4⁽²⁷⁾~~

~~The functions conferred by Regulation 2 of the Community Care (Additional Payments) (Scotland) Regulations 2002⁽²⁸⁾~~

⁽²⁵⁾ Section 4 was amended by the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp13) schedule 4 and the Adult Support and Protection (Scotland) Act 2007 (asp 10) section 62(3)

⁽²⁶⁾ S.S.I. 2002/265, as amended by S.S.I. 2005/445.

~~⁽²⁷⁾ Section 4 was amended by the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp13) schedule 4 and the Adult Support and Protection (Scotland) Act 2007 (asp 10) section 62(3)~~

~~⁽²⁸⁾ S.S.I. 2002/265, as amended by S.S.I. 2005/445.~~

Additional Functions delegated by the Council to Argyll and Bute Integration Joint Board

Column A
Enactment conferring function

Column B
Limitation

National Assistance Act 1948

Section 45

(Recovery in cases of misrepresentation or non-disclosure.)

Matrimonial Proceedings (Children) Act 1958

Section 11

(Reports as to arrangements for future care and upbringing of children.)

The Social Work (Scotland) Act 1968

Section 5

(Powers of Secretary of State.)

Section 6B

(Local authority inquiries into matters affecting children.)

Section 27

(Supervision and care of persons put on probation or released from prisons etc.)

Section 27ZA

(Advice, guidance and assistance to persons arrested or on whom sentence deferred.)

Section 78A

(Recovery of contributions)

Section 80

(Enforcement of duty to make contributions.)

Section 81

(Provisions as to decrees for ailment.)

Section 83

(Variation of trusts.)

Section 86

(Adjustment between authority providing accommodation etc., and authority of area of residence.)

The Children Act 1975

Section 34

(Access and maintenance.)

Section 39

(Reports by local authorities and probation officers.)

Section 40

(Notice of application to be given to local authority.)

Section 50

(Payments towards maintenance of children.)

Health and Social Services and Social Security Adjudications Act 1983

Section 21

recovery of sums due to local authority where persons in residential accommodation have disposed of assets.)

Section 22

(Arrears of contributions charged on interest in land in England and Wales)

Section 23

(Arrears of contributions secured over interest in land in Scotland)

Foster Children (Scotland) Act 1984

Section 3

(local authorities to ensure well-being of and to visit foster children.)

Section 5

(Notification by persons maintaining or proposing to maintain foster children.)

Section 6

Notification by persons ceasing to maintain foster children.)

Section 8

(Power to inspect premises.)

Section 9

(Power to impose requirements as to the keeping of foster children.)

Section 10

(Power to prohibit the keeping of foster children.)

The Children (Scotland) Act 1995

Section 17

(Duty of local authority to child looked after by them.)

Section 19

(Local authority plans for services for children)

Section 20

(Publication of information about services for children)

Section 21

(Co-operation between authorities)

Section 22

(Promotion of welfare of children in need)

Section 23

(Children affected by disability)

Section 24

(Assessment of ability of carers to provide care for disabled children)

Section 24A

(Duty of local authority to provide information to carer of disabled child)

Section 25

(Provision of accommodation for children etc.)

Section 26

(Manner of provision of accommodation to child looked after by local authority)

Section 26A

(Provision of continuing care: looked after children)

Section 27

(Daycare for pre-school and other children)

Section 29

(Aftercare)

Section 30

(Financial assistance towards expenses of education or training and removal of power to guarantee indentures etc.)

Section 31

(Review of case of child looked after by local authority)

Section 32

(Removal of child from residential establishment)

Section 36

(Welfare of certain children in hospitals and nursing homes etc.)

Section 38

(Short term refuges for children at risk of harm.)

Section 76

(Exclusion orders.)

Criminal Procedure (Scotland) Act 1995

Section 51
(Remand and committal of children and young persons.)

Section 203
(Reports.)

Section 234B
(Drug treatment and testing order.)

Section 245A
(Restriction of liberty orders.)

The Adults with Incapacity (Scotland) Act 2000

Section 40
(Supervisory bodies.)

The Community Care and Health (Scotland) Act 2002

Section 4
(Accommodation more expensive than usually provided.)

Section 6
(Deferred payment of accommodation costs.)

Management of Offenders etc (Scotland) Act 2005

Sections 10
(Arrangements for assessing and managing risks posed by certain offenders)

Section 11
(Review of arrangements)

(
Adoption and Children (Scotland) Act 2007

Section 1
(Duty of local authority to provide adoption service.)

Section 4
(Local authority plan)

Section 5
(Guidance)

Section 6
(Assistance in carrying out functions under sections 1 and 4)

Section 9
(Assessment of needs for adoption support services)

Section 10
(Provision of services)

Section 11
(Urgent provision)

Section 12
(Power to provide payment to person entitled to adoption support service)

Section 19
(Notice under Section 18 local authorities duties)

Section 26
(looked after children - adoption is not proceeding.)

Section 45
(Adoption support plans.)

Section 47
(Family member's right to require review of plan)

Section 48
(Other cases where authority under duty to review plan)

Section 49
(Re-assessment of needs for adoption support services)

Section 51
(Guidance)

Section 71
(Adoption allowance schemes.)

Section 80
(Permanence Orders.)

Section 90
(Precedence of certain other orders)

Section 99
(Duty of local authority to apply for variation or revocation.)

Section 101
(local authority to give notice of certain matters.)

Section 105
(Notification of proposed application for order)

The Adult Support and Protection (Scotland) Act 2007

Section 7
(Visits)

Section 8
(Interviews)

Section 9
(Medical examinations)

Section 10
(Examination of records etc.)

Section 16
(Right to remove adult at risk)

Children's Hearings (Scotland) Act 2011

Section 35
(Child assessment orders.)

Section 37
(Child protection orders.)

Section 42
(Parental responsibilities and rights directions.)

Section 44
(Obligations of local authority.)

Section 48
(Application for variation or termination)

Section 49
(Notice of an application for variation or termination.)

Section 60
(local authorities duty to provide information to Principal Reporter.)

Section 131
(Duty of implementation authority to require review.)

Section 144
(Implementation of a compulsory supervision order; general duties of implementation authority.)

Section 145
(Duty where order requires child to reside in a certain place.)

Section 153
(Secure accommodation: regulations.)

Section 166
(Review of requirement imposed on local authority)

Section 167
(Appeal to Sheriff Principal: section 166)

Section 180
(Sharing of information: panel members.)

Section 183-
(Mutual Assistance)

Section 184
(Enforcement of obligations of health board under section 183)

Social Care (Self-directed Support)(Scotland) Act 2013

Section 8
(Choice of options; children and family members.)

Section 10
(Provision of information; children under 16.)

Carers (Scotland)Act 2016

Section 12
(Duty to prepare a Young Carer Statement)

Part 2

Services currently provided by the Council which are to be integrated:

All permitted Council functions apart from housing and housing support services, other than aids and adaptations aspects of housing support.

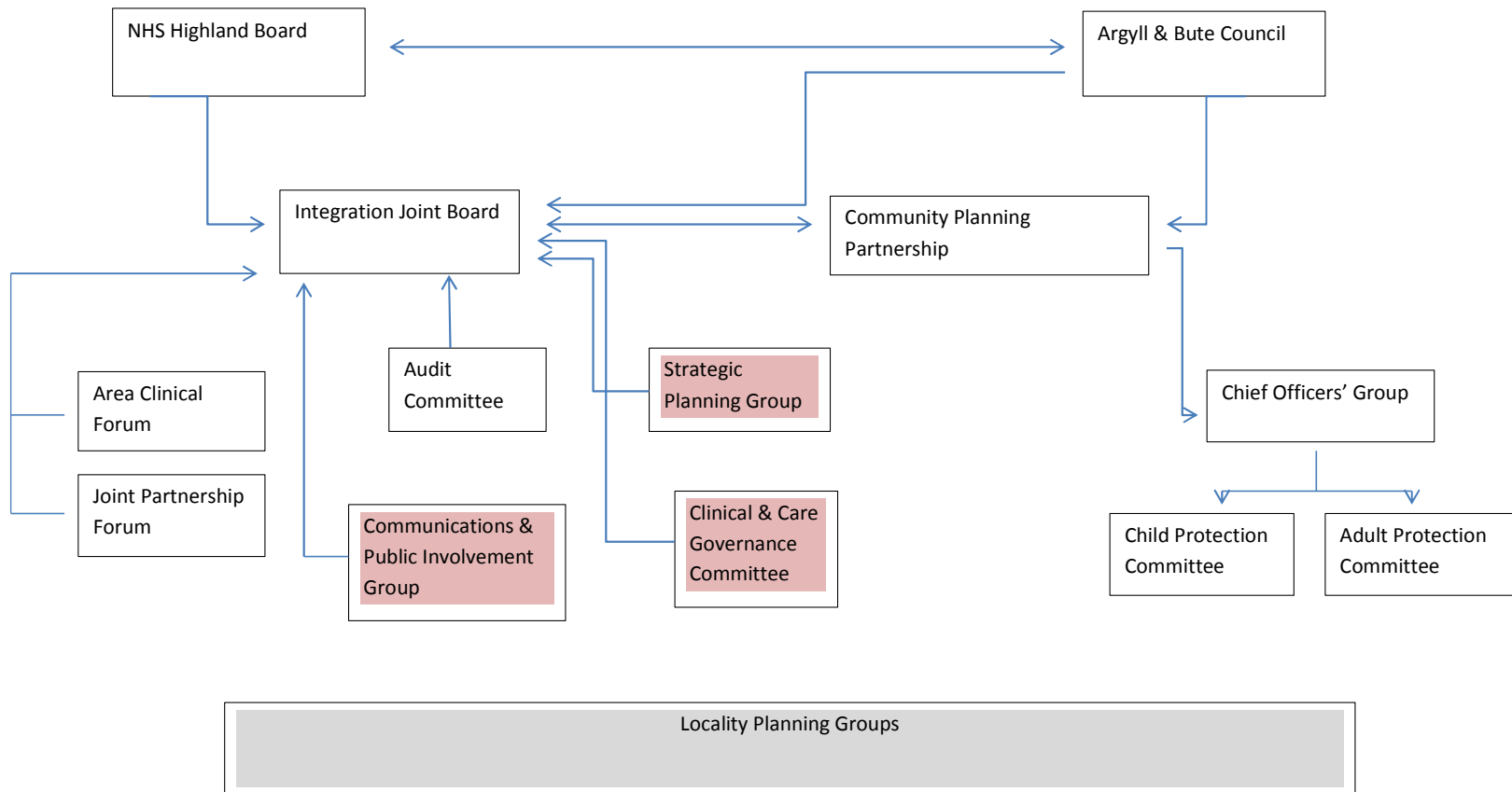
- Social Work Services for Adults and Older People
 - Services and Support for Adults with Physical Disabilities and Learning Disabilities
 - Mental Health Services
 - Drug and Alcohol Services
 - Adult Protection and Domestic Abuse
 - Carers Support Services
 - Community Care Assessment Teams
 - Support Services
 - Care Home Services
 - Adult Placement Services
 - Health Improvement Services
 - Housing support including Aids and Adaptions
 - Day Services
 - Local Area Co-ordination
 - Self Directed support
 - Respite Provision for adults and young people
 - Occupational Therapy Services
 - Re-ablement Services, Equipment and Telecare

- Social work services for children and young people
 - Child Care Assessment and Care Management
 - Looked After and accommodated Children
 - Child Protection
 - Adoption and Fostering
 - Special Needs/Additional Support
 - Early Intervention
 - Through-care Services
 - Youth Justice Services

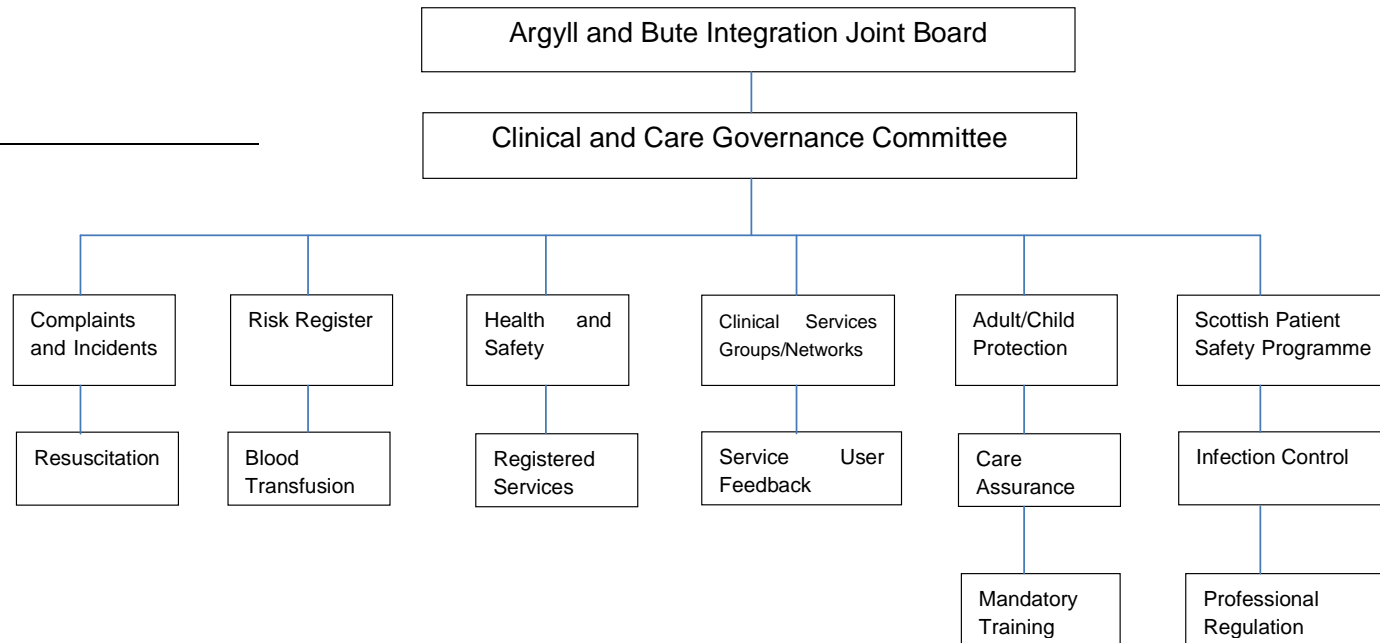
- Social Work Criminal Justice Services
 - Services to Courts and Parole Board
 - Assessment of offenders
 - Diversions from Prosecution and Fiscal Work Orders
 - Supervision of offenders subject to a community based order
 - Through care and supervision of released prisoners
 - Multi Agency Public Protection Arrangements

Annex 3: Systems Governance.

System Governance Schematic



Annex 4: Clinical and Care Governance structure.



ARGYLL AND BUTE COUNCIL**COUNCIL****CUSTOMER SERVICES****22 FEBRUARY 2018**

**STAGE 2 FEEDBACK: AMENDED SCHEME FOR THE ESTABLISHMENT OF
COMMUNITY COUNCILS IN ARGYLL AND BUTE**

1.0 EXECUTIVE SUMMARY

Stage 2 of the consultation on the Review of the Scheme for the Establishment of community councils in Argyll and Bute commenced on 8 December 2017 and concluded on 19 January 2018. This report invites the Council to consider a proposal received during the consultation phase to amend their final draft amended Scheme, and to agree on a final amended Scheme which it is suggested be implemented on 26 April 2018.

Appendix 1 to the report contains detail of 4 responses received, one of which proposes to alter the final draft amended Scheme by removing section 13. For the reasons set out in Appendix 1, it is recommended that the request to amend the final draft amended Scheme be rejected and that the documents contained at Appendix 2 be endorsed, from 26 April 2018 in order to coincide with community council elections, as the final amended Scheme.

In terms of the Local Government (Scotland) Act 1973, a decision to amend a scheme 'shall be by resolution passed by not less than two-thirds of the members voting thereon at a local authority meeting'.

ARGYLL AND BUTE COUNCIL

COUNCIL

CUSTOMER SERVICES

22 FEBRUARY 2018

**STAGE 2 FEEDBACK: AMENDED SCHEME FOR THE ESTABLISHMENT OF
COMMUNITY COUNCILS IN ARGYLL AND BUTE**

2.0 INTRODUCTION

- 2.1 Stage 2 of the consultation on the Review of the Scheme for the Establishment of Community Councils concluded on 19 January 2018 with 4 responses being received, one of which proposes an amendment. The Council, in terms of the Local Government (Scotland) Act 1973, must consider the proposed amendment to the final draft of the amended Scheme, alter, if required; and formally approve an amended Scheme.

3.0 RECOMMENDATIONS

That the Council:

- 3.1 notes the proposed amendment to remove section 13 from the draft final amended Scheme and, for the reasons set out in Appendix 1, agrees not to remove this section from the final amended Scheme; and
- 3.2 passes a resolution, by not less than two-thirds of the members voting thereon at this meeting, that the Scheme and associated documents attached at Appendix 2 be formally endorsed, as of 26 April 2018, as the final amended 4 year Scheme for the Establishment of Community Councils in Argyll and Bute.

4.0 DETAIL

- 4.1 The first phase of consultation took place between 24 August and 19 October 2017 following approval from the Policy and Resources Committee on 17 August 2017 to commence a consultation process on an amended Scheme. The draft Scheme which was consulted on featured a process for applying sanctions, as recommended by the Minister for Local Government and Housing and endorsed by Council on 18 May 2017.
- 4.2 The Council approved a final draft amended Scheme at their meeting on 30 November 2017 and agreed at that time to enter into a 6 week consultation on the proposed final draft amended Scheme.
- 4.3 The second phase of consultation took place between 8 December 2017 and 19 January 2019. Four responses were received, the terms of which are outlined in Appendix 1 (together with commentary from Governance and Law). Only one of the responses received proposes alterations to the final draft amended Scheme and it is recommended that this proposal be rejected on the basis of the

feedback provided.

- 4.4 The final draft amended Scheme and associated documentation, which were subject of consultation at phase 2, and approved by Council on 30th November 2017, are attached as Appendix 2 to this report. Should the Council agree to reject proposal to amend section 13, it is recommended council that these documents be endorsed as the final amended Scheme, to come into effect on 26 April 2018 in order to coincide with the election date for community councils. In accordance with the legislative requirement, any resolution to pass an amended scheme must be passed by not less than two-thirds of the members voting thereon.
- 4.5 Should the amended Scheme not obtain the required support it would be necessary to run the elections on 26 April 2018 on the basis of the existing Scheme and consequently only those aged 18 or over would be eligible to stand for election.

5.0 CONCLUSION

- 5.1 There is only one proposed amendment to the Council's final draft amended Scheme. Council must consider the proposal and feedback; determine whether to alter its draft amended scheme in line with the proposal **or** endorse the documents at Appendix 2 as the final amended Scheme; and instruct officers to give notice of the date which the amended Scheme will take effect. It is suggested that this be 26 April 2018 to coincide with community council elections.

6.0 IMPLICATIONS

- 6.1 Policy – None, proposals are consistent with policy.
- 6.2 Financial –The cost of holding elections cannot fully be determined until it is established which elections will be contested. It is expected that these will be contained within the current elections budget.
- 6.3 Legal – The final scheme requires to be endorsed by 2/3rds of the members present and voting at the meeting to be passed. If not obtained, the existing scheme would continue to apply in terms of the 2018 elections.
- 6.4 HR – The election process will be carried out by existing staff and inaugural meetings will be conducted by Returning Officer staff during evenings so will be subject, where appropriate, to TOIL.
- 6.5 Equalities - None
- 6.6 Risk – Failure to obtain a 2/3rds majority in favour of an amended Scheme would mean that the existing scheme would continue to apply in terms of the 2018 elections.
- 6.7 Customer Service - None

Executive Director of Customer Services
Policy Leads - Councillors Currie and Colville
13 February 2017

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

APPENDICES

Appendix 1 – Consultation Feedback including commentary from the Governance and Law Service

Appendix 2 – Final Draft Amended Scheme and associated documents, as endorsed by Council on 30th November 2017.

Community Council Review 2018					
Note of all responses from Community Councils - Phase 2					
Community Council	Document / Area	Location / Identifier	Proposed Amendment	Rationale / comments	Feedback
Dunoon CC	Scheme	13	To remove Section 13 from the final approved amended Scheme	<p>At a meeting held on 8th January 2018 Dunoon Community Council unanimously resolved to oppose the proposed new "Scheme for the Establishment of Community Councils in Argyll and Bute 2018". Our principal objection is to Section 13 - Complaints Against Community Councils. Firstly, we would point out that no such procedures have previously existed in the 45 years in which Community Councils have been in existence. We are unaware of any serious incidents of misconduct by Community Councils in the Argyll and Bute Area during this period. The grounds for complaint include breaches of the Code of Conduct for Community Council Members. This Code is couched in highly subjective terms, phrases such as "respect" and "leadership" are used throughout. In addition, there is heavy emphasis in all governing documents of the duty of the Community Council to ascertain the opinions of the local community. Clearly, complaints could be made on any of those grounds which were merely attempts to suppress the views of the public as represented by the Community Council. The Community Council has a statutory duty to ascertain and reflect such public views. It is therefore unacceptable that a Procedure should exist which places Community Councils and Community Councillors at a disadvantage in so doing. It would appear totally wrong that a Community Council or individual Councillor could be punished</p>	<p>Community Council have been required to adopt a process for dealing with complaints since 2009 when it was included in the National Model Scheme and adopted in terms of the local Scheme and adopted locally. The proposals to progress this towards a sanctioning process came by request of the Minister for Local Government and Housing in a letter dated 19 January 2017 to each local authority. The letter requested that when reviewing their local schemes, consideration be given to introducing a robust complaints procedure and sanctions. This was on the basis that the Minister considered that "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." While community councils and councillors are voluntary, most volunteers will require to adhere to certain standards and are accountable should they fail to meet those, either by disciplinary action or by dismissal from the body with which they are associated/engaged by. Community councillors, as elected representatives</p>

<p>Dunoon CC (continued)</p>				<p>for expressing views which an individual member of the public could express with impunity. Of particular concern is the possibility that the Complainant would be Argyll and Bute Council itself or an individual acting on their behalf. Public opinion might be highly adverse to some policy of the Council or its implementation thereof. The Council might therefore be resentful that the Community Council had, as it is legally bound, reflected public opinion. As this would involve the whole Community Council the complaint, as detailed in Section 13, would be considered by the Conduct Review Panel. This Panel would be established by A&BC Community Council Liaison Officer. It's composition as detailed in Section 13.8 " A Panel shall consist of 3 elected members of A&BC's Regulatory Cohort plus two members of Community Councils within the Argyll and Bute Council Area to which the complaint does not relate. The Panel will have a quorum of three. Only Panel members present for all meetings in relation to a complaint can vote on the decision on that complaint". Therefore in a complaint against the Community Council raised by Argyll and Bute Council, Argyll and Bute Council would in effect be acting as both Judge and Jury. This would represent a flagrant breach of natural justice. This is especially serious as amongst the punishments concerned could be the abolition of the Community Council which was accused. It is also noted that Section 13 does not provide any details as to how the Panel would function. Would the accused be present at the Panel Hearing and be able to make submissions or to be legally</p>	<p>have a governance framework to comply with and, in the same way that other democratically appointed representatives are held to account where they fail to uphold the code of conduct applicable to them, it is quite right that where there is a considered breach then there is a mechanism to pursue this. In the comment regarding a complaint made to suppress views of the community, it is a requirement that robust measures are in place to gauge views. Whether the views are obtained through a meeting, a ballot, a questionnaire, or other method of engagement, it is not be unreasonable to expect the outcome to be contained within a minuted decision. It is therefore difficult to uphold a complaint that a community council are not representative if there is a form of evidence to back up their position. Indeed, in the example given that community councillors are disadvantaged from expressing a view, the code is clear on this. Community councillors may offer personal opinions but in doing so must make the explicit distinction between the expression of your personal views and opinions from any views or statement made about or on behalf of the community council. The concerns expressed as regards the council, or an individual acting on behalf of the council in taking forward a complaint against a community council would not arise. It would be a breach of the legal principle</p>
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Dunoon CC (continued)				<p>represented for that purpose? Would they be entitled to cross-examine witnesses or those that have accused them? Again, this would appear to be a further breach of natural justice. It is also noted that no Right of Appeal is mentioned. Obviously there would be a common law right to judicial review although for the accused this would be an expensive and prolonged process. Even if such provisions were never applied we feel that their very existence would serve to impair the willingness of Community Councils to reflect the views of the community if those views were thought likely to upset the Local Authority and it would also discourage people from becoming Community Council members in the first place. In considering all of the above it should be remembered that Community Councils have no statutory power, do not normally employ people, operate on a very restricted budget and that unlike Local Authority Councillors, Community Councillors are unpaid. It is therefore difficult to see why such draconian provisions are required.</p>	<p>about fairness and the council would not be in a position to pursue a complaint as they cannot promote their own interests when handling others' affairs. Nor would there be an intention to prevent a CC from expressing critical views about the Council, if those views are the views of the community. Proposals in regard to the specific operation of a Complaints Review Panel are not yet know, this would preempt a decision of the council and will only be worked up if a decision to include a sanctioning process in the final scheme has been made. Any arrangements put in place will be consistent with the law. Providing community councils do reflect the views of their communities and uphold the principles of the code of conduct and terms of the standing orders then they have nothing to fear in terms of the proposals suggested. The role of the Council's CCLO will continue to be to support and guide community councils in terms of the governance framework.</p>
Kilmore CC	n/a	n/a	n/a	<p>The Kilmore Community Council supports the A&B Council recommendation that the boundary remains unchanged for the following reasons:</p> <ul style="list-style-type: none"> • Kilmore Community Council and surrounding community identify with its historic boundary. • The residents of Lerags are concerned about any movement of the boundary towards their Glen which may remove the community council as a statutory consultee. • Any boundary changes will result in the loss of some 	

Kilmore CC (continued)	n/a	n/a	n/a	<p>of the more diverse nature of the area. E.g. the industrial areas.</p> <ul style="list-style-type: none"> • Kilmore Community Council believes it would be able to embrace any changing nature of the area brought about by developments within the local development plan. • Possible developments within the current boundary to include more residential areas would enhance our community and make it more viable and vibrant. E.g. a larger residential and industrial area would expand the potential pool of expertise from which the community council could draw from for the benefits of all. • Kilmore Community Council has a good relationship with the industrial sites within its boundary and has worked with Moleigh facility to resolve issues. • Kilmore Community Council feels able to represent its area as an effective statutory consultee and would work closely with neighbouring community councils. <p>In summary, Kilmore Community Council opposes any changes to its boundary which will be perceived as detrimental to the community and a potential loss for community development.</p>	It is not proposed that any boundary changes are made in the final amended Scheme
Convener of Bute CC	Scheme	n/a	n/a	<p>The Convener reviewed the documents in full, conveyed her thanks to the council for the feedback provided at stage one of the consultation and was pleased to note the proposals for the sanctioning of community councils/councillors were still included, commenting that in her opinion these were to be welcomed.</p>	n/a
Strachur CC	Scheme	n/a	n/a	<p>no comments to make other than to express our approval of the lowering of the age threshold for CC membership to 16</p>	n/a



**SCHEME FOR THE
ESTABLISHMENT
OF COMMUNITY COUNCILS
IN ARGYLL AND BUTE
2018**

The effective date of adoption of the Scheme:

**Customer Services
Governance and Law
Community Councils
Argyll and Bute Council**

**Kilmory
Lochgilphead**

**Argyll
PA31 8RT**

Tel: 01546 605522

Email: communitycouncils@argyll-bute.gov.uk

Website: <https://www.argyll-bute.gov.uk/council-and-government/community-councils>

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SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS WITHIN ARGYLL AND BUTE

1 Introduction

- 1.1 Community councils were first established in Scotland in terms of the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994 made provision for the continuation of community councils.
- 1.2 This Scheme for the Establishment of Community Councils in Argyll and Bute (hereinafter referred to as “the Scheme”), which reflects with local modification the Model Scheme for community councils in Scotland produced in 2009, will come into effect on the date it is adopted by Argyll and Bute Council.

2. Statutory Purposes

- 2.1 The statutory purposes of community councils established under the Scheme are set out in Section 51 (2) of the Local Government (Scotland) Act 1973, as follows:
-

“In addition to any other purpose which a community council may pursue, the general purpose of a community council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable”

3. The Role and Responsibilities of Community Councils

- 3.1 The general purpose of community councils is to act as a voice for their local area. This will involve them articulating the views and concerns of local people in their area on a wide range of issues of public concern and making representations to their local authority, other public sector bodies and private agencies on matters within their sphere of interest.
- 3.2 It is essential that these views are demonstrated to be representative of the community. Accordingly, the community council will have in place, in consultation with the local authority, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sections of the community.
- 3.3 Community councils are consulted on planning applications and licensing matters. Liaison on other matters may also be jointly agreed between community councils, the local authority and other public sector and private agencies. There should be positive mutual engagement in the establishment of working relationships with the local authority, Area Community Planning Groups and other agencies.
- 3.4 Community councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objectives of their Constitution and the terms of the Scheme including their duties as a community participation body under the Community Empowerment Act 2015.

- 3.5 In carrying out their activities community councils must at all times adhere to the law, the terms of the Scheme and the community councillors' code of conduct. It should be noted that while Data Protection legislation applies to community councils, Freedom of Information legislation does not currently apply.
- 3.6 Each community council is required to adopt a Constitution, based upon the Model Constitution at Appendix I, together with Standing Orders at Appendix 2, in order to encourage and maintain consistency for all community councils and to facilitate the proper conduct of their proceedings. Any proposed deviation from the Model Constitution or Model Standing Orders requires to be supported by two-thirds of the community council members present and thereafter approved by Argyll and Bute Council before it shall have effect.
- 3.7 Community councils have a duty under statute to represent the views of their local community. It is vital therefore, that they reflect the broad spectrum of opinion and interests of all sections of the community. In order to fulfil their responsibilities as effective and representative organisations, community councils will: -
- a Inform the community of the work and decisions of the community council by posting agendas and minutes of meetings in public places, such as libraries and notice boards and, subject to the provisions contained within the Data Protection Act 1998, provide contact details of community council members.
 - b Provide agendas, reports and minutes to their members, relevant elected members for their ward area(s) and the public in accordance with the Model Standing Orders and more specifically provide minutes to the Community Council Liaison Officer within 14 days from the date of the meeting.
 - c Seek to broaden expertise by promoting the provision of relevant information at community council meetings from persons who may contribute accordingly.
 - d Make particular efforts to encourage young people and other under-represented groups to attend and participate in community council meetings and to ensure equality of opportunity in the way the community council carries out its functions.
 - e Maintain proper financial records and present financial reports at community council meetings.
 - f Inform the Community Council Liaison Officer of any change in membership (e.g. resignations) and circumstances, as soon as is practicable.

4. Community Councils and Community Council Areas

- 4.1 There will be community councils in Argyll and Bute for the areas and by the names set out at Appendix 3 to this Scheme. Argyll and Bute Council has produced maps that define their boundaries. Community councils which existed prior to this Scheme will be disestablished on the day of the first elections to the

community council established under this Scheme held after this scheme is adopted.

5. Membership of Community Councils

5.1 A person is entitled to stand for election to, to be elected as, or to be a member of a community council provided that person –

- has achieved 16 years of age on the day of election
- is resident within the community council area

has their name included in the electoral register for local government elections for the community council area in which they reside.

5.2 A person who is a member of Argyll and Bute Council, or the Scottish, UK or European Parliaments will be ineligible from standing for election to, being elected as, or being or remaining a member of a community council.

5.3 A member of a community council will represent the whole of the community council area and the persons who live there whether they may or may not have voted for that member.

6. Community Council Elections

Electors

6.1 A person is entitled to vote in an election of community councillors provided that person –

- has achieved 16 years of age on the day of election
- has their name included in the electoral register for local government elections for the community council area in which they are voting.

Nominations and Elections

6.2 The first elections to be held under the Scheme shall be held on a date determined by Argyll and Bute Council. Subsequent elections will be held on a four-yearly-cycle, on dates to be determined by Argyll and Bute Council.

Argyll and Bute Council will provide for the administration of community council elections which will be held, where there is a requirement for a poll, by postal ballot.

Returning Officer

6.3 The Returning Officer will be the Returning Officer for Parliamentary and Local Government elections in Argyll and Bute, or a person appointed by that Returning Officer.

Nominations

- 6.4 A candidate for election as a member of a community council will be validly nominated provided the nomination –
- is subscribed on the correct form by a proposer and seconder, both of whom must be included in the electoral register for local government elections for the community council area;
 - the nomination carries the candidate's consent; and
 - the nomination and consent are received by the Returning Officer before the date and time specified in the timetable for the election.

Self-nomination is not permitted.

Process

- 6.5 At an ordinary election of community councillors, on the expiry of the period for lodging nominations:
- (1) Should the number of candidates validly nominated equal or exceed half of but be less than or equal to the total number of seats on the community council as specified in Appendix 3 to the Scheme, the said candidates will be declared to be elected and no poll will be held.
 - (2) Should the number of candidates validly nominated exceed the total number of seats on the community council, a poll will be held. At the poll, each elector will be entitled to vote for candidates up to the number of seats to be filled.
 - (3) Should the number of candidates elected be less than half of the number of seats on the community council, no community council will be established at that time. In such circumstances a follow up election / by-election will be held within 6 months.
- 6.6 If after that follow up election or by-election there remain vacancies in more than half of the number of total number of seats on the community council, the following courses of action will be open to Argyll and Bute Council:-
- (1) The council may, without disestablishing it, leave the community council dormant and take no further action to hold an election until the council is satisfied that sufficient local interest is in place to support a sustainable community council,
 - (2) the council may, following discussions within the community and with neighbouring community councils, disestablish the community council for which a follow up election has been held, adjust community council boundaries, and hold such fresh elections as may be necessary to ensure the area of the disestablished community council is adequately represented on the community council(s) covering the amalgamated area(s).

Method of Election

- 6.7 In any poll for the election of community councillors those candidates who receive the highest number of votes cast will be elected up to the number of seats to be filled.

Casual vacancies between elections

- 6.8 A vacancy on a community council will arise in the following circumstances:

- when all seats have not been filled through the election process;
 - when a community council member submits her/his resignation to the Convener or Secretary of the community council; or
 - when a community council member ceases to be qualified to be a member in the circumstances set out in clauses 5.2, 6.9 and 13.12.5 of the Scheme.
- a) The community council may fill the vacancy through co-option with voting rights to a maximum of one third of the total membership of the community council.
- b) Co-opted members must be eligible for membership of the community council as detailed:
- has achieved 16 years of age on the date of co-option
 - is resident within the community council area
 - has their name included in the electoral register for local government elections for the community council area in which they reside.
 - is not the subject of sanctions contained at clauses 13.5.3 or 13.12.3 to 13.12.5 on the date of co-option.
- c) They must be elected onto the community council by a 2/3rds majority of the community council members present at the meeting
- d) Such co-opted members will have full voting rights.
- e) Co-opted members may serve for a maximum of 2 years or until the interim by-elections, whichever is the later, at which point they will require to stand for election or step down from the role.
- f) In the event of non-election or stepping down co-opted members will not be eligible for co-option again until the next review of the Scheme and fresh elections have been undertaken.
- g) Notice of persons proposed for co-option is required to be intimated to all of that community council's members at least 14 days prior to the meeting when the matter will be decided and in terms of keeping the community informed, the names of the persons proposed will be listed on the agenda for the meeting where the matter will be decided.

Disqualification of Membership

- 6.9 a) A member of a community council who ceases to reside within the community council area will cease to be a member of the community council.

- b) A member of a community council who fails throughout a continuous period of 6 months to attend any community council meeting, with or without submitting apologies will cease to be a member of the community council unless the community council is satisfied as to the reason for the absence.
- c) A member of a community council who is elected as a member of Argyll and Bute Council, or the Scottish, UK or European Parliaments shall cease to be a member of the community council as of the date of their election.
- d) A member of a community council who is disqualified from being a member of a community council under clause 13.12.5 will cease to be a member of the community council for the remaining period of the Scheme.

6.10 Should a vacancy or vacancies arise in the membership of a community council between elections, the community council will advise Argyll and Bute Council who may hold an interim by-election and offer each community council opportunity to be included in the by-election.

6.11 Argyll and Bute Council will not normally hold more than one by-election to fill casual vacancies in any community council within a 24-month period. Should circumstances arise that lead to the number of community councillors to fall below half of the total number of seats on the community council Argyll and Bute Council will hold a by-election during which time the remaining members (provided a quorum remains) of the community council will continue and may meet as a community council until the process of seeking to fill seats set out in para 6.6 above will have been held and exhausted, and Argyll and Bute Council decides to take the action set out in that paragraph or such other action as it considers appropriate in the circumstances.

6.12 The Returning Officer reserves the right to vary the community council term, should other electoral timetables conflict with the community council election for that term, to prevent disruption to the community council election process.

7 Use of Local Skills / Knowledge

A community council may seek information or advice from any person who may have particular skills or knowledge relating to an issue which the community council is considering. A summary of the information or advice provided by such person will be recorded in the minutes of the meeting, and the final decision on any such issue will be taken only by the elected members of the community council.

8 Equalities

8.1 Recognition should be given to the contribution of everyone participating in the work of a community council. Community councils will comply with equal opportunities legislation and good practice, and ensure that equality of opportunity is given to people within the community to put forward their views and opinions,

and to have their skills and experience taken into account.

9. Meetings

- 9.1 The first meeting of a community council following a community council election, will be called by the Returning Officer and will take place within 21 days of the date of the election, or as soon as practicable thereafter. The business of that meeting will include adoption of a Constitution and Standing Orders, appointment of office-bearers and any outstanding business matters from any outgoing community council.
- 9.2 The frequency of meetings will be determined by each community council, subject to one annual general meeting being held by the end of June each year and a minimum of 6 ordinary meetings being held each year for community councils where the electorate is above 600, or a minimum of 4 where the electorate is 600 or less.
- 9.3 The quorum at a meeting of a community council will be one quarter of the current number of elected members, but will never be less than three.
- 9.4 An outline for the content of business that community councils should adhere to when holding ordinary, special and annual general meetings is contained within the Model Standing Orders.

10. Liaison with the Council / Other Agencies / Area Community Planning Groups

- 10.1 Liaison with Argyll and Bute Council will adhere to the code of communication guidelines set out in the Best Practice Agreement. Community councils may make representations to Argyll and Bute Council and other public and private agencies, on matters for which it is responsible and which it considers to be of local interest. Other organisations will have adopted their own customer charter and community councils should contact them directly in the event of a query.
- 10.2 Community councils are strongly encouraged to work with and positively participate in the work of Area Community Planning Groups, which are the key local community engagement development forums in local decision making areas.
- 10.3 Representations should be made in the case of statutory procedures, such as planning or licensing matters, in terms of that procedure to the appropriate council official. On issues where a council service is consulting with community councils, representations should be made to the appropriate service officer.
- 10.4 Community councils will provide copies of their agendas 7 days prior to meetings and minutes within 14 days of the meeting having taken place to the council via the local authority's Community Council Liaison Officer.

11 Resourcing a Community Council

- 11.1 The financial year of each community council will be specified in the constitution of each community council to allow for the proper submission of accounts to the

community council's annual general meeting.

- 11.2 The annual accounts of each community council will be examined by a person of good standing appointed by the community council, who must not be a member of that community council. A copy of the independently examined accounts will be submitted to the annual general meeting for approval and will be forwarded immediately after that meeting to the Community Council Liaison Officer.
- 11.3 Argyll and Bute Council may, at their discretion, require the community council to produce such records, vouchers and account books, as may be required.
- 11.4 A community council may secure financial or other resources for schemes, projects and other purposes consistent with its functions, and may apply for grants for suitable projects through the local authority or other grant schemes, but it will not accept any donation from any registered political party nor use any resources for purposes designed to affect support for or opposition against any such party.
- 11.5 Argyll and Bute Council, upon production of the approved audited accounts, may provide an administrative grant to community councils to assist with the operating costs of the community council. Grant payments may be used to cover the costs of:
- o Auditors' fees
 - o Production and circulation of minutes, agenda and annual reports or other Community Council documentation
 - o Stationery
 - o Photocopying
 - o Postage
 - o Travel costs
 - o Telephone costs
 - o Accommodation lets
 - o Affiliation fees
 - o Subscriptions
 - o Website Costs
 - o Bank charges
 - o Advertising
 - o General publicity, promotional and ceremonial activities
 - o Consultation with the community
 - o Honorariums' to the Community Council secretary or treasurer
- 11.6 Argyll and Bute Council may facilitate advice and assistance to community councils and arrange for the establishment of a training programme for community councils on the duties and responsibilities of community council office-bearers, the role of community councils (including community engagement processes), the functions of the local authority and other relevant topics.

12. Liability of Community Council Members

- 12.1 Argyll and Bute Council will meet the costs of public liability insurance in respect of the reasonable and proper activities of community councils.

13. Complaints against Community Councils

13.1 Both elected and co-opted members of community councils must comply with and abide by the terms of this Scheme, the constitution of their community council (as may be amended from time to time) and the Code of Conduct for Community Council Members.

13.2 Any person may complain to the community council about the conduct of the community council, or any member or group of members thereof. All complaints shall be dealt with by the community council in the first instance, unless:

13.2.1 the complaint concerns the conduct of the community council as a whole, or the conduct of half or more of the community council members;

13.2.2 three or more complaints have previously been received about a particular community council member, or from a particular individual, during a single community council term; or

13.2.3 the complaint concerns the response of the community council to a previous complaint.

13.3 Complaints falling within one of the categories in clauses 13.2.1 to 13.2.3 shall be referred to the Community Council Liaison Officer who will establish a Conduct Review Panel established under clause 13.7.

13.4 The community council need not consider the substance of a complaint, nor refer a complaint to the Conduct Review Panel, if the community council decides (by a simple majority of those present and voting at a meeting) that the complaint is vexatious, or that the subject matter of the complaint is substantially identical to that of a previous complaint that has been or is being dealt with by either the community council or the Conduct Review Panel.

13.5 All other complaints shall be considered by the relevant community council who shall have in place a process for complaints handling which entails all complaints being formally tabled at the next available meeting of the community council for discussion and determination. A simple majority of members present and voting shall decide on whether the subject of the complaint has, on the balance of probabilities, failed to comply with the obligations set out at clause 13.1. Any member who is the subject of a complaint, or who is the complainer, shall not be entitled to vote. If satisfied that those obligations have not been complied with, the community council must either:

13.5.1 censure the member(s) in question;

13.5.2 issue a formal written warning to the member(s) in question;

13.5.3 suspend the member(s) from the community council for up to 3 months; or

13.5.4 where it considers that the sanctions set out in 13.5.1 to 13.5.3 would be inappropriate or insufficient, refer the complaint to the Community Council Liaison Officer who will establish a Conduct Review Panel in terms of clause 13.7.

- 13.6 At the request of either the complainer or the subject of the complaint, arrangements shall be made for members of the community council to vote on the complaint by way of a secret ballot.
- 13.7 A Conduct Review Panel (a “panel”) shall be established to deal with any complaints referred under clauses 13.3 or 13.5.4.
- 13.8 A Panel shall consist of 3 elected members of Argyll and Bute Council’s Regulatory Cohort plus 2 members of community councils within the Argyll and Bute Council area to which the complaint does not relate. The Panel will have a quorum of 3. Only Panel members present for all meetings in relation to a complaint can vote on the decision on that complaint.
- 13.9 If a complaint is made in respect of a decision of a community council to impose one of the sanctions set out at clauses 13.5.1 to 13.5.4 in respect of a previous complaint, including by the subject of that previous complaint, implementation of that sanction shall be suspended pending the Panel’s determination of the new complaint.
- 13.10 A Panel shall meet to decide a complaint within 12 weeks of the complaint being referred to it. In the event it cannot be decided within 12 weeks, all relevant parties will be notified of the revised timescales.
- 13.11 A Panel may, with the agreement of all relevant parties, refer a complaint for consideration by an independent person or body, which person or body shall have the same obligations and powers in respect of the complaint as the Panel.
- 13.12 Otherwise, a Panel shall decide on a simple majority whether the subject of the complaint has, on the balance of probabilities, failed to comply with the obligations set out at clause 13.1. If satisfied that those obligations have not been complied with, the Panel must:
- 13.12.1 impose one of the sanctions set out at clauses 13.5.1 to 13.5.3;
 - 13.12.2 where the complaint concerns a community council’s decision to impose one of those sanctions, confirm the community council’s decision;
 - 13.12.3 suspend the member(s) in question from the relevant community council for up to one year;
 - 13.12.4 remove the member(s) in question from the relevant community council, either with or without a period of disqualification under 13.12.5;
 - 13.12.5 disqualify an individual from sitting on any community council within the Argyll and Bute Council area for such period as the Panel shall decide, up to a maximum of the remainder of the relevant community council’s term or 2 years, whichever is the greater;
 - 13.12.6 request the subject of the complaint to participate in mediation with the complainer (without prejudice to the Panel’s ability to impose one of the other remedies set out in clause 13.12 if that mediation is unsuccessful); or

13.12.7 in circumstances where it appears that the whole community council, or a significant proportion of its members, have engaged in gross misconduct, recommend that Argyll and Bute Council suspend or dissolve the community council under clause 14.

- 13.13 Where a complaint referred to the Panel under clauses 13.2.3 and 13.3 concerns a community council's decision under clause 13.4, the Panel shall decide by a simple majority whether to confirm the community council's decision. If it does not confirm the community council's decision, it shall either: direct the community council to consider the original complaint in accordance with clauses 13.2 to 13.6 (excluding 13.4); or consider the original complaint itself in accordance with clauses 13.10 to 13.12.
- 13.14 Argyll and Bute Council reserves the right to carry out any investigation that it considers necessary into the conduct of a community council or individual members of a community council.
- 13.15 Argyll and Bute Council will maintain a list of all individuals disqualified under clause 13.12.5, the start and end of the period of disqualification and the reason (from the Panel). This list will be available on request.

14. Dissolution of a Community Council

- 14.1 The provisions which apply relative to the dissolution of a community council are contained in the Model Constitution.
- 14.2 Should a community council fail to hold a meeting for a period of 3 consecutive prescribed meeting dates, or its membership falls below the prescribed minimum as set out in this Scheme for a period of 3 consecutive prescribed meeting dates Argyll and Bute Council may take action to dissolve the community council.

APPENDIX 1

**MODEL CONSTITUTION FOR COMMUNITY COUNCILS IN
ARGYLL AND BUTE**

1. Name

The name of the COMMUNITY COUNCIL shall be
(referred to as “the COMMUNITY COUNCIL” in this document).

2. Area of the Community Council

The area of the COMMUNITY COUNCIL shall be as shown on the map attached to the local authority’s Scheme for the Establishment of Community Councils (hereinafter referred to as “the Scheme”).

3. Objectives

The objectives of the COMMUNITY COUNCIL shall be:

- a) to ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of the people;
- b) to express the views of the community to the local authority for the area to public authorities and other organisations;
- c) to take such action in the interests of the community as appears to it to be desirable and practicable;
- d) to promote the well-being of the community and to foster community spirit;
- e) to be a means whereby the people of the area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.

4. Role and Responsibilities

- 4.1 In the discharge of their functions and the conduct of their business, the COMMUNITY COUNCIL and its members shall have regard to

their role and responsibilities as set out in paragraph 3 of the Scheme approved by Argyll and Bute Council, and the Best Practice Agreement.

- 4.2 Members of the community council shall comply with and abide by their obligations under the Scheme, this Constitution and the Code of Conduct for Community Council Members, and their compliance shall be enforced via the procedure set out at Section 13 of the Scheme.

5. Membership

The number of members of the community council and the arrangements for the operation of the community council will be as governed by the Scheme and as determined from time to time by Argyll and Bute Council.

In event of the non-election, retiral or resignation of the Secretary and/or Treasurer, all documentation, financial records etc held on behalf of the community council shall be passed to the nominated person appointed by the community council, or designated by the Convener, within 7 days of the effective date of non-election, retiral or resignation.

6. Method of Election

The arrangements for electing persons to be community councillors will be as laid down in the Scheme and as determined by the Returning Officer.

7. Casual Vacancies on the Community Council

Where a vacancy arises which does not result in the number of community councillors falling below 50% of the membership figures specified in Appendix 3 of the Scheme, the community council may agree to fill the vacancy through co-option with full voting rights to a maximum of one third of the total membership of the community council (as specified in Appendix 3 of the Scheme).

Co-opted members may serve for a maximum of 2 years, or until the interim by-election, whichever occurs later, at which point they will require to stand for election or step down from the role.

The terms of co-option are as set out in the Scheme at Section 6.8

8. Voting Rights of Members of the Community Council

A community councillor (whether elected or co-opted) has a right to vote at any meeting of the community council or any committee thereof.

In these circumstances all decisions of the community council will be decided by a simple majority of those community councillors present and voting, with the exception of circumstances which may arise under:

Constitution: paragraph 16 – Alterations to the Constitution; or

Constitution: paragraph 17 – Dissolution

In the event of an equality of votes the person presiding at the meeting shall have a second or casting vote (Except that relating to appointment of an officer-bearer which, in event of an equality of votes, will be determined by lot).

9. Election of Office-Bearers

- (a) At the first meeting of the community council after elections in the year when elections are held and at the annual general meeting in the year when elections are not held, the community council will appoint a person to be known as Convener who will act as the chair of the community council, a Secretary, a Treasurer, and other such office-bearers as it shall from time to time decide.
- (b) Office-bearers will be elected for the period up to the next AGM but will be eligible for re-election. However, no office-bearer shall serve in that particular office for more than two consecutive terms of the life of the community council (i.e. eight years), but will be eligible to serve in that office after a break of four years. If there is good cause to depart from this requirement and two thirds of the members are supportive, the council may, upon written application, agree to waive this requirement.
- (c) Without the express approval of Argyll and Bute Council, no one member shall hold more than one of the following offices at any one time: Convener, Secretary or Treasurer.
- (d) Office-bearers may be removed and a replacement approved at any meeting of the community council by a 2/3rds majority vote of the members present and voting

10. Committees of the Community Council

The community council may appoint a number of their members to committees of the community council for the purpose of advising the community council on any matter and shall determine the composition, terms of reference and duration of the committee.

11. Meetings of the Community Council

- (a) The quorum at a meeting of a community council will be one quarter of the current number of members, but will never be less than three.
- (b) Each year the community council will hold an annual general meeting by the end of June, for the purpose of receiving and considering the Convener's annual report, the submission and approval of the independently examined annual statement of accounts, the appointment of office-bearers and to set the annual meeting programme.

- (c) One annual general meeting and a minimum of 6 ordinary meetings of the community council will be held each year where the electorate is above 600 or a minimum of 4 ordinary meetings of the community council where the electorate is 600 or less.
- (d) Dates, times and venues of ordinary meetings of the community council will be fixed at the first meeting of the community council following ordinary elections and thereafter at its annual general meeting. Special meetings will require at least 7 days public notice, either called by the Convener, or on the request of not less than one-half of the total number of community council members. The Executive Director of Customer Services of Argyll and Bute Council or his nominee may, in exceptional circumstances, call a meeting of the community council.
- (e) Copies of all minutes of meetings of the community council and of committees thereof will be approved as a correct record or corrected as need be at the next prescribed meeting of the community council, but the draft minute shall be circulated within 14 days from the date of that meeting, to community council members, elected members, other appropriate parties and Argyll and Bute Council's Community Council Liaison Officer.
- (f) The community council will abide by its Standing Orders for the proper conduct of its meetings.
- (g) The community council has a duty to be responsive to the community it represents. Should the community council receive a written request (petition), signed by at least 20 persons resident within the community council area to convene a special meeting for a particular matter or matters to be considered, the Secretary will call such a meeting within 14 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings of the community council.
- (h) The community council may discuss items of business in private where it considers it appropriate to do so. The decision to discuss an item of business in private will be agreed in advance and decided by a majority of those community councillors present and voting. Notice of a meeting will be given to the public in the usual way. However, the notice will record that the meeting, or a part thereof, may be held in private.

12. Public Participation in the Work of the Community Council

- (a) All meetings of the community council and its committees (subject to 11(h), above) shall be open to members of the public. Reasonable provision is to be made for the accommodation of members of the public and the opportunity should be afforded at each meeting to permit members of the public to address the community council, under the guidance of the Convener.

- (b) Notices calling meetings of the community council and its committees shall be posted prominently within the community council area for a minimum period of seven days before the date of any such meeting, and, where possible, be advertised by other suitable means.

13. Information to the Local Authority

An annual calendar of the community council's prescribed meeting dates, times and venues, agreed at the community council's annual general meeting, will be sent to the local authority's Community Council Liaison Officer, along with minutes of all meetings, the annual report, the annual financial statement, and any other such appropriate information, or as may from time to time be required by Argyll and Bute Council. When special meetings of the community council are to be held, the local authority's Community Council Liaison Officer and Elected Members should be advised of the date, time venue and item(s) of business of such meetings, at least 7 days in advance of the meeting date.

14. Control of Finance

Community councils must follow the principles of financial control set out in the Best Practice Agreement; in particular:

- (a) All monies provided by the local authority and other sources to, or raised by or on behalf of the community council, shall be applied to further the objectives of the community council and for no other purpose. The monies provided by the local authority in the annual Administrative Grant for administrative and other approved purposes will be used only as prescribed. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the community council), or in the absence of such terms, for the furtherance of the objectives of the community council.
- (b) The treasurer will keep proper accounts of the finances of the community council.
- (c) Any two authorised signatories, who will normally be Office-bearers of the community council, may sign cheques on behalf of the community council. Authorised signatories may not be co-habitees.
- (d) A statement of accounts for the last financial year, independently examined by a person of good standing appointed by the community council, who must not be a member of the community council, will be submitted to the annual general meeting of the community council and will be made available for inspection by members of the public at a convenient location.
- (e) Examined accounts as received and approved by the community

council at the annual general meeting will be submitted to the Community Council Liaison Officer together with the draft AGM minutes.

- (f) In the event of a community council resolving to dissolve itself or being disestablished then, on a certificate signed by the Executive Director of Customer Services or his nominee, the whole assets and funds of the community council shall revert to Argyll and Bute Council to be held in trust and to be directed by them in support of any future community council identified to represent that community. In setting up bank accounts, it will be incumbent on the community council to put in place banking arrangements that will permit the foregoing to be given effect to.

15. Title to Property

Subject to 14(f) above property and other assets belonging to the community council will be vested in the Convener, Secretary and Treasurer of the community council and their successors in these respective offices.

16. Alterations to the Constitution

Any proposal by the community council to alter this Constitution must be first considered at a meeting of the community council and the terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued not less than seven days prior to the meeting. Any proposed alteration may not prejudice the terms and objectives contained within the Scheme for the Establishment of Community Councils.

If the proposal is supported by two-thirds of the community council members present and thereafter approved in writing by Argyll and Bute Council, the alteration shall be deemed to have been duly authorised and can then come into effect.

17. Dissolution

If the community council decides at any time that it is necessary or advisable to dissolve, it shall first agree a date to hold a public meeting of the community council to be held for the specific purpose of discussing the proposed resolution to dissolve. It is a requirement that not less than seven days prior to the date of such meeting public notice of the meeting and the proposal to dissolve is given in a local newspaper. If the resolution is supported by two-thirds of the current membership and thereafter approved by Argyll and Bute Council, the community council shall be deemed to be dissolved and all assets remaining, after the satisfaction of any proper debts or liabilities shall transfer to the Argyll and Bute Council as specified in paragraph 14 (f) above.

In the event that the community council is dissolved under the above procedure, and twenty or more electors subsequently wish the re-

establishment of a community council for the area, these electors shall submit a requisition to Argyll and Bute Council in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which the Returning Officer shall arrange for elections to be held in accordance with the Scheme for the Establishment of Community Councils.

Where for any reason, the number of community council members falls below the minimum specified in the Scheme for the Establishment of Community Councils Argyll and Bute Council may, by suspending the Constitution of the community council, resolve to dissolve the community council.

18. Approval and adoption of the Constitution

This Constitution was adopted by
COMMUNITY COUNCIL, on

.....

..... Signed: Convener

.....

..... Member

..... Member

..... Date

and was approved on behalf of Argyll and Bute Council

on Date

..... Signed (Executive Director of
Customer Services or nominee)

.....

MODEL STANDING ORDERS

1. Meetings (all held in public)

(a) Ordinary meetings of the COMMUNITY COUNCIL shall be held in the months of [to be entered]. Special Meetings may be called at any time on the instructions of the Convener of the COMMUNITY COUNCIL on the request of not less than one-half of the total number of COMMUNITY COUNCIL members; or the receipt of a common written request (petition), signed by at least 20 persons, resident within the COMMUNITY COUNCIL area, to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting. A special meeting shall be held within 14 days of the receipt of the request made to the Secretary of the COMMUNITY COUNCIL. Annual general meetings are held annually by the end of June.

(b) The notice of ordinary and annual general meetings of the COMMUNITY COUNCIL, featuring the date, time and venue, shall be provided to each COMMUNITY COUNCIL member and Argyll and Bute Council's Community Council Liaison Officer by the Secretary of the COMMUNITY COUNCIL, and will be displayed prominently within the COMMUNITY COUNCIL area, at least 7 days before the date fixed for the meeting.

2. Minutes

Minutes of the proceedings of a meeting of the COMMUNITY COUNCIL shall be drawn up within fourteen days from the date of that meeting, displayed in public places, such as libraries and notice boards, provided to Argyll and Bute Council and shall, following their approval, be signed at the next meeting of the COMMUNITY COUNCIL by the person presiding thereat and retained for future reference.

3. Quorum

A quorum shall be one quarter of the current number of elected members, but will never be less than three.

4. Order of Business

(i) Ordinary Meeting

The order of business at every ordinary meeting of the COMMUNITY COUNCIL shall be as follows: -

- (a) Recording of membership present and apologies received.
- (b) Establish whether there are any declarations of interest.

- (c) The minutes of the last meeting of the COMMUNITY COUNCIL shall be submitted for approval.
- (d) Any other item of business, which the Convener has directed, should be considered.
- (e) Any other competent business.
- (f) Public questions.
- (g) Convener to declare date of next meeting and close meeting.

(ii) Annual General Meeting

It will not be uncommon that the COMMUNITY COUNCIL has arranged for an ordinary meeting of the COMMUNITY COUNCIL to begin at the close of the annual general meeting, to enable any outstanding reporting on business matters to be heard; and for COMMUNITY COUNCIL members and members of the public to have an opportunity to bring matters to the attention of the COMMUNITY COUNCIL, possibly for inclusion on a future agenda.

The order of business at every annual general meeting of the COMMUNITY COUNCIL shall be as follows: -

- (a) Recording of membership present and apologies received.
- (b) Establish whether there are any declarations of interest.
- (c) The minutes of the last annual general meeting of the COMMUNITY COUNCIL shall be submitted for adoption.
- (d) Convener's Annual Report (and questions from the floor).
- (e) Secretary's Annual Report (and questions from the floor).
- (f) Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).
- (g) Election of office-bearers.
- (h) Agree annual programme of meetings
- (i) Chairperson to declare date of next annual general meeting and close meeting.

(iii) Special Meeting

The order of business at a special meeting of the COMMUNITY COUNCIL shall be as follows: -

- (a) Recording of membership present and apologies received.

- (b) Establish whether there are any declarations of interest.
- (c) Business for debate, as described in the calling notice for the special meeting.
- (d) Public Questions
- (e) Convener to close meeting.

5. Order of Debate

- (a) The Convener shall decide all questions of order, relevancy and competency arising at meetings of the COMMUNITY COUNCIL and her/his ruling shall be final and shall not be open to discussion. In particular, the Convener shall determine the order, relevancy and competency of all questions from the public in attendance at meetings of the COMMUNITY COUNCIL raised at 4, above. The Convener in determining the order, relevance and competency of business and questions shall have particular regard to the relevance of the issue to the COMMUNITY COUNCIL and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Convener shall have the power, in the event of disorder arising at any meeting, to adjourn the COMMUNITY COUNCIL meeting to a time he/she may then, or afterwards, fix.
- (b) Every motion or amendment shall be moved and seconded.
- (c) After a mover of a motion has been called on by the Convener to reply, no other members shall speak to the question.
- (d) A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- (e) A motion or amendment which seeks to revoke or alter a previous decision of the COMMUNITY COUNCIL, or has that effect, shall not be competent within six months of that decision.

6. Voting

- (a) Voting shall be taken by a show of hands.
- (b) In the event of an equality of votes the person presiding at the meeting will have a second or casting vote, except in the case of an appointment of a person to any office within the COMMUNITY COUNCIL when the decision will be determined by lot.

7. Alteration of Standing Orders

A proposal to alter these Standing Orders may be proposed to Argyll and Bute Council by the COMMUNITY COUNCIL, provided that notice of motion

to that effect is given at the meeting of the COMMUNITY COUNCIL previous to that at which the motion is discussed. Argyll and Bute Council shall make the final decision on any proposed change.

8. Committees

The COMMUNITY COUNCIL may appoint such committees as it may from time to time decide for the purpose of advising the COMMUNITY COUNCIL on any matter and shall determine their composition, terms of reference, duration, duties and powers.

9. Suspension of Standing Orders

These Standing Orders shall not be suspended except at a meeting at which three-quarters of the total number of COMMUNITY COUNCIL members are present and then only if the mover states the object of his motion and if two-thirds of the COMMUNITY COUNCIL members present consent to such suspension.

ARGYLL AND BUTE COUNCIL
SCHEME FOR THE ESTABLISHMENT OF
COMMUNITY COUNCILS

BOUNDARIES FOR COMMUNITY COUNCIL AREAS
MEMBERSHIP OF COMMUNITY COUNCILS

Membership will be based on the electorate of the Community Council area according to the following:

Electorate	Number of Core Members
Up to 600	8
601 - 1000	10
1001 – 5000	16
Over 5000	20

	Community Councils	Polling Districts	Polling District Name	Electorate 26.04.17	Membership	Council Ward
1	Southend	AA03	Southend	356	8	1
2	The Laggan	AA02	Drumlemble	336	8	1
3	Campbeltown	AA01	Campbeltown South	1354 1710	16	1 1
		AA04	Campbeltown Central	<u>1199</u>		1
		AA06	Campbeltown North	4263		
4	West Kintyre	AA07	Bellochantuy/ Kilkenzie	151	10	1 2
		AA12	Chleit	289		2
		AA13	Clachan	<u>244</u> 684		
5	East Kintyre	AA05 AA08	Peninver Carradale	167 408 575	8	1 2
6	Tarbert & Skipness	AA09 AA10	Skipness Tarbert	93 <u>1187</u> 1180	16	2 2
7	Gigha	AA11	Gigha	128	8	2
8	Islay	AA15 AA16 AA17 AA18 AA19	Port Charlotte Portnahaven Kilmeny Port Ellen Bowmore	447 180 426 875 <u>680</u> 2608	16	2 2 2 2 2
9	Jura	AA20	Jura	168	8	2
10	Colonsay	AA21	Colonsay	120	8	2
11	South Knapdale	AA14 AA24	Dunmore Achahoish	104 <u>98</u> 202	8	2 3
12	North Knapdale	AA25 AA26	Crinan Tayvallich	207 <u>219</u> 426	8	3 3
13	Ardrishaig	AA23	Ardrishaig	1122	16	3

	Community Councils	Polling Districts	Polling District Name	Electorate 26.04.17	Membership	Council Ward
14	Lochgilphead	AA27	Lochgilphead	2289	16	3
15	West Lochfyne	AA34	Minard	286	8	3
16	Furnace	AA29	Furnace	222	8	3
17	Inveraray	AA28	Inveraray	574	8	3
18	Dunadd	AA30 AA31 AA33	Kilmartin Ford Kilmichael Glassary	265 167 <u>333</u> 765	10	3 3 3
19	Craignish	AA32	Craignish	348	8	3

	Community Councils	Polling Districts	Polling District Name	Electorate 26.04.17	Membership	Council Ward
20	Mull	AA42 AA43 AA44 AA45 AA46 AA47 AA48 AA49 AA50	Tobermory Dervaig Ulva Ferry Salen Lochdonhead Lochbuie Pennyghael/ Tiroran Bunessan Fionnphort	914 306 112 382 251 30 65 231 <u>160</u> 2451	16	4 4 4 4 4 4 4 4 4
21	Iona	AA51	Iona	128	8	4
22	Coll	AA52	Coll	159	8	4
23	Tiree	AA53	Tiree	536	8	4
24	Oban	AA36 AA37 AA38 AA39 AA64	Oban Central Oban West Oban Glencruitten Oban Soroba Oban North	450 1831 1504 1141 <u>1924</u> 6850	20	4 4 4 4 5
25	Glenorchy & Innishail	AA55 AA56 AA57 AA61	Lochawe Dalmally Bridge of Orchy Portsonachan	133 359 35 <u>79</u> 606	10	5 5 5 5
26	Taynuilt	AA58	Taynuilt	900	10	5
27	Avich & Kilchrenan	AA59 AA60	Kilchrenan Dalavich	128 <u>108</u> 236	8	5 5
28	Luing	AA62	Luing	155	8	5
29	Kilninver & Kilmelford	AA63 AA68	Kilmelford Kilninver	235 <u>115</u> 350	8	5 5

	Community Councils	Polling Districts	Polling District Name	Electorate 24.04.17	Membership	Council Ward
30	Seil & Easdale	AA65	Easdale	557	8	5
31	Kilmore & Kilbride	AA66	Kilmore	308	8	5
32	Dunbeg	AA67	Dunbeg	586	8	5
33	Lismore	AA69	Lismore	115	8	5
34	Appin	AA70	Appin	419	8	5
35	Connel	AA71	Connel	500	8	5
36	Ardchattan	AA72 AA73 AA74	Barcaldine Lochnell Ardchattan	199 1110 <u>97</u> 1406	16	5 5 5

	Community Councils	Polling Districts	Polling District Name	Electorate 26.04.17	Membership	Council Ward
37	Colintraive & Glendaruel	AA75 AA76 AA84 (Prt)	Glendaruel Colintraive Rashfield	137 122 <u>18</u> 277	8	6 6
38	Cairndow	AA77	Cairndow	126	8	6
39	Lochgoil	AA78	Lochgoilhead	373	8	6
40	Strachur	AA79 AA80	Strachur Strathlachlan	509 <u>162</u> 671	10	6 6
41	Kilfinan	AA81 AA82	Kilfinan Tighnabruaich	87 <u>565</u> 652	10	6 6
42	Hunter's Quay	AA83A	Hunter's Quay	786	10	6
43	Kilmun	AA84 (Prt) AA86	Rashfield Strone	255 <u>561</u> 816	10	6 6
44	Ardentinny	AA85	Ardentinny	148	8	6
45	Sandbank	AA87	Sandbank	1066	16	6
46	Dunoon	AA83 AA89 AA90 AA91 AA93	Kirn Hafton Dunoon Ardenslate Dunoon South	1009 1711 228 1718 <u>650</u> 5316	20	7 7 7 7
47	South Cowal	AA92	Innellan	1338	16	7
48	Bute	AA94 AA95 AA96 AA97 AA98 AA99	Rothesay North Port Bannatyne Rothesay Central Bute West Bute East Kingarth	1090 521 392 1329 1355 <u>223</u> 4920	16	8 8 8 8 8 8

	Community Councils	Polling Districts	Polling District Name	Electorate 03.06.13	Membership	Council Ward
49	Rhu & Shandon	AD01 AD07	Rhu South North Rhu & Shandon	894 <u>724</u> 1618	16	9 9
50	Garelochhead	AD02	Garelochhead	1252	16	9
51	Cove & Kilcreggan	AD03 AD08	Cove Kilcreggan	408 <u>825</u> 1233	16	9 9
52	Arrochar, Tarbet & Ardlui	AD10 AD04 AD06	Glencroe Arrochar Tarbet & Ardlui	158 340 <u>199</u> 697	10	9 9 9
53	Rosneath & Clynder	AD09	Rosneath	1157	16	9
54	Luss and Arden	AD05 AD24	Luss Arden	172 <u>114</u> 286	8	9 11
55	Helensburgh	AD12 AD13 AD14 AD15 AD16 AD17 AD18 AD20 AD21 AD22	Kirkmichael Helensburgh Lower East Helensburgh Upper West Helensburgh West Helensburgh Central Helensburgh East Helensburgh Lower West Colgrain Helensburgh North East Helensburgh Upper East	675 1670 526 1248 1175 1011 1269 1580 1145 <u>821</u> 11120	20	10 10 10 10 10 10 10 11 11 11
56	Cardross	AD23	Cardross	2039	16	11

BEST PRACTICE AGREEMENT 2018

**Argyll and Bute Council
Argyll and Bute Community Councils**

Argyll and Bute Council Commitment

Community Council Commitment

Code of Guidance for Communications

Financial Guidelines

Code of Conduct for Community Councillors

Best Practice Agreement

The work of community councils across Argyll and Bute varies from community council to community council – as does their method of operation and the ways in which they engage with a range of public and other community bodies. It should not be forgotten however that that main purpose of a community council is to represent the views of the community which it represents.

This Best Practice Agreement outlines the commitments required from both Argyll and Bute Council and community councils to build strong relationships and operate effectively together to advance the interest of Argyll and Bute communities. It also incorporates a Code of Communication, Financial Guidelines, and Code of Conduct for community councillors.

Argyll and Bute Council will keep the responsibilities and procedures laid down in this Code of Practice under regular review, and will formally review as part of the 4 yearly review of the Scheme of Establishment. Argyll and Bute Council will consult with community councils on any aspects where amendment appears necessary or desirable.

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Argyll and Bute Council Commitment

Community Engagement

1. Argyll and Bute Council recognises that community councils have made, and will continue to make, a valuable contribution to the development of Argyll and Bute through their engagement in localised community planning, their representation of community views and their promoting and delivery of local activities.
2. Argyll and Bute Council, in recognising the statutory purpose of community councils, recognises that they have a clear link to their local Area Community Planning Groups.
3. Argyll and Bute Council will be guided in its community engagement activities by the National Standards of Community Engagement. Argyll and Bute Council will, using the National Standards of Community Engagement, consider the appropriateness of how best to consult with local communities, this could include:
 - direct consultation with particular user groups rather than geographical communities
 - direct consultation with individual community councils where there is a geographic link to a physical or policy development likely to have an effect on the people whom community councils represent
 - regular engagement through the Area Community Planning Groups
4. It is recognised that not all community councils require to be consulted in every matter. Consultations with community councils should be carefully considered against a test of relevance and appropriateness.
5. In consulting with community councils, Argyll and Bute Council recognises the need to allow community councils sufficient time to respond. Where possible, Argyll and Bute Council will aim to give community councils a period of at least one month in which to reply. In relation to planning applications, or other licensing matters, there may be a different timescale.
6. Some services, particularly Planning and Licensing, must follow statutory procedures. Advice and training on procedure to be adopted will be issued independently to this Best Practice Agreement, and will be kept updated if there are any national or local policy changes.
7. Argyll and Bute Council is committed to encouraging open, local, democratic debate and will support community councils to ensure that they are best place to facilitate this. This will include the:
 - Timely provision of relevant information
 - Recognition of status as a community representative body for their area (noting that is enhanced where robust community engagement processes are evidenced)
 - support from the Community Learning and Development Service to improve their own community engagement processes
 - a programme of training and development as organised by the Community Council Liaison Officer to address identified training needs, support understanding of Standing Orders and Constitution, to understand the specific operation of council departments, and to generally promote good practice.

8. Argyll and Bute Council will facilitate on request an annual engagement meeting between the council leadership and representatives of all community councils. At such meetings community councils may comment generally on matters of concern and may be used to sound out general proposals by Argyll and Bute Council where strategic developments are likely to affect local communities.

Elections

9. Argyll and Bute Council will organise and conduct elections to community councils on a 4 year basis. Argyll and Bute Council will seek to promote electoral participation in such elections by providing general publicity and will seek to maximise electoral participation by using postal voting.
10. Argyll and Bute Council will seek to work with individual community councils, community council caucuses and other representative bodies within the area to promote electoral participation and will facilitate the dissemination of good practice re participation to all community councils.
11. Argyll and Bute Council will, through the Returning Officer, run any necessary by-elections during the 4 year term of the community council, working with the local community council to promote electoral participation.

Finance and Resources

12. Argyll and Bute Council will continue to provide funding for the administration of community councils through the payment of an annual grant. This will be paid following submission of community council's audited accounts (following approval at the AGM) together with a request for the administration grant and minutes of the AGM. Where community council records are not up to date, the CCLO will make a request that missing documentation from the previous 12 month period be brought up to date prior to the grant payment being released.
13. Argyll and Bute Council will continue to meet the costs of Public Liability Insurance in respect of the reasonable and proper activities of the community council.
14. Argyll and Bute Council will continue to provide photocopying of agendas and minutes for community councils through its network of Customer Service Points or Kilmory headquarters. Other copying may be provided subject to authorisation being obtained from the Council's Community Council Liaison Officer.
15. Argyll and Bute Council will provide general financial and administrative advice to community councils through the Governance and Law Service.

Meetings, Minutes and Reports

16. Argyll and Bute Council will make available through its Modern.Gov online system the agenda and reports for all council committee meetings 5 days in advance of the meeting date, except where these reports contain exempt information as defined in the appropriate paragraph of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973. These will be published on www.argyll-bute.gov.uk. Where requested, the council will provide email notification to community councils of their publication.
17. Argyll and Bute Council will make available for viewing within 7 days of the meeting, minutes of all council committee meetings. These will be published on www.argyll-bute.gov.uk

18. Argyll and Bute Council will make available dates of its formal committee meetings and dates of Area Community Planning Groups, local liaison groups as existing.
19. Argyll and Bute Council will provide Internet facilities for use through local libraries

Communications

20. The council's advice on communications is contained within "Code of Guidance for Communications with the Council." Argyll and Bute Council is committed to respecting this advice.
21. Argyll and Bute Council will hold a centralised list of community council contacts which will be updated as per instruction from community councils.
22. Subject to appropriate consent being given, Argyll and Bute Council will provide details of the nominated contact(s) (normally the Secretary and/or Convener) on their website. This may include their name, address, telephone number and email address.

Community Council Commitment

Community Engagement

1. Community councils have a statutory right to ascertain, co-ordinate and express the views of the communities to Argyll and Bute Council and other public bodies. Community councils should seek to establish close, constructive relationships with Argyll and Bute councillors, council staff and other bodies as appropriate.
2. In ascertaining views, community councils should ensure there is wide consultation with the community and they should encourage local interest and participation in community debate. It is recognised that the more robust community councils can be in evidencing good community engagement, the more weight will be attributed to their view.
3. Community councils should give consideration to the use of social media which could play a part in engaging with community and under-represented groups whose views may not be forthcoming at meetings of the community council.
4. In expressing views, community councils should ensure that they reflect the balance of community interest and that the views expressed are set out in writing and relevant to the issues under discussion. The Secretary as official correspondent should ensure that they are acting with appropriate authority of the community council to do so when setting out the views of the community council in writing.
5. Community councils may identify specific arrangements for consultation on planning applications. To ensure the timely update of any change in planning contacts community councils are requested to notify their local planning office directly of the change, as well as the Community Council Liaison Officer. The planning contact should be aware of the system for planning applications consultation operated by the council and should respond within the time limits laid down.
6. Community councils should encourage participation by other local organisations including special interests groups, civic groups, youth groups, tenants and residents associations, etc to ensure that a wide range of views are known to the community councils.
7. Community councils should actively support the development of community action plans for their area – whether as the lead body, or as a key stakeholder. Where these exist they may be used by community councils to help prioritise key work / consultation areas and communication of these to public and partners.
8. In particular community councils should appoint personnel to represent them at any appropriate Area Community Planning Group activity / forum. This contact will represent the views of the community council within the activity / forum and will feedback to their community councils.
9. Community councils will make every effort to participate in and respond to relevant consultations to ensure their community is represented in matters of interest.

Elections

10. Community councils should encourage contested community council elections or by-elections, promoting electoral participation, the role of community councils and community councillors within the community they represent.

Meetings, Minutes and Reports

11. Community councils should ensure that invitations are extended to all Argyll and Bute councillors to attend any meeting of the community council within their ward area. Community councils should recognise that Argyll and Bute councillors may have more than one community council within their ward area (in addition to their other commitments as councillors) and have discretion about their own arrangements, or ward arrangements to attend community council meetings.
12. Community councils should ensure that all meetings and activities are publicised in accordance with the detail set out in the Model Constitution 7 days prior to the meeting, and that there is an opportunity for members of the public and special interest groups to participate in discussion on the basis of information provided by the community council. Public discussion and open debate should be encouraged through the use of regular agenda items such as "Public Questions".
13. Community councils should ensure that all minutes of meetings displayed publicly and are forwarded to relevant Argyll and Bute ward councillors and the CCLO. Community councils should consider whether the use of a website may have a role to play in widening access to their minutes etc.
14. Community councils will liaise with other community councils and local organisations to share good practice and exchange information on matters of common interest.
15. Community councils must hold, in addition to an AGM, a minimum of 6 ordinary meetings of the council each year, where the electorate is above 600. Where the electorate is 600 or less, a minimum of 4 ordinary meetings should be held. If desired a summer recess should be considered, good practice would be to tie in with any Council recess (currently scheduled for the month of July).
16. Community councils shall ensure that, as far as reasonably practicable, meetings are held in premises accessible to **all** members of the community.
17. Where representatives of community / other groups attend and speak at a community council meeting on behalf of their groups, to promote good transparency, such attendance and input given should be noted clearly in the minutes of the meeting.

Finance and Resources

18. Community Councils shall have due regard to the Financial Guidelines contained within the Best Practice Agreement.
19. Community councils should encourage members to attend any training provided to assist in terms of their operation as a community council – in particular that relating to improving their own community representation.

20. Community councils may wish to make a mileage payment to its members in respect of attendance at such training sessions and, where large geographic areas are covered, the mileage associated with attending meetings. Such arrangements should be agreed by the community council who will put in place an appropriate procedure for claiming such monies and also agree a rate of payment. There will be no additional payment from the council.
21. Community councils shall encourage local development by promoting funding of community efforts. They may set up and raise specific funds for this purpose.

Communications

22. The council's advice on communications is contained within "Code of Guidance for communications with the council." Community councils will respect the advice contained within this.
23. Community councils should ensure that an up-to-date contact list of all members, elected and co-opted, is maintained and changes notified to the appropriate area governance staff and/or the Community Council Liaison Officer.

Good Practice Agreement
Code of Guidance for Communications with the Council

This is the Code of Guidance for Communications between Argyll and Bute Council and community councils referred to in the Best Practice Agreement.

Communications between such groups should follow the guidance below:

1. Enquiries

1.1 Enquiries are classified as “routine” or “major”.

1.1.1 “Routine Enquiry” includes enquiries to individual services regarding minor defects or service failures e.g. repairs required to street lights, road surfaces, uplift of rubbish, damaged play equipment, etc. Such enquiries should be made through the council’s “Report it” section on the website www.argyll-bute.gov.uk , which is a 24 hour service, or within office hours by calling the appropriate number from the list below:

Council Tax Enquiries: 01546 605511/ctax1@argyll-bute.gov.uk
Benefit Enquiries: 01546 605512
Roads & Lighting, Waste, Flytipping/Dog Fouling: 01546 605514
Complaints and Feedback: 01546 605516
Social Care & Blue Badges: 01546 605517
Planning and Building Control Services: 01546 605518 or
Planning.maki@argyll-bute.gov.uk
planning.olandi@argyll-bute.gov.uk
planning.bandc@argyll-bute.gov.uk
planning.handl@argyll-bute.gov.uk
Regulatory Services: 01546 605519
Homelessness: 01546 555936
Non-Domestic Rates: ndr@argyll-bute.gov.uk
Switchboard/General Enquiries: 01546 605522

For service disruption information, the council has a 24 hour phone line – 01546 604040 or you can email your enquiry to enquiries@argyll-bute.gov.uk . It is also possible to text your query to the council using the number 07860 023933.

1.1.2 “Major enquiry” includes a proposal to remove or amend a service, which would affect a number of members of the community. Such enquiries shall always be in writing.

1.1.3 “Planning comments” are comments made by the planning contact of the community council to the Planning Department, in response to notification about a planning application. Planning comments should always be in writing.

1.1.4 Writing includes typed or hand-written notes or letters, faxes or E-mails.

2. Making an Enquiry

2.1 Routine enquiries should be made to the department directly concerned. Routine enquiries may be made on the website, in writing or by telephone, fax, or e-mail or by calling in person to a Customer Service Point.

A copy of a routine enquiry need not be sent to an Argyll and Bute councillor unless the community council considers that it is appropriate to do so.

- 2.2 Major enquiries should always be made in writing and delivered by letter, fax or e-mail to the most suitable office of the service concerned. Major enquiries should be signed by the secretary, as official correspondent of the community council, or in the secretary's absence by the Convener of the community council. Major complaints should always be copied to the local Argyll and Bute councillor/s.
- 2.3 Where community councils are unsure of the appropriate personnel the CCLO should be contacted for advice.
- 2.4 Where the enquiry concerns:
 - 2.4.1 The Constitution of a community council;
 - 2.4.2 The election of community councils i.e. the overall electoral system and not the procedure adopted at a specific election;
 - 2.4.3 Funding of a community council;
 - 2.4.4 Proposed amendments to the area of community council or a proposed change to existing divisions;
 - 2.4.5 The formation of a new community council;
 - 2.4.6 A statutory code, such as that relating to planning applications (i.e. the code itself and not the way in which a specific application was dealt with); or
 - 2.4.7 A query with regard to the application of this advice

In the first instance the enquiry should be made to the Community Council Liaison Officer.

- 2.5 Enquiries, whether routine or major, should be addressed to individual service departments about individual issues. A series of enquiries on different service issues should not be addressed to one service (other than the Community Council Liaison Officer as above).
- 2.6 Where communications are from Argyll and Bute Council to a community council these will normally be addressed to the Secretary of the community council concerned, except where a liaison or contact nomination has previously been agreed, for example a planning or licensing liaison contact.

3. Responses

- 3.1 Routine/simple enquiries will be responded to within 5 working days. Services should advise, within 5 working days, where a routine enquiry cannot be responded to.

- 3.2 Where a council official deems it appropriate, a copy of any written response regarding a routine enquiry may be sent to the appropriate Argyll and Bute councillor.
- 3.3 Responses to major enquiries will depend upon the nature of the enquiry and the ability of the service to respond. Where a major enquiry can be dealt with within existing resources or comes within existing policies, then it will be dealt with by the service in accordance with the policy.
- 3.4 Where a major enquiry raises a new issue or cannot be dealt with within existing resources or could cause undue demand on resources, the appropriate officer concerned shall respond to the community council stating this view. A copy of any such response must be sent to the relevant local councillors.
- 3.5 If, in the view of the appropriate officer, a major enquiry cannot be dealt with by the specific service, because it is against council policy, or would, in the appropriate officer's view, be impracticable, unreasonable or not possible for some other stated reason, then the appropriate officer shall write to the community council with these views and a copy of any such response should be sent to the relevant local councillors.
- 3.6 In writing to the council, community councils should be specific about the details of any complaint, and give sufficient detail to identify the specific items, identifying locations and the nature of events which are of concern and any persons involved, including addresses.
- 3.7 Some services, particularly Planning, must follow statutory procedures. Advice on the procedure to be adopted by community councils in respect of responses to planning applications have been issued and should be followed by the planning contact of the community.
- 3.8 The use of the Internet and e-mail is encouraged.

4. Timescale For Written Response

- 4.1 Enquiries will be acknowledged within three working days.
- 4.2 Email and other such simple enquiries will be responded to within 5 working dates of the date of receipt of your enquiry.
- 4.3 If not considered routine the council will let you know within 5 working days and will provide information as to the name, telephone number and email address of the person dealing with your enquiry.

5. Keeping Argyll and Bute Councillors Informed

- 5.1 Community councils should keep local Argyll and Bute councillors informed with regard to more complex enquiries. The community councils are encouraged to agree a method of keeping Argyll and Bute councillors updated on key issues that arise in the area, recognising that it will not always be possible for attendance at every meeting, and this may best be done by either maintaining a briefing log that can be provided to councillors after the meeting or prompt forwarding of draft minutes.

- 5.2 The community council Secretary should send copies of letters, faxes and e-mails to the local Argyll and Bute councillor/s at the time such an enquiry is made.
- 5.3 Departments, in responding to community councils, shall send a copy of any response on a more detailed enquiry, relating to a service issue, to the local Argyll and Bute councillor/s at the same time as it is sent to community council.

6. Issues About Service Responses

- 6.1 Where a community council is not satisfied with the action taken or response to an enquiry, the community council may raise the issue with the management of that service in accordance with the council's published complaints procedure. The Community council should outline its views on the response, which has been made by the council department and shall state the action, which the community council considers, should be taken.

7. Customer Care Advice

- 7.1 Specific guidance on individual services may be available from the services departments, which should be consulted as they may contain advice with regard to any complaint or targets set for performance by departments. Specific advice from service departments with regard to targets for responses, or any subsequently corporate adopted standards, will override general advice contained within this Code.

8. Role of Argyll and Bute Councillors

- 8.1 Argyll and Bute councillors, as the elected representative for their wards, have a duty to represent all of the electors within their area. Community councillors have a duty to communicate the views of their communities to Argyll and Bute Council and it is therefore important that there is a good working relationship between community councillors and Argyll and Bute councillors who have a common cause in promoting the views of the communities which they represent.
- 8.2 Community councillors should ensure that Argyll and Bute councillors are kept informed of any matter of concern relating to a service provided by Argyll and Bute Council.
- 8.3 Likewise, Argyll and Bute councillors should inform community councillors of proposals by Argyll and Bute Council and the reaction by Argyll and Bute Council to any matters of concern raised by the community council.
- 8.4 Community councils should ensure that Argyll and Bute councillors are invited to all meeting of the community councils in their ward area, recognising that Argyll and Bute councillors may have more than one community council within their ward area (in addition to their other commitments as councillors) and have discretion about their own arrangements, or ward arrangements to engage with community councils.

Community Council Financial Guidelines

1. Introduction

- 1.1. The purpose of this guidance is to provide community councils with simple instructions on the minimum level of documentation and records, which should be maintained.

2. Recording of Receipts and Payments

- 2.1. As a bare minimum the Treasurer should maintain records of all receipts and payments in a cash book using separate pages for each. Ideally this should be extended to include separate identifying columns for cash and bank. Depending on the detail required this could be further expanded to provide a fully analysed cash book, detailing the main categories of receipts and payments, e.g. grant income, postages, photocopying etc.
- 2.2. Good practice when bookkeeping is to record all transactions as quickly as possible and in as much detail as necessary. Wherever possible an invoice or till receipt should be received for every payment made, numbered sequentially and carefully filed. Where an invoice or till receipt is not available a pro-forma voucher should be raised by the Treasurer detailing what the payment was for and signed by the person receiving payment.
- 2.3. As with payments, receipts should be supported by appropriate documentation, which should be numbered sequentially and carefully filed. All cash/cheques should be given to the Treasurer as soon as possible. The Treasurer should issue a receipt (keeping a copy) detailing the amount of the receipt, what it relates to and who it has been received from. This is particularly important where cash (as opposed to cheque) is involved.
- 2.4. Additionally, a list should be prepared of any assets held by the community council, such as computers etc. This should be retained by the Treasurer and updated at least annually or as required and submitted with the annual accounts to the council.

3. Annual Accounts

- 3.1. Annual accounts should be prepared at the end of each year of the council's operations, summarising the receipts and payments made during that year. The financial year of the community council will be specified within their Constitution.
- 3.2. The use of receipts and payments accounts is recommended. By definition this will only include physical receipts and payments made during the period, not transactions which still have to be concluded. Any transactions not concluded by close-of-business on the final day of the financial period must be accounted for in the following financial year. Ideally, every effort should be made to make all payments and receive all income before close of business on the last day of the relevant accounting year. If exceptionally there was a significant payment due but not made by the year-end then an appropriate note should be made to the accounts.
- 3.3. The annual accounts should show opening bank and cash balances, summarised details of receipts and payments for the year and the closing bank and cash balances. Appropriate vouchers should be retained as evidence for each transaction.

- 3.4. A suggested sample layout for annual accounts is included at the end of the document.

4. Examination of Annual Accounts

- 4.1 These accounts require to be examined by a person suitably experienced in accountancy (preferably a qualified accountant) and who is not a member of the community council or related to a community councillor.
- 4.2. The examiners should confirm the bank and cash balances and examine all documents for authenticity, propriety , etc. to verify the accounts and sign and date them with a statement saying:
- 4.3. “I have examined the books and records of the XXX Community Council for the period XXX to XXX and have found the above statement to be correctly stated and sufficiently vouched.”

5. Bank Accounts and Cash

- 5.1. Each community council should open a bank account in the name of the community council. It is suggested that this account should be an interest-paying cheque account. However, where a community council holds large balances due to fund raising activities better rates of interest may be earned by having a separate deposit account.
- 5.2. The account should be operated with two signatories required for each cheque, with a minimum of three persons designated as signatories for ease of operating the account. This should always be the Treasurer and two other designated officers of the community council.
- 5.3. Signatories should not sign blank cheques but the cheque should be prepared by the Treasurer and presented to another signatory along with appropriate documentary evidence relating to the payment. The signatory should sign the cheque and endorse the documentation with the cheque number and the payment date to show the payment has been made.
- 5.4. Cash held by the community council should be kept to a minimum and always held in a lockfast container.

Example of a Basic Layout for a Cash Book**INCOME**

Description	Ref	Chq No/Cash	Total (£)
Balance b/fwd 1 April 2016			300.00
Grant-Argyll and Bute Council	4		300.00
TOTAL			600.00

EXPENDITURE

Description	Ref	Chq No/Cash	Total (£)
Wren Websites	1	00145	150.00
Starling Stationers		Cash	50.00
Eagle Herald	3	00146	125.00
Osprey Room Hire Ltd	5	00147	50.00
Donation-Bloggs Group		Cash	125.00
Balance c/f 31 March 2017			100.00
TOTAL			600.00

“Ref” refers to the sequential numbering mentioned in paragraph 2.2 of the Financial Guidelines.

Example of Preferred Layout for Annual Accounts

XXX COMMUNITY COUNCIL

Statement of Income and Expenditure of XXX Community Council for the period XXX to XXX

<u>Income</u>	£
Council Grant	XXX
Other Donations	XXX
Income From Fund Raisers	XXX
Other Income	XXX
Bank/Building Society Interest	XXX

Total Income XXX

<u>Expenditure</u>	
Postages	XXX
Hall Hire	XXX
Advertising	XXX
(Surplus)Deficit for the Period	XXX
Opening Balance	XXX
Closing Balance as at XXX	XXX

<u>Represented By</u>	
Bank Account	XXX
Cash in hand	XXX

Prepared by Date.....

Examiners' Certificate

I have examined the books and records of the XX Community Council for the period XXX to XXX and have found the above statement to be correctly stated and sufficiently vouched.

Signed by Date.....

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

The Code of Conduct for community councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

Community councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles shall apply to all community councillors and those representing the community council. These principles are as follows:

- Service to the community (public service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Service to the Community

As a community councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Scheme for the Establishment of Community Councils, as set out by your local authority under the terms of the Local Government (Scotland) Act 1973.

You have a duty to establish and reflect, through the community council, the views of the community as a whole, on any issue, irrespective of personal opinion.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, should be made available.

Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a community councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter to be considered by the community council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the community council.

Objectivity

In all your decisions and opinions as a community councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your community council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and community council and not the interests of a particular political party or other group.

Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the community council. You must ensure that the community council uses its resources prudently and in accordance with the law.

Community councillors will individually and collectively ensure that the business of the community council is conducted according to the Scheme for the Establishment of Community Councils and this Code of Conduct.

Community councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the community council as set out in the Scheme for the Establishment of Community Councils. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of community council business and for no other purpose.

Minutes of meetings recording all actions and decisions made should be produced and circulated to all members of the community council as soon as possible after each meeting.

Any breach of the Scheme for the Establishment of Community Councils may be reported to the local authority to determine what action, if necessary, should be taken.

Openness

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the media, members of the public, or others not directly involved in your community council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the community council.

Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your community council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the community council.

Leadership

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the community council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the community council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the community council is aware of them.

Respect

You must respect fellow members of your community council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, you have dealings with in your capacity as a community councillor.

Recognition should be given to the contribution of everyone participating in the work of the community council. You must comply with Equal Opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

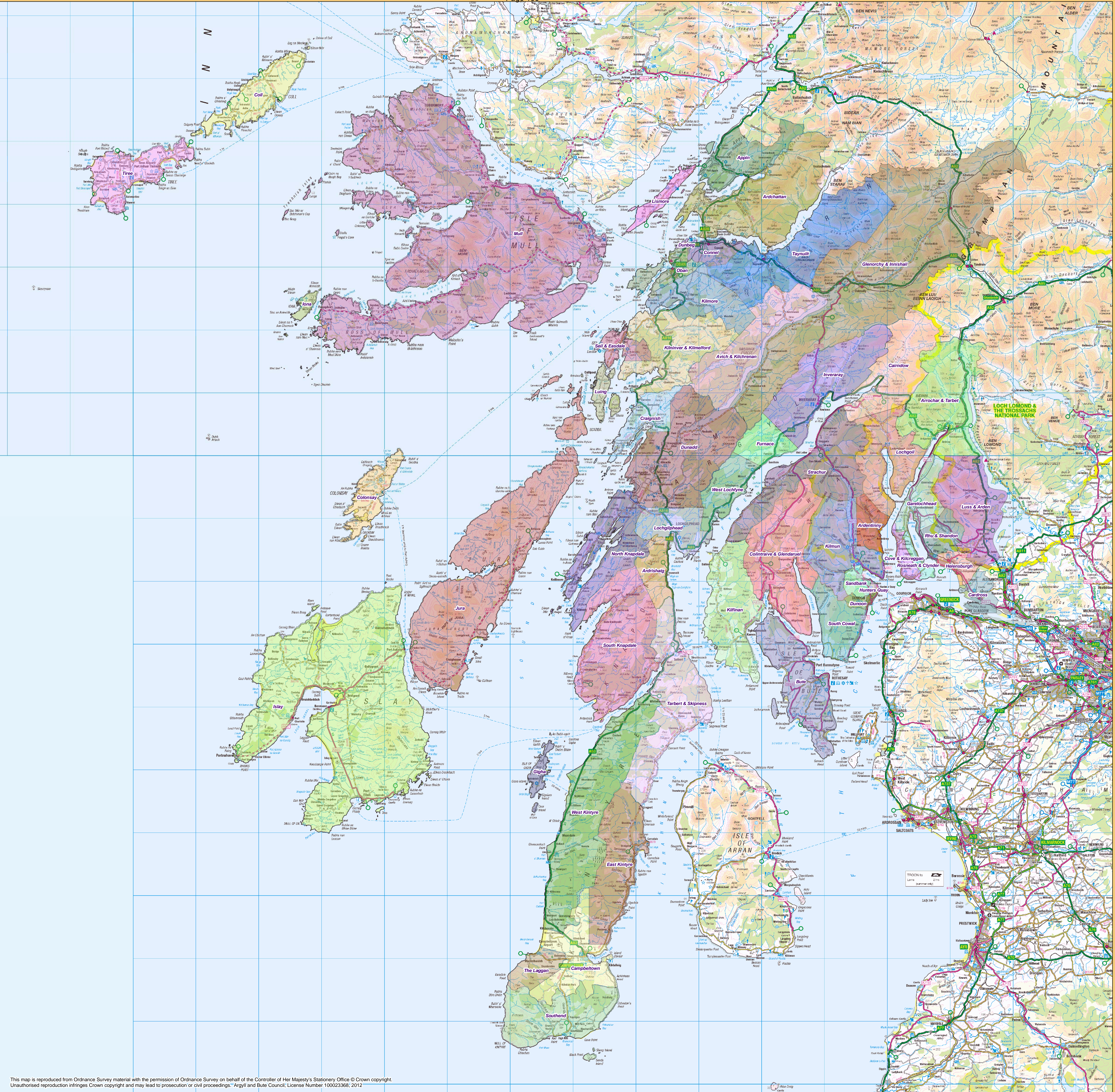


Community Council Administrative Grants

In accordance with the Scheme for the Establishment of Community Councils, Argyll and Bute Council, upon production of the approved audited accounts, and subject to the community council ensuring they have brought the Council up to date with records of meetings, may provide an administrative grant to community councils to assist with the operating costs of the community council.

Administrative grants are as follows:

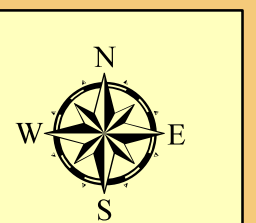
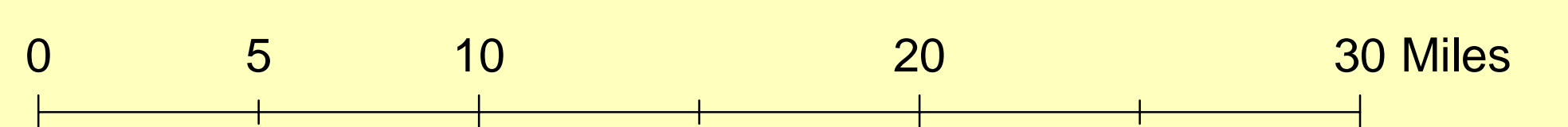
Number in Electorate	Grant Payable (£)
Up to 600	400
601 - 1000	400
1001 – 5000	500
5001 +	700



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ARGYLL AND BUTE: COMMUNITY COUNCILS



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