

Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Customer Services
Executive Director: Douglas Hendry



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19 September 2018

NOTICE OF MEETING

A meeting of **ARGYLL AND BUTE COUNCIL** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **THURSDAY, 27 SEPTEMBER 2018** at **10:30 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. MINUTES

- (a) Argyll and Bute Council of 28 June 2018 (Pages 5 - 12)
- (b) Special Argyll and Bute Council of 16 August 2018 (Pages 13 - 14)

4. MINUTES OF COMMITTEES

- * (a) Policy and Resources Committee of 16 August 2018 (Pages 15 - 20)
- (b) Community Services Committee of 23 August 2018 (Pages 21 - 30)
- * (c) Environment, Development and Infrastructure Committee of 6 September 2018 (Pages 31 - 34)

The above minutes are submitted to the Council for approval of any recommendations on the items which the Committee does not have delegated powers. These items are marked with an *.

5. LEADER'S REPORT

Report by Leader of the Council (Pages 35 - 46)

6. POLICY LEADS REPORT

Report by Policy Leads (Pages 47 - 72)

7. SUPPORTING COMMUNITIES FUND - PARTICIPATORY BUDGETING PILOT EVALUATION

Report by Chief Executive (Pages 73 - 78)

- 8. LOCAL GOVERNANCE REVIEW COMMUNITY ENGAGEMENT UPDATE**
Report by Chief Executive (Pages 79 - 106)
- 9. CONSULTATION FOR BUDGET SETTING IN 2019/2020**
Report by Executive Director of Customer Services (Pages 107 - 114)
- 10. COUNCIL APPOINTMENTS**
Report by Executive Director of Customer Services (Pages 115 - 118)
- 11. AMENDMENT TO FEES AND CHARGES - BURIALS AND CREMATIONS**
Report by Executive Director of Development and Infrastructure (Pages 119 - 124)

REPORTS FOR NOTING

- 12. CODE OF CONDUCT FOR COUNCILLORS AND GUIDANCE**
Report by Executive Director of Customer Services (Pages 125 - 196)

OTHER BUSINESS FOR DECISION

- 13. NOTICE OF MOTION UNDER STANDING ORDER 13**
Moved by Councillor Paterson, seconded by Councillor Douglas

The Council notes that:

- a) the Council's wish to promote a thriving economy in Argyll and Bute and the importance of tourism and related amenities to that economy;
- b) the budget approved by the Council on 22nd February 2018 included;
 - i. a general increase in fees and charges at a general 3% above inflation; and
 - ii. an increase in car parking income
- c) the new car parking charges being introduced at Glen Loin 1 & 2 which increase the daily parking rate from £1 per day to £9 per day represent an increase of 800%;
- d) as a consequence, Glen Loin 1 & 2, become amongst the most expensive in Scotland, in stark contrast with the least expensive; Ben Nevis, Ben Lomond and the Cairngorms, at £4, £3 and £2 per day respectively, for car parks with associated facilities and amenities;
- e) these increases have given rise to considerable public objection, given voice in the "Petition Argyll and Bute Council against raising parking fees at Arrochar car parks by 800%" which at the time of writing stands at 3,903 signatories;

The Council agrees:

1. To amend the car parking charges at Glen Loin 1 & 2, to £1 per hour, for the first three hours;
2. To cap the day rate for Glen Loin 1 & 2 to £3 for any length of stay beyond 3 hours;
3. That officers are to assess the available information on car park use to inform a revised charging regime reflecting urban and rural local parking facilities and usage and bring a report to the December meeting of the P & R Committee.

- E1 14. 43 STEVENSON STREET, OBAN**
Report by Executive Director of Customer Services (Pages 197 - 200)

E1 15. FORMER KERRERA PRIMARY SCHOOL - PROPOSED SALE TO ISLE OF KERRERA DEVELOPMENT TRUST

Report by Executive Director of Customer Services (Pages 201 - 204)

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

The appropriate paragraphs are:-

E1 Paragraph 6 Information relating to the financial or business affairs of any particular person (other than the authority).

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

ARGYLL AND BUTE COUNCIL

Contact: Sandra Campbell Tel: 01546 604401

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**MINUTES of MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL CHAMBER,
KILMORY, LOCHGILPHEAD
on THURSDAY, 28 JUNE 2018**

Present: Councillor Len Scoullar (Chair)

Councillor Jim Anderson	Councillor Barbara Morgan
Councillor John Armour	Councillor Ellen Morton
Councillor Gordon Blair	Councillor Aileen Morton
Councillor Rory Colville	Councillor Gary Mulvaney
Councillor Robin Currie	Councillor Iain Paterson
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor Jim Findlay	Councillor Elaine Robertson
Councillor George Freeman	Councillor Richard Trail
Councillor Audrey Forrest	Councillor Sandy Taylor
Councillor Kieron Green	Councillor Douglas Philand
Councillor Anne Horn	Councillor Andrew Vennard
Councillor Donald Kelly	Councillor Jean Moffat
Councillor Donald MacMillan	Councillor Jim Lynch
Councillor David Kinniburgh	Councillor Graham Archibald Hardie
Councillor Yvonne McNeilly	

Attending: Cleland Sneddon, Chief Executive
Douglas Hendry, Executive Director of Customer Services
Pippa Milne, Executive Director of Development and Infrastructure
Charles Reppke, Head of Governance and Law
Kirsty Flanagan, Head of Strategic Finance
Christina West, Chief Officer, Health and Social Care Partnership
Jane Fowler, Head of Improvement and HR

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Devon, Good, McCuish, McGrigor, McKenzie and Reid.

The Provost advised that Councillor Devon was undergoing a new medical treatment and he wished her all the best.

2. DECLARATIONS OF INTERESTS

There were no declarations of interest intimated.

3. MINUTES

The Minutes of the Argyll and Bute Council Meeting held on 26 April 2018 were approved as a correct record.

Arising under Item 7 (Political Management Arrangements), Councillor Taylor asked for an amendment to show that Councillor Horn should replace Councillor Forrest on the Community Services Committee which was agreed.

4. MINUTES OF COMMITTEES

(a) **Policy and Resources Committee of 24 May 2018**

The Minute of the Policy and Resources Committee held on 24 May 2018 was noted.

Arising under Item 4 (Financial Monitoring Report) the Council:- agreed that the cremation charges for adults aged 16 and over be amended to £665 for 2018-19.

Arising under Item 7 (Risk Management Manual) the Council:- approved the Risk Management Manual.

Arising under Item 8 (Scottish Government Funding for Welfare Reform) the Council:-

1. Approved the continued carry forward of the balance of this as earmarked funds estimated at £18,595 and approved the proposals for their use for digital inclusion services as summarised in the report to P&R.
2. Approved the carry forward of the balance of the unspent 2017/18 DHP monies of £39,839 as earmarked funds to be used to fund DHP payments in 2018/19 in order to help maintain current priority levels into 2018/19.

Arising under Item 10 (Anti-Poverty Strategy 2018-2022) the Council:-

1. Approved the draft Anti-Poverty Strategy and Plan.
2. Noted that the Strategy and Plan, once approved, would be shared with community and participation groups, that mechanisms will be set up to monitor targets and milestones and that a report will be brought back annually reviewing actions achieved at the end of each reporting year.

Arising under Item 11 (Public Room Booking in Helensburgh and Lomond Civic Centre) the Council:-

1. Approved the revised charges for booking each of the public rooms, with separate rates for (a) community use and; (b) commercial use.
2. Approved the introduction of different charges for day time use and for evening and weekend use.
3. Approved the ability to offer Annex Room 2 at a discount to users when booking Annex 1.

Arising under Item 12 (Review of Strategic Events and Festivals Grant Process) the Council:- agreed that the 2019/20 budget be set at £113k (excluding the Mod) and noted that future budget levels will be subject to decisions taken as part of the Council's budget process.

(b) **Environment, Development and Infrastructure Committee of 7 June 2018**

The Minute of the Environment, Development and Infrastructure Committee held on 7 June 2018 was noted.

(c) **Community Services Committee of 14 June 2018**

The Minute of the Community Services Committee held on 14 June 2018 was

noted.

5. LEADER'S REPORT

The Council gave consideration to a report providing an update on the activities of the Leader of Argyll and Bute Council from 1 April to 8 June 2018, together with an update from the Policy Lead for Economic Development.

Decision

1. The Council noted the terms of the report.
2. Noted that the full Leaders report pack was available in the Leader's Office which included COSLA papers and briefings as referenced in the report.
3. Noted that any COSLA items heard in public session could be provided to Members electronically and any items taken in private session could be reviewed in the Leader's Office.

(Ref: Report by Leader of the Council dated 7 June 2018, submitted)

6. POLICY LEADS REPORT

The Council gave consideration to a report providing an update on key areas of activity for each Policy Lead Councillors.

Decision

The Council agreed to note and endorse the terms of the report.

(Ref: Report by Policy Leads dated 7 June 2018, submitted)

7. YEAR END REPORTS PACK 2017-18

(a) Covering Report and Unaudited Accounts 2017-18

The Council considered a report which gave an overview of the Unaudited Annual Accounts for 2017/18 and a summary of the significant movements from 2016/17. The report also gave information on the revenue outturn for 2017/18 and sought approval of the unaudited financial statements in respect of 2017/18 for issue.

Decision

The Council approved the Unaudited Annual Accounts for the year ended 31 March 2018 for issue.

(Ref: Report by the Head of Strategic Finance dated June 2018, submitted)

(b) Unaudited Summary Accounts 2017-18

The Council gave consideration to the Summary Accounts 2017/18 which provided a summary of some of the key issues from the 2017/18 Annual Accounts. The report provided information on the comprehensive income and Expenditure Statement, the Balance Sheet, Reserves, Cash Flow Statement and also provided

comment on plans for the future.

Decision

The Council noted the summary of key issues from the 2017/18 Annual Accounts.

(Ref: Report by the Head of Strategic Finance dated June 2018, submitted)

(c) Revenue Budget Monitoring Year End Report 2017-18

The Council considered a report which summarised the revenue budget position of the Council as at the end of the financial year 2017/18.

Decision

The Council:-

1. noted the revenue budget monitoring position as at the end of the financial year 2017/18.
2. noted that the unallocated balance within the General Fund as at 31 March 2018, after taking into account the contingency, amounted to £1.868m.

(Ref: Report by the Head of Strategic Finance dated June 2018, submitted)

(d) Earmarked Reserves Year End 2017-18

The Council considered a report which provided information on the progress with balances already earmarked within the General Fund, new balances earmarked at the end of 2017/18 that qualify for automatic carry forward and sought approval for 10 new unspent budget earmarking proposals.

Decision

The Council:-

1. Reviewed and approved the revised Policy on Year End Flexibility, included as Appendix 2 to the report, including the approval of a new category for automatic carry forward of additional fees and charges income generated from Piers and Harbours operations in order to create a Piers and Harbours Investment Fund.
2. Approved the 10 new unspent budget earmarked reserve proposals totalling £0.682m, as per the business cases submitted and as outlined within Appendix 1 of the report.
3. Noted the new balances at the end of 2017-18 that qualify for automatic carry-forward as outlined within Appendix 3 of the report.
4. Noted the previously approved unspent budget earmarked reserves and the justification for continuing to earmark these as outlined within Appendix 4 of the report.

5. Noted that £0.574m of earmarked balances will be released back into the General Fund as these balances are no longer required.
6. Noted the other balances contained within Appendix 5 of the report, both previously earmarked and new balances that have been subject to a previous Council decision.

(Ref: Report by the Head of Strategic Finance dated June 2018, submitted)

(e) **Capital Budget Monitoring Report Year End Report 2017-18**

The Council considered a report which highlighted the contents of the financial summary in relation to the Capital Budget as at 31 March 2018. The report provided information on the financial position in respect of the Capital Plan and also the performance in terms of delivery of capital plan projects.

Decision

The Council noted the contents of the financial summary.

(Ref: Report by the Head of Strategic Finance dated June 2018, submitted)

(f) **Annual Treasury Report 2017-18**

The Council considered the Annual Treasury Management report for 2017/18.

Decision

The Council approved the Annual Treasury Management report for 2017/18.

(Ref: Report by the Head of Strategic Finance dated June 2018, submitted)

(g) **Annual Efficiency Statement 2017-18**

The Council considered the contents of the Annual Efficiency Statement for 2017/18.

Decision

The Council noted the Annual Efficiency Statement for 2017/18.

(Ref: Report by the Head of Strategic Finance dated June 2018, submitted)

(h) **Strategic Housing Fund Annual Report 2017-18**

The Council considered a report which provided an annual update on the Strategic Housing Fund (SHF) for 2017/18.

Decision

The Council noted the report on income and expenditure for 2017/18 and the balance on the Strategic Housing Fund as at 31 March 2018; and noted the estimated future income for the Strategic Housing Fund for 2018/19.

(Ref: Report by the Head of Strategic Finance dated June 2018, submitted)

8. WW100 COMMEMORATIVE EVENT ISLAY 4 MAY 2018

The Council considered a report which provided an update on the national World War 1 centennial (WW100) commemoration on Islay on 4 May 2018.

Decision

The Council:-

1. Recorded its appreciation to the local group, coordinated and represented by Jenni Minto, Museum of Islay Life, and the wider community on the achievement of this significant commemorative event, their commitment to ensuring a lasting legacy and the spirit of community, compassion and resilience which made the event an inspiring and unique tribute.
2. Recognised the personal contribution from the Lord Lieutenant in leading on the organisation of the commemorative event and his support for the request to the Princess Royal to attend the event on 4 May 2018.
3. Formally recorded their gratitude and appreciation of the decision of the WW100 Commemorations Panel to hold a national commemorative event on Islay and in particular to record its thanks for the personal and continuing commitment shown by Professor Drummond and his team and to those colleagues in the Scottish government, led by Mrs Marion Morris, on the planning and delivery of the event.
4. Formally recognised the contribution made by Council staff to ensuring a successful event which included staff from across Governance and Law, Roads and Amenity, Planning & Regulatory and Education Services, and to thank all these employees involved for their efforts.

(Ref: Report by the Executive Director of Customer Services dated 21 May 2018, submitted)

9. COMMUNITY COUNCIL ELECTIONS

The Council considered a report which provided information on the recent Community Council Election on 26 April and the by-election held on 26 June 2018.

Decision

The Council agreed to arrange a further round of by elections for the un-constituted community councils given recent informal contact as set out in section 5 of the report and to delegate the arrangements for those to the Returning Officer.

(Ref: Report by the Executive Director of Customer Services dated 21 May 2018, submitted)

10. CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960 NEW LICENSING SYSTEM FOR MOBILE HOME SITES WITH PERMANENT RESIDENTS

The Council considered a recommendation by the Planning, Protective Services and Licensing Committee of 20 June 2018 with regard to the fee structure for a new licensing regime for residential caravan sites.

Decision

The Council agreed to the fee structure detailed in section 7.7 of the PPSL report.

(Ref: Recommendation by the PPSL Committee of 20 June 2018, submitted)

11. ANIMAL DEALER LICENSING REGIME

The Council considered a recommendation by the Planning, Protective Services and Licensing Committee of 20 June 2018 with regard to the fee structure arrangements for the licensing regime for animal dealers.

Decision

The Council agreed to the fee structure detailed in section 4.2 of the PPSL report.

(Ref: Recommendation by the PPSL Committee of 20 June 2018, submitted)

12. DUNOON AMATEUR BOXING CLUB (DABC) - FUNDING REQUEST

The Council considered a report which sought approval of the application and to the release of the funding with the final release of the funding to be delegated to officers.

Decision

1. The Council approved the release of £100,000 subject to the receipt of acceptable tenders being received that are considered to be deliverable by council officers.
2. Agreed to the final release of council funding being delegated to the Executive Director of Development and Infrastructure in consultation with the Executive Director of Customer Services and the Head of Strategic Finance.

(Ref: Report by the Executive Director of Development and Infrastructure Services dated 4 June 2018, submitted)

13. REQUEST FOR INWARD INVESTMENT FUND SUPPORT TO THE FIRST STAGE OF DEVELOPMENT OF BUTE ISLANDS FOODS LTD

The Council considered a report which provided information on Bute Islands Foods Ltd (BIF), its planned expansion/development and its request for support from the Inward Investment Fund.

Decision

1. Note the contents of the report and approved, in principle, the award of £100,000 from the Inward Investment Fund to support the first phase of development by BIF.
2. Authorised the Executive Director of Development and Infrastructure in consultation with the Executive Director of Customer Services and the Head of Strategic Finance, to issue an offer to grant these funds to BIF on such terms and conditions as the Executive Director of Development and Infrastructure may reasonably

determine. In particular, subject to BIF being successful in obtaining planning permission for the development; a condition requiring repayment of the grant funding in the event that BIF fail to maintain the investment/jobs created by the grant funding on the Island of Bute for a minimum of 3 years after the completion of the development; and such other terms and conditions as may be required in order for the Council to comply with all legislative provisions relating to the granting of such State Aid.

(Ref: Report by the Executive Director of Development and Infrastructure dated 28 May 2018, submitted)

14. VOLUNTEERING - ACTION RESEARCH PROJECT

The submitted report outlined a proposition for an Action Research Project to develop learning and support managers to create opportunities for volunteering input in areas such as health, care and the environment.

Decision

The Council noted the content of the report and that officers will engage with the Local Government Improvement Service to secure external funding support to deliver an Action Research Project to promote volunteering opportunities and improve community participation in public services.

(Ref: Report by Chief Executive dated 9 April 2018, submitted)

15. CAPITAL PLANNING UPDATE

The submitted report advised of progress on improvements to the capital planning process.

Decision

The Council noted the actions being taken to progress improvements to the capital planning process and that on conclusion of this exercise, a detailed report recommending revisions to the capital planning and prioritisation process will come before the Council in the Autumn for approval.

(Ref: Report by the Executive Director of Customer Services dated 15 June 2018, submitted)

**MINUTES of Special MEETING of ARGYLL AND BUTE COUNCIL held in the COUNCIL
CHAMBER, KILMORY, LOCHGILPHEAD
on THURSDAY, 16 AUGUST 2018**

Present: Councillor Len Scoullar (Chair)

Councillor Robin Currie	Councillor Gary Mulvaney
Councillor Lorna Douglas	Councillor Alastair Redman
Councillor George Freeman	Councillor Alan Reid
Councillor Audrey Forrest	Councillor Elaine Robertson
Councillor Kieron Green	Councillor Richard Trail
Councillor Donald MacMillan	Councillor Sandy Taylor
Councillor Ellen Morton	Councillor Douglas Philand
Councillor Aileen Morton	

Attending: Cleland Sneddon, Chief Executive
Douglas Hendry, Executive Director of Customer Services
Charles Reppke, Head of Governance and Law
Kirsty Flanagan, Head of Strategic Finance

1. APOLOGIES FOR ABSENCE

Apologies for absence were intimated from Councillors Anderson, Armour, Blair, Colville, Devon, Findlay, Good, Kelly, Kinniburgh, McCuish, McGrigor, McKenzie, McNeilly, Moffat and Paterson.

2. DECLARATIONS OF INTERESTS

There were no declarations of interest intimated.

3. APPOINTMENT OF RECRUITMENT PANEL: POST OF CHIEF OFFICER (HEALTH AND SOCIAL CARE PARTNERSHIP)

The Council considered a report which invited the Council to establish an Appointments Panel to appoint the post of Chief Officer (Health and Social Care Partnership) following the resignation of the current post holder.

Decision

1. Agreed to establish an Appointments Panel for the recruitment of the Chief Officer (Health and Social Care Partnership).
2. Agreed that the Appointments Panel has eight Members: three each from the Council (being Councillors A Morton, Green and Taylor) and from the NHS Board and the Chief Executives of the Council and NHS Highland.
3. Delegated the arrangements for the Appointment process to the Head of Improvement and HR.

(Ref: Report by Executive Director of Customer Services dated 16 August 2018, submitted)

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**MINUTES of MEETING of POLICY AND RESOURCES COMMITTEE held in the COUNCIL
CHAMBER, KILMORY, LOCHGILPHEAD
on THURSDAY, 16 AUGUST 2018**

Present: Councillor Aileen Morton (Chair)

Councillor Robin Currie	Councillor Douglas Philand
Councillor Lorna Douglas	Councillor Alan Reid
Councillor Audrey Forrest	Councillor Elaine Robertson
Councillor Kieron Green	Councillor Len Scoullar
Councillor Ellen Morton	Councillor Sandy Taylor
Councillor Gary Mulvaney	Councillor Richard Trail

Attending: Cleland Sneddon, Chief Executive
Douglas Hendry, Executive Director of Customer Services
Pippa Milne, Executive Director of Development and Infrastructure Services
Patricia O'Neill, Central Governance Manager
Jane Fowler, Head of Improvement and HR
Judy Orr, Head of Customer and Support Services
Fergus Murray, Head of Economic Development and Strategic Transportation
Alan Morrison, Regulatory Services Manager

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rory Colville, Roddy McCuish and Yvonne McNeilly.

2. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

3. MINUTES

The Minute of the meeting of the Policy and Resources Committee held on 24 May 2018 was approved as a correct record.

4. FINANCIAL REPORT MONITORING PACK - JUNE 2018

The Committee gave consideration to a report providing a summary of the financial monitoring reports as at the end of June 2018. Reports attached to the summary were the Revenue Budget Monitoring Report; Monitoring of Service Package Policy Options; Monitoring of Financial Risks; Capital Plan Monitoring Report; Treasury Monitoring Report and Reserves and Balances all dated as at 30 June 2018.

Decision

The Policy and Resources Committee –

1. Noted the Revenue Budget Monitoring Report as at 30 June 2018.
2. Noted the changed accounting treatment in respect of the Health and Social Care Partnership and the adverse impact it has on the Council's 2018/19 forecast

overspend with £2.4M of the £2.8M total relating to the Health and Social Care Partnership.

3. Requested that the Section 95 Officer liaise with the Health and Social Care Partnership Chief Financial Officer in respect of plans to reduce the overspend and provide an update to the Committee in the October report.
4. Noted the progress of the Service Package Policy Saving Options as at 30 June 2018.
5. Noted the current assessment of the Council's financial risks.
6. Noted the Capital Plan Monitoring Report as at 30 June 2018.
7. Noted the Treasury Monitoring Report as at 30 June 2018.
8. Noted the Reserves and Balances Report as at 30 June 2018.

(Reference: Report by Head of Strategic Finance, dated 16 August 2018, submitted.)

5. BUDGET OUTLOOK 2019-20 TO 2021-22

The Committee gave consideration to a report providing an update to the budget outlook 2019-20 to 2021-22, reported to Policy and Resources Committee on 17 May 2018.

Decision

The Policy and Resources Committee noted the current estimated budget outlook position for the period 2019-20 to 2021-22.

(Reference: Report by Head of Strategic Finance dated 16 August 2018, submitted.)

6. SERVICE ANNUAL PERFORMANCE REVIEWS 2017-18 AND CUSTOMER SERVICES AND STRATEGIC FINANCE PERFORMANCE REPORT FQ1 2018-2019

The Committee gave consideration to the Service Annual Performance Reviews from Customer Services and Strategic Finance for 2017-18 and the departmental performance reports and associated scorecards for performance in FQ1 2018-19 (April – June).

Decision

The Policy and Resources Committee -

1. Agreed to endorse the Annual Performance Reports for 2017/18 as presented.
2. Reviewed and noted the scorecards as presented.

(Reference: Report by Executive Director - Customer Services dated 16 August 2018, submitted)

Councillor Sandy Taylor left the meeting at this point.

7. PROPOSED BY ELECTION - COLONSAY COMMUNITY COUNCIL

The Committee gave consideration to a report highlighting the request from Colonsay Community Council to hold a by election to enable them to fill out spaces in their membership due to the exceptional level of interest in members joining.

Decision

The Policy and Resources Committee –

1. Noted the request from Colonsay Community Council for a by election to be carried out to fill spaces in their membership.
2. Agreed that given the exceptional circumstances pertaining to this matter, the request be granted.

(Reference: Report by Executive Director - Customer Services dated 16 August 2018, submitted)

Councillor Sandy Taylor re-joined the meeting at this point.

* **8. INFORMATION MANAGEMENT STRATEGY 2018 - 2021**

The Committee gave consideration to a report setting out the Information Management (IM) Strategy 2018-21 and outlining the approach that the Council will take to the governance, deployment and development of improved processes, procedure and technologies for better management of information.

Decision

The Policy and Resources Committee agreed to recommend to the Council approval of the Information Management (IM) Strategy for Argyll and Bute Council 2018 – 2021.

(Reference: Report by Executive Director - Customer Services dated 16 August 2018, submitted)

9. REVIEW OF ADVICE SERVICES

The Committee gave consideration to a report detailing the outcome of work previously undertaken to establish a proposed new model for the delivery of advice services. The report proposed a strategy and a sustainable and affordable model by which the Council could support advice services for the future.

Decision

The Policy and Resources Committee –

1. Approved the new model and implementation of the new arrangements for advice services of mixed economy and support to a single advice provider, commencing on 1 April 2019 (paragraph 5.4).

2. Agreed that the focus of Council activity should be on the vulnerable and acknowledged the critical role for the Health and Social Care Partnership in delivering this model (paragraph 5.4.a. and picking up discussions at Committee).
3. Agreed the new Governance arrangements and the changing remit and name of the Welfare Reform Working Group (paragraphs 5.5 & 5.6).
4. Approved the “no-cost” option for affordable credit (paragraph 6.3).
5. Endorsed the development of the Council’s website to provide a “single landing page” for advice services which can signpost clients to appropriate services, provide links to national and local advice via other website, and highlight issues relating to advice services across Argyll and Bute (paragraph 6.3).
6. Requested that a report come back to a future Policy and Resources Committee on the progress made towards the delivery of the mixed economy model.

(Reference: Report by Executive Director - Development and Infrastructure Services dated 16 August 2018, submitted)

* **10. FILM IN ARGYLL AND BUTE - FACILITATING THE USE OF COUNCIL ASSETS**

The Committee gave consideration to a report highlighting the opportunity to better use the Council’s assets for the purpose of filming by production companies and individuals looking to film in Argyll and Bute. To enable this change and to improve the service provided, a charging model and schedule has been developed, together with a structured transparent process.

Decision

The Policy and Resources Committee –

1. Agreed to recommend to Council the proposed Film Location Charging Schedule, to be reviewed annually as part of the budget process.
2. Noted the proposed Location Release Form (Appendix 2).

(Reference: Report by Executive Director - Development and Infrastructure Services dated 16 August 2018, submitted)

11. WEST OF SCOTLAND LOAN FUND - TRANSFER OF SURPLUS FUNDS TO ARGYLL AND BUTE COUNCIL

The Committee gave consideration to a report providing an update on the proposed transfer of surplus funds from the West of Scotland Loan Fund (WSLF), which is no longer active following the launch of Business Loans Scotland (BLS), to Argyll and Bute Council.

Decision

The Policy and Resources Committee approved that the transferred funds from the WSLF surplus be used to finance:

1. £75k of match funding, circa £25k per annum for 3 years, for a Phase 2 Argyll and Bute Business Gateway Local Growth Accelerator programme, subject to a successful application.
2. Additional SME support circa £75k, specifically linked to the Rural Growth Deal initiatives if opportunities are identified.

(Reference: Report by Executive Director - Development and Infrastructure Services, dated 16 August 2018, submitted)

12. REQUEST FOR INWARD INVESTMENT FUND SUPPORT FOR FEASIBILITY STUDY/OPTIONS APPRAISAL TOWARDS THE PROVISION OF A SEAWATER PIPE SYSTEM AT MACHRIHANISH AIRBASE COMPANY (MACC)

The Committee gave consideration to a request from the Council's Inward Investment Fund for £25k of funding to be given to the Council's Economic Development Service to procure a technical feasibility study for a new sea water pipeline at the Machrihanish Airbase Community Company (MACC) in Kintyre. It was noted that this funding would match an equal amount from HIE.

Decision

The Policy and Resources Committee agreed that £25,000 worth of funding be made available to the Council's Economic Development Service from the Inward Investment Fund (IIF) to progress the procurement of consultants to undertake the technical feasibility study.

(Reference: Report by Executive Director - Development and Infrastructure Services dated 16 August 2018, submitted)

13. SCOTTISH GOVERNMENT: NATIONAL PERFORMANCE FRAMEWORK (2018)

The Committee gave consideration to a report highlighting how the outcomes and activities of the Council contribute to the delivery of the Scottish Government's new National Outcomes. It was noted that the new National Outcomes are set out in the updated National Performance Framework.

Decision

The Policy and Resources Committee agreed to note the information contained within the report.

(Reference: Report by Executive Director - Customer Services dated 16 August 2018, submitted)

14. POLICY AND RESOURCES COMMITTEE WORKPLAN

The Policy and Resources Committee Work Plan as at August 2018 was before the Committee for noting.

Decision

The Committee noted the content of the Work Plan as at August 2018.

(Reference: Policy and Resources Committee Work Plan as at August 2018, submitted.)

**MINUTES of MEETING of COMMUNITY SERVICES COMMITTEE held in the COUNCIL
CHAMBERS, KILMORY, LOCHGILPHEAD
on THURSDAY, 23 AUGUST 2018**

Present: Councillor Yvonne McNeilly (Chair)

Councillor Rory Colville	Councillor Jim Lynch
Councillor Robin Currie	Councillor Barbara Morgan
Councillor Lorna Douglas	Councillor Alan Reid
Councillor Kieron Green	Councillor Elaine Robertson
Councillor Graham Archibald	Councillor Andrew Vennard
Hardie	William Hamilton
Councillor Anne Horn	Alison Palmer

Attending: Douglas Hendry, Executive Director – Customer Services
Anne Paterson, Head of Education: Lifelong Learning & Support
Louise Connor, Head of Education: Learning & Teaching
Stuart McLean, Area Committee Manager
Morag Brown, Business Improvement Manager
Douglas Hunter, Senior Performance and Improvement Manager
Rona Gold, Community Planning Manager
Kathryn Wilkie, Education Officer
Bill Halliday, Housing Operations Lead
Alasdair Calder, Housing Officer
Stuart McLean, Group Manager, Scottish Fire and Rescue Service
Albert Bruce, Group Manager, Scottish Fire and Rescue Service
Chief Superintendent Hazel Hendren, Local Police Commander (Argyll and West Dunbartonshire Division), Police Scotland

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jim Anderson, Mary-Jean Devon, Julie McKenzie and Iain Paterson and from Margaret Anderson and William Stewart Shaw (Church Representatives).

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTE

The Minute of the Community Services Committee meeting held on 14 June 2018 was approved as a correct record.

4. ARGYLL AND BUTE ANNUAL EDUCATION PLAN WITH PROGRESS UPDATE

The Committee gave consideration to a report providing an update on the progress made by the Education Service in achieving the priorities included in the Argyll and Bute Annual Education Plan for 2017-18 which had previously been presented to the Committee in August 2017. The report also provided an outline of priority actions for 2018-19.

Decision

The Committee agreed to:-

1. note the progress made with respect to priority actions within the 2017-18 Argyll and Bute Annual Education Plan;
2. approve the 2018-19 Annual Education Plan (Appendix 1);
3. approve the publishing of the 2018-19 Annual Education Plan; and
4. approve the submission of the 2018-19 Annual Education Plan to the Scottish Government.

(Reference: Report by Executive Director - Customer Services dated 23 August 2018, submitted)

5. 2017/18 ANNUAL REVIEW OF THE CHILDREN AND YOUNG PEOPLES SERVICES PLAN 2017 - 2020

The Committee gave consideration to the first annual review of the Children and Young People's Service Plan 2017-2020. The review contained information on the performance and progress to date, developments that had taken place since the plan was published, and the key plans for the year ahead.

Decision

The Committee agreed:-

1. to note that both NHS Highland and Argyll and Bute Council are jointly and equally responsible for children's services planning;
2. to approve the Argyll and Bute Children and Young People's Services Plan 2017-2020 Year 1 review for the period 2017/18;
3. that once approved by the Community Services Committee and approved by the Integration Joint Board to approve the submission of the Children and Young People's Services Plan Year 1 review to the Scottish Government as per the legislative requirement; and
4. to note that a presentation on the PATHS curriculum (Promoting Alternative Thinking Strategies) would be brought to the next meeting of the Community Services Committee in December 2018.

(Reference: Report by Chief Officer - Health and Social Care Partnership dated 23 August 2018, submitted)

The following 2 reports were presented together.

6. OPTIONS APPRAISAL FOR THE FUTURE OF ARDCHATTAN PRIMARY SCHOOL

The Committee gave consideration to a report providing detail of the options appraisal process and the options identified for the future of Ardchattan Primary School.

Decision

The Committee agreed:-

1. to note the options identified through the preliminary consultation process into the future of Ardchattan Primary School;
2. that Education Officers begin the formal consultation process as detailed in the Schools Consultation (Scotland) Act 2010 as amended; and
3. to note that papers produced for the public should be readily available.

(Reference: Report by Executive Director - Customer Services dated 23 August 2018, submitted)

7. OPTIONS APPRAISAL FOR THE FUTURE OF ASHFIELD PRIMARY SCHOOL

The Committee gave consideration to a report providing detail of the options appraisal process and the options identified for the future of Ashfield Primary School.

Decision

The Committee agreed:-

1. to note the options identified through the preliminary consultation process into the future of Ashfield Primary School;
2. that Education Officers begin the formal consultation process as detailed in the Schools Consultation (Scotland) Act 2010 as amended; and
3. to note that papers produced for the public should be readily available.

(Reference: Report by Executive Director - Customer Services dated 23 August 2018, submitted)

8. INSPECTION OF THE EDUCATION FUNCTIONS OF ARGYLL AND BUTE COUNCIL (INEA)

Following a further inspection by Education Scotland of the Education functions of Argyll and Bute Council, consideration was given to a report highlighting the outcome and confirming the progress made by the Authority in addressing the main points for action contained within the initial inspection report of 21 March 2017.

Decision

The Committee agreed to:-

1. note the further inspection of the Education functions of Argyll and Bute Council which commenced on 14 May 2018;
2. note the timetable and programme associated with the inspection;
3. consider the inspection report published by Education Scotland on 31 July 2018;
4. note the progress made by Education Services and the Council in responding to the main points for actions contained within the initial published inspection report of 21 March 2017;
5. note that Education Scotland had informed the Education Service that they would undertake a one day inspection on 2 October 2018; and
6. request that the Heads of Education bring a further progress report to a future meeting of the Community Services Committee.

(Reference: Report by Heads of Education dated 23 August 2018, submitted)

9. FEASIBILITY STUDY INTO A GAELIC MEDIUM PRIMARY SCHOOL IN OBAN

In January 2018 a Feasibility Study was commissioned by Comann nam Pàrant an Òbain to “consider the feasibility of a stand-alone Gaelic Medium Education (GME) primary school in Oban with additional community use space and potential income generation streams”. The Feasibility Study has now been completed and presents an argument in favour of the idea of a stand-alone GME primary school.

Consideration was given to a report advising of a request from Comann nam Pàrant an Òbain that the Authority now considers the findings of the Feasibility Study and undertakes a formal consultation of the proposal for a GME primary school in Oban.

Decision

The Committee agreed:-

1. to note the request from Comann nam Pàrant an Òbain; and
2. that officers continue their evaluation of the feasibility study and bring a further report to the Committee in December 2018 when this exercise has been concluded.

(Reference: Report by Executive Director - Customer Services dated 23 August 2018, submitted)

10. NORTHERN ALLIANCE REGIONAL IMPROVEMENT PLAN (PHASE 2)

The Committee gave consideration to a report outlining the ongoing work of the Northern Alliance in the development of the second phase of the Regional Improvement Plan, which will be submitted to Education Scotland on 3 September 2018 for sign off.

Decision

The Committee agreed to:-

1. endorse the continued work of the Northern Alliance; and
2. note that the Regional Improvement Plan (Phase 2) would be submitted to Education Scotland on 3 September 2018 for sign off and agree that any amendments which may be required are delegated to the Head of Education: Lifelong Learning and Support in consultation with the Head of Education: Learning and Teaching, the Executive Director of Customer Services and the Policy Lead for Education.

(Reference: Report by Head of Education: Lifelong Learning & Support/Chief Education Officer dated 23 August 2018, submitted)

11. SQA SCHOOL EXAMINATION RESULTS 2018

The Committee gave consideration to a report providing an update on the initial outcome of the Scottish Qualifications Authority (SQA) 2018 examination diet.

Decision

The Committee agreed to:-

1. note the outcome of the initial SQA examination results for pupils in academic year 2017/18 and that the performance of Argyll and Bute Schools in 2018 is above the current national performance in Scottish Qualifications Authority (SQA) examinations in all four of the national measures; National 4, National 5, Higher and Advanced Higher; and
2. request the Executive Director to provide further reports to the Community Services Committee to allow the consideration of further statistical school and national information, scheduled for release by Insight (school data analysis tool introduced in 2015) in September 2018 and February 2019.

(Reference: Report by Executive Director - Customer Services dated 23 August 2018, submitted)

Councillor Anne Horn left the meeting during consideration of the foregoing item.

12. MONITORING OF PROJECTS FUNDED THROUGH "GROWING GAELIC" PARTICIPATORY BUDGETING GRANTS 2017/18

Consideration was given to a report providing monitoring information on the grants distributed through the Growing Gaelic Participatory Budgeting pilot, including the end of year (2017/18) monitoring on the projects funded, which was collated from the information taken from the end of year project monitoring reports returned by those organisations awarded funding. It was noted that the total funding available through the project for allocation across Argyll and Bute for 2017/18 was £15,000.

Decision

The Committee considered and noted the contents of the report showing the contribution of the groups to Growing Gaelic in Argyll and Bute.

(Reference: Report by Chief Executive dated 23 August 2018, submitted)

Councillor Horn returned to the meeting during consideration of the foregoing item.

13. COUNCIL FUNDING SUPPORT TO FÈISEAN NAN GÀIDHEAL 2018/19

The Committee gave consideration to a report outlining a proposal to provide funding support for Fèisean nan Gàidheal's work in Argyll and Bute in 2018/19.

Decision

The Committee agreed a Service Level Agreement of £20,000 in 2018/19 to fund the work of Fèisean nan Gàidheal as detailed in 4.1 of the report.

(Reference: Report by Chief Executive dated 23 August 2018, submitted)

The Chair ruled, and the Committee agreed, to vary the order of business on the Agenda and consider the Education Service Annual Performance Review 2017/18 and Performance Report – FQ1 2018/19 next.

14. EDUCATION SERVICE ANNUAL PERFORMANCE REVIEW 2017/18 AND PERFORMANCE REPORT - FQ1 2018/19 (APRIL - JUNE)

The Committee gave consideration to a report presenting the Service Annual Performance Review (APR) from Education for 2017-18 and the departmental performance report and associated scorecard for performance in FQ1 2018-19 (April-June).

Decision

The Committee agreed to:-

1. endorse the APR as presented; and
2. review and note the scorecard as presented.

(Reference: Report by Executive Director - Customer Services dated 23 August 2018, submitted)

15. FUEL POVERTY (TARGET, DEFINITION AND STRATEGY) (SCOTLAND) BILL

The Committee gave consideration to a report highlighting the initial progress with the Fuel Poverty (Target, Definition and Strategy) (Scotland) Bill which is currently in the first stage of the parliamentary process. The report included information on the changes to the definition, which would have considerable challenges for Argyll and Bute as a whole, as well as the additional challenges faced with the proposals identified in the Energy Efficient Scotland consultation.

Decision

The Committee agreed:-

1. to note the response to the consultation submitted by Officers; and
2. that the Chair would discuss with the Leader and Depute Leader of the Council and the Leader of the Opposition political input to this consultation and bring a report back to the Community Services Committee in December 2018 on the outcome of these discussions.

(Reference: Report by Executive Director - Development and Infrastructure Services dated 23 August 2018, submitted)

16. HOUSING SERVICE ANNUAL PERFORMANCE REVIEW 2017/18

The Committee gave consideration to a report presenting the Service Annual Performance Review (APR) from Housing Services for 2017-18.

Decision

The Committee endorsed the Service APR as presented.

(Reference: Report by Executive Director - Development and Infrastructure Services dated 23 August 2018, submitted)

Councillor Elaine Robertson joined the meeting during consideration of the foregoing item.

17. HOUSING SERVICE PERFORMANCE REPORT FQ1 2018-19

The Committee gave consideration to a report presenting the Housing Services performance report with associated scorecard for performance in FQ1 2018-19 (April to June 2018).

Decision

The Committee reviewed and noted the scorecard as presented.

(Reference: Report by Executive Director - Development and Infrastructure Services dated 23 August 2018, submitted)

18. ARGYLL AND BUTE HSCP - NATIONAL HEALTH AND WELLBEING OUTCOMES PERFORMANCE REPORTING FRAMEWORK AND EXCEPTION REPORTING ARRANGEMENTS - FQ4 2017/18 AND ANNUAL PERFORMANCE REPORT 2017/18

A report highlighting the National Health and Wellbeing Outcomes (NHWBO) Performance Reporting Framework and Exception Reporting Arrangements was before the Committee for consideration. The Committee also gave consideration to the Integrated Joint Board (IJB) Performance scorecard and the IJB Annual Performance Report 2017/18.

Decision

The Committee:-

1. considered and noted the Health and Social Care Partnership (HSCP) performance report in line with the current national reporting requirement;
2. noted the content of the IJB performance scorecard within the Pyramid System;
3. noted the publication of the IJB Annual Performance Report 2017/18; and
4. requested that the Chief Officer of the HSCP review the governance arrangements in respect of Care Inspection Reports to ensure that IJB Members are made aware of any significant service issues.

(Reference: Report by Head of Strategic Planning & Performance, HSCP, dated 23 August 2018, submitted)

19. SCOTTISH FIRE AND RESCUE SERVICE - ARGYLL AND BUTE PERFORMANCE REPORT FQ1 - APRIL - JUNE 2018

A report highlighting the Scottish Fire and Rescue Service (SFRS) FQ1 review of local performance within Argyll and Bute for 2018-19 was before the Committee for consideration.

Stuart McLean, Group Manager, presented the detail of the report and responded to a number of questions from the Committee.

Decision

The Committee reviewed and noted the contents of the report and responses to questions asked.

(Reference: Q1 2018/19 Report by Local Senior Officer, Scottish Fire and Rescue Service, submitted)

20. ARGYLL AND BUTE LOCAL POLICING PLAN 2017 - 2020 - QUARTERLY REPORT Q1 2018/19

A report by Police Scotland providing the FQ1 – 2018/19 update in relation to the Argyll and Bute Local Policing Plan for 2017 - 2020 was before the Committee for consideration.

Chief Superintendent Hendren referred to the recent tragedy on the Isle of Bute in July 2018. She spoke about the community pulling together and all the partners involved and thanked everyone involved for their input. She then presented the detail of the report and responded to a number of questions from the Committee.

Decision

The Committee:-

1. reviewed and noted the contents of the report and responses to questions asked;
and
2. noted that the recently appointed Local Roads Policing Inspector for the area would attend a future meeting of the Community Services Committee to give an update on road traffic issues.

(Reference: Report by Local Police Commander for Argyll and West Dunbartonshire Division, Police Scotland dated 23 August 2018, submitted)

21. COMMUNITY SERVICES COMMITTEE WORK PLAN 2018/19

The Community Services Committee work plan for 2018/19 was before the Committee for information.

Decision

The Committee noted the contents of the report.

(Reference: Community Services Committee Work Plan 2018-19, submitted)

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**MINUTES of MEETING of ENVIRONMENT, DEVELOPMENT AND INFRASTRUCTURE
COMMITTEE held in the COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD
on THURSDAY, 6 SEPTEMBER 2018**

Present: Councillor Roderick McCuish (Chair)

Councillor John Armour	Councillor Ellen Morton
Councillor Gordon Blair	Councillor Gary Mulvaney
Councillor Donald MacMillan	Councillor Alastair Redman
Councillor Sir Jamie McGrigor	Councillor Alan Reid
Councillor Jean Moffat	Councillor Andrew Vennard
Councillor Aileen Morton	Councillor Jim Findlay

Attending: Pippa Milne, Executive Director – Development and Infrastructure Services
Jim Smith, Head of Roads and Amenity Services
Moya Ingram, Strategic Transportation and Infrastructure Manager
Peter Leckie, Project Manager, Development and Infrastructure
John Blake, Fleet Waste and Infrastructure Manager
Iain Jackson, Governance and Risk Manager

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor David Kinniburgh.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

The Minutes of the Meeting of the Environment, Development and Infrastructure Committee held on 7 June 2018 were approved as a correct record.

**4. DEVELOPMENT AND INFRASTRUCTURE SERVICES PERFORMANCE
REPORT FQ1 APRIL TO JUNE 2018**

The Committee gave consideration to a report that presented the Development and Infrastructure Services departmental performance report and associated scorecard for performance in financial quarter one 2018/19 (April to June 2018).

Decision

The Environment, Development and Infrastructure Committee noted the Development and Infrastructure Services departmental performance report and associated scorecard for performance in financial quarter one 2018/19 (April to June 2018).

(Reference: Report by Executive Director – Development and Infrastructure Services dated August 2018, submitted)

* **5. POLICY ON MEMORIAL SAFETY IN LOCAL AUTHORITY CEMETERIES AND BURIAL GROUNDS**

The Committee gave consideration to a report which presented a draft policy document for the inspection of the 131 cemeteries in Argyll and Bute and the action which should be followed should a dangerous or potentially dangerous memorial be found. The policy document was produced following the publication of Sheriff Ruxton's determination of the Craigton Cemetery, Glasgow fatal accident enquiry on 22 January 2018.

Decision

The Environment, Development and Infrastructure Committee endorsed the policy document and agreed to recommend to Council that the Policy is approved.

(Reference: Report by Executive Director – Development and Infrastructure Services dated July 2018, submitted)

6. WASTE STRATEGY

The Committee gave consideration to a report that highlighted the changes required to Argyll and Bute Council's Waste Strategy. The report defined the issues facing waste disposal and the necessity for a change in the Strategy. The report detailed options that have the potential to resolve the issues in a cost effective manner.

Decision

The Environment, Development and Infrastructure Committee –

1. Noted the changes and technical impact; and agreed to endorse the work being progressed towards a long term waste strategy.
2. Approved the objectives of the waste strategy set out in paragraph 4.3 of the submitted report.
3. Endorsed the two shortlisted biodegradable municipal waste ban options and provided consent for a continued feasibility assessment of the outline options set out in section 4.9 of the submitted report.
4. Endorsed a request for an Islands Impact Assessment of the Waste Scotland Regulations (2012) under the terms of the Islands Act (2018) to explore:
 - The potential for additional financial support to ensure compliance with the Landfill Ban and to support Zero Waste initiatives on the islands.
 - To seek island derogation from the Landfill Ban if no additional funding support is available.

(Reference: Report by Executive Director – Development and Infrastructure Services dated August 2018, submitted)

7. FESTIVE LIGHTING UPDATE

The Council, at its Budget Meeting in February 2016, agreed to look at alternative, community led delivery methods for festive lighting prior to the Council ceasing to

provide this service after Christmas 2018. Officers have been engaging over the past 18 months with Groups in 21 towns and villages across the Council area. The Committee gave consideration to a report that provided them with an update on the work.

Decision

The Environment, Development and Infrastructure Committee noted the content of the report.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 7 August 2018, submitted)

8. TRANSPORT (SCOTLAND) BILL

The Committee gave consideration to a report which sought input to a draft response to the Transport (Scotland) Bill that had been prepared by Strathclyde Partnership for Transport.

Decision

The Environment, Development and Infrastructure Committee noted the draft response to the Transport (Scotland) Bill prepared by Strathclyde Partnership for Transport which covered the Helensburgh and Lomond area of Argyll and Bute.

(Reference: Report by Executive Director – Development and Infrastructure dated August 2018, submitted)

9. OFFICER RESPONSE TO THE "NATIONAL COUNCIL OF RURAL ADVISERS 'A RURAL CONVERSATION: TOGETHER WE CAN, TOGETHER WE WILL' CONSULTATION

A report providing Members with the officer response that was submitted to the National Council Rural Advisers (NCRA) consultation was before the Committee for noting.

Decision

The Environment, Development and Infrastructure Committee noted the officer response to the National Council Rural Advisers (NCRA) consultation which was outlined at appendix 1 to the submitted report.

(Reference: Report by Executive Director – Development and Infrastructure Services dated 3 August 2018, submitted)

10. ENVIRONMENT, DEVELOPMENT AND INFRASTRUCTURE COMMITTEE WORKPLAN

The Environment, Development and Infrastructure Committee Workplan as at September 2018 was before the Committee for noting.

Decision

The Environment, Development and Infrastructure Committee noted the content of the Workplan as at September 2018.

(Reference: Environment, Development and Infrastructure Workplan as at September 2018, submitted)

ARGYLL AND BUTE COUNCIL**COUNCIL**

27th September 2018

LEADER'S REPORT

1. INTRODUCTION

- 1.1 This report gives colleagues an update on my activities as Leader of Argyll and Bute Council from 11th June to 14th September 2018, which period takes in the July recess. It also includes an update in relation to my Policy Lead portfolio, Economic Development.

2. RECOMMENDATIONS

- 2.1 Members are asked to consider the report,
- 2.2 Members are asked to note that the full Leader's Report Pack is available in the Leader's office. This includes COSLA and other papers and briefings as referenced in the report. Any items discussed in public can be provided to members electronically; the papers for items taken in private session can be reviewed in the Leader's office.

3. OPENING OF HELMI PATISSERIE, BUTE – 17th June 2018

- 3.1 I visited Bute in May (covered in the Leader's Report for June) and had a look round the premises where the Helmi family were carrying out their last minute preparations to open a new patisserie. It was a real pleasure to attend the official opening on Sunday 17th June, just a few weeks later. With an amazing range of tempting treats on offer it was no surprise that the shelves were very quickly cleared by a steady stream of visitors and wellwishers.

The Helmi family came to the island through our refugee resettlement programme and their new patisserie is the second business established on Bute by Syrian refugees. A third business, the Rayan restaurant, has also opened up, and both residents and visitors alike are enjoying a taste of Syrian cuisine and the finest cakes and pastries.

It is fantastic to see our families settling so well into community life and offering another attraction to complement Bute's already well-established reputation for tasty local food.

4. COSO (CHIEF OFFICERS AND SENIOR OFFICERS), SAMS, 22nd June 2018

- 4.1** Our summer COSO event took place at the Scottish Association for Marine Science (SAMS) campus near Oban on 22nd June. It's always helpful to have an opportunity to meet with staff from across the whole Argyll and Bute area and from the whole spectrum of council services. This time was no exception, and I was glad to be able to have a further discussion with staff about our priorities (agreed last September) and how, working together, we are all helping to drive those forward and achieve the outcomes we all want to see for people across our area.

COSO sessions are always really positive and constructive – I remain in awe of those who take part in the Pecha Kucha sessions and who are able to give a succinct and useful summary of particular issues in such a short timeframe! It's fast becoming a feature of COSO sessions and it really is helpful in getting to grips with the kinds of issues and areas that our staff are dealing with. As Leader it's vital that I have that all-round view and perspective, and these sessions help to keep that up to date.

5. COSLA LEADERS, 29th June 2018

- 5.1** I attended the June Leaders session at COSLA with the Chief Executive. The following matters were discussed in private session:
- Local Democracy and Reform – Open Government Partnership, Local Governance Review and EU Charter
 - Local government employees: payment for sleep-in duty
 - Children's Services Funding and Distribution
 - Spending Review
 - Strategic Review of Improvement Service

All reports and associated briefings can be reviewed in the Leader's Report Pack.

6. DEPOPULATION IN WESTERN SCOTTISH LOCAL AUTHORITY AREAS - meeting with Leaders, 29th June 2018

- 6.1** Colleagues may recall from my last report in June that, following publication of NRS population statistics, I contacted the leaders of the other western authorities with a view to discussing together the apparent east-west split in

terms of population decline and growth. Following our first session, we agreed it would be helpful to continue to meet, with regular COSLA Leaders meetings offering a convenient opportunity.

Our second session took place on 29th June where we considered a report prepared by our Chief Executive and also an earlier Improvement Service study on Fragile Areas and Reversing Population. Leaders agreed to task their Chief Executives, or appropriate senior officers, to work together on a further paper which looks more closely at the challenges of our western areas and which we can use for further discussion and agreement on a way forward at our next meeting on 28th September. Our own Economic Development officers are playing a key role in shaping this report which, at time of writing, was being finalised in preparation for issue to the other council leaders.

7. STREET FOOD SUNDAY, Helensburgh & Lomond Civic Centre, 1st July 2018

- 7.1** The Helensburgh and Lomond Civic Centre has always been designed for community use as much as civic use, with a number of meeting rooms available for local people and a number of indoor and outdoor public spaces. It's also well established that, like other councils, we need to be able to take a more commercial approach, and the Civic Centre can play a significant part in this, with its custom-built marriage suite and offering a range of options for a wide variety of events.



Street Food Sunday is one of the first dedicated events offered by and at the Civic Centre – offering also an opportunity for local food businesses to showcase their products. It's safe to say that it was a roaring success! The event was a great example of how the council's investment in regeneration

in recent years, coupled with a fresh approach to how we do business, can help to create a real sense of place and bring a real vibrancy to community life. I'm looking forward to many more such events not only in Helensburgh but across Argyll and Bute where venues such as the Queen's Hall in Dunoon or the Rothesay Pavilion are being revitalised and brought back into a new lease of life.

8. MEETING – RURAL EMPLOYMENT RESEARCH, 31st July 2018

- 8.1** Our Rural Growth Deal consultation ran until 9th August and, during the consultation period, I was approached by a number of local people and businesses who wanted to share their views, opportunities and challenges in connection with our Deal aspirations. These meeting arrangements are ongoing but I was able to meet with representatives from Rural Employment Research late in July.

They are carrying out a research study into the barriers that people with mental health difficulties face in rural areas in particular when seeking to find, or come back to, regular employment. Given that this issue also features in the council's priorities, this was a very interesting and useful discussion, and I look forward to hearing more from the team as their research progresses.

9. BRITISH SIGN LANGUAGE TASTER SESSION, 19th August 2018

- 9.1** An opportunity arose locally to take part in a taster session for British Sign Language on 19th August. Organisers had put in a lot of effort to raise awareness of BSL and to encourage people to come along and try this for themselves. Opportunities to find out more about the ways that people deal with challenges such as hearing difficulties are always helpful and useful. I would encourage you to go along and give it a try if you get an opportunity to do so in your own local area.

10. INTRODUCTORY CALL WITH PAUL WHEELHOUSE, MINISTER FOR ENERGY, CONNECTIVITY AND THE ISLANDS – 28th August 2018

- 10.1** Following the Scottish cabinet reshuffle earlier this summer, Paul Wheelhouse took on the energy, connectivity and islands ministerial portfolio. His office got in touch to offer an introductory telephone call on 28th August, for which I was joined by Pippa Milne, Executive Director for Development and Infrastructure.

Mr Wheelhouse made it very clear that he's keen to work in partnership with local government and his 'open door' policy and positive approach are

extremely welcome. With changes not only in personnel but in policy portfolios, it was helpful to hear from him about the scope of his new role and the ways in which we can work together to secure good outcomes for all.

As well as interests in digital connectivity and, of course, islands issue, Mr Wheelhouse will have ministerial responsibility for ferry services generally.

We had an opportunity to outline to him the Argyll and Bute perspective in relation to the Islands Bill and tell him about some of our activity in relation to broadband and islands service delivery.

The call was also an ideal time to introduce our Rural Growth Deal – while the Scottish Government ministerial lead for this is Michael Matheson, Mr Wheelhouse works closely with him, and his interest in engaging where possible is much appreciated.

Given the challenges that all levels of government currently face, positive relationships are crucial – ultimately, for the best outcomes for the communities we are all elected to represent. Mr Wheelhouse's positive approach is very much in line with the good working relationships the council has enjoyed with other ministers in its relatively short lifespan, and it was encouraging to hear him pay tribute to the council's 'good stewardship' of Argyll and Bute, with its opportunities and challenges.

11. MEETING WITH SECRETARY OF STATE FOR SCOTLAND, 28th August 2018

- 11.1** David Mundell MP, Secretary of State for Scotland, visited Argyll and Bute on 28th August and came to Kilmory to discuss our Rural Growth Deal progress.



With David Mundell at Kilmory

Once again this was a very positive meeting, where we had the chance to convince Mr Mundell that Argyll and Bute is the natural choice for a growth deal, full of opportunities for economic success and prosperity. We were encouraged to hear from Mr Mundell that the UK Government is looking forward to receiving our proposals and seeing them go through the process over the coming months. He spoke very positively about our progress so far.

Mr Mundell hosted a dinner in Inveraray later that evening for a number of business representatives from across Argyll and Bute, who had the opportunity to speak with him about exiting the EU and the impact on Argyll and Bute.

12. JOINT LEADERSHIP MEETING – NHS HIGHLAND, ARGYLL AND BUTE COUNCIL, ARGYLL AND BUTE HEALTH AND SOCIAL CARE PARTNERSHIP, 3rd September 2018

- 12.1** As we drive forward improvement in integrating health and social care services, it's important to work together in partnership in order to secure the best possible outcomes. That is why I implemented a series of quarterly meetings bringing together the leadership of the three organisations involved in health and social care integration – the council, NHS Highland and the partnership itself.

The second session took place on 3rd September, giving the organisations' political leadership and senior management a way of focusing on the issues which are crucial to integration's success – including finance, reviewing the scheme of integration and the HSCP's Visible Change Improvement Plan progress.

We also had an opportunity to meet with Joanna MacDonald, the interim Chief Officer for the HSCP and who, following a rigorous recruitment process, has now been appointed to the position on a permanent basis. I am looking forward to working with Joanna and to continue building on the progress we've already made through these joint leadership meetings, which will now also involve the chief financial officers from each organisation. Our next meeting is scheduled for November

13. MEETING WITH SCOTTISH CANALS, 3rd September 2018

- 13.1** Catherine Topley, the interim Chief Executive of Scottish Canals, visited Kilmory on 3rd September while at the organisation's Ardrishaig base on business.

Catherine is in post while recruitment is ongoing for a permanent Chief Executive. It was helpful to catch up with her and to hear that Scottish Canals is keen to maintain the positive working relationship we have, and to explore ways we can work together to make the most of the opportunities linked to the Crinan Canal and the key end points of Ardrishaig and Crinan. We also discussed areas where Scottish Canals can help promote Argyll and Bute through its own activities at its sites across Scotland.

We agreed that a further meeting in the next few months would be very beneficial and hope also to meet with their board chair at that time.

14. ARGYLL AND BUTE PARLIAMENTARY FORUM, SESSION THREE – 12th September 2018

14.1 Along with Pippa Milne, Executive Director and Fergus Murray, Head of Economic Development, I attended the third Argyll and Bute Parliamentary Forum in the Scottish Parliament, Edinburgh on the morning of 12th September.

Once again this was facilitated by our constituency MSPs, Michael Russell and Jackie Baillie, who were also in attendance along with Highlands and Islands list MSPs Donald Cameron and David Stewart, and Maurice Corry for the West Scotland constituency.

This third session was to focus on the Rural Growth Deal ahead of consideration by council in October. As we have stepped up activity on the Deal throughout the year, engagement with a wide range of stakeholders has been vital. In earlier sessions with our parliamentarians we – and they – were clear that they wanted to be involved and to offer any support possible. The September forum session was an opportunity to do that.

Following a short presentation on the Deal themes by Fergus, we were able to answer the parliamentarians' questions and we are particularly encouraged by their positive reaction to our progress so far and their willingness to offer support in any way that they can.

They have told us that what we are doing is absolutely the right thing to do for Argyll and Bute, and that we are going about it in the right way; they were equally encouraged to hear that 97% of those who responded to our recent public consultation overwhelmingly back our Deal. It's clear that they too share our view that our area is the natural choice for a Rural Growth Deal.

With everyone pulling together like this, our agreed priority of securing a Rural Growth Deal for Argyll and Bute stands every chance of becoming

reality. We will continue to work with our MSPs over the next few weeks as the final touches are made to our Deal proposals ahead of consideration by council.

Following the session with our local parliamentarians, and the meeting with David Mundell outlined earlier, the next stage is a further discussion with the Scottish Government. Following the cabinet reshuffle earlier this summer, the minister who will lead on Argyll and Bute's Rural Growth Deal is Michael Matheson. At the time of writing, I am due to meet with him in Edinburgh on 20th September, and will be glad to give members a verbal update on that discussion.

15. POLICY LEAD FOR ECONOMIC DEVELOPMENT UPDATE

15.1 The Council as an Economic Driver: As we finalise the shape of our Rural Growth Deal, a point that's come up frequently is the importance of using all the opportunities that we can as a council and as an economic driver.

As an employer we employ a considerable number of people with over 91% of our employees coming from Argyll – this is very high in terms of other councils and where their employees come from. There is scope to do more through targeting areas of deprivation to attract staff and looking at alternative ways to join the council such as apprentices and graduate apprentices.

As a certified living wage employer we also have a role, along with community planning partners, to raise awareness of this and expand, where possible, to partners and the private sector – it is recognised as playing a key part in raising pay levels and tackling our low wage economy.

Through procurement we can look to improve our share of expenditure in the local economy. We can demonstrate an improving share of our expenditure to local firms – most recent figures showing a 7% increase which is good news.

Our corporate approach to assets is recognised as good practice, and we do need to build on this and make the most of it as a means of boosting our economy and generating additional income.

Other work is ongoing to review levers the council can use as economic growth incentives – for example fees, regulations, council tax and more. This work will also complement the evidence base required to support our Rural Growth Deal proposals.

- 15.2 Rural Resettlement Fund:** The Policy and Resources Committee agreed to discontinue this fund at its May meeting. The final amount awarded by the fund, through New Resident/Personal Relocation Grants (£357k) and Self Employment Grants (£30k) is 3387,986. Overall the fund has resulted in almost 200 new residents coming to join us in Argyll and Bute – 138 adults and 55 children, 196 in total. £112,013 of the original budget for the fund is to be used to support our Rural Growth Deal.
- 15.3 Business Gateway:** The Local Growth Accelerator Programme update for July to September – the target spend is £372k and the first claim of £65k has been prepared. Five new clients have been registered, taking the programme total to 102. Three growth grant applications have been approved – the programme total is 39 applications either completed or in progress. A total financial commitment of £156,222 (42% of the total programme) has been made to date. Two key sector grant applications have also been approved and five further specialist advice sessions agreed.
- 15.4 Fair Start Scotland Contract:** This has been promoted on the council's website and social media channels to highlight the service, aimed at supporting people back into employment, and increasing interest and referrals. Eighteen people have accessed the service so far, including five in the past month.
- 15.5 Digital:** At 31st August, 91% of premises are now connected to the fibre network. The Scottish Government's 4G infill programme, led by the Scottish Futures Trust, has awarded a design-and-build contract to Telecoms Consultants WHP. Three sites are located in Argyll and Bute, one of which is within the Loch Lomond and Trossachs National Park planning authority area. SFT have identified another eleven locations across Argyll and Bute, with consultation due to commence in the next couple of months.
- Ofcom have been invited to attend the December meeting of the Environment, Development and Infrastructure Committee, coinciding with the publication of their annual Connected Nations report.
- 15.6 Film in Argyll and Bute:** The area's profile as an attractive, supportive and very much open-for-business filming location continues to grow. The past month alone has seen a further eleven enquiries, with three location reccees for high profile feature films. Forty four productions have been filmed across the area including tourism and private sector promotion work, and a BBC documentary about families living on Mull.

As well as stimulating the local economy, our profile as a quality film destination helps us achieve another of our priorities which is to promote Argyll and Bute to as wide an audience as possible as a great place to live, work, visit, do business, invest and learn – a simple, but highly effective and absolutely crucial message which underpins our economic and population growth activity.

15.7 COSLA ENVIRONMENT AND ECONOMY BOARD, 15th June 2018: I attended this quarterly meeting in Edinburgh on 15th June and the following matters were discussed in public session:

Proposed Restricted Roads (20mph) (Scotland) Bill: Mark Ruskell MSP, who is proposing this Bill, was in attendance and outlined his views on the benefits of introducing a 20mph speed limit in particular areas across the country. While the board broadly supported the aspirations, there were concerns about its implementation, its financing and the fact that a one-size-fits-all approach would not be effective. A further report on this matter was due to come to the next COSLA EE meeting on 14th September, this to include an outline of costs for the proposal.

Regional Economic Partnerships: The board discussed how these might be developed in future and tasked officers from SOLACE, COSLA and SLAED (on which the council is represented) to bring forward more detailed proposals.

The following matters were discussed in private session, which means I cannot report on them fully here, but I will be happy to discuss informally with any member who is interested in more detail:

- Biodegradable landfill ban
- Planning Bill
- National Transport Strategy
- Broadband – oral update
- Consultation on new south of Scotland enterprise agency
- Local Governance Review
- Fisheries policy post-EU exit

15.8 Historic Environment Scotland Seminar: The council was asked to host this year's Conservation Area Regeneration Scheme (CARS) Officers Seminar on behalf of Historic Environment Scotland. This took place on 12th September in Rothesay. It was an excellent opportunity to showcase the town, the island, and all the HES and council investment that has and is continuing to be made in Rothesay and its built heritage.

This was also an opportunity to highlight the other CARS schemes being delivered across Argyll and Bute, including Campbeltown, Dunoon and the recently completed scheme in Inveraray.

The conference was attended by CARS officers from across Scotland who are delivering schemes in other towns. In the evening, there was a civic reception, hosted by the Provost, to show thanks to HES for all the CARS funding support provided to Argyll and Bute since the inception of this particular funding stream in 2007 – Campbeltown was one of the first towns in Scotland to benefit from this.

16. CONCLUSION

16.1 This report highlights my recent activities as Leader of Argyll and Bute Council, together with a brief update on my Policy Lead portfolio. I hope that this update is helpful for members and will be happy to provide more information wherever possible.

The full Leader's report pack can be viewed in the Leader's office at any time.

17. IMPLICATIONS

17.1 Policy - None

17.2 Financial – None

17.3 Legal – None

17.4 HR – None

17.5 Equalities – None

17.6 Risk – None

17.7 Customer Service – None

Councillor Aileen Morton

Leader, Argyll and Bute Council and Policy Lead for Economic Development

14th September 2018

For further information or to access the Leader's Report Pack please contact Aileen McNicol, Leadership Support and Member Services Manager, telephone 01546 604014 or email aileen.mcnicol@argyll-bute.gov.uk

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ARGYLL AND BUTE COUNCIL**COUNCIL**

27th September 2018

POLICY LEADS REPORT

1. INTRODUCTION

- 1.1** This report provides members with an update on key areas of activity for each Policy Lead Councillor. This aims to provide updates from all Policy Leads at each council meeting so that all members are informed, up-to-date and able to engage with current issues. The last update was provided to Council at its meeting on 28th June; this report covers the period from that date until 10th September 2018, and takes in the July recess period.

Please note that the Economic Development portfolio sits with the council Leader and is included in the Leader's Report.

2. RECOMMENDATIONS

- 2.1** Members are asked to consider the report.

3. POLICY LEAD FOR STRATEGIC FINANCE AND CAPITAL REGENERATION PROJECTS – Councillor Gary Mulvaney

- 3.1 Introduction:** This report provides members with an update on my activities as, Depute Leader, Policy Lead for Strategic Finance and Capital Regeneration during July to September. I have held regular meetings and discussions with a range of officers across the policy briefs.
- 3.2 Strategic Finance:** Following recess, I met with Kirsty Flanagan, Head of Strategic Finance and discussed matters relating to completion of the year end 17/18 accounts and audit; the August outturn; the 19/20 budget process and timetable; national pay awards and potential changes around supporting people monies and the flooring mechanism for GAE. The changed accounting treatment of the HSCP's finances (with a current £2.4m overspend) and its impact on the overall council forecast overspend of

£2.8m for 18/19 was recently reported to the Policy and Resources Committee and is of serious concern for the council. In simple terms, if the HSCP do not manage to sufficiently reduce their forecast overspend, the council may need to consider how *we reduce our own budget*, so the overall consolidated position balances.

3.3 Capital Regeneration:

Helensburgh Waterfront Development: In June the Helensburgh and Lomond Area Committee approved the End Stage Report (Developed Design) for this flagship project, which it is proposed will: deliver improvements to the flood defences on the site; provide a new leisure centre, including a six lane 25metre swimming pool, training pool and multi-function fitness suites; extend the public realm improvements already delivered through the capital regeneration programme in Helensburgh Town centre; reconfigure car, coach and taxi parking within the site; and enable us to demolish the current Leisure Centre thereby freeing up space for future development by others, including the potential for: retail/commercial development; and a new skate-park/playpark.



The formal Planning Application was submitted by the Project Team in July and, following validation of the application by the Planning Authority, it is expected that it will come before the PPSL Committee in the Autumn. Without seeking to pre-judge any decision that the Planning Authority might come to, the Project Team is now focussed on developing the Stage 4 Technical Design and the staged submissions for the relevant Building Warrant Application, as well as Marine Construction Licences.



This does mean that the Project Team is working across two fronts simultaneously in that they will not only be replying to any queries raised by the Planning Authority, but will also as appropriate look to incorporate any emerging directions/guidance from the relevant statutory bodies e.g. Argyll and Bute Council, SEPA, and Marine Scotland into the developing Stage 4 Design.

Dunoon Queen's Hall: I visited this project and toured the facility at the start of July as the main construction works were being completed and handed back to the council for fit-out, staff migration and familiarisation.



Since opening to the public on 26 July 2018 the Queens Hall has hosted a number of music/entertainment events, along with the services provided by the public library; fitness suites, café and meeting rooms. The refurbishment of the building has generally been very well received by locals and visitors alike, and the initial data from Live Argyll, notwithstanding that there is always a 'honeymoon' period when any new facility opens, would suggest that co-locating a number of complimentary services will pay dividends in the long term.



The new soft play suite

Early statistics show that 15 new jobs have been created, 3900 patrons attended events in the first week, Dunoon hosted the Euro Water Skiing championships, 45 fitness classes per week took place with over 900 people attending and library visits doubled to 6900 this August compared to last year.

Rothesay Pavilion: I was able to visit the Pavilion during the summer recess, and to see for myself the challenges that the buildings listed status and constrained location will pose to the refurbishment works over the next year. The construction works associated with the refurbishment of this iconic building continue apace with the Principal Contractor, CBC (Glasgow) Ltd having been on site since the beginning of the year.



The project is currently 38weeks through an 87weeks construction programme, which is scheduled to see works complete in July 2019, with the building re-opening to the public in October of the same year. The Council's Regeneration Project Manager left to take up a new position with HIE in May, and his replacement took up post in the middle of July. At the same time, and purely coincidental, the CEO/Artistic Director of the Rothesay Pavilion Charitable Trust left to take up a new position in Cornwall, where they were originally from, and her replacement takes up post in September. Whilst there may not be anything unique about the specific issues that the project will have to deal with, the combination of the buildings island location and its lack of internal access for major items of construction equipment, materials, and the workforce, will mean that the project delivery team will have to come up with some unique solutions.

- 3.4 Depute Leader Update:** I continue to meet regularly with the Leader, the Chief Executive and other officers in terms of this role, covering a wide range of subjects.

In late August, along with the Leader, Chief Executive and business leaders, I attended a dinner with the Secretary of State for Scotland, David Mundell MP to discuss our rural growth deal and Brexit. I followed that up with a meeting with him the next day to more fully explain the importance of a rural growth deal for communities across Argyll and Bute.

In September, I attended COSLA Leaders' meeting in Forfar, Angus going to both the civic reception the evening before and the formal meeting. It is important that we continue to lobby for parity across all staff groups and a fully funded pay award for both teachers and other local government colleagues.

4. POLICY LEAD FOR CORPORATE SERVICES – Councillor Rory Colville

- 4.1 Introduction:** I have meetings with the Executive Director of Customer Services and the Heads of Service approximately every 6 weeks to discuss matters relating to my remit. At time of writing the most recent meeting was held on 26 July 2018 and the next one is scheduled for 5 September 2018. These meetings act as a useful forum to discuss any issues and to brief me on any Corporate Services related matters.

4.2 Governance and Law:

Polling District Review

The Electoral Registration and Administration Act 2013 requires Argyll and Bute Council to undertake a review, between the dates of 1st October 2018 and 31st January 2020, of polling districts and polling places within the Argyll and Bute UK Parliamentary Constituency for the purposes of UK Parliamentary and Local Government elections. The polling districts and polling places were last reviewed in Argyll and Bute in 2015. The aims of the review are to seek to ensure that:-

- i. All the electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances; and
- ii. So far as is reasonable and practicable, the polling places are accessible to all electors, including those who may have a disability.

The review will run from Monday 1st October 2018 and all representations must be submitted by 10th December 2018 by email to elections@argyll-bute.gov.uk. The Council welcomes relevant comments from residents in Argyll and Bute, and any individuals or bodies who have a particular expertise in relation to the use of premises or facilities for those who have

different forms of ability or disability. Political parties, existing elected representatives and other interested parties are also invited to contribute.

Draft proposals for the revised scheme of Polling Districts and Polling Places together with a statement of reasons will then be published and final recommendations will be presented to full Council on 21st February 2019. Once the Council has agreed the proposals, the new polling districts and polling places will be made available to the public and the Register of Electors will take into account any changes made.

Customer Service Excellence (CSE) Reaccreditation

Governance and Law have once again successfully been reaccredited for the CSE Award, gaining an additional compliance plus, which gives a total of seven criteria now rated at the highest possible level.

CSE is a practical tool for driving customer focussed change within an organisation and assesses a service/departments capabilities in relation to customer focussed service delivery, identifying areas and methods for improvement.

4.3 Improvement and HR:

Fairer Scotland Duty

The Council has new responsibilities under the Equality Act 2010 which are known as the Fairer Scotland Duty. The main area of change for us is the requirement to take into consideration the socio-economic impact of all major decisions that we as a Council take. The Improvement and HR Service have worked to integrate this, as well as our duties under the Islands Act, into a new Equality and Socio Economic Impact Assessment. This was the subject of a Members' Seminar session on 13th August. Members have a responsibility to consider these impacts when making strategic decisions and to enquire of officers about the socio economic impact of the recommended proposal. This new approach will support the council in making decisions that have carefully considered the needs of those most disadvantaged in our communities.

Wellbeing

At the recent Policy and Resources Committee, members noted the rise in sickness absence amongst Council employees in 2017/18. In part this can be attributed to the flu outbreak and an increase in medical, long term absence, but it also indicates that there are ongoing issues with stress related absence.

The Improvement and HR Service has initiated a programme of 'Mental Health First Aiders'. These employees undertake training on a voluntary basis and make themselves known in workplaces as people who can be called on if someone shows signs of suffering from mental health related

illness. Evidence has shown that early intervention with stress related illness can have a beneficial effect on improving recovery, much the same as traditional first aid. There are already over 20 employees trained, with a further 30 taking part in a second training course.

Wellbeing amongst our staff is an important issue that I shall continue to focus on in my Policy Lead role. I look forward to reporting on other measures that the service is putting in place as a result of the staff wellbeing survey.

Communications – Social Media Success

The Council's Communications Team has been focussing on increasing the Council's 'reach' on social media. Figures in the first quarter of 2018/19 show that this work has led to an increase in positive stories about the Council being published and an increase in followers and 'likes' across all of the social media channels that the Council has a presence on: LinkedIn, Facebook, Twitter and Instagram.

The Council remains the most followed on Instagram and regularly shares photographs from members of the public who have 'tagged' their photos of Argyll and Bute with the Council's hashtag #abplace2b. This is an effective tool to promote the area as a great place to live, learn, work and do business.

4.4 Customer and Support Services:

Universal Credit – Elected Members and Private Landlords Session

A range of training sessions are being held in advance of the introduction of Universal Credit Full Service to ensure that landlords, advisors and council staff are well prepared for the go live on 19th September 2018. I attended one of these sessions on 28th August.

The training explained how to apply for Universal Credit online and of the requirement to maintain an online journal to provide evidence of work seeking activity to maintain your entitlement. It also provided information on how payments are made, including direct payments to landlords and split payments which are special Scottish flexibilities, and how advances can be obtained to bridge the gap before the first payment is made and how these are subsequently recovered. I was impressed by the key role of the Work Coach in Job Centres who are key to helping people navigate through making their claim and then helping them to get into work.

Universal Credit became available to single people of working age in Argyll and Bute from 7th March 2016. The rollout of Universal Credit was then temporarily paused by the Government from 1st January 2018. Argyll and Bute is due to move to being a full service area on 19th September which means that any claimant of working age, whether single or part of a couple,

with or without children, making a new claim to benefits from this date will claim Universal Credit, replacing a raft of other benefits including:-

- Income based Jobseeker's Allowance
- Income related Employment and Support Allowance
- Income Support
- Working Tax Credit
- Child Tax Credit
- Housing Benefit

Free School Meals and Clothing Grants

Earlier in 2018, the clothing grant budget for each pupil was increased from £50 per child to £100 per child. As at 4th September, 760 awards for 1,318 pupils were given. In the case of free school meals, 604 awards for 1,004 pupils were made.

ICT

The average time to fix IT faults for the month of July is 3.2 hours, well below the performance target of 5 hours.

The Service have recently been successful in recruiting two new IT Modern Apprentices (MAs) and they are due to take up post in early September. The two previous MAs are now undertaking Graduate Apprenticeships in IT and Cyber Security whilst working full time and it is hoped that the new recruits will be just as successful.

Local Tax Collections

Council Tax collections for 2018/19 as at end July 2018 are 38.85%, down 0.06% on the previous year at this time.

Collections for 2017/18 are now 96.18% and this is up by 0.26% on previous year at this time. Following the publication of the national collection statistics for 2017/18 at the end of June there has been some publicity about the level of Council Tax arrears which now exceeds £20m before write-offs for the 25 years back to 1993/4 when Council Tax was brought in. We budget to achieve 97.5% collection and for 2007/8 to 20113/14 we have collected in excess of 98.1% for each of these years.

The Strategic Management Team have indicated interest in investing resources in further initiatives that might improve collection provided these pay back, and options are currently being worked up for further consideration.

Scottish Welfare Fund (SWF)

The programme funding for 2018/19 is £438,720 – an increase of 4.4%. As at the end of July, we have spent £146,531 on applications received which was 96.3% of the profiled amount. There were four claims received but not yet processed at the time of writing. We are continuing to support high priority cases only, with the intention of being able to support at least this level for the full financial year.

Discretionary Housing Payments (DHPs) and benefit cap

The confirmed funding to date for DHPs for 2018/19 is £604,936 following Council approval for carried forward earmarking of previous underspend. The Strategic Management Team has agreed to support the same priority cases in 2018/19 as we have done throughout 2017/18. At the end of July we have spent or committed £607,617 which is slightly above the funds currently available. The final tranche of funding (the 20% holdback from 2017/18) was expected in August.

We have processed 1,094 applications for DHP and made 1,040 awards. There were a total of 17 applications outstanding or requiring further information at the end of July. Full year commitments have been made for all known under-occupancy cases.

Procurement, Commissioning and Creditors

For year to date to end of July 97.5% of creditor invoices have been paid within 30 days, which is well above the target of 95%.

The next Procurement and Commercial Improvement Programme (PCIP) assessment, which looks at the policies and procedures driving procurement performance and the results they deliver, is due to take place in November 2018. This is slightly earlier than anticipated and it will be challenging to complete all improvement actions in advance of this.

Customer Service Centre

The call abandon rate for July was 5.4%, which is a continued improvement from June's 5.75 and below the target of 6%. Average call times for July were on target at 3.50 minutes and the 'resolved at first point of contact' rate was 92%, against a target of 91%. The voice automated call routing success rate dropped below target (79%) for July to 76.2% and the reasons for this are currently being investigated.

Consultations

The Scottish Parliament's Delegated Powers and Law Reform Committee is considering the Prescription (Scotland) Bill. This Bill aims to amend the law relating to the extinction of civil rights and obligations by the passage of time. The Committee recently completed its Stage 1 enquiry and the question of Council Tax and Non Domestic Rates (NDR) collection arose.

If the Bill is passed as currently drafted, the statutory obligation to pay Council Tax and NDR would prescribe at 20 years.

The Committee has written to all 32 local authorities seeking some additional information to justify why it should not be a shorter five year period, and we have provided this data to them. We would argue strongly for the continuation of the current prescription period of 20 years in line with other taxes.

5. POLICY LEAD FOR HEALTH AND SOCIAL CARE – Councillor Kieron Green

- 5.1 Health and Social Care Partnership:** Recently Christina West, Chief Officer, and Caroline Whyte, Chief Financial Officer have left their positions within the Health and Social Care Partnership (HSCP). Christina oversaw the establishment of the Partnership and the bringing together of the widest range of services anywhere in Scotland, while Caroline faced the challenge of coordinating and reporting on the two very different financial systems that exist within the Council and the NHS. I would like to thank them both for their extensive contributions over the last few years and wish them all the best in their future endeavours.

Appropriate interim arrangements were put in place to ensure continued leadership and control over finances. Subsequently Joanna MacDonald has been appointed to be Chief Officer while recruitment for the Chief Financial Officer post is ongoing. I look forward to working with her, and to maintaining the positive relationships already in place with the Partnership's senior management team.

- 5.2 Policy Lead Activities:** I was at the Integration Joint Board (IJB) meeting on 1st August where approval was given for the Primary Care Improvement Plan. This has been revised to take into account the new GP contract agreed between the Scottish Government and the British Medical Association. Another significant part of the agenda was updates on stakeholder engagement processes for the Strategic Plan and the Transforming Together programme.

I have also been at meetings of the IJB Quality and Finance Board on 20th June, Clinical and Care Governance Committee on 21st June, and Audit Committee on 26th June.

I was in attendance at the Corporate Parenting Board on 17th August where there were a wide range of topics pertaining to our looked after, and looked after and accommodated young people. It was particularly pleasing to hear from a care experienced person about their plans to travel to Thailand with Project Trust to teach English and to also celebrate their exam results.

Nationally I have been at the COSLA Health and Social Care Board on 24th August, where agenda items included NHS Regional Planning, the National Workforce Plans for Health and Social Care, and the new national authority for Public Health. I have also participated in the IJB Chairs and Vice-Chairs network on 25th June.

On 31st August I was involved in discussions about the Autism Strategy with HSCP officers and representatives from Autism Network Scotland. As well as comments and reports about current services within Argyll and Bute, examples of practice and models used elsewhere in Scotland were highlighted. A short life working group will be established and meet monthly to ensure that progress is made around this.

5.3 Joint Inspection of Children's Services: This is underway with inspectors from four agencies: The Care Inspectorate, Healthcare Improvement Scotland, Education Scotland, and Her Majesty's Inspectorate of Constabulary Scotland.

The inspection focuses on five key questions:

1. How good is the partnership at recognising and responding when children and young people need protection?
2. How good is the partnership at helping children and young people who have experienced abuse and neglect stay safe, healthy and well and recover from their experiences?
3. How good is the partnership at maximising the wellbeing of children and young people who are looked after?
4. How good is the partnership at enabling care experienced young people to succeed in their transition to adulthood?
5. How good is collaborative leadership?

Self-evaluation and pre-inspection returns have been submitted, and surveys of staff, children, young people, parents and carers have been carried out.

Inspectors were on site for the week of 10th September. The first three days involved detailed file readings of files from Social Work, Health, Education, Police and the Scottish Children's Reporters Administration. This was followed by two days of participation events and engagement with children and young people.

They are due to return the week of 22nd October for focus groups with staff, elected members, the third sector, parents and carers. These will be based on the findings of the self-evaluation report and the file reading and as such details are not available yet.

An outcome of the inspection is anticipated in March 2019, and in the meantime further questions about the process can be directed to the Inspection Leads Patricia Renfrew (Consultant Nurse, Patricia.renfrew@nhs.net) and Morag Brown (Business Improvement Manager, Morag.brown@argyll-bute.gov.uk).

- 5.4 Children and Families:** A recent unannounced inspection by the Care Inspectorate of Shellach View, our Children's House in Oban resulted in a grade 5 (Very Good) being maintained across all four quality statements. All three of our houses are graded Very Good by the Care Inspectorate.

Service reviews and redesigns being overseen by the Children and Families Project Board include Early and Effective Intervention (EEI), Child and Adolescent Mental Health Services (CAMHS), Adoption and Fostering, the Care Assessment and Reviewing Service, Criminal Justice, and Core and Cluster.

- 5.5 Adult Services:** Following the moratorium on admissions being lifted at Ardnahein Care Home in Dunoon, robust monitoring is in place to ensure improvements are maintained.

Care at home capacity in Oban and Lorn particularly is still an issue with external providers unable to increase provision. One has also withdrawn from Luing, and the island is being temporarily covered by the internal service pending a long term solution being identified.

The Oban Community Care Team is due to be launched on 1st October. This will focus on supporting discharge and reablement with the aim of reducing delayed discharges from hospital and demand on care at home services. Work towards establishing Community Teams in Mid Argyll, Kintyre and the Islands remains underway.

Lynn of Lorn Care Home in Benderloch, near Oban ceased providing 24 hour nursing care provision on 31st July. All residents were able to remain in the care home with nursing care being provided by the community nursing team.

Primary care redesign continues, with the GP Lead for the Mull single practice being advertised, and provision of dispensing within the planned amalgamation of Campbeltown Medical Practice and Kintyre Medical Group now agreed.

A steering group has been set up to look at the redesign of Learning Disability Services. Themes being explored include caring, enabling, living, working and learning opportunities, and the transition of young people to

adult services. This group will also revisit the strategy, outcomes, and service pathways for individuals with Autism.

5.6 People and Change: The new values and practices framework (CIRCLE) was approved by the IJB on 1st August. This is named due to the new shared values – Compassion, Integrity, Respect, Continuous-learning, Leadership and Excellence (CIRCLE). Pilot rollout workshops have taken place and we will be launching CIRCLE in September 2018. Embedding of our new Shared Values across Recruitment, Induction, Appraisal and Staff Recognition will be happening over the next four to six months.

A full Culture Values Assessment will be undertaken within the HSCP in Spring 2019 to help support further integration between health and social work/care staff.

The first HSCP Workforce Plan for 2018/19, focussed on Adult Services has now been approved by the IJB. Development continues to expand this by March 2019 to encompass all HSCP services and those of our third sector partners. This will then also align and inform the HSCPs refreshed three-year Strategic plan for 2019 to 2022.

iMatter is a continuous improvement tool designed with staff in NHS Scotland to help individuals, teams and Boards understand and improve staff experience. The 2018 survey has been completed and our HSCP participation rate fell from 61% to 50%. Work is now progressing to improve the number of iMatter team action plans developed by end-September. This will help drive continuous improvement on people issues across the organisation. The more actions are implemented, the greater chance we have of lifting iMatter participation rates again in 2019.

The structure of the Strategic Leadership Team has been revised and agreed by the IJB. This now also includes the Head of People and Change, retains two Heads of Adult Services and confirms the Chief Financial Officer as being at Head of Service level.

The Heads of Adult Services will operate within a matrix management structure to improve co-operation and communication across geographical areas, and which will also address a previous lack of clearly defined professional leadership for social work.

New job descriptions are being prepared for the Heads of Adult Services to take into account revised responsibilities and once completed recruitment can commence to the one currently vacant Head of Adult Service post.

A review has been initiated of the Locality Manager/Local Area Manager 'middle management' structures within Adult Services to improve how both strategic and operational decision making occurs.

- 5.7 Finance:** At the start of the financial year the IJB approved a Quality and Finance Plan that included a budget gap of £1.6m for 2018-19 for the HSCP.

Due to a number of factors, including a lack of agreement as to the value of the service level agreement with Greater Glasgow and Clyde Health Board, continued reliance on locum and agency staff, and increased service demand, the forecast end of year outturn, as reported to the IJB and the Council Policy and Resources Committee in August, had increased to £4.4m as of 30th June.

A verbal update was provided to the IJB and the Council Policy and Resources Committee stating that this was expected to have fallen to £4m as of the end of July, and the Financial Recovery Plan remains in place to bring the HSCP towards financial balance for 2018-19.

Significant budget gaps of between £6m and £8m are forecast for each of the coming three years, resulting in an estimated budget gap from 2019-20 to 2021-22 of between £19m and £24m. A timetable for the HSCP to conduct consultation and engagement on service changes, which will be progressed alongside the refresh of the Strategic Plan, was approved by the IJB in August.

- 5.8 Scottish Child Abuse Inquiry:** On 13th September the Scottish Child Abuse Inquiry announced that a further 17 institutions were part of ongoing investigations. This includes two facilities which were/are local authority-run within the Argyll and Bute geographical area - Cardross Park Assessment Centre and Dunclutha Children's Home. Two other facilities in the area, which were operated by other providers, are also included - Lagarie House Children's Home in Rhu and St Andrew's School in Shandon. Council and Health and Social Care Partnership Officers will be providing full co-operation with the inquiry going forward.

6. POLICY LEAD FOR ROADS AND AMENITY SERVICES – Councillor Roddy McCuish

- 6.1 Introduction:** This report provides members with an update on my activities as Policy Lead for Road and Amenity Services to date. I maintain regular contact and meet with a range of officers across the policy briefs and, as always, their continued assistance and support is much appreciated.

6.2 Marine Works and Progress Update:

Port Askaig

A draft report has now been received. A meeting with the Port Askaig User Group will take place in early October to discuss. It will also feature in discussions at the regular meeting between the council, Transport Scotland, CMAL and Calmac (date yet to be set). Currently, three options have been identified.

Craignure

Document currently at 'draft initial appraisal' stage. Further consultation meetings with stake-holders to take place. Work is progressing well - currently on programme. The final report is expected to be complete by mid-December this year.

Iona/Fionnphort

Ground investigation works are now complete. A consultation meeting with the local communities will be held towards the end of this calendar year. Draft feasibility study to be complete by March 2019. It seems likely that the community have aspirations beyond the basic brief to provide an overnight berth for the ferry – this will be discussed as part of the consultation meetings.

Tayinloan/Gigha

No further progress – although, if resources are available, design work could be progressed in-house to move this project along to the next stage.

Rothesay

Off-site fabrication ongoing with start on site planned for end of September /early October this year – to be complete around the calendar year end. Next stage - AECOM will progress design for grouting thereafter, with contract award expected around April next year.

6.3 Waste Strategy: The Waste Strategy report was approved by EDI committee on Thursday 6th September. It gives elected members details on how waste disposal is currently managed across the council area under three distinct models:

- Island Model- ABC operating Landfill sites on Islay and Mull,
- PPP Area- Mainland Argyll including Bute but excluding Helensburgh and Lomond, covered by PPP 25yr contract with Renewi until 2026,
- Helensburgh and Lomond- All Waste taken out with the Council area for processing or disposal.

The report then lays out the four structural challenges that will have an effect on each model:

- The Biodegradable Municipal Waste (BMW) Ban, effectively a ban on Landfill - January 2021,
- The end of the Waste PPP (with Renewi) contract ending in 2026,
- The introduction of the Deposit Return Scheme for single use plastics,

- The potential requirement for Food Waste collection to be implemented in Oban as a result of its re-classification from rural to urban area.

The key purpose of the Waste strategy is to provide solutions to these structural issues to ensure that a compliant value for money solutions are implemented. This report provides high level detail on the two preferred technical solutions that will be evaluated as part of an options appraisal process.

Following endorsement of the September report, the next report to EDI in December will contain the draft Waste Strategy with options appraisal for review and sign off prior to going out for public consultation.

6.4 Northern Roads Collaboration Forum: The second formal meeting of the partnership authorities in the Northern Roads Collaboration was hosted by Argyll and Bute Council, the chair organisation, on 31st August in Kilmory. The member authorities (ourselves, Highland, Comhairle nan Eilean Siar, Moray, Aberdeenshire, Aberdeen City and Angus) are working on a number of projects across a range of roads and marine-related activities with a view to enhancing joint working, sharing of documents and resources, and overall delivering good practice across these areas in a cost-effective way.

6.5 Roads and Amenity Services Customer Care Project: The customer care project has so far made improvements to a range of processes and procedures under categories which generate high volumes of enquiries. These include road faults, missed bins, assisted collections, bin collection enquiries, winter maintenance, bin ordering, commercial waste and special lifts.

An exciting development on the horizon is the integration of the road asset management system with the customer service system which will allow customers to get automatically generated updates as their enquiry goes through the process of logging, assessment and where necessary repair.

Lastly, the recruitment process for two new customer liaison posts to support this project and handle correspondence more generally is underway, with the new business support team which sits as part of the service redesign which is taking shape.

6.6 Capital Programme: The Roads Reconstruction Programme has been structured in accordance with the Roads Asset Management and Maintenance Strategy. The focus has been to maximise surface treatment through a delivery of a mix of carriageway resurfacing, patching/surface dressing and in-situ road surface recycling; designed to seal the road to stop the ingress of water, improve ride quality. This will also reduce the amount of reactive repairs required.

Surface dressing schemes are selected on the basis that either the skid resistance of the road surface is poor, or the road surface requires sealing *before* it fails. There is also a weighting/ranking applied regarding routes classification and hierarchy for the purposes of scheme selection.

As in previous years, the roads reconstruction programme is being delivered by a mixed economy model with the council's in-house team delivering carriageway reconstruction and patching works. The surface dressing element of the programme and specialist treatments are delivered by an external contractor.

Works with an approximate value of £5.1m or 60% of the Capital Budget have been completed as of the end of Aug 2018 – almost £3m of surface dressing works are complete and this coupled with £2m of resurfacing works has delivered improvements to around 81-plus kilometres of Argyll and Bute's Roads network.

Surfacing and re-tread works are programmed to continue and with Scottish Timber Transport Scheme Grant contributions bolstering our Capital Budget by £1.466m some routes affected by timber traffic will be further improved. This is really good news with our already increased capital programme being further enhanced through our collaborative work with the Strategic Timber Transport Group.

Footways are also being improved through resurfacing and specialist treatment schemes with works programmed to be completed by November 2018.

7. POLICY LEAD FOR COMMUNITIES, HOUSING, GAELIC AND ISLANDS – Councillor Robin Currie

7.1 Communities:

Community Development and Community Planning: Last month I was invited to speak at a COSLA run event on Participatory Budgeting and was able to tell the audience of our experience here in Argyll and Bute. This sharing of experiences and knowledge is hugely important in mapping the way forward.

A total of 61 community groups across Argyll and Bute were awarded Supporting Communities Fund Grants as a result of the Participatory Budgeting (PB) pilot in May 2018. Community Development Officers (CDOs) have been assisting unsuccessful projects to obtain funding from elsewhere. In MAKI, the CDO is providing a steer on a live PB Voting event run by Mid Argyll Health and Wellbeing Network to distribute grants. Across Argyll & Bute, CDOs are working with community partners on projects such as the Cowal Heritage Trail and groups such as Dunbeg Action Group.

Various groups are being supported in terms of governance, funding and training needs.

The August meetings of the Area Community Planning Groups were well attended and featured matters of local importance alongside various community groups presenting successes and challenges. The Health and Social Care Partnership Strategic Plan is currently out to consultation; two of the Area Community Planning Groups will be holding focus groups to prepare a detailed response on behalf of their local area.

The CPP Management Committee will next be meeting in September for their development day, to examine the results of a self-evaluation exercise with the Improvement Service. The Full Partnership meeting originally scheduled for December 2018 will now be taking place in March 2019 to reflect on the past year and look ahead to the next.

7.2 Housing:

Housing Support: 62 households left housing support in quarter 1 - 50 were planned which is **81%**. The target of 80% has been achieved. Universal Credit Full Service will be coming to Argyll in September 2018. It is anticipated that this will result in an increased demand for housing support services.

Homelessness: (Unless stated the comparisons are based on the same period in the previous year)

88 homeless applications were recorded during the period from 1st April to 30th June 2018, this is a reduction from 148 applications (41% down) in the same period in the previous year

Area	Trend	Change in: Number	Change in: (%)
Bute and Cowal	Down	13	-37%
Helensburgh & Lomond	Down	17	-41%
Mid Argyll, Kintyre & Islay	Down	21	-48%
Oban, Lorn & the Isles	Down	9	-33%

The main reasons for homelessness remain consistent with previous years with Dispute with Household – non-violent and violent, and asked to leave recorded as 20% each.

During Quarter 1 of 2017/18 there were 14 households (10%) recorded as homeless due to 'Termination of tenancy/mortgage due to rent arrears /

default in payments'. This has reduced to 7 households and (8%) in the same quarter of 2018/19.

Energy Efficiency: Local Heat and Energy bid for a project worker on the private rented sector was successful and will enable analysis and an Action Plan to be prepared for that sector.

HEEPSABS continues with good uptake and the Housing Services continues to maximise the uptake of energy efficiency grant funding in Argyll and Bute.

Housing and Economic Development Seminar: I was delighted to welcome participants to a successful and productive seminar held at SAMS in Dunbeg on 21st August with over 60 delegates discussing how housing can contribute to economic growth in Argyll and Bute. Delegates included members of the Business Community, Housing Associations, Community Groups and HIE. The Wee House Company and the Construction Scotland Innovation Centre amongst others gave presentations on innovative solutions to delivering suitable housing to assist economic growth. Feedback will assist housing to play a key role in the up and coming Rural Growth Deal for Argyll and Bute.

Rapid Rehousing: New to the agenda is the Scottish Government's requirement for a root and branch review of homeless services under the Rapid Rehousing Guidance and it was good to attend a recent event chaired by the Minister for Housing about this.

A Rapid Rehousing Transition Plan 2019-2024 is due to be submitted to the Scottish Government by 15th December 2018 and work has started with partner organisations to meet this deadline.

- 7.3 Islands:** The Argyll Islands Strategic Group, which I Chair, met on Tuesday 28th August. Members focused their conversation on a report outlining proposed roles for five recently appointed Scottish Government Island Liaison Directors, two of whom attended and were introduced to the meeting. The detail of the role is not yet entirely defined, and much of it will develop as the 18 month pilot project progresses.

The group had a wide ranging discussion around the implications for islands of the forthcoming changes in respect of disposal of waste, in particular the increase in costs both financial and environmental that will have to be borne, endorsing the approach being taken through the Waste Strategy review to identify and cost potential solutions.

The group also gave consideration and feedback to the Rural, Economy and Connectivity Committee- Draft Budget 2019-2010-Clyde and

Hebridean Ferry Services-Call for Views in order that the council can submit these views to the Holyrood Committee.

- 7.4 Culture, Heritage and the Arts (CHArts):** Membership of CHArts continues to grow and as of 31st August 2018 there were 272 individuals and 52 organisations signed up. CHArts is becoming an incorporated organisation in a first step towards becoming a SCIO. A report will be forthcoming to full council later this year for an elected member to be nominated to the SCIO.

Sole traders and organisations were represented at a 'Wild About Argyll' event held at the Briggait in Glasgow to coincide with the Scottish World Piping Championships on the weekend of 18/19 August 2018. The event was organised by Argyll and the Isles Tourism Co-operative who CHArts continues to work closely with. CHArts invited eleven makers, artists and producers to showcase their work, with a catalogue created and bound by one of the makers. Elected members are encouraged to visit <https://www.chartsargyllandisles.org/> for up to the minute information.

- 7.5 Gaelic:** We have now set the date for the 2nd Gaelic Gathering which will be 2nd March 2019. The theme of the Gathering hasn't yet been finalised but it will aim to attract as many people as possible from Argyll and Bute and beyond with an interest in the future of Gaelic. This is a big event for Argyll and Bute and I'm looking forward to the challenge of organising it along with Council officers.

In a few weeks' time the Royal National Mod will be held in Dunoon, running from the 12th – 20th October. I have been honoured to have been invited to open the Mod and I'm looking forward to the occasion in the completely refurbished Queens Hall on 12th October.

8. POLICY LEAD FOR EDUCATION – Councillor Yvonne McNeilly

- 8.1 Education Scotland follow-up:** Strong leadership, customised support for schools and staff committed to improvement were all recognised in Education Scotland's progress report published in July.

HM Inspectors spoke to council staff across different areas of the education service from its leadership to central support teams and head teachers, teaching staff and young people, as well as the Leader of the Council and the Policy Lead for Education.

Their summary findings recognise that:

- The council's vision and strategy, [Our Children, Their Future](#), is now driving clearly the Education Service's improvement planning. This vision sets out the goal that together education staff will realise ambition, excellence and equality for all.
- Under the strong leadership of the Chief Education Officer, staff have sustained and strengthened their efforts to embed improvements at all levels of the education community.
- A structured approach to school improvement visits, and a sound evaluative process for identifying risk, mean the council can provide customised support to individual schools and groups of schools.
- Staff at all levels have continued to increase their skills and confidence in the use of data analysis to achieve and sustain improved outcomes for children and young people.

The findings also touch on steps taken to support on-going improvement:

- A programme of performance data meetings and information sessions will increase scrutiny by elected members of schools and the overall education service.
- The two recently appointed Heads of Service have a strong capacity to enhance educational leadership across the authority. These posts bring increased support for schools and education staff.

Inspectors will visit again later this year, this time to focus on how well we are improving the quality of young people's attainment. Everyone involved is looking forward to working positively once again with Education Scotland given our shared focus on the best possible support and outcomes for our young people. Education is one of the council's top priorities and, as Policy Lead, I am doing all that I can to ensure that the service is supported in driving forward improvement and delivering the success we all want to see for our young people.

8.2 Positive Destinations: A report published by Skills Development Scotland early in September highlights that the number of young people in Argyll and Bute who are in employment, education or training currently stands at 94.2% - 2.4% higher than the national average - putting Argyll and Bute in the top 8 of Scotland's 32 local authorities.

This shows the great efforts that have been made to help our young people make positive progress and access appropriate pathways into work.

Together with our partners at Skills Development Scotland and Job Centre, we have been working hard to promote enterprise and entrepreneurship, and to help our young people raise their ambitions so that they can develop and succeed.

- 8.3 Attainment and Achievement:** SQA results for Argyll and Bute Council continue to demonstrate improvement with outcomes for National 5, Higher and Advanced Higher exceeding the national average. 100% of Nat 3 and 4 students passed, and more Higher and Advanced Higher pupils achieved pass marks than last year.

These latest figures are clear evidence that attainment in Argyll and Bute is on the rise. Everyone involved – our pupils and our teaching staff – can be very proud of their efforts and their success.

- 8.4 Annual Plan/PEF:** The Annual Education Plan has been approved by Committee and has been submitted to the Scottish Government. The plan has been prepared in line with the requirements of the Standards in Scotland's Schools Act 2000 and brings together a range of information about the work of the Education Service for parents, pupils, staff, carers and communities.

It contains examples of how PEF funding is being used by our education establishments to close the poverty related attainment gap. For example Rockfield Primary School employed a Youth Engagement Worker to develop confidence and leadership skills with children. The Youth Engagement Worker enjoyed working within education so much that he is currently undertaking the PGCE for Primary Education course to become a teacher.

- 8.5 Northern Alliance Action Plan:** The Northern Alliance Action plan has been published. Anne Paterson is taking up the lead for the Early Years Workstream while Kathleen Johnston has been seconded as the Early Years PT.

At the time of writing myself and the Education Service management team are preparing to attend the Northern Alliance Summit in Inverness on 14th September.

The Northern Alliance has now appointed a new Regional Improvement Lead – Andrew Griffiths, formerly Head of Education at Aberdeenshire Council. At the time of writing he was due to take up post and, along with the Education Service senior management, I am looking forward to working with Andrew through our participation in the alliance.

- 8.6 Ministerial Visits:** The Service were delighted to welcome two Scottish Government ministers to Argyll and Bute facilities recently.

John Swinney, Deputy First Minister and Cabinet Secretary for Education and Skills, undertook a visit to Tiree High School where he toured the whole campus, met with staff and engaged in a question and answer session with secondary pupils.

In her visit to Stramash Oban, the Minister for Children and Young People, Maree Todd, met a range of childcare representatives and parents and discussed how Stramash provided to a high quality, outdoors care and learning experience for children. During her visit she said: “It’s been an absolute pleasure to visit Stramash today and to see the children so full of fun and obviously enjoying the outdoors.

8.7 Support with school uniforms: One of a range of ways in which the council is delivering locally on national priorities, eligible families in Argyll and Bute receive £100 towards the cost of school uniform per child. Dunoon Grammar School operates a Uniform Recycling scheme to further support families to provide uniforms for young people. A wide selection of pre-owned school wear items, in excellent condition are available to purchase for a small donation.

8.7 Teacher Training in Argyll and Bute: The council has been working in partnership with the Universities of Dundee and Highlands and Islands to agree a training programme which will allow people to train as secondary school teachers here in Argyll and Bute. The programme was recently approved by the General Teaching Council of Scotland and will see student teachers based in local schools over an 18-month period.

Subjects currently on offer are chemistry, computing, home economics, maths and physics – all areas experiencing shortages in teaching staff across Scotland.

When students have successfully completed their course they will be awarded a Post Graduate Diploma in Education which allows them to immediately apply for teaching posts.

The first intake of students are due to start in December. This is a welcome initiative which has the double outcome of providing the best for our young people and retaining a high calibre of staff. It is another example of ‘growing our own’ highly qualified staff as well as complementing our existing primary teacher training scheme.

9. POLICY LEAD FOR PLANNING AND REGULATORY SERVICES – Councillor David Kinniburgh

9.1 Planning (Scotland) Bill: The key Stage 2 amendments to the Planning (Scotland) Bill were due to be considered by the COSLA Environment and Economy Board on 14th September. Our Planning Service has provided comprehensive comments on these key amendments - there are some

areas where they are in agreement with the COSLA position but others where they feel some further adjustment is required.

There are several issues where key amendments are proposed and which will have a significant bearing on Argyll and Bute, including modification of the meaning of development to include agriculture and forestry, which could result in an increase in applications in our authority area; change of use aspects in relation to use of a house for short term holiday lets (Argyll and Bute has the highest percentage of second homes of all Scottish councils); the meaning of 'material consideration'; and the creation of a Chief Planning Officer.

- 9.2 New Planning Enforcement and Monitoring Charter 2018:** In June this year, PPSL approved an updated Argyll and Bute Enforcement and Monitoring Charter. Our charter outlines a proportionate and pragmatic approach to planning enforcement in order to ensure that our environment and our economy can co-exist and complement each other. Effective regulation and enforcement is a key component in ensuring that all developers operate on an equal footing and that the aspirations of the council's development strategy are achieved.

Enforcement charters are required to be reviewed every two years – given that enforcement is one of the most complex elements of the planning system, this is essential to ensure that we maintain fair and reasonable procedures alongside public confidence in the planning process. The charter is an important part of keeping people informed and up to date about what they can expect on an aspect of council business in which there is significant public interest.

- 9.3 Good planning practice highlighted:** The Planning Service has presented its 2017/18 Planning Performance Framework (PPF) report to the Scottish Government for scoring, taking the opportunity to highlight several areas of good practice that are commonplace within Argyll and Bute.

Through initiatives like the pre-application advice service, and introducing simplified planning zones, the service has a significant part to play in protecting Argyll and Bute's outstanding natural and built environment – which includes 32 conservation areas. It must balance this with finding ways of opening up development opportunities for new homes and businesses. The Argyll and Bute approach is consistently successful with 97.6% of all applications approved during the period covered by this PPF report.

Our planning teams take an open-for-business approach – actively looking for solutions and ways to overcome barriers, mindful of the impact that their work has on achieving our corporate objectives and ambitions for the area. The report highlights how we do this – how we support economic growth,

help create jobs, promote tourism and ultimately boosting population growth, through a highly effective planning service with a positive, can-do approach.

- 9.4 Fresh air in Argyll and Bute:** Another example of the council supporting national objectives was highlighted to PPSL in August with a report on air quality in the area. We have a duty under the Environment Act 1995 to assess local air quality and support the Government's overall aims of improving health and wellbeing.

The Cleaner Air for Scotland Strategy has national objectives in place for eight major air pollutants which can be harmful both to human health and the environment. Within Argyll and Bute, levels of air pollutant levels are lower than annual targets or are falling in most areas. This is good news for Argyll and Bute and we are working hard to ensure that it stays that way.

10. CONCLUSION

- 10.1** This report provides members with an update on each of the Policy Lead portfolios. Policy Lead Councillors will be happy to provide more detail or discuss any particular issues with colleagues as required.

11. IMPLICATIONS

- 11.1 Policy - None**
- 11.2 Financial – None**
- 11.3 Legal – None**
- 11.4 HR – None**
- 11.5 Equalities – None**
- 11.6 Risk – None**
- 11.7 Customer Service – None**

Argyll and Bute Council – Policy Lead Councillors Report - 10th September 2018

For further information please contact Aileen McNicol, Leadership Support and Member Services Manager, telephone 01546 604014 or email aileen.mcnicol@argyll-bute.gov.uk

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ARGYLL AND BUTE COUNCIL**COUNCIL****CHIEF EXECUTIVES UNIT****27 September 2018**

Supporting Communities Fund – Participatory Budgeting pilot evaluation

1.0 EXECUTIVE SUMMARY

- 1.1 It was agreed by Council on 27 September 2017 that the Supporting Communities Fund be distributed via a Participatory Budgeting (PB) approach for 2018/19 as a pilot. The investment in this approach has wider benefits for the future of engaging with communities in funding distribution including informing the Council's approach to decision making for its budget.
- 1.2 The purpose of this report is to highlight key points from an evaluation of the completed pilot project with the Supporting Communities Fund, acknowledge the learning and potential for future use of this, and to seek agreement on the future distribution of the Supporting Communities Fund.
- 1.3 The associated costs with running a PB project, as exemplified in the pilot project, are not proportionate to the size of the Supporting Communities Fund (SCF) being distributed. PB may be a feasible option for decisions involving larger funds. A national online platform is being considered in 2018/19 by COSLA and Scottish Government. The recommendation is not to distribute the SCF via PB in 2019/20 and to contribute our learning to discussions on the national platform and to any internal Council discussions considering PB for larger fund distribution.
- 1.4 Participatory Budgeting is one tool for community participation in financial decision making, it was viewed positively in the evaluation of the pilot as something to be used again in financial decisions for grant funding – as long as this does not reduce money available from the fund itself. PB should be considered alongside other tools when the Council is looking at how it can meet the requirement, set out in the Scottish Government's Programme for Government 2017-18, for at least 1% of Council budget to be distributed by Community Choices by end of financial year 2020/ 2021.

ARGYLL AND BUTE COUNCIL

COUNCIL

CHIEF EXECUTIVES UNIT

27 September 2018

Supporting Communities Fund – Participatory Budgeting pilot evaluation

2.0 INTRODUCTION

- 2.1 61 community organisations across Argyll and Bute were awarded funding through the Supporting Communities Fund pilot project in 2018-19. There was a high level of engagement with the pilot project, shown by the numbers voting, and an evaluation was undertaken which has highlighted the strengths and weaknesses. The purpose of the pilot project was to test Participatory Budgeting (PB) as a tool for community participation in financial decision making to inform the council's requirement to allocate 1% of budget through Community Choices by end of 2020/21. There has been significant learning in undertaking the project and this will contribute to future discussions of its potential use as a model of engagement and decision making.

3.0 RECOMMENDATIONS

It is recommended that the Council note the outcomes from this successful pilot project and agrees:

- 3.1 That for 2019/20 Participatory Budgeting will not be used as a method to allocate the Supporting Communities Fund for the reasons detailed in paragraph 4.7 related to disproportionate costs against grant funding available; and notes the work currently underway to consider a national platform which would be available to local authorities.
- 3.2 Improvements be made to the Supporting Communities Fund, taking on board feedback through the evaluation to increase awareness and transparency in the grants process as detailed in paragraph 4.8 of report.
- 3.3 The Council shares the learning from the PB pilot with dedicated COSLA Officer and COSLA Elected Member Groups looking at Community Choices and PB to inform best practice and national considerations for a PB platform.
- 3.4 Options for how the council can meet the 1% requirement of budget distribution by 'Community Choices' by 2020/21, including where the use of PB may be appropriate, be brought to a future meeting of Council.

4.0 DETAIL

- 4.1 In September 2017, the Council agreed to a pilot project where residents in Argyll and Bute, aged 16 and over, could vote for the projects they wished to have funded within their administrative area. This direct participation in financial decision making is often referred to as Participatory Budgeting (PB).
- 4.2 The Supporting Communities Fund, previously known as the Third Sector Grants, is a long standing fund distributed by elected members at Area Committees and supported by the Community Development Team (Community Planning and Community Development; Chief Executives Unit). The fund has reduced over the past 3 years, and the amount available to be awarded in 2018/19 was £24,500 per administrative area. Funds unspent and returned to the council, from previously funded projects, brought the total amount in 2018/19 to approximately £110,000.
- 4.3 With funding from the Scottish Government and access to software used in a similar pilot project carried out the previous year, in relation to a Gaelic Grant, a working group with officers from Community Development, Finance, ICT and Communications set out to deliver the project phases outlined below:
- **Ideas Site** – website where all residents and community organisations could post project ideas and suggestions.
 - e.g. 45 ideas were shared on this for Bute and Cowal. Some of these ideas developed into applications to the fund.
 - **Projects forward to the public vote** – applications received and scored by the Community Development team, and agreed to go forward through Area Committee.
 - **Public Vote** – within the month of April 2018 promotion and support to vote was carried out.
 - **Evaluation** – undertaken by Social Value Lab with Area Committees informed of the outcomes from this at their meetings in September.
- 4.4 In recognition of inequality of access to digital, a focus group of representatives from groups identified as potentially having a lower equality of access to online voting sites informed a 'paper voting' approach which ran alongside.
- 4.5 The pilot project produced the following positive outcomes:
- Met the purpose for which it was agreed
 - Significant support and input from communities, elected members, council officers and partnership working with the Third Sector Interface.
 - Delivered on budget

- Significant engagement with 4,686 residents voting.
- Officer information and knowledge enhanced to inform future approaches.

4.6 A summary of the evaluation highlights were shared with the Area Committees. The evaluation highlighted the following positive strengths and opportunities:

- The ideas site was viewed well by those who participated
 - Higher than anticipated turn out of voters.
 - Respondents valued the voting page for finding out about projects in their area and the openness of the process.
 - The marketing materials were well thought of.
 - Applications were received from community groups who had not previously applied.
-
- Suggestions that budgets could be on a smaller geographical level – however this distribution would mean small or negligible budget available in areas given the size of the grant fund available and the number of communities. It would also exacerbate the ‘time groups spent on applications’ versus the ‘benefit from the fund’ balance which is currently seen by some to not be favourable.

4.7 The evaluation highlighted the following concerns:

- Challenges with communities experiencing an element of competition within one another across a large area which was seen by some to be divisive and a perception of disadvantage – even if this did not materialise in the final voting results and projects funded.
- The least represented were young people and older people. Future work needs to consider specific engagement of these groups.
- Costs of approximately £50,000, which is the highest end estimate, to deliver this approach. This includes officer time and appointing an independent evaluation, delivering a range of engagement sessions, marketing materials and getting the software for the voting sites. It should be noted that costs are expected to be higher in a pilot due to the trialing of a number of approaches, for example in marketing and engaging, to seek those most cost effective to repeat out with a trial and that these costs would not continue to same extent in future years due to the learning gained. Nonetheless, for a budget distribution of £98,000 these costs are disproportionate.

4.8 Distributing the Supporting Communities Fund in 2019/20.

It is recommended that due to delivery costs being disproportionate to the funding available that the previous method of distribution (applications scored by Community Development, decisions at Area Committee) be reverted to with the following improvements:

- 100% funding of projects up to maximum of £2,500 remain
- The application form be simplified
- The fund be wider promoted using social media and existing budget to increase openness of process to public.
- Consideration be given to an online Ideas webpage for communities to share project ideas and support one another with comments and sharing of experience.

4.9 Using the learning from the pilot project and considering how best to meet the requirement of the 1% council budget distribution by Community Choices by end 2020/21.

The method of PB was well received by some residents and many would like to see this approach being used again – providing it did not take funds away from the amount to be distributed to communities. Further, there has been significant learning in officers involved in the pilot project from ICT, Finance, Community Development and Communications.

The learning from this will be of value in the future and next steps are going to be looking at what may happen nationally and use our learning from the project to input to discussions on PB with Scottish Government and COSLA, and looking internally across the council with other services to explore where PB and other means of empowering communities in financial decision making is possible.

5.0 CONCLUSION

- 5.1 The pilot project was very successful in meeting its requirements and we are grateful to the participation of the community, members and partners in supporting and promoting the pilot project. As COSLA is looking at a potential national platform for PB this may allow feasibility of re considering the grants allocation via this method in future. For 2019/20 improvements to the original process are recommended.

6.0 IMPLICATIONS

- 6.1 Policy: Pilot project in response to legislation within the Community Empowerment (Scotland) Act 2015 requiring Councils to consider Participatory Budgeting in financial decision making

- 6.2 Financial: The pilot project received Scottish Government Community Choices Funding and a digital support package. Costs of digital PB engagement need to be proportionate in relation to funding being distributed.
- 6.3 Legal : none
- 6.4 HR : none
- 6.5 Equalities: Potential inequality in accessing a digital voting site was recognised and accommodated within the project. The voting results show that those under 25 years and those over 65 years were underrepresented and engagement on the fund in the future will take consideration of this.
- 6.6 Risk: Undertaking the pilot project with funding support from Scottish Government sought to mitigate financial risk.
- 6.7 Customer Service: customers were offered opportunity to engage in evaluation at point of contribution to Ideas Page and at Voting Stage.

**Cleland Sneddon,
Chief Executive, Chief Executive's Unit**

**Councillor Robin Currie,
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13 September 2018

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ARGYLL AND BUTE COUNCIL**Council****Chief Executive****27 September 2018**

Local Governance Review – Community Engagement Update

1.0 EXECUTIVE SUMMARY

- 1.1 The programme for Scottish government 2017-18 set out the intention to “decentralise power to a more local level in Scotland and launch a comprehensive review of local governance ahead of a Local Democracy Bill later in this Parliament”. The Scottish Government’s local governance review consultation was jointly launched with the Convention for Scottish Local Authorities (COSLA) on 28 May 2018 and entitled ‘Democracy Matters’ and will close 14 December 2018.
- 1.2 The first phase is aimed primarily at communities to better understand how decisions and their impacts are best taken at community level. The second stage of the consultation is aimed primarily at Community Planning Partnerships and public sector organisations who are encouraged to offer proposals for improved governance arrangements at their level of place.
- 1.3 It is unknown at this stage what the proposed Local Democracy Bill will contain however it is anticipated that it has the potential to have a long term impact on how decisions are made affecting our communities in Argyll and Bute. It also has the potential to generate organisational or structural change or introduce the transfer of powers between or from spheres of government and communities. It is important that the Council (and any other public organisation, community group or individuals from the area) makes a full submission during this consultation phase to influence the best possible outcome for our communities.
- 1.4 In preparation, the Council embarked on a programme of engagement with communities across Argyll and Bute and online to inform the development of the Council’s response to the Local Governance Review consultation.
- 1.5 This report sets out the background to our Big Listen consultation and more explicitly provides a narrative on the key themes and comments captured at our events which have been reported to the relevant area committees for their information and consideration.

- 1.6 A draft of the consultation response is scheduled to be presented to Council in November 2018.
- 1.7 It is recommended that Argyll and Bute Council:
 - a. note the summary reports from each of the eleven community engagement events undertaken by the Council during the summer of 2018 have been reported to the relevant area committees for their information and consideration.
 - b. consider the key themes drawn from the engagement events as outlined within this report which will be used to inform the Council's draft response to the Local Governance Review consultation; and
 - c. note that a draft response to the Local Governance Review will be presented to Council in November 2018 with a view to submit to the Scottish Governments before the deadline of 14th December 2018.

ARGYLL AND BUTE COUNCIL

Council

Chief Executive

27 September 2018

Local Governance Review – Community Engagement Update

2.0 INTRODUCTION

2.1 The Programme for Government 2017-18 set out the intention to “decentralise power to a more local level in Scotland and launch a comprehensive review of local governance ahead of a Local Democracy Bill later in this Parliament”. The Scottish Government’s local governance review consultation was jointly launched with the Convention for Scottish Local Authorities (COSLA) on 28 May 2018 and entitled ‘Democracy Matters’ and will close 14 December 2018.

2.2 The first phase, entitled ‘Democracy Matters’ is aimed primarily at communities to better understand how decisions and their impacts are best taken at community level. The second phase of the consultation is aimed primarily at Community Planning Partnerships and public sector organisations who are encouraged to offer proposals for improved governance arrangements at their level of place. These phases were originally intended to run sequentially however due to the late publication of the consultation document, they effectively are running concurrently.

2.3 In preparation, the Council embarked on a programme of engagement with communities across Argyll and Bute and online to inform the development of the Council’s response to the Local Governance Review consultation. This report seeks to draw together the key themes from all the engagement events that will help the Council develop a response to the consultation.

2.4 A draft of the consultation response is scheduled to be presented to Council in November 2018.

3.0 RECOMMENDATIONS

3.1 It is recommended that Argyll and Bute Council:

- a. note the summary reports from each of the eleven community engagement events undertaken by the Council during the summer of 2018 have been reported to the relevant area committees for their information and consideration.

- b. consider the key themes drawn from the engagement events as outlined within this report which will be used to inform the Council's draft response to the Local Governance Review consultation; and
- c. note that a draft response to the Local Governance Review will be presented to Council in November 2018 with a view to submit to the Scottish Governments before the deadline of 14th December 2018.

4.0 DETAIL

- 4.1 The Programme for Government 2017-18 set out the intention to “decentralise power to a more local level in Scotland and launch a comprehensive review of local governance ahead of a Local Democracy Bill later in this Parliament”. In December 2017 the Scottish Government and COSLA jointly announced the Local Governance Review consultation and it was launched in May 2018 and will close on 14 December 2018. The review follows one of the recommendations set out in the Commission on Strengthening Local Democracy report published in 2014.
- 4.2 The first phase of the consultation is entitled ‘Democracy Matters’ and is aimed primarily at communities to better understand how decisions and their impacts are best taken at community level. The second phase of the consultation is aimed primarily at Community Planning Partnerships and public sector organisations who are encouraged to offer proposals for improved governance arrangements at their level of place. Due to the late publication of the consultation document the two phases are now running concurrently.
- 4.3 The consultation document states that it is important to review how powers, responsibilities and resources are shared across national and local spheres of government, including national and regional public bodies, and with communities in the context of significant change to the governance of Scotland over the last two decades. The review is based on the principle that outcomes for citizens and communities are best when decisions are taken at the right level of place. This review reflects local and national governments’ shared commitment to the principle of subsidiarity and local democracy. It builds on the joint agreement between COSLA and the Scottish Government to focus on and strengthen local and community decision making and democratic governance in ways that improve outcomes in local communities, grows Scotland’s economy for everyone’s benefit, support communities to focus on their priorities, and help new ideas flourish.
- 4.4 Community Engagement
- 4.5 Given the significant importance of this consultation to the future of public

services in Scotland, the Council undertook an extensive programme of engagement across Argyll and Bute with communities to inform the development of the Council response. Initially entitled the 'Future of Public Services – Your Voice', it received the additional title of 'The Big Listen' to reflect the focus on hearing the views of residents within our communities.

4.6 Between April and July 2018, Council officers hosted engagement events in Coll, Campbeltown, Lochgilphead, Helensburgh, Mull, Islay, Bute, Dunoon and Oban. In addition a 'webchat' event followed to allow anyone unable to attend one of the above events to participate in a session online. A final event was held on Jura at the end of July 2018.

4.7 Format of Engagement Events

4.8 Each event commenced with a one hour 'open doors' session where people could drop in for an introduction to the event, have an informal discussion, meet council staff and raise issues relevant to their communities. The formal events commenced immediately afterwards and lasted two hours, beginning with a short presentation to set some context before the topics were considered in detail through a series of focus groups. Each group was facilitated by council staff but the focus was on the views of attendees. At the end of each session, feedback was provided from each group so that all attendees were party to the points raised within other groups.

4.9 Although the national consultation document was delayed in publication, the Council was aware of the broad themes that would be considered and structured a question set to reflect this. Each group worked through 5 key themes aligned to the focus of the Democracy Matters consultation as follows;

1. How would you want to contribute to making decisions for your local community? And what would help you to become more involved?
2. How effective are arrangements for making decisions about your public services? What could be improved? Is it more influence over decision making by public bodies, is it the transfer of services and budgets to community control or something else?
3. Would you support community control over any services? If so, which ones? Are there any areas where community control should not be considered? If not, why not?
4. How should organisations that run public services be accountable for the decisions taken to those who reside in our communities? Who should monitor performance of those services?

5. What would you like public services to look like in Argyll and Bute in 5 years' time?

4.10 For each event, a summary of the key points and views expressed were captured in a narrative form plus a short overview of the webchat session which were submitted to the respective Area Committees for their consideration. Over 220 residents participated in an in depth consideration of the issues at the events and the following sections provides a collective summary under each of the key themes explored at the Big Listen events.

4.11 General Observations

There were a number of general observations that were evident from the community engagement events and feature in the individual event reports presented to Area Committees. In summary, these included:

- i. The divergence of views – there was a divergence of opinions on a wide range of points at most events. It was impossible to report consensus on all of the main themes – often there were divergent views expressed in the same group, far less across attendees at one event. As such it was not possible to draw broad conclusions that suggested any specific community held a consistent view or that all island communities universally agreed on a specific issue.
- ii. There is a sense of dissatisfaction with current arrangements leading to apathy in the traditional ‘town hall’ model of local democracy. Nonetheless there is a clear appetite for communities to feel better connection to decision makers and have access to decision making processes at a local level.
- iii. The capacity of communities and community organisations varies across Argyll and Bute and the confidence and resilience of different communities was reflected in the feedback received.
- iv. Concerns about a “one size fits all” approach to reform was a recurring theme in all events with a strong preference for permissive legislation that allows flexibility in approach reflecting local circumstances, needs and capacity. The case for additional legislation has not yet been made as the Community Empowerment Act contains provisions for most of the innovations discussed at the events. Clarity on what the purpose and scope of additional legislation will be sought through the consultation response.
- v. The sheer scale and range of public sector organisations active in Argyll and Bute is daunting to communities (see appendix 2) who may only be

familiar with some of the organisations that make decisions that affect them. The Council and NHS are two of the more familiar organisations but a repeated comment was a request for a simplified public sector.

- vi. Increased local autonomy will require increased governance to protect the integrity of and support appropriate local decision making.
- vii. Influence, not control; there is a stronger sense of desire for more influence over services or decision making whereas there is less demand for direct management and control.
- viii. Participation - there is a desire for more creative and inclusive opportunities for communities to participate in decision making with national, regional and more local public bodies. This needs to be supported by improved communications that engages a broader range of community sectors.
- ix. An overriding concern about the need for properly funded public services that meets the needs of communities was expressed in every event.

4.12 Theme 1; how would you want to contribute to making decisions for your local community? And what would help you to become more involved?

4.13 A common agreed principle was that 'everyone wants to improve their area'. Attendees often cited barriers to participation which can be grouped as:

- a) People are interested in being involved in decision making but are very busy and traditional arrangements for participation are time consuming or don't suit their lifestyles.
- b) Rurality, transport, connectivity and remoteness creating barriers to participation.
- c) Existing structures (of both public sector and community) groups 'can get in the way' and are often not structured with participation in mind.

4.14 Often it was expressed there is a disconnect with regards to decision making; stated as a difference between what should happen (or what people want) compared to what actually happens. There were differences of opinion in respect of people being aware of opportunities to contribute and many who felt they were asked too often and wished public bodies would 'just get on with things'. There were various comments about the skills set of public bodies to facilitate truly inclusive participation – highlighting the predominance of certain groups within communities exercising disproportionate influence to the detriment of those for whom the engagement models didn't suit.

- 4.15 The greatest number of comments from participants related to accessing information and the current public sector approach to consultation with a consistent message that this needs to be more effective. Many participants suggested they did not know where to look for information and/or did not know who to contact whilst others had no difficulty at all. This often reflected how individuals are connected to existing governance structures (e.g. community councils, locality planning groups, etc) or their motivation to participate (often on single issues).
- 4.16 Online communications was a recurring theme of discussions and again there was mixed opinion ranging from too much emphasis on provision of information online to further extending the use of social media. This was cited as an important growth area with regards to information, communications and online tools, possibly for reporting or to increase participation. The 'traditional town hall' model of civic participation was believed to be unpopular for many, particularly with young people and that alternative forms of involvement need to be created to increase engagement. However, there was another message that social media is not enough and traditional and other non-digital forms should be further developed by the public sector. This could suggest that the issue is not whether information is available (particularly in this current period of abundant information and increasing reliance on digital technology) but as to whether individuals and communities can readily access 'real time' information that is relevant and of interest to them.
- 4.17 The joining up of community engagement across public bodies was highlighted as an area for improvement and a way to avoid community consultation fatigue.
- 4.18 One overarching consensus is that the public sector needs to work harder at increasing accessibility to better quality engagement. There were two contrasting views on how this could be done with the first that consultations should be quick and easy and possibly reduced to single questions (referendum style) while others looked for more immersive participation experiences to ensure individuals understand the consequences of decisions and suggesting that public sector bodies should not 'dumb down' participation.
- 4.19 A suggested third way is to break down big issues into smaller and simpler 'chunks' to inform a wider engagement and participation process. Related to this is separate suggestions for consultations to be more local and or targeted (particularly budget consultation), be clearer about what the information is being used for, and allow an ability to observe the responses

of other community groups which will inform an understanding on how decisions are made.

- 4.20 Some participants felt that face to face engagement can produce ‘feelings of connectedness’ and was deemed a welcome approach for the Big Listen engagement exercise in an era of growing reliance on digital communication which was perceived as affecting some individuals’ sense of connectedness to their community and decision makers.
- 4.21 It was considered that good communications can improve decision making, understanding and ultimately a sense of accountability whilst poor communications may result in the outcome being the opposite. More meaningful engagements requires relationships between the public sector and communities to be further developed. The engagement team repeatedly heard from participants that they wanted an identifiable face to the council; someone with whom communities could form relationships and would look after their interests. This opens questions as to whether it is about doing more or doing it differently and in particular in relation to the culture of the public sector (and to a lesser extent community groups) when it comes to engaging our communities.
- 4.22 We received a number of suggestions for the development of single points of contact for the public sector in our communities (related to the point above) at officer level although some argued that this is the role of elected members who already attend many community group meetings including community council meetings and already play a role in supporting community development.
- 4.23 Another theme was that communities could or should take more responsibility for decision making and that through small interventions, they can make big differences in their communities. A common view was that the key to maintaining community involvement is being able to evidence results, gain a sense of momentum and a belief they are being listened to. It was acknowledged that this takes time, commitment and that public bodies need to develop a new proactive approach to participation.
- 4.24 Theme 2; how effective are arrangements for making decisions about your public services? What could be improved? Is it more influence over decision making by public bodies, is it the transfer of services and budgets to community control or something else?**
- 4.25 There was a suggestion in some focus groups that the size and geography of Argyll and Bute is too big and varied for decision making to feel local and that one can feel that decisions are ‘done to us’ rather than ‘by us and for

us'. It was suggested that there has been a growing trend of centralisation with regards to decision making (nationally, regionally and at local authority level) and a particular theme that emerged frequently was the view that local solutions are required for local issues and therefore 'one size does not fit all'.

- 4.26 Many of the participants were keen for the retention of local government whose decisions can have a greater impact on people's lives than most other public bodies. It was suggested Local Government should be retained as an important objective party which plays an important role in providing structure to support local decision making whilst ensuring satisfactory governance is observed. In many areas however there were demands that local government should increasingly become 'more local' with many referring back to former town councils.
- 4.27 It was suggested in some groups that the public sector can be unwilling to relinquish power to allow residents with time and skills to contribute freely to improve outcomes. It was suggested that public sector employees (local, regional and national) should receive training on the unique characteristics of our communities, the provisions/ potential of the Community Empowerment (Scotland) Act and community engagement skills. These comments were not reserved for public bodies and similar calls were made for some community organisations and groups to also improve the way they enable participation of other people in their communities.
- 4.28 As described under theme 1 above, residents are often keen to participate and influence but may be restricted in terms of time or the means to participate. Therefore the challenge is for new alternative models of engagement that increases public participation at a cost that is deemed affordable to all parties (financial, time, or other).
- 4.29 Often comments raised were less about consultation and more about pro-active sharing of information including operational matters e.g. pot hole and road repairs, ferry services, etc. Many participants recognised the financial challenges to the public sector and were keen to help via advice e.g. if community groups received prior notification of works, they can provide helpful intelligence to support the service i.e. which road sections to prioritise, best time of day/week/month/season to undertake work, encourage residents to stay off the road (small islands) etc. It is perceived that the outcome would be increased productivity, increased value for money and a feeling by the community of being listened to and the application of common sense using local knowledge.
- 4.30 A number of participants in the focus groups referred to the loss of the Burgh or Town Councils abolished in 1975 and the subsequent two tier Regional/

District Councils abolished in 1996 to make way for the existing unitary authorities. These comments supported a common view of a perception of increasing centralisation of decision making over time, a loss of local leadership, a loss of accessibility to people of influence and a reduction in local accountability. It was acknowledged that the scale of electoral wards or the geographic area to be covered by some agencies made decision making appear remote and difficult to engage at the level desired by some communities.

- 4.31 Often there was a sense of frustration with the perceived complicated and 'cluttered' landscape of the public sector within Scotland and a perception in the growth of 'quango's' or non-local government public agencies which many participants criticised as unwilling to engage or take issues raised locally on board. It was acknowledged that many public sector organisations report and are accountable only to national government and not to local residents or communities. Local government and community councils in this context continue to be accountable locally as democratically elected representative bodies.
- 4.32 The public sector was at times described as too process driven, bureaucratic and risk averse. More than once a frustration was cited of difficulty with influencing decisions by the public sector from a 'bottom up' perspective. The perception was often that this was easier before the creation of unitary authorities and the centralisation of powers to regional and national bodies/ government. This in part was held to explain the sense of loss of connectedness to decision makers.
- 4.33 A specific theme was community apathy. It was commented that in 2018 that community council elections in Argyll and Bute had become increasingly uncontested. Focus groups considering this trend had mixed views on whether this was as a result of an apathy towards participation in local democracy or whether this signaled a general satisfaction with their elected representatives. It is of note however that the 2016 Scottish Household Survey reported that only 26% of people think that they can influence decisions that affect their area – this suggests a level of dissatisfaction and powerlessness with arrangements which may support the theories of apathy in communities.
- 4.34 Nonetheless in some communities there appears to be a high level of motivation, engagement and passion for individuals to participate in specific (or single issues) community activities. It can be argued that much of the energy for citizenship has moved from the traditional 'town hall' model to the third/community sector and particularly where a need has been identified by a community following the reductions in resources available to public bodies

to deliver services or operate buildings and other assets.

- 4.35 Reflecting the comments made about the centralisation trend, a common set of proposals sought innovative decision making and participative models ranging from a town mayor, enhanced powers for Area Committees or the introduction of area general managers – with each suggestion having greater autonomy to liaise directly with communities and make local decisions much quicker. This would require enhanced autonomy from national, regional or local public bodies to increase the pace of decision making, increase local accountability and have access to delegated budgets. This was held to support a ‘local solutions for local issues’ approach. It was acknowledged however such arrangements would generally add cost to public bodies which could further reduce service delivery and reduce resilience across a some service areas where staff cover fairly large geographic remits.
- 4.36 In relation to island authorities these themes were often characterised as island councils, single public authorities covering areas smaller than Argyll and Bute, or the Inner Hebrides to become a single island authority similarly to the Western Isles. In many of these models there was an assumption that resources would be sourced from the disaggregation of resources from the previous (larger) public bodies. It should be noted there was some resistance to these ideas with concerns over the concentration of power to a selected few local residents. Nonetheless the range of models proposed demonstrated both a desire for change and the unique perspective of each area.
- 4.37 Community councils were a popular theme in all the Big Listen events and views were wide ranging. Some participants described community councils as ineffective whilst others viewed them more positively with an enthusiasm to play a greater role to improve outcomes for their communities. Some focus groups suggested an expanded role for community councils included delegated powers and additional resources which would rejuvenate community councils including raising their profile and add weight of authority to their opinions. A very common view expressed was that the community councils needed to be more diverse to properly represent all of their communities and to do so needed a wider range of methods to enable inclusive participation.
- 4.38 A further extension of this theme suggested the creation of ‘public management groups’ with community councillors in new roles funded by the public sector to create improved and more sustainable models of delivery and in time creating a virtuous cycle of partnership working between community, third sector and ultimately public sector bodies. It was acknowledged that this would require additional resources but would

potentially produce efficiencies over time and improve outcomes.

- 4.39 One theme common to almost all sessions was the view that there should be less time disagreeing about how to distribute diminishing resources and more focus on ensuring good quality public services that meet the needs of communities are adequately funded.
- 4.40 Theme 3; would you support community control over any services? If so, which ones? Are there any areas where community control should not be considered? If not, why not?**
- 4.41 In every event there was discussion about the spectrum of participation ranging from having no influence over decisions through to full management and control of specific service areas. When discussing these options there were strong polarised opinions. For some, there were significant concerns about this ultimately being an unsustainable model with community groups lacking capacity and resilience to deliver over a longer period of time and individuals and groups becoming vulnerable to liabilities or excess stress. More than once there was concern about the public sector seeking to 'offload' services in a perceived continued retreat of public bodies from areas of service. A common view was that this is what they pay their tax for and the public sector needs to 'get on with it'.
- 4.42 Opposite views suggested this could be delivered if there is more investment in community development/capacity building and the area of activity is within acceptable levels of risk. It was suggested that new groups should start small and grow their ability to develop the capability and talents of their communities. There are examples of successful and independent community groups 'doing it for themselves' in Argyll and Bute and there was a general consensus that capability and ambition varies from area to area.
- 4.43 A critical area that was commonly discussed was financial resources, particularly in an era of one year budget settlements which causes significant uncertainty for community groups delivering service level agreements. Common suggestions related to any enhanced role for communities in exercising greater influence or control over services was for certainty of budget, a transition period for hand over and fail safes to guard against failure of any new model. It was acknowledged however that these certainties are not available to public bodies and it would be difficult to offer guarantees to community bodies in those circumstances.
- 4.44 As an alternative it was suggested that the public sector be clearer about where they would welcome interest from community groups in taking control over services and ensure staff and community groups have satisfactory

change management skills to make it happen. Issues over liabilities can be resolved through careful planning including identifying training needs, share best practice and insurance.

- 4.45 In more than one event there was greater enthusiasm for a third way via partnerships between the public sector and community groups where the public bodies maintain ownership and liabilities whilst residents, in partnership (or coproduction) with the public body would seek to create an improved and more cost effective models that supports the socio economic development of the community. This proposal represents changing roles for both the public sector and community organisations where there is an appetite to do so.
- 4.46 In the context of this discussion, the theme of maintaining existing economies of scale was repeated. Current arrangements often deliver purchasing power, capacity and resilience i.e. ability to transfer resources as and when required. These matters would need to be considered in consideration of any new models.
- 4.47 With the implementation of the Community Empowerment (Scotland) Act 2015 (i.e. community right to buy, asset transfer requests, and participation in public decision making requests) and the recent enactment of the Islands (Scotland) Act 2018 (with regards to 'island proofing'), and the policy intent in the Programme for Government regarding participatory budgeting, there is now a range of mechanisms available to increase public participation to influence decision making.
- 4.48 In more specific terms, there was a measure of support expressed for increased community control over areas including school timetables, community transport, recycling, landscape works, pier maintenance, car parks, traffic management and any non-critical service. Areas where participants indicated there should not be increased community control included police, Scottish fire and rescue service, town planning and child protection. Areas where there was more mixed opinions included roads, education and health care.
- 4.49 Theme 4; how should organisations that run public services be accountable for the decisions taken to those who reside in our communities? Who should monitor performance of those services?**
- 4.50 Accountability was a theme explored by participants at all the Big Listen events. Whilst there was common agreement that monitoring of performance to support scrutiny was fundamentally important, there was no consensus on how this could/should be done. A common opinion was that by and large

communities are not interested in monitoring performance data and are more interested in a certainty that services will be provided to a level of quality (e.g. pot hole fixed, care provided etc.) There were views indicating that public bodies should ensure that performance was appropriately monitored and reported but that they should involve service users in this process. Concerns were raised about scrutiny being appropriate and not taking resource away from service delivery. Commonly expressed opinions raised concerns about the accountability for services if they are transferred to community control and the need to ensure that scrutiny was robust in those circumstances.

4.51 Theme 5: what would you like public services to look in Argyll and Bute in 5 years' time?

4.52 A range of suggestions were made at all the events some of which are already covered under the 4 themes above. Some of these are emphasised here along with other suggestions received.

4.53 Information and communications featured regularly and suggestions included use of prior notifications (as described in para 4.27), development of a Council 'app' for easier and quicker access to information, central information hubs, local liaison managers, more effective explanations on how decisions are made, live streaming of public meetings, and be clearer on specific opportunities for individuals to contribute to decision making.

4.54 With specific regards to engagement, as described in this report, there were a range of suggestions from developing more immersive engagement experiences (including more 'face to face') to alternatively quick and easy consultations. Increased use of social media and non-electronic forms of engagement.

4.55 The final element related to training for public sector employees and specifically included the Community Empowerment (Scotland) Act 2015, community engagement skills and change management skills.

4.56 Development of the Council's Consultation Response

4.57 The consultation will close on the 14th December 2018 and it is anticipated that a draft response will be presented to Council for consideration at its meeting in November. The response will be necessarily broad to reflect the importance of this topic to the future of public services in Argyll and Bute and will be informed by the substantial amount of evidence and opinion gathered through the Big Listen events. Elected members or groups who may wish to discuss the development of the Council response are encouraged to engage

with the Chief Executive either through the Group Leader arrangements or directly.

- 4.58 Subject to the outcomes from the consultation and subsequent legislation, the feedback received from communities will also contribute to the council's development of local governance reforms to improve the connection between the council and its communities and develop a deeper connection and partnership.

5 CONCLUSION

- 5.1 The programme for Scottish government 2017-18 set out the intention to “decentralise power to a more local level in Scotland and launch a comprehensive review of local governance ahead of a Local Democracy Bill later in this Parliament”.
- 5.2 It is unknown at this stage what the proposed Local Democracy Bill will contain however it is anticipated that it has the potential to have a long term impact on how decisions are made affecting our communities in Argyll and Bute. It also has the potential to generate organisational or structural change or introduce the transfer of powers between or from spheres of government and communities. It is important that the Council (and any other public organisation, community group or individuals from the area) makes a full submission during this consultation phase to influence the best possible outcome for our communities.
- 5.3 In preparation, the Council embarked on a programme of engagement with communities across Argyll and Bute and online to inform the development of the Council's response to the Local Governance Review consultation. A draft of the consultation response is scheduled to be presented to Council in November 2018
- 5.4 At this point, it is likely that our key message within the draft response from the Council to the Scottish Government and COSLA is that any new legislation requires to be permissive and flexible and that the Scottish Government review the role, resources and powers of all spheres of government to ensure there is an appropriate delegation of powers and resources.

6.0 IMPLICATIONS

- 6.1 Policy; The Council will need to develop policy to meet the provisions or duties associated with a Local Governance Act.
- 6.2 Financial; none at this stage.
- 6.3 Legal; The Scottish Government has intimated its intention to present a Local Democracy Bill to Parliament in 2019 that could contain new statutory duties or requirements for public sector organisations including local authorities. This intent will be informed by the conclusions reached through the Local Governance Review consultation.
- 6.4 HR; none at this stage.
- 6.5 Equalities; none at this stage.
- 6.6 Risk; There are unquantified risks to the role and function of local government and the exercise of local democracy that may arise from the Local Governance Review and related legislation.
- 6.7 Customer Service; none at this stage.

Cleland Sneddon, Chief Executive

03 September 2018

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APPENDICES

Appendix 1 – Democracy Matters – Your Community. Your Ideas. Your Future.

Appendix 2 - Selection of Public Sector Organisations in Argyll and Bute

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Democracy Matters

The title 'Democracy Matters' is rendered in a large, bold font. 'Democracy' is in green and 'Matters' is in blue. The letters are filled with icons representing various groups of people: an elderly person with a cane, a person in a wheelchair, a person pushing a stroller, and a person standing on a brick wall. Speech bubbles are placed above the 'o' in 'Democracy' and the 't' in 'Matters'.

Your Community. Your Ideas. Your Future.



Democracy

[dih-mok-ruh-see]

government by the people; a form of government in which the supreme power is vested in the people and exercised directly by them or by their elected agents under a free electoral system.

Matters

[mat-ers]

a situation, state, affair, or business something of consequence.

Somebody somewhere is making decisions on your behalf. They could be an MP, MSP, local councillor or public service worker. This involves public sector organisations like the NHS, police, councils, the Scottish Government, and a whole range of public bodies responsible for services like local enterprise, housing and transport. This is important work that affects our lives in all sorts of ways, such as helping us to stay safe and healthy, and access fair work and social care.

In recent years, something has begun to change. There is a growing recognition that it is often better for decisions about the issues that affect different communities in Scotland to be taken with more active involvement of those communities. Whether that is communities in different places organising at a very local level, or communities with a shared interest organising at a more regional level. This enables public services to work in ways which meet local circumstances and reflect the priorities of different communities.

Citizens are also getting involved in many different ways to decide what will most help their community, neighbourhood, or town to thrive. For example, Scotland has a vibrant Community Development Trust movement,

community based Housing Associations deliver much more than affordable housing, and early interest in Participatory Budgeting shows people want a direct say over how public money is used in their area.

All of this is a matter of democracy, and democracy matters. But for many people, decision-making can feel like something that happens far away. And for some groups, like disabled people, ethnic minorities or those living with poverty, there are barriers to getting equally involved.

In modern Scotland power must work in a way that involves and benefits everyone. To get this right, we will review how responsibilities and resources can be shared across national and local government in a way that delivers the greatest benefit to Scotland's different places. However, the starting point must be with our citizens and the power and potential within our communities themselves.

We want to hear your voice and the voices of your friends and neighbours in a discussion about local communities deciding their own future.

We think communities being more in control will create exciting opportunities. If you agree, does this mean communities having a stronger voice when decisions about them are taken? Is it about having the powers and resources to use as they think best?

How could any of this be made to work in your local area or community? And how can we ensure that any changes promote equality and reflect Scotland's rich diversity?

The questions below are designed to help begin a conversation in communities about the kind of changes they want to see happen. We want to hear as many voices as possible, and in particular those who are all too often under represented. Visit our webpage to find information about how decisions about Scotland's public services are currently taken, and the different ways you can join the conversation:

www.gov.scot/democracymatters
or email us at: democracymatters@gov.scot

As the conversation builds, we'll share all that we hear so you can see for yourself the kind of changes people most want. As we understand how all of this could be made to work we will share different ideas at a series of events later in 2018. All who have contributed to the discussion will be invited to attend, and to tell us what makes most sense for their community.

We'll also be working with councils and a wide range of public services to understand what would make a positive difference to how they work locally. A public consultation on any new laws that are required will follow – probably next year. Please do get involved: you will be helping to strengthen democracy and make Scotland a better place for all.



Join the conversation:

www.gov.scot/democracymatters
democracymatters@gov.scot

Section 1: Communities more in control – a good idea to begin with?

Many people will have experienced decision-making processes that affect their lives and the public services they rely upon - whether at a national or local level. How easy is it to get involved and have your say? Some people may feel excluded from these decision-making processes. It is crucial we understand the barriers experienced.

Q1. Tell us about your experiences of getting involved in decision-making processes that affect your local community or community of interest.

Democracy in Scotland works in different ways. People have the opportunity to go to the ballot box at various elections to elect their representatives who are democratically accountable for making decisions in their name. People are also increasingly playing a more active role in ensuring that their voice is heard when decisions are made about the issues they care about most in local communities, and by taking decisions for themselves. This conversation is about identifying new approaches that will ensure these different ways of taking decisions complement each other to best effect.

Q2. Would you like your local community or community of interest to have more control over some decisions? If yes, what sorts of issues would those decisions cover?



Section 2: Communities more in control – how could it work in practice?

If more decisions are to be taken by communities, we would have to decide on the scale at which this would work: this could be at a very local level but would depend on the decision being made, the skills and expertise required, and the potential impact on different people. It's unlikely that the answer will be the same for every place or community. Through this conversation we want to understand what types and sizes of community make most sense to people, and why. It's a complicated issue, and we want to hear what you think would work.

We want to explore how all public services, councils and the Scottish Government can make this work. Existing groups that take action and are part of decision-making in communities include council area committees, area partnerships, community councils, development trusts, community based housing associations and community led groups and organisations. Other forms of decision-making, like Participatory Budgeting and community action planning are also being developed, although not all public services currently work this way. Perhaps all of these different structures and processes could be built on, or developed, to support greater levels of community decision-making across public services and to strengthen local democracy. That might include sharing powers or resources differently between the Scottish Government, councils and communities, a second, more local, layer of local government, or other potential

Q3. When thinking about decision-making, 'local' could mean a large town, a village, or a neighbourhood. What does 'local' mean to you and your community?

ideas. Regardless of the structures or processes people like best, this review is also a key opportunity to ensure diverse community voices are heard in decision-making processes. Get this right and it will help make a real difference to local priorities, and progress equalities and human rights across Scotland, including on issues such as housing, health and the enjoyment of a decent standard of living.

Q4. Are there existing forms of local level decision-making which could play a part in exercising new local powers? Are there new forms of local decision-making that could work well? What kinds of changes might be needed for this to work in practice?



Section 3: Communities more in control – what is most important to know before we go any further?

This is a big topic and the questions we've asked you to consider here won't have covered everything that will need to be explored. This will happen as people come forward with their ideas and the conversation builds. We'd like to take this opportunity to ask you to make any final points you feel are important, and invite you to ask any questions that will help you to remain part of the conversation.

Q5. Do you have any other comments, ideas or questions? Is there more you want to know?





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Some publicly funded organisations working on your behalf in Argyll and Bute.



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ARGYLL AND BUTE COUNCIL

Council

Customer Services

27 September 2018

Consultation for budget setting in 2019/20

1.0 EXECUTIVE SUMMARY

- 1.1 This report sets out a proposed consultation on public priorities, for use in setting the council's budget for 2019/20.

ARGYLL AND BUTE COUNCIL

Council

Customer Services

27 September 2018

Consultation for budget setting in 2019/20

2.0 SUMMARY

2.2 Argyll and Bute Council seeks to work with as well as for its communities. The budget consultation set out in Appendix 1 is proposed for use in involving public priorities in the setting of the council's budget for 2019/20.

3.0 RECOMMENDATIONS

3.1 Members approve the consultation set out in Appendix 1.

3.2 Members note that further information in respect of the council's budget-setting timeline will be included in the next budget outlook report, at the Policy and Resources Committee of 18 October.

4.0 DETAIL

4.1 The council runs annual budget consultations to involve local people in budget decisions.

4.2 Based on previous years' Local Government finance settlements, it is likely that we will not know our funding settlement for 2019/20 until a few days prior to the Christmas break, with the detail not being known until the beginning of 2019.

4.3 At the time of writing this report, mid-range estimates indicate that we will have a funding gap of approximately £2.5 million in 2019/20. This however could change between now and February 2019, when the council must set its budget.

4.4 It is proposed therefore to ask members of the public for feedback on their council priorities in October/November so that their views will be available once the detail of our funding allocation is known.

4.5 The consultation explains broadly where council funding is allocated, and asks people for their views on high level priorities, in relation to the role and services of the council.

4.6 Bearing in mind the demands on people's time, the consultation features six questions only in order to encourage as many people as possible to

respond.

4.7 The consultation would be available via the council's website and citizens' panel, as well as in printed copies in our customer service centres and through our Youth Services.

4.8 It would run from 10 October 2018 to Friday 20 November 2018.

5.0 CONCLUSION

5.1 The attached draft consultation would provide information on the public's high level priorities for the work of the council.

6.0 IMPLICATIONS

6.1/2 Policy/Financial: Feedback from the consultation will be available for consideration in budget decisions.

6.3 Legal : None

6.4 HR : None

6.5 Equalities :The consultation is designed to reach a wide range of people in line with our duties under the Equality Act 2010.

6.6 Risk: None

6.7 Customer Service: Providing feedback on actions taken as a result of this consultation will highlight the value of citizens taking the time to respond.

Douglas Hendry
Executive Director of Customer Services

For further information contact:

Jane Jarvie, Communications Manager, Jane Fowler, Head of Improvement and HR

APPENDICES

Appendix 1: Draft budget consultation

Appendix 2: Draft budget consultation

Planning our Future Consultation October 2018

What do you believe are the most important parts of the council's work?

Given the huge range of services we deliver, this is likely to be a difficult question to answer.

With more cuts to our funding expected, it is a question we will have to consider again, when we set the council's budget for next year.

The majority (80%) of the council's funding comes from the Scottish Government. We won't know how much our funding settlement is until the end of the year, but have to set our budget in February 2019.

We expect to be given a funding allocation for one year only, and at the moment, mid-range estimates indicate that we will have a funding gap of around £2.5 million in 2019/20.

Our challenge is to identify how best to use this reduced funding to invest in the longer term future of Argyll and Bute, as well as in the services that are most vital now.

We would like to match the decisions we make as much as possible to what matters most to people in Argyll and Bute.

Therefore, while we wait for confirmation of our funding allocation, we would like to hear from you about your priorities for the year ahead.

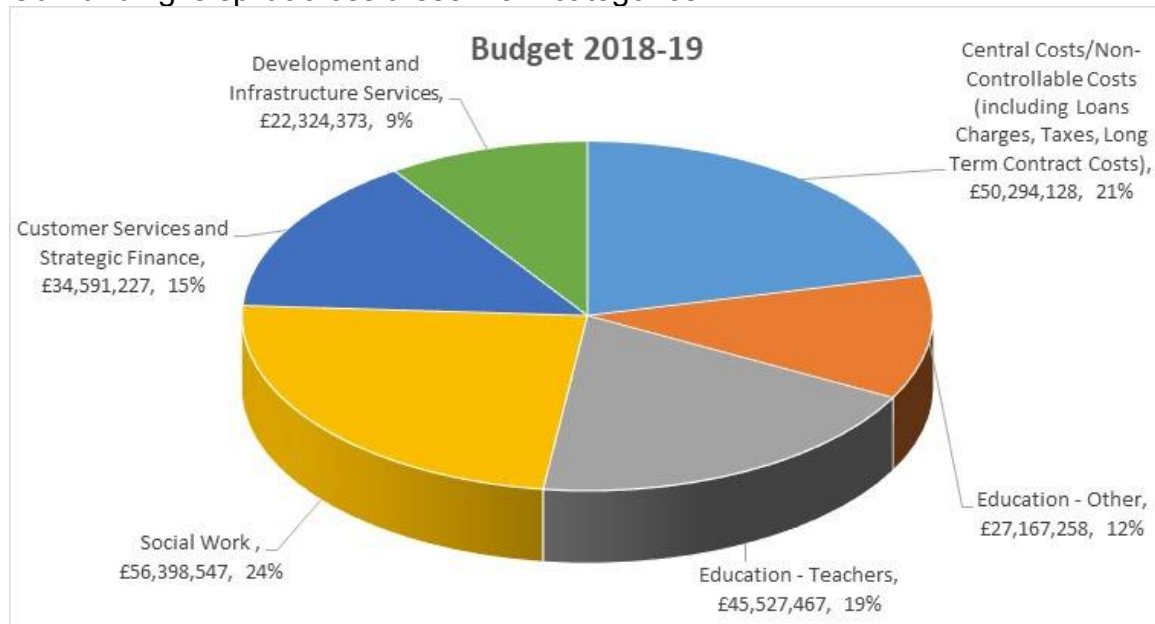
We would appreciate you taking a few minutes to reply to this short consultation so that we can involve you in the budget decisions we will reach in February 2019.

Thank you.

Councillor Aileen Morton
Leader of Argyll and Bute Council

Section 1 – The role and services of the Council

Our funding is split across these main categories.



Central/non-controllable costs include for example loan charges, landfill tax, energy costs or long term contract costs.

Customer Services and Strategic Finance include for example school and public transport, registrar (births, deaths and marriage) services, HR, IT, legal, property and procurement services, customer support/advice/information services, finance planning and management services.

Development and Infrastructure Services include for example roads, harbour and airport maintenance, refuse collection, planning services, environmental health, business support, economic growth, environmental safety and building standards services.

Education includes our 77 primary schools and 10 secondary schools. Please note: A proportion of the Education budget is committed to the national requirement to maintain teacher numbers, and is not available to reduce.

Social work services, now delivered as part of the Health and Social Care Partnership, provide support for vulnerable children and adults.

Here is an example of how our services fit together

Teachers who teach our young people are supported by for example:

- Human Resources, advertising and payroll services to recruit and pay them
- Estates, facility, legal and health and safety services to ensure safe, legally compliant school buildings and working conditions
- Road services to maintain and grit main routes (we grit over 700 miles of roads when freezing conditions are forecast, and maintain around 900 bridges).

Section 1: The role and services of the Council

Every day the council delivers a wide range of services directly to our communities. We are also working longer term with our partners to develop our local economy and so build a successful future for the area.

Q1	<p>What matters most to you about the overall role of the council? (Please rank in order of importance with 1 the most important and 5 the least)</p> <ul style="list-style-type: none"> <input type="radio"/> We deliver a wide range of services <input type="radio"/> We are a major employer in the area <input type="radio"/> We help people get involved in developing their communities <input type="radio"/> We work to attract the people and jobs Argyll and Bute needs for its future. <input type="radio"/> Other [please say what]
----	---

Last year you told us that your priorities were education services for young people, social care services (now delivered by the HSCP - Health and Social Care Services) and roads. As a result in 2018/19:

- The council continued to dedicate more funding to our education services than to any other area of work.
- We protected the HSCP from the funding cuts to council services: since 2014, council funding for social work services has increased by 1%; budget remaining to fund other council services has decreased by 4%.
- We dedicated another £15 million between 2018/2020 to our road network.

Q2	<p>Which of the following do you most use? (Please rank in order with 1 as the service you use most often)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Education for adults <input type="checkbox"/> Education for children <input type="checkbox"/> Customer support/information services <input type="checkbox"/> Economic development/business support services <input type="checkbox"/> Environmental services (eg recycling, refuse, street cleaning) <input type="checkbox"/> Public transport <input type="checkbox"/> Regulatory services (eg planning, trading standards, environmental health) <input type="checkbox"/> Roads/harbours <input type="checkbox"/> Other (please specify)
Q3	<p>What are your priority services for 2019/2020? Please indicate your top 3.</p> <ul style="list-style-type: none"> <input type="checkbox"/> Education for adults <input type="checkbox"/> Education for children <input type="checkbox"/> Customer support/information services <input type="checkbox"/> Economic development/business support services <input type="checkbox"/> Environmental services (eg recycling, refuse, street cleaning) <input type="checkbox"/> Public transport <input type="checkbox"/> Regulatory services (eg planning, trading standards, environmental health) <input type="checkbox"/> Roads/harbours <input type="checkbox"/> Other (please specify)

Q4	Any other comment on the role or services of the council?
----	--

Section 2: Transforming our work to make savings and raise income

We have taken action on ideas given to us by our communities in previous consultations. You can find out more, for example in the [actions report](#) on last year's.

The council has a wide range of resources, for example, vehicles, buildings, professions and skills relevant to other businesses. We invite additional suggestions for making savings or raising income.

Q5	What suggestions do you have for raising income or making savings for council services?
----	--

Providing services on-line saves money and can make services more easily available to customers. Please see www.argyll-bute.gov.uk for information on requesting, booking, paying and information services on-line.

The average cost for the Council to process a payment or service request:

- In person at our Customer Service Points = £8.62
- By phone = £2.83
- Online = 15 pence

Q6	What council services or processes would you use if they were available on-line?
----	---

Thank you for taking time to give us your views.

Contact us on: planningourfuture@argyll-bute.gov.uk

[Please return your completed form to a customer service point or to the Communications Team, Argyll and Bute Council, Kilmory, Lochgilphead, Argyll, PA31 8RT]

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ARGYLL AND BUTE COUNCIL**COUNCIL****CUSTOMER SERVICES****27 SEPTEMBER 2018**

COUNCIL APPOINTMENTS

1. EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to update the Council on vacancies which have arisen on the Councils Committees and other outside bodies/organisations.
- 1.2 Council is asked to note the resignation of Councillor Yvonne McNeilly from the Argyll Islands Strategic Group.
- 1.3 Council is asked to agree the replacement of Councillor Alan Reid by an officer for the West of Scotland Loan Fund/Business Loans Scotland.
- 1.4 Council is also asked to agree that as CHArts moves from being a Steering Board to being a Scottish Charitable Incorporated Organisation [SCIO], Councillor Robin Currie continues as the Council appointee.

COUNCIL APPOINTMENTS

2. INTRODUCTION

- 2.1 The purpose of this report is to update the Council on vacancies which have arisen on the Councils Committees and other outside bodies/organisations.

3. RECOMMENDATIONS

- 3.1 The Council is invited to:
1. Note the resignation of Councillor Yvonne McNeilly from the Argyll Islands Strategic Group and to invite an appointment to the Group.
 2. Agree the replacement of Councillor Alan Reid by an officer of the Council for the West of Scotland Loan Fund/Business Loans Scotland.
 3. Agree that as CHArts moves from being a Steering Board to being a Scottish Charitable Incorporated Organisation [SCIO], Councillor Robin Currie continues as the Council appointee.

4. DETAIL

4.1 Argyll Islands Strategic Group

The Council established the Argyll Islands Strategic Group on 29 June 2017 to consider strategic issues affecting the inhabited island communities of Argyll and Bute. The current membership of the Group comprises 10 Councillors to include the Leader and Policy Lead for Islands listed below:-

Councillor Yvonne McNeilly
Councillor Robin Currie (Chair)
Councillor Anne Horn
Councillor Jamie McGrigor
Councillor Aileen Morton
Councillor Mary Jean Devon
Councillor Julie McKenzie
Councillor Elaine Robertson
Councillor Len Scoullar (V Chair)
Councillor Jean Moffat

4.2 West of Scotland Loan Fund/Business Loans Scotland

Given that many decisions WSLF and BLS Board members are required to make are largely of a technical/operational nature (e.g. decisions on large loan approvals, selection of suppliers etc.) it is recommended that Councillor Alan Reid steps down as a Board member for both funds and is replaced by an officer

- 4.3 representative i.e. the Council's Economic Growth Manager. There is a precedent for this – previously an officer has been a Board Member for WSLF and other local authorities do currently have officers as WSLF/BLS members.

As papers are often issued for Board meetings at the last minute, approval is sought from Argyll and Bute Council that the officer director can make decisions about future funds which cannot be accommodated by the Committee timetable. However, it is noted that if any future funding issues are likely to impact significantly on council resources notification will be made to the Boards that this will need to be agreed by the full council.

4.4 CHArts

The objective of CHArts is to be a regional development network for arts, culture and heritage. The development of CHArts is currently funded by Creative Scotland's Place Partnership Programme and the Argyll and the Islands 2014-2020 LEADER Programme, and is managed by Economic Development's Transformation Projects and Regeneration Team.

Members are asked to consider the request received from the Culture Heritage Arts (CHArts) steering group to nominate a councillor representation on to the board of CHArts which is in the process of becoming a Scottish Charitable Incorporated Organisation (SCIO) for the sector. Councillor Currie is currently the council nominated representative on the steering group, which is seeking to become a constituted organisation.

5.0 CONCLUSION

Council is invited to note the update on existing vacancies on Council Committees and take steps to remove the risk in terms of effective elected member engagement in decision making processes by making the required appointments.

6.0 IMPLICATIONS

- 6.1 Policy – Appointments to vacant positions will support focus on policy.
- 6.2 Financial – Travel and Subsistence costs of Members attending meetings.
- 6.3 Legal - None
- 6.4 HR - None
- 6.5 Equalities - None
- 6.6 Risk – On-going vacancies pose a risk to effective elected member engagement in decision making processes.
- 6.7 Customer Service - None

Douglas Hendry
Executive Director of Customer Services
Policy Lead – Councillor Rory Colville

For further information contact: Charles Reppke, Head of Governance & Law 01546 604192

11 September 2018

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ARGYLL AND BUTE COUNCIL**COUNCIL****DEVELOPMENT AND
INFRASTRUCTURE****27 SEPTEMBER 2018**

AMENDMENT TO FEES AND CHARGES: BURIALS AND CREMATIONS

1.0 EXECUTIVE SUMMARY

- 1.1 On 30 May 2018 COSLA and the Scottish Government made a joint commitment to remove local authority fees for burial and cremation for children and young people under 18 years old.
- 1.2 While most local authorities already have no charge policies in place for child burials and cremations, there is a mixed picture across Scotland in terms of the age at which adult burial and cremation fees begin to be levied. The agreement is intended to provide consistency across Scotland by removing fees for children and young people aged 17 and under.
- 1.3 COSLA officers have provided clarity to local authorities contacts, most often funeral service managers, on the detail of the agreement. Chief Executives and Directors will also be contacted to make them aware of that agreement including the funding that Scottish Government is providing and an expectation that local policy and practice changes will be implemented by October 2018.
- 1.4 It is recommended that Members agreed to this change to the Fees and Charges schedule.

ARGYLL AND BUTE COUNCIL

COUNCIL

DEVELOPMENT AND
INFRASTRUCTURE

27 SEPTEMBER 2018

AMENDMENT TO FEES AND CHARGES: BURIALS AND CREMATIONS

2.0 INTRODUCTION

- 2.1 This report advises of a change to the Council's schedule of Fees and Charges 2018/19 in relation to burial and cremation charges for children and young people under 18 years old.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that Members agree this change to the Council's Fees and Charges schedule 2018/19.

4.0 DETAIL

- 4.1 Currently, Argyll and Bute Council do not charge burial and cremation fees to children under the age of 16. The revised guidance from CoSLA and Scottish Government has raised this age to children and young people under 18.
- 4.2 There is agreement that Scottish Government is providing funding to local authorities and an expectation that local policy and practice changes will be implemented by October 2018.
- 4.3 Funding to support the implementation of the agreement will be provided by the Scottish Government. Funding will be available to support policy change rather than reimburse local authorities and private providers on the actual costs incurred. The funding will not include any funding to funeral directors to remove their fees.
- 4.4 Financial support of £310,000 per annum to Scottish local authorities has been agreed with COSLA Leaders. The distribution to local authorities will be determined by the population of 0-18-year olds in each local authority area. This was agreed at the Settlement and Distribution Group (SDG) meeting between the Scottish Government and COSLA.

- 4.5 Pro-rata funding to implement the agreement within the current financial year will be included as an adjustment to the 2018-19 Local Government Finance Order in early 2019.

5.0 CONCLUSION

- 5.1 This report advises of a change to the Council's schedule of Fees and Charges 2018/19 in relation to burial and cremation charges for children and young people under 18 years old.

6.0 IMPLICATIONS

- 6.1 Policy – the recommendation of this report make minor changes to the Council's Fees and Charges policy as set out in the report above
- 6.2 Financial – as detailed in the report
- 6.3 Legal – none known
- 6.4 HR – none known
- 6.5 Equalities / Fairer Scotland Duty – none known
- 6.6 Risk – none known
- 6.7 Customer Service – none known

Executive Director of Development and Infrastructure
Policy Lead Councillor Roddy McCuish
September 2018

For further information contact: Jim Smith, Head of Roads and Amenity Services
Tel: 01546 604324

APPENDICES

Appendix 1 - Scope of the Commitment to remove fees for burial and cremation charges for children aged under 18.

Appendix 1

Scope of the Commitment to remove fees for burial and cremation charges for children aged under 18.

What fees are covered by the agreement?

While most local authorities already have no charge policies in place for child burials and cremations, there is a mixed picture across Scotland in terms of the age at which adult burial and cremation fees begin to be levied. The agreement is intended to provide consistency across Scotland by removing fees for children **aged 17 and under**.

Burial and cremation fees should also be removed for **both residents and non-residents**.

The following fees are covered by the agreement:

For burials:

- Interment fee
- Lair purchase (exclusive right of burial)
- Headstone permit

For cremations:

- Cremation fee

When developing the quantum funding amount to be distributed to local authorities to support the agreement, the Scottish Government used the average fees for an adult burial across all Scottish local authorities including the multiple interment lair purchase fee (ERoB), interment fee and, headstone permit fee (where this is charged). For finding the average price of cremation, fees from both local authorities and private providers were factored into the modelling of funding.

It is recognised that it is current practice across local authorities that if a full-size lair is required for a child burial, a lair purchase (ERoB) fee would be levied in most instances (a small number of local authorities will waive this fee for child burials at present). The agreement includes waiving of this fee for all children aged 17 and under. However, where a lair can accommodate further burials, a local authority or private provider could levy an interment fee for subsequent adult burials in the same lair.

Evaluation information

To assess how the agreement is working, a review will take place at the end of the three year funding period.

It is proposed that local authorities will return statistics annually, detailing how many child burial and cremations they have carried out, how much of the funding has been distributed to private providers, and to which private crematoria and burial grounds this funding has been provided. We will share further details about the data to be collected for this evaluation soon.

Funding Support

Funding to support the implementation of the agreement will be provided by the Scottish Government. Funding will be available to support policy change rather than reimburse local authorities and private providers on the actual costs incurred. The funding will not include any funding to funeral directors to remove their fees.

Financial support of **£310,000 per annum** to Scottish local authorities has been agreed with COSLA Leaders. The distribution to local authorities will be determined by the population of 0-18-year olds in each local authority area. This was agreed at the Settlement and Distribution Group (SDG) meeting between the Scottish Government and COSLA.

Pro-rata funding to implement the agreement within the current financial year will be included as an adjustment to the 2018-19 Local Government Finance Order in early 2019.

Distributing funds to private providers

In some LA areas, private providers provide burial and cremation services where there is no local authority provision or as an alternative to local authority provision. We want all bereaved parents to no longer have to pay burial and cremation fees and so it is important that private providers are also able to access funding to remove their charges. For that reason the £310,000 funding allocation is based on all child deaths in Scotland, of which a proportion of cremations and burials will be carried out by private providers.

Council Leaders have agreed that private providers should be given funding to support the removal of their charges. In Wales, where child burial and cremation fees were removed in November 2017, local authorities pass a proportion of this funding on to private providers who remove fees and we are looking to put similar arrangements in place in Scotland. Using this model, each local authority will take responsibility for distributing a part of their funding to private providers who remove their charges in their area, through local agreement between the local authority and private providers.

Pregnancy loss and Stillbirths

Stillbirths and pregnancy loss are not included in the agreement as there are existing NHS arrangements in place for stillbirth and pregnancy loss which are not affected by our agreement.

However, any baby, no matter the gestation, that draws a breath/shows signs of life is a live birth and would be issued with a death certificate on death. These infant deaths would be included in the commitment.

Robert McGregor
COSLA
September 2018

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ARGYLL AND BUTE COUNCIL**COUNCIL****CUSTOMER SERVICES****27 SEPTEMBER 2018**

AMENDED VERSION OF THE COUNCILLORS' CODE OF CONDUCT

1.0 EXECUTIVE SUMMARY

This report advises Elected Members of the actions that have been taken following the publication of an amended version of the Councillors' Code of Conduct, as agreed by the Scottish Parliament on 9th July 2018, and the revised guidance issued by the Standards Commission in light of the amendments.

The Council is invited to

- a) Formally note the changes to the Councillors Code of Conduct and the revised Guidance issued by the Standards Commission.
- b) Note the Constitution has been updated to take account of the changes to the Code and the associated guidance.
- c) Note the actions taken by the Council in light of the amendments.

ARGYLL AND BUTE COUNCIL

COUNCIL

CUSTOMER SERVICES

27 SEPTEMBER 2018

AMENDED VERSION OF THE COUNCILLORS' CODE OF CONDUCT

2.0 INTRODUCTION

2.1 Elected Members will be aware that an amended version of the Councillors' Code of Conduct was agreed by the Scottish Parliament on 9th July 2018, and revised guidance has subsequently been issued by the Standards Commission in light of the amendments. This report invites Council to formally note those changes and to note the actions that have been taken by the Council in light of the changes including updating the Council Constitution.

3.0 RECOMMENDATIONS

3.1 The Council is invited to

- a) Formally note the changes to the Councillors Code of Conduct and the revised Guidance issued by the Standards Commission.
- b) Note the Constitution has been updated to take account of the changes to the Code and the associated guidance.
- c) Note the actions taken by the Council in light of the amendments.

4.0 DETAIL

4.1 Following a period of consultation and subsequent approval by the Scottish Parliament a revised Councillors' Code of Conduct has been issued by the Scottish Ministers which came into effect on 9th July 2018.

4.2 The Ethical Standards in Public Life etc. (Scotland) Act 2000 provided for the Code of Conduct and it applies to every elected member of a local authority in Scotland. It is a Councillor's personal responsibility to make sure that they are familiar with, and that their actions comply with, its provisions.

4.3 The amended Code (including revised guidance) is attached at Appendix 1 and can be found at <http://www.gov.scot/ISBN/9781787810778>. The main changes to the Code are as follows:

- There is now an explicit reference to social media in paragraph 3.1, which concerns the requirement to observe the rules of good conduct.

- The requirement to respect other councillors and members of public is now distinct from the requirement to respect officers. Both requirements are also now distinct from the paragraph on conduct at meetings (now paragraph 3.7).
 - There is a new paragraph 3.6, which states that bullying and harassment are unacceptable and will be considered to be a breach of the Code.
 - The paragraph on confidentiality (now 3.17) has been amended to make it clear it covers information of a private nature which is not yet public or which perhaps would not be intended to be public (i.e. not just information deemed to be confidential by statute).
 - The former paragraph 3.18 (now 3.20) has been extended in that its provisions apply if the councillor assumes other responsibilities, such as becoming a director of a charitable trust.
 - Paragraph 4.2 has been amended to reflect the requirements of the 2003 statutory instrument that interests must be registered within a month of acceptance of office (or a month of a circumstance changing).
 - The former paragraph 4.17 (now 4.18) concerning the registration of election expenses now introduces a qualifying period.
 - Paragraph 4.4 (now 4.5) has been clarified and now refers to councillors not having a registrable interest simply because they are a member of a *statutory* joint board or joint committee that is composed exclusively of councillors.
 - The specific exclusion at paragraph 5.18 is extended to councillors appointed by their Council to a Regional Transport Partnership (RTP). The exclusion enables such a councillor to take part in the consideration and discussion of, and to vote upon, a matter relating to that RTP or in relation to which the RTP has made a representation; provided that the councillor has declared his or her interest at all meetings where such matters are to be discussed. The exclusion includes quasi-judicial and regulatory matters except any quasi-judicial or regulatory matter on which the RTP has made an application to the Council, has formally objected to an application made by another party, or is the subject of an order made or proposed to be made by the Council.
 - Paragraph 7.10 has been moved and is now 7.5.
 - The former paragraph 7.5 has been simplified and is now 7.6.
- 4.4 The Standards Commission has made some minor revisions to its Guidance on the Councillors' Code of Conduct in light of the amendments and this is incorporated into the combined code and guidance document attached at Appendix 1.

- 4.5 The Standards Commission has also produced an Advice Note for elected members on bullying and harassment. This is attached at Appendix 2 and is available on the Standard Commissions Website at:
<http://www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings>.
- 4.6 The Monitoring Officer issued notification of these amendments to all Elected Members in July 2018 and the Council's webpage and Members Resource section on the HUB have been updated to incorporate the revised documentation. Elected Member's attention is also drawn to the Standards Commission briefing notes resource and a link to this has also been made available on the Members Resource section on the HUB.
- 4.7 Additionally changes to the Councillors' Code of Conduct and associated guidance have been issued to the Chair of the Audit and Scrutiny Committee and Education Representatives and advised to all staff.
- 4.8 The Councillors' Code of Conduct and the Standards Commission guidance are an integral part of the Council Constitution and therefore this has been updated to incorporate the amended versions and is available on the Council Website and via elected member iPads.

5.0 CONCLUSIONS

- 5.1 Following agreement by the Scottish Parliament on 9th July 2018 to a revised Councillors' Code of Conduct, and revised guidance being issued by the Standards Commission. It is a Councillor's personal responsibility to make sure that they are familiar with, and that their actions comply with, its provisions and the Council is invited to formally note those changes and to note the actions that have been taken in light of these including updating the Council Constitution.

6.0 IMPLICATIONS

- 6.1 Policy – The Council Constitution has been amended to incorporate amendments to the Councillors' Code of Conduct.
- 6.2 Financial - None
- 6.3 Legal - The Ethical Standards in Public Life etc. (Scotland) Act 2000 provided for the Code of Conduct and it applies to every elected member of a local authority in Scotland.
- 6.4 HR - None
- 6.5 Fairer Scotland Duty:
- 6.5.1 Equalities - none
 - 6.5.2 Socio-economic Duty - none
 - 6.5.3 Islands - none

6.6 Risk – Failure to adhere to the Councillors’ Code of Conduct could have a reputational risk for the Council.

6.7 Customer Service - None

Douglas Hendry - Executive Director of Customer Services

Councillor Rory Colville - Policy Lead

15th August 2018

For further information contact: Charles Reppke, Head of Governance and Law,
Kilmory, Lochgilphead, Tel: 01546 604192

Appendix 1: Combined Code and Guidance

Appendix 2: Advice Note for elected members on bullying and harassment

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INTEGRITY IN PUBLIC LIFE

GUIDANCE ON THE COUNCILLORS' CODE OF CONDUCT

INTRODUCTION

The public rightly expects exemplary standards of behaviour from you as a councillor when undertaking your duties. It is your personal responsibility to comply with the requirements of the Councillors' Code of Conduct (the Code) and your actions should be part and parcel of winning the public's respect and trust in the work you do. In other words, simply ticking boxes is not enough; you have to understand the reasons behind good ethical behaviour and apply these thoughtfully on a case by case basis.



In complying with the Code, you are demonstrating that you understand its requirements and intend to meet the high standards of behaviour the public expects from its elected representatives. Poor conduct that breaches the Code undermines the critical relationship of trust between the public and the people they elect. This relationship is essential if public trust in local government and the democratic process itself is to be maintained.

As a councillor, you must read and abide by the Code and endeavour to demonstrate the Key Principles outlined in Section 2. In complying with the provisions of the Code, you may need to exercise your judgement and consider how a member of the public, with knowledge of the relevant facts, would reasonably regard your actions or decision making in your role as a councillor. This is not the same as members of the public not liking a decision you made or an opinion you have expressed legitimately in the course of your work; it is about whether you have acted properly.

There is a statutory framework governing behaviour in public life, comprising:

- A Code of Conduct which you must comply with when carrying out your duties as a councillor;
- A set of arrangements for dealing with complaints that a councillor has acted inappropriately and has contravened the Code.

In addition, your Council will have its own internal policies which apply the Code in the context of its work.

The Standards Commission aims to improve ethical standards in public life through guidance and promotion wherever possible, as well as through the enforcement powers given to us.

This version of the Guidance has been produced to reflect changes made to the Code in July 2018. As with our previous versions of the Guidance to the Councillors' Code we have retained the guidance in the same document to enable readers to find the information they require easily and quickly. Where possible, reference in the Guidance is made to the specific paragraph of the Code to which it relates. A standalone version of the Guidance is also available on the Standards Commission's website at www.standardscommission.org.uk.

We have also included illustrations and examples of factors that you should consider when interpreting the Code. We continue to hope this will help you to relate the provisions of the Code to the scenarios you face and the situations you find yourself in. However, please note the lists of factors to consider are not exhaustive. In addition, the illustrations provided are simply examples and whether or not there has been a breach of the Code will depend on the specific circumstances of any case. You still have a personal responsibility to ensure your actions accord with the provisions of the Code.

The illustrations where no breach was found to have occurred concern cases that were determined by the Commissioner for Ethical Standards in Public Life in Scotland and were not referred to, or considered by, the Standards Commission.

While the Standards Commission's Guidance is clearly marked as such and must be distinguished from the Code itself, paragraph 1.5 of the Code provides that councillors must observe any guidance from the Standards Commission. The Guidance is intended to help you understand what the Code means for you as a councillor. It is not, however, a substitute for the Code itself, which contains more detail.

As ever, we recognise that as circumstances change and the challenges councillors face evolve, additional guidance may be required. It is simply not possible for the Guidance to cover every conceivable circumstance. We will continue, therefore, to review and update the Guidance and illustrations on a regular basis in light of feedback and recent Hearings. We welcome any feedback, comments or suggestions as to how the Guidance can be further improved.



Professor Kevin Dunion OBE Convener

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SECTION 1: INTRODUCTION TO THE CODE OF CONDUCT

1.1 The Scottish public has a high expectation of councillors and the way in which they should conduct themselves in undertaking their duties in the Council. You must meet those expectations by ensuring that your conduct is above reproach.

1.2 The Ethical Standards in Public Life etc. (Scotland) Act 2000:

- provided for the introduction of new codes of conduct for local authority councillors and members of relevant public bodies;
- imposed on Councils and relevant public bodies a duty to help their members to comply with the relevant code; and
- established an independent body to oversee the new framework and deal with alleged breaches of the codes.

1.3 The Councillors' Code of Conduct required by the Act originally came into force in 2003, and was reviewed and re-issued in 2010. This latest version of the Code has been issued by the Scottish Ministers following consultation, and with the approval of the Scottish Parliament, as required by the Act.

1.4 This Code applies to every elected member of a local authority in Scotland. As a councillor, it is your responsibility to make sure that you are familiar with, and that your actions comply with, its provisions.

1.5 Councillors hold public office under the law and must observe the rules of conduct stemming from the law, this Code and any guidance from the Standards Commission, and the rules, standing orders and regulations of the Council. It is your personal responsibility to comply with these and review regularly, at least annually, your personal circumstances with this in mind, particularly when your circumstances change. You must not, at any time, advocate or encourage any action contrary to the Code of Conduct.

1.6 The sections of the Code which follow have been developed in line with the key principles listed in Section 2 and set out how the principles should be interpreted and applied in practice. No written information can provide for all circumstances and if you are uncertain about how the rules apply you should seek advice from senior Council employees. You may also choose to consult your own legal advisers, and on detailed financial and commercial matters, to seek advice from other relevant professionals.

Enforcement

1.7 Part 2 of the Ethical Standards in Public Life etc. (Scotland) Act sets out the provisions for dealing with alleged breaches of the Code, including the sanctions that can be applied if the Standards Commission for Scotland finds that there has been a breach of the Code. Those sanctions are set out in Annex A.

Standards Commission for Scotland's Guidance for Councillors and Local Authorities in Scotland

Using this Guidance:

- The Councillors' Code of Conduct is embedded in this document and is the text with the white background.
- The Standards Commission's Guidance on the Councillor's Code of Conduct is the text with a purple background.
- Case illustrations are included in italics (with a light blue background).

- 1** The revised Councillors' Code of Conduct was approved by the Scottish Parliament and is effective from 9 July 2018.
- 2** This Guidance Note also comes into effect on 9 July 2018 and replaces the previous version, which came into effect on 1 September 2018.
- 3** This guidance is for Councils and councillors. It is also directed to co-opted members of committees and sub-committees who are not elected councillors. All references to 'you' in the Guidance are directed specifically at councillors and co-opted members of committees and sub-committees.
- 4** Councils should make arrangements to deliver training and induction sessions on ethical standards and they should strongly encourage attendance by all their councillors and senior officers at each session. The Standards Commission is willing to support any such programs wherever practical.
- 5** You should attend training and induction sessions on ethical standards and should ensure you are familiar with, and understand, the provisions and principles of the Code and this Guidance Note. You should seek assistance before you act if you are unsure as to how the Code should be interpreted and applied.
- 6** You are encouraged to promote and support the Code at all times and to encourage others to follow your example in doing so. Experienced councillors should consider whether they can act as a mentor to others to help them to understand the Code.
- 7** The Code should be read as a whole. It may be necessary to cross reference different provisions.

SECTION 2: KEY PRINCIPLES OF THE CODE OF CONDUCT

2.1 The general principles upon which this Code of Conduct is based should be used for guidance and interpretation only. These general principles are:

Duty

You have a duty to uphold the law and act in accordance with the law and the public trust placed in you. You have a duty to act in the interests of the Council as a whole and all the communities served by it and a duty to be accessible to all the people of the area for which you have been elected to serve, and to represent their interests conscientiously.

Selflessness

You have a duty to take decisions solely in terms of the public interest. You must not act in order to gain financial or other material 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 the performance of your duties.

Objectivity

You must make decisions solely on merit when carrying out public business including making appointments, awarding contracts or recommending individuals for rewards and benefits.

Accountability and Stewardship

You are accountable to the public for your decisions and actions. You have a duty to consider issues on their merits, taking account of the views of others, and you must ensure that the Council uses its resources prudently and in accordance with the law.

Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.

Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

You have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of the Council and its councillors in conducting public business.

Respect

You must respect all other councillors and all Council employees and the role they play, treating them with courtesy at all times. Similarly you must respect members of the public when performing duties as a Councillor.

2.2 You should apply the principles of this Code to your informal dealings with the Council's employees, party political groups and others no less scrupulously than at formal meetings of the Council and its committees and sub-committees.

- 8** The key principles themselves are for guidance and you should ensure that you have regard to and follow these principles. However, a breach of one or more of the key principles does not in itself constitute evidence of a breach of the Code.
- 9** The key principles are there to help you interpret and apply the Code. However, it is your personal responsibility to make sure you are complying with the provisions of the Code. In doing so, you may need to exercise your judgement and consider how a member of the public, with knowledge of the relevant facts, would reasonably regard your actions or decision making in your role as a councillor. This is not the same as members of the public not liking a decision you have made or an opinion you have expressed legitimately in the course of your work; it is about whether you have acted properly.

SECTION 3: GENERAL CONDUCT

3.1 The rules of good conduct in this section must be observed in all situations where you act as a councillor or are perceived as acting as a councillor, including representing the Council on official business and when using social media.

Relationship with other councillors and members of the public

3.2 You must respect your colleagues and members of the public and treat them with courtesy at all times when acting as a councillor.

- 10** You must treat everyone you come into contact with in the course of your work as a councillor with courtesy and respect, even if you disagree with their views.
- 11** It is very important to note that the rules of good conduct set out in Section 3 must be observed in **all** situations where councillors are acting as councillors, including representing the Council on official business. You should be mindful that your perception of when you are carrying out official business and when you are acting privately may be different to how it is viewed by a member of the public. You may wish to treat the Code as being applicable in all situations in which you might be perceived to be acting as a councillor. Factors to consider include whether:
- you are clear about the capacity in which you are acting;
 - you describe yourself as a councillor or are otherwise readily identifiable as a councillor in the situation / circumstances;
 - you are on Council premises or at a Council event;
 - you are using social media where you are identifiable as a councillor;
 - your conduct could reasonably be regarded as bringing your position as a councillor, or your Council, into disrepute;
 - you are engaged in political activity, or comment on political matters and whether these fall within or outwith the scope of the council's functions;
 - you are representing the Council or speaking on behalf of the Council.
- 12** You should always think ahead. If you have any concerns about a potential problem, speak to the Monitoring Officer or Chief Executive so that advice can be sought and /or action can be taken before a situation becomes a serious problem. This could avoid or reduce the likelihood of an inadvertent breach of the Code and / or complaint being made about you.
- 13** The rules of good conduct can apply when you are engaging in media activity including using social media. Social media is a term used to describe on-line technologies, applications and practices that are used to share information, knowledge or opinions. These can include, but are not limited to, social networking sites, blogs, wikis, content sharing sites, photo sharing sites, video sharing sites and customer feedback sites. The conduct expected of you in a digital medium is no different to the conduct you should employ in other methods of communication, such as face to face meetings and letters. Factors to consider when using social media include whether:
- you are identifiable as a councillor by directly referring to yourself as such or indirectly by referring to the Council or through information or images posted;
 - you are using Council equipment and / or your Council's information technology network or your own;
 - you have complied with the law including defamation, copyright, data protection, employment and equalities or harassment provisions;
 - you have complied with any policy your Council has produced on the use of social media;
 - information you are posting is confidential and you only have access to it because

you are a councillor;

- you are demonstrating bias or pre-determination – do not express an opinion on an application you will be determining;
- you have considered the immediate and permanent nature of the contribution you are about to make.

14 As a councillor, your right to freedom of expression under Article 10 of the European Convention on Human Rights (ECHR) attracts enhanced protection when your comments are political in nature. However, you may also wish to think about:

- whether your comments are likely to bring your office or the local authority itself into disrepute;
- whether you are treating others with respect and consideration;
- whether 'liking', re-posting and re-tweeting comments or posts, or publishing links to other sites could be reasonably perceived in the circumstances as endorsing the original opinion, comment or information, including information on other sites;
- whether to allow disagreement on your social media pages;
- tone can be harder to convey online so consider whether humour, irony and sarcasm can be perceived as such;
- whether you have to respond;
- the stricter rules that apply to election publicity;
- whether anything you post could be considered obscene.

The Standards Commission has produced an Advice Note that outlines the approach it will take when issues that concern the application of Article 10 of the ECHR and the right to freedom of expression arise. It also suggests issues councillors should consider in order to ensure compliance with the provisions concerning courtesy, respect and confidentiality in the Code. The Advice Note is available on the Standards Commission's website.

Complaint alleged that the councillor had posted a homophobic comment on the complainer's Facebook page and that he had accessed his account using a Council issued mobile phone when doing so. The councillor had not distinguished between his personal and public role when accessing the Facebook account. It was found that the comment made by the councillor had clearly been intended to impugn and demean the complainer. The councillor was found to have breached the respect provisions in the Code.

Complaint alleged that a councillor made a number of allegations and critical comments on his online blog about the complainer, who was a fellow councillor, which were of a personal and insulting nature. It was found that the comments had been made without factual basis, were disrespectful and were clearly intended to impugn and demean the complainer in a public forum. The councillor was found to have breached the Code.

Complaint alleged that a councillor had made remarks of an abusive, insulting and personal nature to the complainer, a police officer, and also made a number of unfounded allegations about him during two telephone calls to a Police Station. It was found that the councillor had made the telephone calls in his capacity as a ward councillor and concluded that the provisions of the Code applied to him at the time of the events in question. It was further found that the comments made by the councillor in the telephone conversations amounted to an unacceptable personal attack on the complainer and that he had breached the respect provisions in the Code.

Relationship with Council Employees (including those employed by contractors providing services to the Council)

3.3 You must respect all Council employees and the role they play, and treat them with courtesy at all times. It is expected that employees will show the same consideration in return.

3.4 Whilst both you and Council employees are servants of the public, you have separate responsibilities: you are responsible to the electorate but the employee is responsible to the Council as his or her employer. You must also respect the different roles that you and an employee play. Your role is to determine policy and to participate in decisions on matters placed before you, not to engage in direct operational management of the Council's services as the latter is the responsibility of the Council's employees. It is also the responsibility of the Chief Executive and senior employees to help ensure that the policies of the Council are implemented.

3.5 You must follow the Protocol for Relations between Councillors and Employees attached at Annex C. A breach of the Protocol will be considered as a breach of this Code.

15 It is understood that in the political environment of local government there may be tensions between individual councillors and between party groups. Factors such as minority Administrations, coalitions and multi-member wards may have a bearing on such tensions but it is essential to ensure that the interests of the electorate are represented as effectively as possible. Respect by councillors for one another and for the Council's employees plays a key role in this.

The requirement to respect all Council employees includes employees of contractors providing services to the Council.

Complaint alleged that a councillor had become involved in a social care case on behalf of a constituent during which time he had inappropriately sought to influence operational decision-making. In doing so, he lost sight of his overall responsibility to the Council to allow its officers to perform their statutory functions. He had also been discourteous and disrespectful in certain correspondence with Council officers. He was found to have breached the Code.

Complaint alleged that a councillor engaged in public criticism of the Chief Executive of his Council by posting information and comments on the opposition councillors' Facebook pages. The Councillor did not give the Chief Executive an opportunity to respond before publishing the comments on the Facebook page.

A councillor made comments in the press which were publically critical of the capability of a newly appointed Council employee. It was found that the councillor had been disrespectful to the new employee and had breached the Code.

Bullying and Harassment

3.6 Bullying or harassment is completely unacceptable and will be considered to be a breach of this Code.

16 The Standards Commission has produced an Advice Note for Councillors on Bullying and Harassment. The Advice Note is available on the Standards Commission's website.

Conduct at Meetings

3.7 You must respect the Chair, your colleagues, Council employees and any members of the public present during meetings of the Council, its Committees or Sub-Committees or of any Public Bodies where you have been appointed by, and represent the Council. You must comply with rulings from the chair in the conduct of the business of these meetings.

17 The word 'Chair' in paragraph 3.7 is not restrictive to that specific term. The provision also applies to anyone holding a similar chairing or convening role.

18 The role of the Chair in any Council meeting, which includes a Committee meeting or a meeting of a working group or similar forum, is to ensure that the agenda of business is properly dealt with and clear decisions are reached. To do this, the Chair has a responsibility to ensure that the views and opinions of other participants (including the advice of officers) are allowed to be expressed and, at the same time, they have a responsibility for proper and timely conduct of the meeting and for helping to ensure the meeting is conducted in compliance with the Council's Standing Orders. This includes determining the point at which conclusions should be reached. It requires a balanced approach to ensure fairness to participants while at the same time dealing firmly with any attempt to disrupt or unnecessarily delay the meeting. If you are present, you share the responsibility for the proper and expeditious discharge of business. The role of the Chair in reaching such judgements should be supported and respected.

19 You are accountable for your own individual conduct at all times in terms of the Code when you are in the Chamber or Committee and at meetings where you are representing the Council, irrespective of the conduct of others. Abusive or offensive language and / or unnecessarily disruptive behaviour should not be tolerated. It is a matter for the Chair to rule on the acceptability of language used during the course of a meeting and to take appropriate action as necessary, including requiring the withdrawal of a remark, requiring an apology, or any other action required to allow the meeting to properly proceed. Factors to consider include whether:

- your behaviour, including your body language, is courteous and respectful even when you hold a different view;
- you are treating others with respect and consideration;
- your choice of language in meetings is appropriate and meets the high standards expected by the general public;
- it is appropriate to refer to other councillors by nicknames or by referring to them in the second person by using terms such as 'you';
- newspapers, mobile phones and other tablet devices are being used appropriately or whether their usage could be perceived as you not being engaged in the meeting or listening to what others are saying;
- your conduct could diminish the public's opinion of, and trust and confidence in, its elected representatives.

Complaints alleged that a councillor had failed to comply with the provisions of the Code by behaving in a disrespectful manner towards the Provost and other elected members at a meeting of the Council. This had included talking and shouting over the Provost, who was chairing the meeting, on several occasions in an aggressive manner, despite the Provost making it clear she wished him to stop. It was found that the councillor had breached the Code by failing to show respect to the Chair at the meeting of the Council by repeatedly ignoring her directions, by challenging her decisions, by speaking over her and by failing to comply with a ruling she had made.

At a meeting of the Council, a councillor had accused a senior officer of collusion with the

Council's Administration and had challenged the officer's integrity. He was found to have breached the Code.

At a meeting of a Planning Committee a councillor made inappropriate comments about a planning application in that she made reference to 'lining developers' pockets'. While she had apologised unreservedly both publicly and privately, she was found to have breached the Code.

Remuneration, Allowances and Expenses

3.8 You must comply with the rules for the payment to councillors of remuneration, allowances and expenses.

Gifts and Hospitality

3.9 You must not accept any offer by way of gift or hospitality which could give rise to real or substantive personal gain or a reasonable suspicion of influence on your part to show favour or disadvantage to any individual or organisation. You should also consider whether there may be any reasonable perception that any gift received by your spouse or cohabitee or by any company in which you have a controlling interest, or by a partnership of which you are a partner, can or would influence your judgement. The term "gift" includes benefits such as relief from indebtedness, loan concessions, or provision of services at a cost below that generally charged to members of the public.

3.10 You must never ask for gifts or hospitality.

3.11 You are personally responsible for all decisions connected with the acceptance of gifts or hospitality offered to you and for avoiding the risk of damage to public confidence in your Council and in local government. As a general guide, it is usually appropriate to refuse offers except:

- (a) isolated gifts of a trivial character, the value of which must not exceed £50
- (b) normal hospitality associated with your duties and which would reasonably be regarded as appropriate; or
- (c) civic gifts received on behalf of the Council.

3.12 You must not accept any offer of a gift or hospitality from any individual or organisation who is an applicant awaiting a decision from the Council or who is seeking to do business or to continue to do business with the Council. If you are making a visit to inspect equipment, vehicles, land or property, then as a general rule you should ensure that the Council pays for the cost of these visits.

3.13 You must only accept offers to attend social or sporting events where these are clearly part of the life of the community or where the Council would be expected to be represented.

3.14 You must not accept repeated hospitality or repeated gifts from the same source.

3.15 If it is the practice of the Council to seek sponsorship for some of its activities or events, you must ensure that your involvement with the sponsors is limited to the event in question and does not damage public confidence in the relationship between the Council and the sponsors.

- 20** When considering whether an offer of hospitality is normal hospitality associated with duties as a councillor in terms of paragraph 3.11(b) and which would reasonably be regarded as appropriate, you should consider all the surrounding circumstances, including the value of the hospitality offered. It is also appropriate for you to consider the nature of your role within the Council e.g. the normal hospitality associated with a councillor's duties may be different to the normal hospitality associated with the duties of a Lord Provost, Provost, Council Leader or Convener.
- 21** While the Code seeks to provide clear guidance about the type of gifts and hospitality councillors should normally avoid, the question of whether to accept a particular offer of a gift or hospitality is your personal responsibility. When considering whether or not it would be appropriate to accept an offer of a gift or hospitality, you should carefully consider factors such as:
- all the circumstances in which the gift or hospitality is being offered;
 - the value or cost of the gift or hospitality;
 - how a member of the public would view the nature of the gift or hospitality;
 - whether the offer is from any individual or organisation who is an applicant awaiting a decision from the Council or who is seeking to do business or to continue to do business with the Council;
 - whether the invitation is to attend something you would not normally attend;
 - whether you would potentially be influenced to show favour to whoever has offered the gift or hospitality;
 - whether acceptance of the gift or hospitality would place you under an obligation or which a member of the public, with knowledge of all the relevant facts, would reasonably regard as having placed you under an obligation;
 - whether you should register gifts and hospitality you have declined in order to demonstrate transparency and provide perspective to what has been accepted;
 - your Council's guidelines or policy on the acceptance of gifts and hospitality.
- 22** Further, you must not accept repeated gifts or hospitality from the same source. With the exception of gifts and hospitality as defined in paragraph 3.11(b) and (c), you should consider very carefully whether it is appropriate to accept a second (and, if accepted, any subsequent) offer of gifts or hospitality from the same source. Factors to consider include:
- the value or cost of the gift or hospitality offered;
 - the time period between the acceptance of the first offer and the second or subsequent offer.
- 23** If you do accept any gifts or hospitality, you must make an entry in the Register of Interests (with the exception of gifts and hospitality as defined in paragraph 3.11(a) – (c)) within one month of receipt.
- 24** In terms of the Bribery Act 2010 the following cases are offences:
- Case 1** is where:
- (a) P offers, promises or gives a financial or other advantage to another person, and
 - (b) intends the advantage
 - (i) to induce a person to perform improperly a relevant function or activity, or
 - (ii) to reward a person for the improper performance of such a function or activity.
- Case 2** is where:
- (a) P offers, promises or gives financial or other advantage to another person, and
 - (b) P knows or believes that the acceptance of the advantage would itself constitute

the improper performance of a relevant function or activity.

An example of this might be where a windfarm operator promises to pay community benefit to an organisation in your ward, if you grant planning permission in circumstances where it would not otherwise be granted (i.e. not applying the proper statutory test of considering the provisions of the development plan and all material planning considerations or wrongly taking community benefit into account in determining a planning application).

In other words, while you are only required to declare gifts under this Code of Conduct, a gift to someone else which induces you to improperly undertake a statutory duty, such as granting a planning permission, is still likely to fall foul of the provisions of the Bribery Act 2010. This could result in a criminal prosecution against you.

Complaint alleged a councillor had failed to declare a gift or hospitality received from a recipient of planning permission who was to make further applications for the same development, during a site visit. However, there was no evidence to suggest that any Council representative, including the councillor in question, received any gift or hospitality other than being provided with light refreshments mid-morning. Evidence suggested that these had been provided by the developers, in responding to a Council request. This was not regarded as inappropriate for the purposes of the Code and no breach was found by the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS).

Complaint alleged that councillors who had been appointed by the Council as members of a racecourse committee had failed to declare benefits in the form of entrance badges. It was determined that while these entries had not been declared, the 'benefits' fell within the exception of paragraph 3.11(b) as they could reasonably be regarded as appropriate to the councillors' roles given the Council's promotion and support of the venue as a key partner. No breach was found by the CESPLS.

Confidentiality Requirements

3.16 Council proceedings and printed material are generally open to the public. This should be the basis on which you normally work but there may be times when you will be required to treat discussions, documents or other information relating to or held by the Council in a confidential manner, in which case you must observe such requirements for confidentiality.

3.17 You will often receive information of a private nature which is not yet public or which perhaps would not be intended to be public. You must always respect and comply with the requirement to keep such information private, including information deemed to be confidential by statute. Legislation gives you certain rights to obtain information not otherwise available to the public and you are entitled to exercise these rights where the information is necessary to carry out Council duties. Such information is, however, for your use as a councillor and must not be disclosed or in any way used for personal or party political advantage or in such a way as to discredit the Council. This will also apply in instances where you hold the personal view that such information should be publicly available.

25 You have a statutory right, subject to certain statutory exemptions, to Council information under Access to Information rules and the Freedom of Information (Scotland) Act 2002. You also have a right under the common law to request information but only where you can show a need to know that information in order to perform your duties as a councillor. You may be provided with some documents and

information, in your capacity as a councillor, for which it is legitimate for a Council to require this to be treated in a confidential way. Given the potential damage that the unauthorised disclosure of confidential material can do to the standing and integrity of a Council, it is essential that you respect the provisions in 3.16 and 3.17. You are also a data user and must not breach the data protection principles in handling information. Council information provided to you must only be used by you for the purpose for which it was provided. Information so held must therefore not be disclosed or in any way used for personal or party political advantage or in such a way as to discredit the Council. This also applies to instances where you hold the personal view that such information should be publicly available.

- 26** Councillors should be aware that a breach of confidentiality could result in them being personally liable under the Data Protection legislation. This may result in a potential criminal prosecution, civil liability for damages and the power of the Information Commissioner to impose fines as well as the more obvious reputational damage to both you or the Council which may follow.
- 27** You must not provide the media with off the record briefings on the general contents or 'line' of confidential material or information. Disclosures of this kind can also seriously undermine and devalue the work of the Council and its committees.
- 28** Sometimes the confidential nature of the material will be explicit, such as if the document is marked 'confidential'. In other cases, it will be clear from the nature of the information or from the circumstances in which it was provided to you that it is confidential. This may include the following types of information.
- commercial information such as information relating to a contract or a contractor's business;
 - personal information such as information relating to an individual's employment;
 - information which is confidential as a result of a statutory provision;
 - information discussed in closed or private sections of meetings;
 - legal advice obtained by the Council (either provided by officers or external legal advisers). This will be covered by legal privilege and should not be disclosed without the Council's permission;
 - information which is received as a result of a relationship where there is an obligation of confidence, such as between a councillor and a constituent.
- 29** You should be aware of the provisions in relation to disclosure of information contained within Council papers exempt from publication under paragraph 1 schedule 7A of the Local Government (Scotland) Act 1973.
- 30** Sometimes it is a matter of timing in that information may eventually be released. However, you must respect the requirement for confidentiality even if you do not agree with it.
- 31** In the case of other documents and information, you should seek advice if you are in any doubt as to whether they are confidential. You should exercise your judgement on what should or should not be made available to outside bodies or individuals.
- 32** As a councillor, you are in a position of trust and members of the public may provide you with information that could reasonably be regarded as confidential. If the status of any discussion is unclear, you should establish at the earliest possible opportunity, whether some or all of the matters being discussed are to be treated as being confidential.
- 33** You should be aware of the provisions of the Data Protection legislation. If you hold personal information (such as details of constituent enquiries), you will require to be registered under the Data Protection legislation. When holding such personal information you must abide by the following rules:
- You must only use the information for the purposes for which it was given.
 - You must not share this information with anyone without the consent of the person giving the information. If a constituent or other member of the public asks you to

resolve an issue you are allowed to contact officers to attempt to resolve the issue on behalf of your constituent.

- You should not keep the information any longer than you need to.

Complaint alleged that the councillor disclosed confidential information relating to the health of an officer of the Council to a third party. It was found that the councillor had breached the Code by disclosing information about the officer to a third party which was private, personal and sensitive and that was, by its very nature, confidential.

Use of Council Facilities

3.18 The Council will normally provide facilities to assist councillors in carrying out their duties as councillors or as holders of a particular office within the Council. This may involve access to secretarial assistance, stationery and equipment such as telephones, fax machines and computers. Such facilities must only be used in carrying out Council duties in accordance with your relevant Council's information technology, communications and member support policies, or for incidental personal use as authorised by your Council and not related in any way to party political or campaigning activities. Where the Council recognises party political groups, assistance to such groups is appropriate in relation to Council matters but must not extend to political parties more generally and you should be aware of and ensure the Council complies with the statutory rules governing local authority publicity.

34 As a general rule, facilities paid for by the public purse, and provided for use in Council business, should only be used for Council business unless otherwise expressly permitted by the Council itself. However, it is recognised that some Councils may allow councillors occasional personal use of Council provided facilities such as laptops, mobile telephones, tablets etc.

35 Incidental personal use of Council facilities is permissible provided that it is authorised by the Council and permitted under the Council's policies. You should make yourself aware of your own Council's policy.

36 Facilities must never be used for party political or campaigning purposes. You are reminded of the relevant provisions of section 2 of the Local Government Act 1986, as amended by the Local Government Act 1988, which are as follows:

2. Prohibition of Political Publicity

(i) A local authority shall not publish any material which, in whole or in part, appears to be designed to affect public support for a political party.

(ii) In determining whether material falls within the prohibition regard shall be had to the content and style of the material, the time and other circumstances of publication and the likely effect on those to whom it is directed and, in particular, to the following matters –

(a) whether the material refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not of another;

(b) where material is part of a campaign, the effect which the campaign appears to be designed to achieve.

3. A local authority shall not give financial or other assistance to a person for the publication of material which the authority is prohibited by this section from publishing themselves.

37 Councils and councillors should take into account and adhere to the terms of the Code of Recommended Practice on Local Authority Publicity issued in terms of

section 4 of the 1986 Act.

- 38** The provisions under paragraph 3.18 apply at all times and not just when you are acting as a councillor. Other factors to consider include:
- whether you are either explicitly or impliedly consenting or allowing others to use Council facilities improperly;
 - how the resource you are using is funded – e.g. any transport or administrative support;
 - whether the resource is being used for carrying out official Council business or for activity which has expressly been authorised by the Council or whether you are using it for something else as well;
 - whether you are asking officers to act in any way which would conflict with or call into question their political impartiality, or which could give rise to criticisms that people paid from public funds are being used for party political purposes.

Complaints alleged that the councillor had used council facilities to send an email in relation to an application for planning permission submitted by his own company. He was found to have breached the provision in the Code concerning the use of Council facilities.

Complaint alleged that the councillor used his Council email account and computer to send an email asking for help in delivering party political campaign leaflets. It was found that the councillor had breached the provision in the Code which prohibits the use Council facilities for party political or campaigning purposes.

Appointments to Partner Organisations

3.19 You may be appointed or nominated by the Council as a member of another body or organisation. If so, you will be bound by the rules of conduct of these organisations and your responsibility for any actions taken by you as a member of such an organisation will be to the organisation in question. You must also continue to observe the rules of this Code in carrying out the duties of that body.

3.20 If you become a director of a company as a nominee of the Council you will assume personal responsibilities under the Companies Acts. It is possible that a conflict of interest may arise for you between the company and the Council. In such cases it is your responsibility to take advice on your responsibilities to the Council and to the company. This will include questions of declarations of interest. The same applies if you assume other responsibilities such as becoming a director of a charitable trust.

39 Authorities will frequently appoint councillors onto outside bodies. If you are appointed to an outside body, you are still bound by the Code but you will also have responsibilities as a member of the outside body. These responsibilities will potentially include personal liabilities and may also raise questions of conflict of interest. Conflicts of interest may arise through competing personal interests, or the competing interests of the respective organisations of which you are a member. Councils will therefore need to consider this issue carefully when appointing councillors to outside bodies. You need to consider carefully whether you can accept such appointments in each case. The Standards Commission has produced an Advice Note for Councillors appointed to Arm's Length External Organisations (ALEOs). The Advice Note is available on the Standards Commission's website.

40 You are reminded of the specific exclusions detailed within paragraph 5.18. As a member or director of an outside body you need to consider whether the outside body falls within one of these. You are reminded to be aware of how membership of other

bodies impacts on your need to declare interests. However, membership of statutory joint boards or joint committees composed exclusively of councillors does not raise any issue of declaration of interests.

- 41 You should ensure you are clear about the different roles and responsibilities on the different bodies – including Companies Act and the Office of the Scottish Charity Regulator (OSCR) requirements and being bound by provisions in Codes that may cover the other bodies as well.
- 42 If you have any doubts about your responsibilities or the impact of an appointment on other areas of the Code, you should seek early advice in advance of accepting appointment or meetings. Advice can be sought from Council officers or, if appropriate, from officers of the outside body.

Complaint alleged that a councillor sought preferential treatment when contacting officers about a planning application his neighbour had submitted and, in particular, had sought information, which would not normally be available to members of the public. The councillor had also sought to exert influence in asking that the matter be dealt with urgently. It was found that his actions amounted to attempts to seek preferential treatment and that he was in breach of the Code.

Dealings with the Council

3.21 You will inevitably have dealings on a personal level with the Council of which you are a member - for example as a Council taxpayer, ratepayer, tenant, recipient of a Council service or applicant for a licence or consent granted by the Council. You must not seek preferential treatment for yourself, your family, friends, colleagues or employees because of your position as a councillor or as a member of a body to which you are appointed by the Council and you must avoid any action which could lead members of the public to believe that preferential treatment is being sought.

- 43 As a councillor, you must not only avoid conduct which seeks to further your own particular interests, or the personal interests of others, but you must also avoid conduct that may give the impression you are seeking preferential treatment. The test is not only whether it is your intention to seek preferential treatment but also whether a member of the public, with knowledge of all the relevant facts, would reasonably consider that preferential treatment was being sought.

Responsibilities to the Council as a Member of the Public

3.22 The law makes specific provision that if a councillor is in two months' arrears with payment of Council tax that councillor may not participate in certain decisions concerning Council tax issues, in order to preserve public confidence that councillors are taking decisions in the general public interest. Similar considerations should apply in other forms of dealings between you and the Council where indebtedness may arise. Whilst you are a member of the community, you are also a representative of that community and of the Council to which you are elected. As there is potential for public perception of abuse of position and poor leadership, you must seek to avoid being in debt to the Council.

3.23 If you owe a debt to the Council, for example, in relation to rent due for a council house or commercial premises where the Council is the landlord, you must put in place at the earliest opportunity arrangements for repayment. You must avoid

being in a situation which might lead the public to believe that preferential treatment is being sought. You must not participate in any decision which may create suspicion of a conflict of interest. For example, where you are in arrears of rent for a council house, you must not participate in decisions affecting the levels of rent to be paid by council house tenants.

SECTION 4: REGISTRATION OF INTERESTS

4.1 The following paragraphs set out the categories of interests, financial and otherwise, which you have to register. These are "Registrable Interests", and you must ensure that they are registered, when you are elected and whenever your circumstances change. The register should cover the period commencing from 12 months prior to and including your current term of office.

4.2 Regulations made by Scottish Ministers describe the detail and timescale for registering interests; including a requirement that a councillor must register their registerable interests within 1 month of becoming a councillor, and register any changes to those interests within 1 month of those changes having occurred. It is your personal responsibility to comply with these regulations, and you should review regularly and at least once a year your personal circumstances to ensure that your registration of interests is up to date.

4.3 Annex B contains key definitions and explanatory notes to help you decide what is required when registering your interests under any particular category. The interests which you are required to register are those set out in the following paragraphs and relate to you. It is not necessary to register the interests of your spouse, or cohabitee.

Category One: Remuneration

4.4 You have a registrable interest where you receive remuneration by virtue of being:

- employed;
- self-employed;
- the holder of an office;
- a director of an undertaking;
- a partner in a firm; or
- undertaking a trade, profession or vocation, or any other work.

4.5 You do not have a registrable interest simply because you are a member of a statutory joint board or joint committee that is composed exclusively of councillors.

4.6 If a position is not remunerated it does not need to be registered under this category. However, unremunerated directorships may need to be registered under category two "Related Undertakings".

4.7 If you receive any allowances in relation to membership of any organisation the fact that you receive such an allowance must be registered.

4.8 When registering employment, you must give the name of the employer, the nature of its business and the nature of the post held in the organisation.

4.9 When registering self-employment, you must provide the name and give details of the nature of the business. When registering an interest in a partnership, you must give the name of the partnership and the nature of its business.

4.10 Where you otherwise undertake a trade, profession or vocation, or any other work, the detail to be given is the nature of the work and its regularity. For example, if you write for a newspaper, you must give the name of the publication and the frequency of articles for which you are paid.

4.11 When registering a directorship, it is necessary to provide the registered name of the undertaking in which the directorship is held and detail the nature of its business.

4.12 Registration of a pension is not required as this falls outside the scope of the category.

Category Two: Related Undertakings

4.13 You must register any directorships held which are themselves not remunerated but where the company (or other undertaking) in question is a subsidiary of, or a parent of, a company (or other undertaking) in which you hold a remunerated directorship.

4.14 You must register the name of the subsidiary or parent company or other undertaking and the nature of its business, and its relationship to the company or other undertaking in which you are a director and from which you receive remuneration.

4.15 The situations to which the above paragraphs apply are as follows:

- you are a director of a board of an undertaking and receive remuneration - declared under Category One - and
- you are a director of a parent or subsidiary undertaking but do not receive remuneration in that capacity.

Category Three: Contracts

4.16 You have a registrable interest where you (or a firm in which you are a partner, or an undertaking in which you are a director or in which you have shares of a value as described in paragraph [4.21](#) below) have made a contract with the Council of which you are a member:

(i) under which goods or services are to be provided, or works are to be executed; and

(ii) which has not been fully discharged.

4.17 You must register a description of the contract, including its duration, but excluding the consideration.

Category Four: Election Expenses

4.18 You must register a statement of any assistance towards elections expenses received within the period commencing from 12 months prior to and including your current term of office, where the value of any single donation exceeds £50.

Category Five: Houses, Land and Buildings

4.19 You have a registrable interest where you own or have any other right or interest in houses, land and buildings, such as being an owner or a tenant, including council tenant.

4.20 You are required to give the address of the property, or otherwise give a description sufficient to identify it.

Category Six: Interest in Shares and Securities

4.21 You have a registrable interest where you have an interest in shares comprised in the share capital of a company or other body and the nominal value of the shares is:

(i) greater than 1% of the issued share capital of the company or other body;

or

(ii) greater than £25,000.

Category Seven: Gifts and Hospitality

4.22 You must register the details of any gifts or hospitality received within your current term of office. This record will be available for public inspection. It is not however necessary to record any gifts or hospitality as described in paragraph 3.11 (a) to (c) of this Code.

Category Eight: Non-Financial Interests

4.23 Councillors may also have significant non-financial interests and it is equally important that relevant interests such as membership or holding office in public bodies, companies, clubs, societies and organisations such as trades unions and voluntary organisations, are registered and described. In this context, non-financial interests are those which members of the public might reasonably think could influence your actions, speeches or votes in the Council which could include appointments to Committees or memberships of other organisations.

- 44** The requirements of this part of the Code are intended to give members of the public confidence that decisions are being taken in the best interests of the public and not those of councillors or their family, friends or personal associates.
- 45** The Register should cover the period 12 months prior to you being elected and continues throughout your term of office. For example, if you were newly elected or re-elected to office in May 2017, your Register should cover the period commencing May 2016 and include the subsequent term of office. Should an interest no longer apply (for example if you cease to receive remuneration through employed work during your term of office), the entry should still be listed in the Register and retained for the whole term of office.
- 46** You should be aware that the Ethical Standards in Public Life etc. (Scotland) Act 2000 (Register of Interests) Regulations 2003 indicates that officers of the Council must retain the record for a period of five years after the date a councillor ceases to be in office.
- 47** In terms of 2003 Regulations, you are required to update your entries in the Register of Interests within one month of your circumstances changing. This includes registering the receipt of gifts and hospitality. While the Guidance for Councillors and Local Authorities in Scotland states that Councils should issue a reminder to you every six months, it is nevertheless your personal responsibility to ensure your entry is updated within one month of a new interest arising or your circumstances changing.
- 48** Under Category One: Remuneration, the level of remuneration does not matter in terms of registration, the question is only whether you have received remuneration. This means paid work, no matter how casual or trivial in nature, requires to be registered.
- 49** For categories where the Code does not specifically mention the level of detail to be registered, it is for you to decide. In making such a decision, you should observe the key principles and, in particular, those of selflessness, integrity, openness and honesty. In terms of paragraph 4.20, you are required to provide the full address of the houses, land and buildings or sufficient information to allow them to be identified. This is for the purpose of the official register. What is published on the Council's website does not necessarily require to be as detailed (for example it might just say you own a residential property in Glasgow).
- 50** In relation to paragraph 4.19 of the Code, there is no requirement to register residences outwith Scotland. In exceptional circumstances where such an interest may affect a matter before the Council, it will be for you to declare that interest in terms of the requirements of the Code. However, you must register houses, land and buildings in Scotland even if they are outwith your council area.
- 51** When considering whether you have a registerable non-financial interest, you should bear in mind that the test is whether the interest is one which members of the public might reasonably think could influence your actions, speeches or votes in the Council. An example of this might be membership of a society. You should consider whether such membership might lead members of public to reasonably think it could influence your actions, speeches or votes in terms of paragraph 4.23. If so, you should register the interest.
- 52** You should consider erring on the side of caution. This may mean you register a large number of non-financial interests. If so, you are reminded that where a non-financial interest has been registered under Category eight of the Code, you must

then declare this interest under section 5.7 of the Code (unless the interest is so remote or insignificant that it would not reasonably be taken to fall within the objective test). There is no suggestion in the Code that failing to register a non-financial interest that should be registered under Section 4 can be remedied by declaring it.

- 53** You should bear in mind that the examples of possible non-financial interests given under paragraph 4.23 of the Code are illustrative only and do not represent an exhaustive list of potential non-financial interests.
- 54** In relation to paragraph 4.21 of the Code you will have a registerable interest as a trustee, whether or not jointly with other trustees, where you have an interest as a beneficiary of the trust and where the benefit is greater than 1% of the trust's value or the value of that benefit is greater than £25,000. An interest under shares and securities will also include investments made under self-invested pension plans.
- 55** It is open to you to also declare what gifts and hospitality you decline, if you consider it may help put the gifts and hospitality you have accepted into perspective.
- 56** Annex B of the Code contains definitions of various terms used in Section 4, including 'remuneration', 'undertaking' and 'related undertaking'.
- 57** Where you have been appointed as a member of outside bodies (including where you have been nominated or appointed by the Council), you should ensure that such membership is registered in your Register of Interests either under Category one: Remuneration (if the position is remunerated) or Category eight: Non-Financial Interests (where the position is not remunerated).
- 58** There is no need to register being a councillor or a member of a joint board, a joint committee or of COSLA.

Complaint alleged that a councillor failed to register a financial interest in respect of her remunerated employment as an office manager with a MSP. The Hearing Panel noted that the councillor had publicly announced, via a posting on a social media site, that she would be working for the MSP. While it was accepted that this demonstrated there was no evidence of any deliberate attempt to conceal the employment, the councillor was nevertheless found to have breached the Code.

Complaint alleged that a councillor failed to include in her Register of Interests part ownership of a property. It was found that while the councillor's interest in the property was limited until the end of the life-rent, the land register title nevertheless demonstrated that she was a part owner and, as such, should have registered her interest in it. She was found to have breached the Code.

SECTION 5: DECLARATION OF INTERESTS

5.1 The key principles of the Code, especially those which specify integrity, honesty and openness are given further practical effect by the requirement for you to declare interests at meetings which you attend. The rules on declaration of interest, along with the rules which require registration of interests, are intended to produce transparency in regard to interests which might influence, or be thought to influence, your actions as a councillor.

5.2 It is your responsibility to make decisions about whether you have to declare an interest or make a judgement as to whether a declared interest prevents you from taking part in any discussions or voting. You are in the best position to assess your personal circumstances and to judge how these circumstances affect your role as a councillor in regard to a particular matter. You can, of course, seek advice from appropriate Council officers or from other sources which may be available to you. In making decisions for which you are personally responsible you are advised to err on the side of caution.

5.3 You may feel able to state truthfully that an interest would not influence your role as a councillor in discussion or decision-making. You must, however, always comply with the *objective test* (“the objective test”) which is *whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as a councillor.*

5.4 Much of the content of the rules set out in this section of the Code refers to Council or Committee meetings. The principles relating to declaration of interests are not confined to such meetings. You must apply these principles no less scrupulously in your dealings with Council officers, at meetings with other councillors, including party group meetings, meetings of Joint Boards and Joint Committees and any other meeting, formal or informal, where you are representing your Council.

59 Where your only interest is in relation to an item included in a committee minute which is being laid before the Council for formal approval, no declaration is required unless the item proceeds to be discussed or debated as a substantive issue.

60 The **objective test** outlined in paragraph 5.3 assumes that a member of the public has knowledge of the relevant facts. The question you need to consider is whether a member of the public, with this knowledge, would reasonably regard the interest as so significant that it would be likely to prejudice your discussion or decision-making in your role as a councillor. Whenever you are considering potential declarations of interest, you should also apply the objective test.

61 Paragraph 5.4 makes it clear that you must disclose or declare your personal interests both in formal and informal dealings with Council officers and other councillors, not just in formal Council or committee meetings. This is an important consideration especially when you are seeking advice from Council officers or other sources.

Interests which Require Declaration

5.5 Interests which require to be declared (if known to you) may be financial or non-financial. They may or may not cover interests which are registrable in terms of this Code. Most of the interests to be declared will be your personal interests but, on occasion, you will have to consider whether the interests of other persons require you to make a declaration. The paragraphs which follow deal with (a) your financial interests, (b) your non-financial interests and (c) the interests, financial and non-financial, of other persons.

Your Financial Interests

5.6 You must declare, if it is known to you, ANY FINANCIAL INTEREST (including any financial interest which is registrable under any of the categories prescribed in Section 4 of this Code and any interest as defined in a specific exclusion defined in paragraph 5.18 below).

There is no need to declare:

- (i) an interest where a general exclusion, as defined in paragraph 5.18 below, applies but an interest where a specific exclusion applies must be declared; or
- (ii) an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

You must withdraw from the meeting room until discussion of and voting on the relevant item where you have a declarable interest is concluded, other than in the following circumstances.

There is no need to withdraw in the case of:

- (i) an interest covered by a general exclusion or a specific exclusion, or
- (ii) an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

62 In cases where no general or specific exclusion applies, if you consider the objective test is met, you should declare your interest and leave the meeting for the duration of the item under discussion / decision. You must NOT remain in the room once you have made your declaration

63 If you consider the objective test is not met, you do not need to make a declaration and can take part in the discussion / decision.

64 Occasionally, in the interests of transparency you may decide that you wish to explain to the meeting that you have considered the matter in question and reached the conclusion that the objective test is not met and therefore you can take part in the item under discussion / decision. For example, if you are aware that a member of the public could have an incorrect perception that you have a conflict of interest when you are satisfied that you do.

Complaint alleged a councillor who had been appointed to represent the Council on a stakeholder group had participated in a discussion on review of child health and medical services in the Council area at a meeting of the stakeholder group, despite being aware that his employer, who was a MSP, had an interest in retaining certain services under consideration, which had included raising the issue in the Scottish Parliament and making public statements in the press. The councillor had failed to apply the objective test as, had he done so, he would have realised that in raising issues and concerns that were similar to those raised by his employer, a member of the public might have perceived him as being influenced by this employer. It was determined that the nature of an employee / employer relationship could not reasonably be considered to be remote or insignificant. The councillor should have had regard to the objective test and declared a financial interest under paragraph 5.6. He should also have declared the non-financial interest of his employer, as required under paragraph 5.12. The councillor was found to have breached the Code through his failure of not applying the objective test and also not declaring his employer's non-financial interest.

Complaint alleged that a councillor had failed to declare the financial interest of her employer at a Council meeting where it was decided to divert funds to a social enterprise network, despite her employer being a member of the network and a potential recipient of the additional funding. It was found that the councillor should have declared the financial interest of her employer and taken no further part in the discussions and decision-making. The councillor was found to have breached the Code.

Your Non-Financial Interests

5.7 You must declare, if it is known to you, any NON-FINANCIAL INTEREST if:

- (i) that interest has been registered under category eight (Non-Financial Interests) of Section 4 of the Code or
- (ii) that interest would fall within the terms of the objective test.

There is no need to declare:

- (i) an interest where a general exclusion applies, but an interest where a specific exclusion applies must be declared; or
- (ii) an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

You must withdraw from the meeting room until discussion of and voting on the relevant item where you have a declarable interest is concluded other than in the following circumstances.

There is no need to withdraw in the case of:

- (i) an interest covered by a general exclusion or a specific exclusion; or
- (ii) an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

5.8 As a councillor you will serve on other bodies as a result of express nomination or appointment by your Council or otherwise by virtue of being a

councillor. Your membership of statutory Joint Boards or Joint Committees which are composed exclusively of Councillors does not raise any issue of declaration of interest in regard to Council business. In relation to service on the boards and management committees of limited liability companies, public bodies, societies and other organisations, you must decide, in the particular circumstances surrounding any matter, whether to declare a non-financial interest. Only if you believe that, in the particular circumstances, the nature of the interest is so remote or without significance, should it not be declared. You must always remember the public interest points towards transparency and, in particular, a possible divergence of interest between the Council and another body. Keep particularly in mind the advice in paragraph 3.20 of this Code about your legal responsibilities to any limited liability company of which you are a director.

5.9 You will also have other private and personal interests and may serve, or be associated with, bodies, societies and organisations as a result of your private and personal interests and not because of your role as a councillor. In the context of any particular matter you will have to decide whether to declare a non-financial interest. You should declare an interest unless you believe that, in the particular circumstances, the interest is too remote or without significance. In reaching a view on whether the objective test applies to the interest, you should consider whether your interest (whether taking the form of association or the holding of office) would be seen in a different light by a member of the public, acting reasonably, because it is the interest of a person who is a councillor as opposed to the interest of an ordinary member of the public.

65 You should be aware that you may have a non-financial interest if the organisation you are associated with has a financial interest, even if you do not have a personal one.

66 When deciding whether or not to make a declaration about a direct non-financial interest you should determine:

- Does a general exclusion apply? If so, there is no need to declare.
- Does a specific exclusion apply? If so, you must declare and consider whether the matter being discussed is regulatory or quasi-judicial in nature before deciding whether or not you need to withdraw.
- Is the interest too remote or insignificant to fall within the objective test? If so, there is no need to declare.
- Have you checked the status of the other body you are serving on? Have you registered the interest? If so, you must declare it. You must also withdraw unless the interest is too remote or insignificant to fall within the objective test.

67 If you are unclear as to whether another body you are appointed to and / or serve on falls within the specific exclusions outlined in paragraph 5.18(2) of the Code (and, for example, is a devolved public body, is a public body established by enactment or is a company established wholly or mainly to provide services to the Council), you should seek advice from the Council's Monitoring Officer. An up to date list of devolved public bodies as defined in Schedule 3 of the Ethical Standards in Public Life etc. (Scotland) Act 2000 can be found at: www.legislation.gov.uk/asp/2000/7/contents.

68 You should declare your interest even if the body you are appointed to and / or serve on falls within the specific exclusions unless you believe, in the particular circumstances, the nature of the interest is so remote or insignificant it should not

be declared. However, you only need to withdraw from the meeting if the matter being discussed is quasi-judicial or regulatory in nature (see paragraph 5.18(2)).

- 69** In terms of paragraph 5.9, you should be aware of the impact of any membership of other bodies, societies and organisations. You should consider whether your membership could lead members of public to reasonably think it might influence your actions, speeches or votes in terms of paragraph 4.23. Unless you consider the interest to be so remote or insignificant, you should declare the membership.
- 70** Unless covered by a specific exclusion under paragraph 5.18(2), in issues involving funding from the Council to another body, society or organisation there can be no dubiety. You must declare an interest if you are a member of the body receiving the funding.
- 71** You should not rely on Council officers to remind you of the need to declare interests. It is not always apparent to officers when councillors are appointed to or serve on other groups and / or they may not remember all individual councillors' individual appointments. It is your own personal responsibility to ensure you declare any interests as required by the Code. If you are in any doubt, you should ask for help.
- 72** Factors to consider:
- Do you know the current status of the other organisation you are appointed to and / or serve on (for example, is it a charity or a Schedule 3 public body)? Has this changed?
 - Do you know the composition of the organisation and how it is funded?
 - Do you know whether the organisation was established wholly or mainly for the purpose of providing services to the council?
 - If you are appointed to an ALEO, are you still able to undertake the scrutiny role?
 - Have you considered the different responsibilities of being a member of both organisations and whether there are any conflicts?
 - Could a decision coming before a meeting of the Council reasonably be considered by a member of the public to benefit or disadvantage you to a greater extent than other constituents?

Complaint alleged that a councillor participated in the consideration of a planning application without declaring his interest as a member of an organisation that would derive a benefit from the development. It was found it would be reasonable for a member of the public to conclude that the councillor's close association with the organisation meant that he may have had an interest in the outcome of the specific planning application, which could prejudice his decision-making. The councillor was found to have breached the Code.

Complaint alleged that a councillor had not declared any interest at three meetings of a policy and scrutiny panel of the Council during which reports were presented about voluntary organisations, including her employer, despite her employer having been mentioned specifically in reports considered at the meetings in question. It was found that the councillor should have applied the objective test, declared a non-financial interest and taken no further part in the discussions and decision-making at the meetings. She was found to have breached the Code.

Complaint alleged that a councillor had participated in discussion and voting on an application, when he should not have, due to a registered financial interest and a registered non-financial interest. It was considered that the objective test would have applied and, indeed the councillor confirmed that his voting on the decision was directly related to his interest. It was determined the councillor had breached the Code.

The Financial Interests of Other Persons

5.10 The Code requires only your financial interests to be registered. You also, however, have to consider whether you should declare any financial interest of certain other persons.

You must declare if it is known to you ANY FINANCIAL INTEREST of:

- (i) a spouse, a civil partner or a co-habitee;
- (ii) a close relative, close friend or close associate;
- (iii) an employer or a partner in a firm;
- (iv) a body (or subsidiary or parent of a body) of which you are a remunerated member or director;
- (v) a person from whom you have received a registrable gift or registrable hospitality; or
- (vi) a person from whom you have received registrable election expenses.

There is no need to declare an interest if it is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

You must withdraw from the meeting room until discussion of and voting on the relevant item where you have a declarable interest is concluded other than in the following circumstances.

There is no need to withdraw in the case of:

- (i) an interest covered by a specific exclusion, or
- (ii) an interest which is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

5.11 This Code does not attempt the task of defining "relative" or "friend" or "associate". Not only is such a task fraught with difficulty but it is also unlikely that such definitions would reflect the intention of this part of the Code. The key principle is the need for transparency in regard to any interest which might (regardless of the precise description of relationship) be objectively regarded by a member of the public, acting reasonably, as potentially affecting your responsibilities as a councillor and, as such, would be covered by the objective test.

The Non-Financial Interests of other persons

5.12 You must declare if it is known to you ANY NON-FINANCIAL INTEREST of:

- (i) a spouse, a civil partner or a co-habitee;
- (ii) a close relative, close friend or close associate;
- (iii) an employer or a partner in a firm;
- (iv) a body (or subsidiary or parent of a body) of which you are a remunerated member or director;
- (v) a person from whom you have received a registrable gift or registrable hospitality; or
- (vi) a person from whom you have received registrable election expenses.

There is no need to declare the interest unless it is clear and substantial.

There is only a need to withdraw from the meeting if the interest is clear and substantial.

73 You should consider whether a decision coming before a meeting of the Council might reasonably be considered by a member of the public to benefit or disadvantage a person or body who falls within one of the categories under paragraph 5.12 to a greater extent than other constituents.

74 You should be mindful of the need to protect the confidentiality of another person's business or financial interests when making a declaration. You are only required to provide enough information to make it clear why you consider you have a clear and substantial interest.

Complaint alleged a councillor had failed to declare his non-financial interests and the non-financial interest of close relatives in relation to involvement with a school lobbying group after a planning application to build a new school had been submitted and the formal planning process was underway. The councillor had incorrectly assumed that officers were fully aware of his interests, and also the interests of his family in the lobbying group. It was noted that councillors should ensure that all the relevant information is provided to officers when advice is sought so councillors can be assured that advice given is fully informed and comprehensive. The councillor was found to have breached the Code.

Making a Declaration

5.13 You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether agendas for meetings raise any issue of declaration of interest. Your declaration of interest must be made as soon as practicable at a meeting where that interest arises. If you do identify the need for a declaration of interest only when a particular matter is being discussed you must declare the interest as soon as you realise it is necessary.

5.14 The oral statement of declaration of interest should identify the item or items of business to which it relates. The statement should begin with the words "I declare an interest". The statement must be sufficiently informative to enable those at the meeting to understand the nature of your interest but need not give a detailed description of the interest.

75 When making a declaration and / or deciding whether or not to do so you should consider the following factors:

- Is the information you are giving sufficient for those at the meeting to understand why you are making a declaration. For example, it may be sufficient to say I declare an interest as my spouse a member of the organisation making the application. You might not necessarily need to provide details about how long your spouse has been a member and in what capacity.
- Transparency. For example, you may wish to think about whether you should indicate why you have considered making a declaration but have chosen not to on the grounds it is not clear and substantial. If you only realise a declaration is necessary when the discussion in respect of a matter is underway, you may wish to consider whether you should provide a brief explanation why you had not realised you had an interest at the outset of the meeting.

Frequent Declarations of Interest

5.15 Public confidence in a local authority is damaged by perception that a Council's decisions are substantially influenced by factors other than the public interest. If you would have to declare interests frequently at meetings of a particular committee or in respect of any role which you are asked to discharge as a councillor, you should not accept a role or appointment with that attendant consequence. Similarly, if any Council appointment or nomination to another body would give rise to objective concern because of your existing personal involvements or affiliations, you should not accept the appointment or nomination.

76 Where the only interest is in relation to an item included in a committee minute which is being laid before the Council for formal approval, no declaration is required unless the item proceeds to be discussed or debated as a substantive issue.

77 You are reminded that, when considering whether a declaration of interest is appropriate or the effect of making a declaration in terms of the actions you are then required to take, you should refer to the full provisions of the Code. The Standards Commission has produced an Advice Note for Councillors on How to Declare Interests. The Advice Note is available on the Standards Commission's website.

Complaint alleged that, in view of the frequency of declarations of interest made by a councillor, he should have declined to sit on the Planning Applications Committee. In the 12 months since the councillor had been nominated to sit on the Planning Applications Committee he had attended 16 meetings, considered 93 planning applications and declared an interest in eight of these. It was determined that the number of declarations made by the councillor was not such as to prevent him voting on a regular basis on the Planning Applications Committee. No breach of the Code was found by the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS).

Dispensations

5.16 In some very limited circumstances dispensations may be granted by the Standards Commission in relation to the existence of financial and non-financial interests which in terms of this Code would otherwise prohibit participation in discussion and voting.

5.17 Applications for dispensations will be considered by the Standards Commission which will be able to consider requests for dispensations which will apply generally to a class or description of councillors who are all affected by a particular category of interest. In situations where general or category dispensations are not granted by the Standards Commission, applications for particular dispensations should be made as soon as possible in advance of any meetings where dispensation is sought. You should take no part in consideration of the matter in question unless, and until, the application for dispensation is granted.

78 In such circumstances, applications should be submitted to the Executive Director, The Standards Commission for Scotland, Room T2.21, The Scottish Parliament, Edinburgh, EH99 1SP, setting out in detail all the relevant information including the reasons why a dispensation is sought. Factors to consider before making the application include whether:

- it would be in accordance with both the spirit and intent of the Code of Conduct to grant the dispensation; and
- you have provided sufficient reasons for the request, including what the effect or consequence would be if it was not granted.

79 The Standards Commission will respond as soon as it reasonably can after receipt of all information and will normally be able to provide a response within 20 working days. Where an application for dispensation relates to a specific item of business, the Standards Commission will endeavour to respond before the meeting in question. However, Standards Commission Members only work on a part time basis so this may not always be possible and, therefore, applications should be submitted to the Standards Commission as soon as the relevant information / circumstances are known.

Definition of Exclusions

5.18 The following paragraphs refer to General Exclusions and Specific Exclusions.

(1) *The General Exclusions*

The general exclusions referred to in this Section of the Code are in relation to interests which a councillor may have:

- (i) as a Council tax payer or rate payer or in relation to the Council's public services;
- (ii) in relation to setting the Council tax;
- (iii) in relation to matters affecting councillors' remuneration, allowances; expenses, support services and pension; or

- (iv) as a Council house tenant.

In relation to (i), a councillor does not have an interest which has to be declared as a Council tax payer or ratepayer or, in respect of any issue relating to the terms of services which are offered to the public generally, as a recipient or non-recipient of those services.

In relation to (ii), a councillor does not have a financial interest which has to be declared in connection with:

- (a) the setting of council tax (including the approval of the total estimated expenses of the authority to be incurred during the year in question); and
- (b) the setting of any substitute council tax (including the approval of any revised total estimated expenses).

notwithstanding that the councillor may have an interest in any item of expenditure.

In relation to (iii), a councillor does not have an interest which has to be declared in connection with any matter relating to councillors' remuneration, allowances, expenses or support services or in relation to councillors' pension arrangements, including the investment of superannuation funds.

In relation to (iv), a councillor does not have an interest which has to be declared in connection with any matter relating to council house matters, notwithstanding that the councillor has an interest in the tenancy of council housing accommodation (including any garage), always provided –

- (a) this exclusion does not apply in respect of any matter which is concerned solely or mainly with the particular tenancy from which an individual councillor's interest derives; and
- (b) this exclusion does not apply to any councillor who is in arrears of rent in respect of his or her council house (or garage as appropriate).

(2) *The Specific Exclusions*

The specific exclusions referred to in this Section of the Code are in relation to interests which a councillor may have:

- (i) as a member, or director of, an outside body other than a Regional Transport Partnership;
- (ii) as a member of a Regional Transport Partnership (RTP); or
- (iii) as a member of the Cairngorms National Park Authority ("CNPA").

In relation to (i), the exclusion applies to any councillor who has been nominated or appointed or whose appointment has been approved by the councillor's local authority and who has registered an interest under section 4 of the Code as a member or director of:

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body –
 - established wholly or mainly for the purpose of providing services to the councillor's local authority; and
 - which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority,

but not including a Regional Transport Partnership established under the Transport (Scotland) Act 2005;

So as to enable the councillor to take part in the consideration and discussion of, and to vote upon, any matter relating to the body in question the councillor is required to declare his or her interest at all meetings where matters relating to the body in question are to be discussed, always provided the exclusion does not apply in respect of any matter of a quasi-judicial or regulatory nature where the body in question is applying to the local authority for a licence, a consent or an approval, is making an objection or representation or has a material interest concerning such a licence, consent or approval or is the subject of a statutory order of a regulatory nature, made, or proposed to be made, by the local authority.

In relation to (ii), the exclusion applies to any councillor who is a member of a Regional Transport Partnership established under the Transport (Scotland) Act 2005 by virtue of having been appointed by their council. The exclusion enables such a councillor to take part in the consideration and discussion of, and to vote upon, a matter relating to that RTP or in relation to which the RTP has made a representation; provided that the councillor has declared his or her interest at all meetings where such matters are to be discussed. The exclusion includes quasi-judicial and regulatory matters **except** any quasi-judicial or regulatory matter on which the RTP has made an application to the council, has formally objected to an application made by another party, or is the subject of an order made or proposed to be made by the council.

In relation to (iii), the exclusion applies to (a) Decisions on Planning Applications where the CNPA have submitted comments to the Council and (b) Decisions on Planning Applications where the CNPA have decided not to call-in the Applications, as follows:

- (a) the exclusion applies to any councillor who is also a member of the CNPA where the CNPA have submitted comments, representations or objections to the Council in relation to a planning application so as to enable the councillor to take part in the consideration and discussion of, and to vote upon, the determination of the planning application by the Council, subject to the following:
 - (i) this exclusion only applies where the councillor has not participated in the decision to make comments, representations or objections and has not attended during the item of the relevant CNPA meeting to decide on the comments, representations or objections to be submitted.
 - (ii) this exclusion applies to meetings of the Council and of any committee or sub-committee of the Council and to other meetings as referred to in paragraph 5.4 of the Code to deal with the planning application.

- (b) the exclusion applies to any councillor who is also a member of the CNPA where the CNPA have decided not to call-in a planning application so as to enable the councillor to take part in the consideration and discussion of, and to vote upon, the determination of the planning application by the Council, subject to the following:
 - (i) this exclusion only applies provided the CNPA have, in reaching their decision not to call-in, confined themselves to the question whether the application should be called in and not discussed the merits of the application in so deciding.
 - (ii) this exclusion applies to meetings of the Council and of any committee or sub-committee of the Council and to other meetings as referred to in paragraph 5.4 of the Code to deal with the planning application.

80 The list of bodies to which a councillor may have been nominated or appointed and to which the specific exclusions apply is exhaustive (set out in paragraph 5.18(2)(a)-(d)). This means that a declarable interest would require a withdrawal from the meeting if not covered by an exclusion. For example, if you have been appointed by your Council as a member of a charity, you cannot claim the benefit of a specific exclusion (as the specific exclusions do not include appointments to charities), unless the charity in question also falls within one of the exclusions (for example if it is also a company established wholly or mainly for the purpose of providing services to the your local authority).

81 If you have any doubts about whether a body you have been appointed to is covered by a specific exclusion (for example whether it is a public body established by enactment or in pursuance of statutory powers or whether it is a company which has entered into a contractual arrangement with your local authority for the supply of services to your local authority), you should always check before accepting an appointment.

- 82** You should be mindful of the specific responsibilities you have to different bodies and be aware of the potential for conflicts of interests between your different roles, even if another body you sit on is covered by a specific exclusion.
- 83** You should always declare the interest in all meetings where matters relating to or concerning the body in question are to be discussed. However, you can take part in the consideration and discussion of, and to vote upon, any matter relating to the body in question provided you are satisfied the matter is not quasi-judicial or regulatory in nature. You should nevertheless be mindful that even if a specific exclusion applies, you are still required to declare any other personal interest you may have other than the interest that arises simply through your membership of a body covered by a specific exclusion. If you do have any other interest, you must comply with the objective test.
- 84** If you are a member of a Regional Transport Partnership (RTP) you should be mindful that the specific exclusion that applies to you is different to the specific exclusion under paragraph 5.18(2)(a)-(d) in that it includes quasi-judicial and regulatory matters except where the RTP has made an application to the council, has formally objected to an application made by another party, or is the subject of an order made or proposed to be made by the Council.

SECTION 6: LOBBYING AND ACCESS TO COUNCILLORS

6.1 In order for the Council to fulfil its commitment to being open, accessible, and responsive to the needs of the public, it needs to encourage appropriate participation by organisations and individuals in the decision-making process. Clearly however, the desire to involve the public and other interest groups in the decision-making process must take account of the need to ensure transparency and probity in the way in which the Council conducts its business.

6.2 You will need to be able to consider evidence and arguments advanced by a wide range of organisations and individuals in order to perform your duties effectively. Some of these organisations and individuals will make their views known directly to individual councillors or Council committees. The rules and standards in this Code set out how you should conduct yourself in your contacts with those who seek to influence you.

6.3 You may be lobbied by a wide range of people including individuals, organisations, companies and developers. As a general rule, it is an essential element of the democratic system that any individual should be able to lobby the Council or a councillor. However, particular considerations apply when you are dealing with applications under regulatory powers such as planning and with matters of a quasi-judicial nature such as the determination of certain licence applications. If you are lobbied on such matters you should make it clear that you are not in a position to lend support for or against any such application that you will have a responsibility for making a decision on in due course. Representations to councillors on such applications should be directed, by the councillor, to the appropriate department of the Council. This does not prevent you from seeking factual information about the progress of the case.

6.4 Political group meetings should not be used to decide how councillors should vote on such applications, or on individual staffing matters such as the appointment or discipline of employees. It is a breach of this Code to comply with political group decisions on such matters where these differ from your own views.

85 As a councillor you will probably be approached by those wishing to make their views known. This is perfectly legitimate, and should be encouraged, in that it is an essential part of the democratic process that any individual should be allowed to lobby a council or councillor.

- If you choose to be an advocate for or against a particular cause, you will forfeit your right to be a decision-maker in regulatory or quasi-judicial decisions regarding that cause. If you are approached, you can listen to views expressed but you must make it clear that you cannot lend support or make a decision until the appropriate meeting, when you have heard all the evidence you can:
 - make it known to officers what representations you have received;
 - assist constituents in making their views known to the relevant officer;
 - seek factual information about the progress of a case;
 - advise those that are lobbying who they can contact (i.e. the relevant officer or a councillor who is not on the decision-making committee).

86 You must not, however, accept any paid work in which you give advice on how to influence the Council. In other situations, care is needed and you should be

guided by the Code and, in particular, consider:

- Could anything you do or say be construed as being improperly influenced to take a particular stance on an issue?
- Are you giving or could you be perceived as giving preferential access to any one side of an argument?
- When seeking information on the progress on a case or particular matter are you doing so in a factual way or could you instead be perceived as making representations or lending support?
- Are you reaching your own view on an application or staffing matter having heard all the relevant arguments and evidence (including the guidance of Council officials) and not simply agreeing or complying with any view expressed by your political group.

Complaint alleged that a councillor failed to engage with, and denied access to, a constituent who had sent an email to the Council seeking information on a motion which had been promulgated by the councillor and approved by the full Council. The Council had referred the individual's email to the councillor for response. The individual considered that he councillor's response and subsequent comments in the press indicated that he did not want to engage with her. However, the Code does not impose specific obligations on individual councillors requiring that a response is made to all who would lobby them. In this case the councillor had responded, albeit that his response made in terms which the complainant found unacceptable. The Commissioner for Ethical Standards in Public Life in Scotland (CESPLS) found that there had not been a breach of the Code.

Complaint alleged that a councillor had been involved in a 'secret' meeting with some local residents. The outcome of the meeting resulted in a Traffic Regulation Order (TRO) which ultimately led to the introduction of parking restrictions. The complainer alleged that by attending the meeting the councillor had failed to be accessible to the public and had demonstrated bias in favour of some residents. The CESPLS established the councillor had been accompanied at the meeting by an officer from the Council's Roads Services and it was the officer's suggestion of implementing a TRO which resulted in the road traffic controls being introduced. No evidence was found that the councillor had indicated support for or against the making of the TRO. The councillor's only role was to attend the meeting with some local residents with a Council Officer. The CESPLS found that no breach of the Code had occurred.

SECTION 7: TAKING DECISIONS ON QUASI-JUDICIAL OR REGULATORY APPLICATIONS

Introduction

7.1 The Code's provisions relate to the need to ensure a proper and fair hearing and to avoid any impression of bias in relation to statutory decision-making processes. These provisions apply not only to those made under planning legislation but to a number of others of a quasi-judicial or regulatory nature which the local authority may also have to consider. These will include applications for taxi, betting and gaming, liquor, theatres, cinemas and street trader licences and a range of other similar applications where the issuing of a statutory approval or consent is involved. This also includes where the local authority is acting in an enforcement, disciplinary or adjudicatory role.

87 The list under paragraph 7.1 is illustrative and not exhaustive. If you are in any doubt about whether an application or matter you are being asked to decide on is quasi-judicial or regulatory in nature, you should seek advice before taking part in any discussion or vote. While the focus of the following paragraphs is primarily on planning matters, the provisions contained within them also apply to other regulatory applications where statutory approval or consent applies.

Fairness and Impartiality

7.2 On questions relating to such matters on which councillors have to make individual decisions, you may have to take account of different points of view or make decisions based on specified statutory criteria.

7.3 In such cases, it is your duty to ensure that decisions are properly taken and that parties involved in the process are dealt with fairly. Where you have a responsibility for making a formal decision, you must not only act fairly but also be seen as acting fairly. Furthermore, you must not prejudice, or demonstrate bias in respect of, or be seen to be prejudging or demonstrating bias in respect of, any such decision before the appropriate Council meeting. In making any decision, you should only take into account relevant and material considerations and you should discount any irrelevant or immaterial considerations.

7.4 To reduce the risk of your, or your Council's, decisions being legally challenged, you must not only avoid impropriety, but must at all times avoid any occasion for suspicion and any appearance of improper conduct.

7.5 You must never seek to pressure officers to provide a particular recommendation on any quasi-judicial or regulatory application; and you should not seek privately to lobby other councillors who have a responsibility for dealing with such an application.

7.6 Councillors who have been appointed to outside bodies may in certain circumstances be entitled to participate in discussion and voting on matters relating to these bodies through the benefit of the specific exclusions provided for in paragraph [5.18](#) of this Code. It should be emphasised, however, that these

exclusions are subject to the conditions set out in paragraph 5.18, especially in relation to matters of a quasi-judicial or regulatory nature.

- 88** When making quasi-judicial or regulatory decisions, you must do so objectively and with an open mind. Factors to consider include:
- Am I acting fairly?
 - Have I taken proper account of the public interest?
 - Have I taken account of all the material and relevant facts, evidence, opinions and policies?
 - Have I taken account of advice from council officers who are exercising their statutory duties and functions?
 - Am I able to give clear and adequate reasons for my decision if required?
 - Have I indicated, outwith the committee forum, my support for, or opposition to, the matter which I am due to make a decision on?
- 89** If you have been appointed to an outside body you may – in certain circumstances – be entitled to participate in discussion and voting on matters relating to that body through the application of a specific exclusion as defined in paragraph 5.18(a)-(d) of the Code. It should be emphasised, however, that the specific exclusion does not apply in respect of any matter of a quasi-judicial or regulatory nature, where the body in question is applying to the local authority for a licence, a consent or an approval, is making an objection or representation or has a material interest concerning such a licence, consent or approval or is the subject of a statutory order of a regulatory nature, made, or proposed to be made, by the local authority. For example, if you have been appointed by your council to an outside body and that body has submitted an application to the Council for a theatre licence, you cannot take advantage of the specific exclusion. You must declare your interest and withdraw from the room.

A councillor, as a member of the Council's licensing committee, made comments to the press which demonstrated that he had pre-judged, a House of Multiple Occupation (HMO) license application, before it had been heard by the Committee. The councillor had voted against the license being granted at the Licensing Committee meeting and in doing so had failed to avoid any appearance of improper conduct, which would have reduced the risk of the Council's decision being legally challenged. The councillor had also taken a vote, at a later meeting, on whether the Council should defend its decision to refuse the HMO application, despite knowing that officers and the Convener had expressed concerns about his participation in the item at the initial meeting, and that as he had been individually identified in the subsequent appeal, he was perceived as having pre-judged the matter. The councillor should, therefore, have withdrawn from both meetings and taken no part in the discussion or decision-making on the item at either. He had failed to do so and, was found to have breached the Code.

Complaint alleged that a councillor, in his role as a member of a Licensing Board, stated that he was minded to support the application before the Board had heard all submissions, which indicated he had pre-judged the matter. He was also disrespectful of member of the public who were present as objectors when he questioned them in a confrontational and adversarial manner and was dismissive of their views. Following the Licensing Board decision, a petition for Judicial Review was made seeking reduction of that decision. The petition, which included an account of the conduct of the councillor, was based on grounds that objectors were not afforded a fair hearing. The petition was granted by the Court and legal costs awarded against the Licensing Board. It was found the councillor had breached of the Code.

Decisions on Planning Matters

Policy and Strategic Issues

7.7 The requirements of this part of the Code should not limit you from discussing or debating matters of policy or strategy, even though these may provide the framework within which individual applications will in due course be decided,

7.8 Therefore in your key role in establishing planning policies for the area, you are fully entitled to express your views or advocate proposals for the making, approval or amendment of the development plan, including supplementary planning guidance published by the planning authority both relating to general policies for the authority's area and to briefs and master plans prepared for specific sites in anticipation of planning applications.

7.9 You may also be asked to comment on requests to the planning authority for a provisional view as to whether in respect of a proposal for a major development the authority might be minded, in principle, to consider granting planning permission. This may occur in cases where developers are seeking the planning authority's view in advance of committing to expensive and lengthy technical appraisals. As a part of any such request and only as part of the planning authority considering and forming such a provisional view, you are entitled to express an opinion in advance of the statutory application for planning permission being submitted to the planning authority formally for determination.

90 Where a Council has been asked to provide a provisional view on whether, in respect of a proposal for a major development, it might be minded in principle to consider granting planning permission, you are entitled to express an opinion in advance of the statutory application being submitted. However, you may only do so as part of the Council's procedures for forming such a provisional view. You must not express a view or an opinion once a planning application has been received as this could be determined to have compromised your impartiality.

91 You should ensure that you are familiar with your council's policy on forming provisional views and that you adhere to this.

92 You can adopt an advocacy role by, for example, saying you would welcome planning applications or the redevelopment of an area, or would like to preserve greenbelt land or promote industry. However, you cannot then comment on a specific application, once lodged, before the meeting to determine it.

General

7.10 As a councillor you may have to deal with planning decisions in a number of ways. You may:

- (i) become involved in local cases as a ward representative, or
- (ii) you may be more actively involved in decision-making:
 - a. as a member of a committee dealing generally with decisions on planning applications;

- b. in certain cases, you may be a member of the committee where applications are subject to a pre-determination hearing;
- c. as a member dealing with applications referred to the full council for determination; and
- d. as a member of the Council's Local Review Body dealing with reviews where officers acting under delegated authority have refused planning permission or granted it subject to conditions which the applicant does not agree with or of non-determination of the application by the officer; or have not dealt with the application within the prescribed timescale.

7.11 If you propose to take part in the decision-making process you must not give grounds to doubt your impartiality. You must not make public statements about a pending decision, to ensure that you are not seen to be prejudging a decision which will be made at the meeting where it can be anticipated that the information required to take a decision will be available. You must not indicate or imply your support or opposition to a proposal, or declare your voting intention, before the meeting. Anyone who may be seeking to influence you must be advised that you will not formulate an opinion on a particular matter until all available information is to hand and has been duly considered at the relevant meeting.

7.12 If you have an interest, whether financial or non-financial, in the outcome of a decision on a planning application, or a planning agreement, or on taking enforcement action, or in a Local Review Body, you must declare that interest and refrain from taking part in making the decision.

- 93** The prohibition on pressuring planning officers or lobbying other councillors in private under paragraph 7.5 applies to all correspondence, not just discussions. For example, it would be a breach of the Code to send an email to other councillors indicating that you are against plans for a stadium development once a planning application had been lodged.
- 94** If you have an interest as outlined in paragraph 7.12, you must declare that interest, take no part in the decision and withdraw fully from the room. If you remain in the room, you could be perceived as trying to influence others. However, having declared your interest in the matter, you are entitled under paragraph 7.15 to make representations on behalf of constituents or other parties before you fully retire from the meeting room.
- 95** Although you are entitled to hold a preliminary view on a matter in advance of a meeting at which a decision will be taken, you must keep an open mind and be prepared to consider the merits of all views and representations made about the matter under consideration before making your decision. You must not make your mind up about a particular matter before you have had the opportunity to consider all the evidence.
- 96** Pre-judging or making a pre-determination may invalidate the Council's decision and leave it open to challenge as well as being a breach of the Code. For example, if you state that 'wind farms are blots on the landscape and I will oppose each and every one that comes before the committee', you cannot claim to have retained an open mind on the issue or that you are prepared to determine each application on its

merit. If, however, you say 'some people find wind farms ugly and noisy so I will need to be persuaded we should allow more in this area', you should not be accused of having pre-judged the application as you have demonstrated you are willing to listen to the merits of an application.

Complaint alleged that a councillor had sent emails from his Council email account to certain members of an Area Committee, making representations in support of a planning application made by a company in which he was a partner. It was found that he had made the representations outwith the Committee forum and not in accordance with the correct procedure. The councillor was found to have breached the Code.

Representations

7.13 Where you will be participating in making the appropriate decision, you should not organise support for, or opposition to, or lobby other councillors or act as an advocate to promote a particular recommendation on a planning application, on a planning agreement, on taking enforcement action, or on a review by the Local Review Body.

7.14 You are not precluded from raising issues or concerns on any of the matters associated with the application with the planning officers concerned. Indeed, a councillor may well have an important contribution to make in respect of an individual planning application or on what the Council should include in a planning agreement. It is entirely appropriate for councillors, including those who will have a decision making responsibility, to make known to planning officers what representations from constituents and prospective developers they have received on a planning application, to attend public meetings/ events (including those relating to statutory pre-application consultation) and to assist constituents in making their views known to the relevant planning officer. This applies to those councillors with a decision-making responsibility, provided that at no time does the councillor express a "for" or "against" view by advocating a position in advance of the decision making meeting (other than in respect of the circumstances set out in paragraphs [7.9](#) and [7.18](#)).

7.15 If as part of the decision making process you wish to make representations on behalf of constituents or other parties you may do so providing:

- (a) you do so in terms of procedures agreed by the Council which afford equal opportunity to any parties wishing to make representations to do so;
- (b) you declare your interest in the matter; and
- (c) after making those representations you then retire from the meeting room.

97 Paragraph 7.15 applies to all councillors, irrespective of whether or not they are part of the decision making process. Where you wish to make representations on behalf of constituents or other parties, you may do so providing that all the conditions outlined above are met, including that you declare your interest in the matter and, having made any representations, you retire fully from the meeting room (it is not sufficient to retire to a public gallery situated within the meeting room).

98 If you are making representations and, for example, you wish to support your

constituents' views regarding a planning application, you should make this position clear as soon as possible to the chair of the committee and officers. Your declaration of interest should be recorded in the minutes of the meeting.

Complaint was at a meeting of a Planning Committee, a councillor attempted to influence other member of the committee in their consideration of the application by suggesting a site visit. It was found that the councillor had simply suggested a site visit and there was no evidence he had attempted to influence other members of the planning committee in their consideration of the application. Suggesting a site visit in itself did not constitute inappropriate lobbying or influence. No breach of the Code was found by the Commissioner for Ethical Standards in Public Life in Scotland (CESPLS).

Full Council Decisions

7.16 There are certain planning applications where the final decision has to be made by the full council. These applications will be those where there has been the opportunity for a pre-determination hearing. These procedures apply to major developments which are significantly contrary to the development plan and for national developments. It will be apparent before the application is formally submitted to the council which developments are national or major. Where the application is for a national development you will be involved in the decision making process as a member of the full Council.

7.17 Where the application is for a major development, it may not be clear at the outset whether the development is significantly contrary to the development plan and therefore one where the full council will be making the final decision. It will be for the planning authority to come to such a view as part of considering the application.

7.18 You are entitled to take part in the decisions to be made by the full Council even though you may have expressed an opinion on the application at a pre-determination hearing or at the planning committee.

99 Where the decision in respect of a planning application or other regulatory decision has to be made by the full Council and you have expressed opinions on the application at a pre-determination hearing or at a previous planning committee, you are entitled to take part in the decision making by the full Council provided you do so with an open mind. However, this applies only to opinions expressed at a pre-determination hearing or at a previous planning committee.

Local or Area Planning Committees

7.19 All local authorities will have their own procedures for dealing with planning applications. Councils may adopt a system in which most applications are dealt with by local or area planning committees with the remaining being dealt with by a central planning committee. Some also have procedures where decisions can be referred from a planning committee to the full Council for final determination.

7.20 Individual members may make their provisional views known as part of the discussions at earlier meetings. Councillors who have responsibility for the decision should only make a final judgement when all the relevant material considerations are before the meeting that will, in fact, determine the application. These considerations

can quite appropriately include the views of a local or area committee for a central planning committee, or the views of a planning committee or a pre-determination hearing in advance of the full Council.

- 100** Where Council procedures allow for decisions to be referred for final decision by a planning committee, including a local or area planning committee, to the full Council or other committee, you may make your provisional views known but only as part of the discussions during the earlier meetings.
- 101** As a member of a planning committee you should make a decision in the public good and not represent any private interest.
- 102** You should familiarise yourself with the Scottish Government's Guidance on the Role of Councillors in Pre-Application Procedures which can be found at <http://www.gov.scot/Topics/Built-Environment/planning/Roles/Planning-Authorities/Documents>

Other Interests

7.21 If you have substantial property or other interests which would prevent you from voting on a regular basis you should not sit on a decision-making committee that deals with planning applications.

7.22 You must not act on behalf of, or as an agent for, an applicant for planning permission with the Council other than in the course of your professional role which you have registered.

Site visits

7.23 As a councillor, you may be asked to attend site visits in connection with a pending planning application or review. If you do so, you should follow the procedures for such visits set out by your authority; for local reviews there are details about site visits in the relevant regulations. These procedures should be consistent with the provisions of this Code.

- 103** The Code recognises that individual Councils will have their own procedures for site visits and does not attempt to be prescriptive about what these procedures should include. However, when attending site visits, you must follow your Council's own procedures for such visits.

Unauthorised developments

7.24 As a councillor you may also be the person who is first made aware of unauthorised development and you might quite properly wish to refer the matter to the Council for possible enforcement action. Once the initial referral has been made to the appropriate department for investigation and any formal action, you should advise all subsequent enquirers to deal directly with the relevant officer, as you should not lobby for a particular outcome. This does not prevent you from seeking factual information about the progress of the case.

104 You must not organise support or opposition, lobby other councillors or put pressure on planning officers to either take or not take investigative or enforcement action. This applies to all councillors, whether members of the planning committee or not.

ANNEX A

SANCTIONS FOR BREACHES OF THE CODE

Where a hearing held by the Standards Commission finds that a councillor has breached the Code, the hearing will impose one of the following sanctions:

- (a) censuring the councillor.
- (b) suspending, for a period not exceeding one year, the councillor's entitlement to attend one or more but not all of the following:
 - i) all meetings of the Council;
 - ii) all meetings of one or more committees or sub-committees of the council;
 - iii) all meetings of any other body on which that councillor is a representative or nominee of the council.
- (c) suspending, for a period not exceeding one year, the councillor's entitlement to attend all meetings of the council, and any committee or sub-committee of the council; and any other body on which the councillor is a representative or nominee of the council.
- (d) disqualifying the councillor, for a period not exceeding five years, from being or being nominated for election as, or from being elected as, a councillor.

A period of suspension under (b) or (c) above which would continue until or beyond an ordinary election will come to an end at the beginning of the day on which that election is held.

Disqualification of a councillor has the effect of vacating that councillor's office and extends to the councillor's membership of any committee or sub-committee of the council, any joint committee, joint board or other body on which the councillor is a representative or nominee of the Council.

Where a councillor is also a member of a devolved public body (as defined in the Ethical Standards in Public Life etc. (Scotland) Act 2000), other than as a representative or nominee of the Council, the Commission may also remove or disqualify that person in respect of that membership. Full details of the sanctions are set out in section 19 of the Act.

ANNEX B

DEFINITIONS

1. **"Remuneration"** includes any salary, wage, share of profits, fee, expenses, other monetary benefit or benefit in kind. This would include, for example, the provision of a company car or travelling expenses by an employer.
2. **"Undertaking"** means: (a) a body corporate or partnership; or (b) an unincorporated association carrying on a trade or business, with or without a view to a profit.
3. **"Related Undertaking"** is a parent or subsidiary company of a principal undertaking of which you are also a director. You will receive remuneration for the principal undertaking, though you will not receive remuneration as director of the related undertaking.
4. **"Parent Undertaking"** is an undertaking in relation to another undertaking, a subsidiary undertaking, if (a) it holds a majority of the voting rights in the undertaking; or (b) it is a member of the undertaking and has the right to appoint or remove a majority of its board of directors; or (c) it has the right to exercise a dominant influence over the undertaking (i) by virtue of provisions contained in the undertaking's memorandum or articles or (ii) by virtue of a control contract; or (d) it is a member of the undertaking and controls alone, pursuant to an agreement with other shareholders or councillors, a majority of the voting rights in the undertaking.
5. **"Election expenses"** means expenses incurred, whether before, during or after the election, on account of, or in respect of, the conduct or management of the election.
6. **"A person"** means a single individual or legal person and includes a group of companies.
7. **"Group of companies"** has the same meaning as "group" in section 474 of the Companies Act 2006, namely a parent undertaking and its subsidiary undertakings.
8. **"Any person"** includes individuals, incorporated and unincorporated bodies, trade unions, charities and voluntary organisations.
9. **"Spouse"** does not include a former spouse or a spouse who is living separately and apart from you.
10. **"Cohabitee"** includes a person, whether of the opposite sex or not, who is living with you in a relationship similar to that of husband and wife.
11. **"Chair"** includes Committee Convener or any person discharging similar functions under alternative decision making structures.

ANNEX C

PROTOCOL FOR RELATIONS BETWEEN COUNCILLORS AND EMPLOYEES IN COUNCILS

Principles

1. This protocol sets out the way in which Councils and employees of Councils should behave towards one another. It does not cover all the variety of circumstances which can arise, but the approach which it adopts will serve as a guide to dealing with other issues as they come up.
2. Councillors and employees should work in an atmosphere of mutual trust and respect, with neither party seeking to take unfair advantage of their position.

Scope

3. The most common contacts are between councillors and senior employees at Chief Executive, Director or Head of Service level, and this protocol is largely about those contacts. There are also many contacts between councillors and other employees in their daily business, and the principles of this protocol also apply to them. The particular position of employees who provide direct support services for councillors is dealt with separately at paragraph 21.

Members' and employees' roles

4. Within a Council, councillors have a number of different roles, all of which call for separate consideration. Some councillors are chairs of committees, most belong to political groups, and all have a local constituency to represent.
5. Legally, employees are employed by the Council and are accountable to it. Ultimately they serve the Council as a whole and not any particular political group, combination of groups or any individual member. Nonetheless, political groups exist in most Councils and employees may properly be called upon to assist the deliberations of political groups and also to help individual members in their different roles. Chief Executives and Senior Officers have ultimate responsibility to ensure that the Council's responsibilities are implemented.

Office bearers

6. It is clearly important that there should be a close professional working relationship between the Chair of a committee and the director and other senior employees of any service which reports to that committee. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question employees' ability to deal impartially with other councillors, and the ability of Chairs to deal impartially with other employees.
7. The Chair of a committee will often be consulted on the preparation of agendas and reports. Employees will always be fully responsible for the contents of any report submitted in their name and have the right to submit reports to members

on their areas of professional competence. While employees will wish to listen to the views of conveners, they must retain final responsibility for the content of reports.

8. Committee Chairs are recognised as the legitimate elected spokesperson on their committees' areas of responsibility. Where authority is delegated to employees they will often wish to consult Chairs of committees about the action which they propose to take but the responsibility for the final decision remains with the employee who is accountable for it. Chairs should bear this in mind when discussing proposed action with employees.

9. Committee Chairs will have many dealings with employees. Those employees should always seek to assist a committee Chair but it must be remembered that they are ultimately responsible to the Head of the Service.

Political groups

10. Most Councils operate through a system of groups of councillors, many of them based on political affiliation. All employees must, in their dealings with political groups and individual members, treat them in a fair and even-handed manner. Employees must at all times, maintain political neutrality.

11. The support provided by employees can take many forms, ranging from the meeting with the Chair and vice-Chair before a committee meeting to a presentation to a full party group meeting. Whilst in practice such support is likely to be in most demand from whichever party group is for the time being in control of the Council, it should be available to all party groups. The advice given by employees to different party groups should be consistent.

12. Certain matters must, however, be clearly understood by all those participating in this type of process, councillors and employees alike. In particular:

- Council rules about groups' access to employees, e.g. all requests being approved by the Chief Executive, must be followed;
- employee support in these circumstances must not extend beyond providing information and advice in relation to matters of Council business. The observance of this distinction will be assisted if employees are not expected to be present at meetings or parts of meetings, when matters of party business are to be discussed;
- party group meetings, whilst they form part of the preliminaries to Council decision-making, are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not therefore rank as Council decisions and it is essential that they are not interpreted or acted upon as such;
- where employees provide information and advice to a party group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant committee or sub-committee when the matter in question is considered;
- political groups need to recognise that information and advice given by employees should be used to enhance discussion and debate at Council and committee meetings. If such information is used for political advantage, for example media briefings beforehand, then the process

could become devalued and place employees in a difficult position in giving information and advice; and

- the chair of a political group meeting attended by employees has a responsibility for ensuring that those attending are clear on the status of the meeting and the basis on which employees are attending.

13. Special care needs to be exercised whenever employees are involved in providing information and advice to a meeting of a political group which includes persons who are not members of the Council. Such persons will not be bound by the Codes of conduct for councillors and employees (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons employees may not be able to provide the same level of information and advice as they would to a members only meeting.

14. Any discussion with a political group or councillor must be treated with strict confidentiality by the employees concerned and should not be accessible to any other political group. It is acknowledged, however, that factual information upon which any advice is based will, if requested, be available to all political groups.

15. Should any difficulty or uncertainty arise in the area of employee advice to party groups, this shall be raised with the Chief Executive who should discuss the matter with the group leader.

Local representative

16. All councillors represent part of the area of the Council. Within each Council's rules about consultation and councillor involvement, employees must treat all councillors fairly and openly in their role as local representatives. When performing their local representative role, councillors will be seen by the public as representing the Council and should act in accordance with the principles of the Code of Conduct for Councillors and this protocol.

Communications

17. Communications between an individual councillor and an employee should normally not be copied by the officer to any other councillor. Where it is necessary to copy the communications to another member, this should be made clear to the original councillor at the time.

Appointments

18. Where councillors are involved in the appointments of employees they must act fairly and openly and judge candidates solely on merit.

Social relationships

19. The relationship between councillors and employees depends upon trust and this will be enhanced by the development of positive, friendly relationships. Councillors and employees will often be thrown together in social situations within the community and they have a responsibility to project a positive image of the Council. Nonetheless, close personal familiarity between individual employees and councillors can damage the relationship of mutual respect and the belief that employees give

objective and professional advice and commitment to the Council. Councillors and employees should, therefore, be cautious in developing close personal friendships while they have an official relationship.

Public comment

20. Councillors should not raise matters relating to the conduct or capability of employees in public. Employees must accord to councillors the respect and courtesy due to them in their various roles. There are provisions in the Code of Conduct for Employees about speaking in public and employees should observe them.

105 Councillors should avoid raising any adverse matters about the conduct or capability of employees in public.

Employees supporting councillors

21. Where Councils arrange for employees to support members directly in carrying out their duties, particular considerations apply. Such employees are normally involved in administrative and practical support of councillors. While such staff may operate to the requirements of individual councillors in their daily business, it must be remembered that the employees are accountable to their line managers and any issues about conflicting priorities, conduct or performance must be referred to those managers.

106 Councillors should not become involved in issues relating to individual employees' pay or terms and conditions of employment, except while serving on a committee delegated to deal with such matters.

STANDARDS COMMISSION FOR SCOTLAND

GUIDANCE FOR COUNCILLORS AND LOCAL AUTHORITIES IN SCOTLAND

THE ETHICAL FRAMEWORK: THE RELATIONSHIP BETWEEN THE COMMISSION AND COUNCILS

1. The promotion of high standards in public life is essential to ensure and reinforce public confidence in the activities and responsibilities of Councils.
2. The Standards Commission wishes to support the work of Councils in striving to achieve the highest standards of conduct and, with this in mind, wishes to make itself readily available to facilitate this.
3. The Standards Commission wishes to stress the importance which it attaches to Councils embracing the ethical framework and ensuring that they have effective support systems in place to assist councillors in applying high standards of conduct.
4. Councils are reminded of the importance of high standards of conduct as a key part of arrangements for corporate governance. In this connection, the Standards Commission commends the advice given by Audit Scotland in relation to the role of ethical standards within corporate governance in its Code of Audit Practice (March 2007).
5. Councils also have a part to play in ensuring that the public are made aware of the ethical framework in Scotland and how it is to be regulated and the Standards Commission advises Councils to facilitate the process by ensuring that information about the Act, the Councillors' Code of Conduct, and the roles of the Standards Commission and the Public Standards Commissioner is widely available at their main offices. Councils should make this information is available at all public libraries and provide the Code of Conduct directly, or through links, on their own web-sites.

THE DUTIES OF COUNCILS TO PROMOTE HIGH STANDARDS OF CONDUCT

6. All Councils have duties in terms of section 5 of the Act of:
 - a) promoting the observance by their councillors of high standards of conduct; and
 - b) assisting them to observe the Councillors' Code of Conduct.

Code of Conduct and Guidance

7. In the first instance, Councils should ensure that all councillors have their own copies of the Councillors' Code of Conduct and this Guidance Note. Attention

should be drawn to the additional material which the Standards Commission will issue from time to time, including that published on its web-site.

Application of the Code

8. The Act and the Code apply only to elected councillors and not to co-opted members of local authority committees. Co-opted members are, however, expected to apply the same high standards of conduct as elected councillors.
9. Local authorities should, therefore, expect co-opted members to comply with the Code and this should be a condition of appointment. In cases where the authority has no discretion over the appointment (such as the Church of Scotland and Roman Catholic Church representatives on education committees) the authority should seek confirmation from the appointing authorities that they will require their appointees to comply with the Code.

European Convention on Human Rights

10. The Code itself – including its key principles – is compliant with and subject to the provisions of the European Convention on Human Rights (ECHR) as applied by the Human Rights Act 1998.

Training

11. Councils should make arrangements to hold or attend training and induction sessions on ethical standards and they should strongly encourage all of their councillors and senior officers to attend such sessions. The Standards Commission is willing to participate in any such programmes wherever practical, particularly where organized by established training providers, (such as representative, professional or training associations).
12. The training sessions should cover the ethical framework, including the Act, the Code of Conduct and the enforcement regime, and emphasise the personal responsibilities of councillors. Training sessions should be offered to councillors as soon as possible after the revised Councillors' Code of Conduct has come into effect.
13. When Councils are re-constituted after local government elections arrangements should be made to hold training sessions for all councillors.
14. Since ethical standards is a developing and evolving area, Councils should also make suitable arrangements for periodic refresher courses for councillors.

Advice from Senior Officers

15. As part of the support provided to them, it is important that councillors should have ready access to advice from nominated senior officers (such as the chief executive or the monitoring officer) on the ethical framework in general, and on the Code of Conduct in particular. When seeking advice, councillors should do so in good time and ensure they apprise the officers of all relevant facts and circumstances.
16. Officers should always clearly point out that it is the councillor's personal responsibility to ensure that they comply at all times with the provisions of the Code of Conduct. This will be particularly important when giving advice in relation to matters such as registration of interests and declaration of interests.

Respect for other councillors and employees

17. The Standards Commission recommends Councils draw up best practice guidelines or protocols to cover working arrangements among members and, where appropriate, among party groups and between members and officers to facilitate achieving this important objective.

Conduct at Meetings

18. The Chair's powers and duties should be articulated to the whole Council in standing orders which should set out the obligation on the Chair to permit fair and responsible debate and the obligation on the other members to adhere to appropriate rulings by the Chair. Behaviour disruptive to the meeting should not be tolerated. Appropriate sanctions should be available to deal with members guilty of such behaviour, including exclusion from the meeting if necessary to allow Council business to be completed.
19. The Standards Commission recommends that every local authority has a set of standing orders in place which should include provisions to regulate procedure at meetings.
20. Where disruptive behaviour – individual or otherwise – reaches the stage of preventing Council business from properly and timeously taking place, it is recommended that such issues, wherever possible, be referred in the first instance to an informal meeting of senior elected members (such as political group leaders), together with appropriate senior officers in order to seek a resolution to such issues. Reference of a breach of the Code should be made to the PSC where it is believed that such a reference to a group of senior elected members would serve no useful purpose or would otherwise be inappropriate. It should be recognised that disruptive behaviour will reflect on the reputation of the Council as well as that of individual elected members.
21. The conduct of the Chair in the process of conducting a meeting can play a major role in ensuring a successful meeting. For that reason, councillors who are regularly expected to chair meetings should ensure that they are familiar with the Council's standing orders relating to the conduct of debate.

Confidentiality Requirements

22. Council or committee reports issued to elected members will clearly indicate if they are deemed to contain confidential or exempt information. Councillors will also receive other information from Council officers which may be confidential or private; in such cases it is important that in imparting such information to councillors it is made entirely clear that the information is made available to them in confidence and the extent – if at all – that they may pass on such information to third parties (such as constituents, colleague councillors or the press) should also be made explicitly clear.

Use of Council Facilities

23. Councils should ensure that arrangements made to assist councillors communicating with their constituents or the wider public do not include campaigning activities. Where councillors wish to circulate communications to their constituents or the public, there should be suitable safeguards in place to

ensure that any expenditure incurred by the local authority is appropriate. The Standards Commission recommends that Councils have a policy in place dealing with councillors' use of IT Equipment.

Registration of Interests

24. All Councils have a duty to set up, maintain and make available for public inspection a register of the interests of their councillors which the Code requires to be registered. They must also appoint a proper officer to maintain the register.
25. Councils should ensure that councillors are aware of the importance of registering all their relevant interests. They should make arrangements for councillors who wish to do so to consult the nominated senior officers(s) to help them to complete their own notices for the Register of Interests in accordance with the requirements of the Code and the Regulations.
26. The principal Register should be kept at the head offices of Councils and an electronic version should be available on the Council's website. The information should also be available at other main Council offices and public libraries. Any member of the public inspecting such information at any of these locations should be entitled to receive a printed copy of the information on request. The Standards Commission will provide a facility on its own web-site so that members of the public, on accessing that site, can link to the relevant pages on the Councils' web sites. The electronic version of the Register need not include personal address information that would compromise councillors' personal security, the full details being available for public inspection as above. Advice in relation to personal security and the Register can be obtained from the monitoring officers and from the Standards Commission.
27. The Standards Commission appreciates that there may be a time gap between the registering of interests in the principal Register and copying that information to web-sites. This means it is important to make it clear the date at which the information given is accurate. Councils should aim to have their web-sites updated within one month of the receipt of the information.
28. Appropriate arrangements should be made to ensure that councillors are advised to keep their entries in the Register under review. These arrangements should include the issue of a reminder at least every six months.
29. It is each councillor's personal responsibility to ensure that his/her Register of Interests is updated timeously i.e. within one month of a change of circumstances.
30. The proper officer must maintain a record of the interests registered by the councillors in their first notice and any subsequent notices. The proper officer must ensure that all the appropriate information – that is the date of the notice, the name of the councillor and the statement of information in the notice – is fully recorded.
31. The proper officer must maintain the record for five years after the member ceases to be a councillor.

THE ACTIVITIES OF SUSPENDED COUNCILLORS

Partial Suspension and Full Suspension

32. In all cases of suspension, whether partial or full, the councillor's entitlement to attend meetings will be limited or removed altogether. Attendance at, and participation in, meetings is one of the most important responsibilities of public office. The Standards Commission recognises that constituents may perceive that a limitation in entitlement to attend meetings will adversely affect the councillor's ability to represent their interests fully. Accordingly, Councils should make appropriate arrangements to provide representative cover for the suspended member for the benefit of his or her constituents.
33. Councils should also consider carefully whether it would be appropriate for the councillor to continue to be consulted on various issues as the local member. Particular thought should be given to regulatory or quasi-judicial matters where the councillor has been suspended from the committee appointed to deal with such matters.

Partial Suspension

34. Where the councillor has special responsibilities (such as being a Spokesperson in respect of particular matters or Chair or Vice-Chair of a particular Committee or Sub-Committee or Joint Board), and the councillor has been suspended from Council meetings or meetings of the Committee or Sub-Committee or Joint Board dealing with that function, the councillor must not undertake these special responsibilities during the period of suspension. Moreover, the Council should, during the period of suspension, cease payment of remuneration at the grade of Senior Councillor (or equivalent enhanced payment for a joint board) and remunerate the councillor at the rate of remuneration payable to ordinary councillors.
35. Where a councillor has been suspended from attending meetings of another body on which the councillor is a representative or nominee of the Council, the Council should consider nominating another councillor as the Council's representative or nominee on that body.

Full Suspension

36. In a case of full suspension or where the councillor is suspended from all meetings of the Council and all meetings of its committees and sub-committees, the councillor should not undertake any special responsibilities previously assigned to him/her by the Council and the Council should, during the period of suspension, cease payment of remuneration at the grades of Leader of the Council, Civic Head or Senior Councillor (or equivalent enhanced payment for a joint board) as applicable and remunerate the councillor at the rate of remuneration payable to ordinary councillors.
37. Depending on the length of the period of suspension, the Council should also consider appointing other councillors to the vacancies on committees or sub-committees and to any other body where the councillor has been the Council's representative or nominee consequent on the suspension of the councillor.

Data control and version information				
Date	Action by	Version Updated	Current version	Brief Description
09/07/2018	LJ	N/A	V0.1	Guidance on the Councillors Code of Conduct updated to reflect the amended Councillors' Code of Conduct issued on 9 July 2018.



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INTEGRITY IN PUBLIC LIFE

ADVICE NOTE FOR COUNCILLORS ON BULLYING AND HARASSMENT

1. Introduction

1.1 Everybody has the right to be treated with dignity and respect and to work in an environment which is free from harassment, bullying, discrimination and victimisation. This is now reinforced by paragraph 3.6 of the Councillors' Code of Conduct 2018, which states:

'Bullying or harassment is completely unacceptable and will be considered to be a breach of this Code.'

1.2 Harassment, bullying, discrimination and victimisation (either directly or indirectly) are unacceptable and should not be tolerated. It is important to recognise the impact such behaviour can have on any individual experiencing it, as well as on the wider organisation in terms of morale and operational effectiveness.

1.3 You are responsible for your own behaviour and must ensure that you are aware of, and comply with, the provision concerning bullying and harassment in the Councillors' Code of Conduct and also any policy your Council has on ensuring dignity in the workplace.

2. Harassment

2.1 Harassment is any unwelcome behaviour or conduct which has no legitimate workplace purpose and which makes someone feel offended, humiliated, intimidated, frightened and / or uncomfortable at work. Harassment can be experienced directly or indirectly (such as being in the room while unacceptable conduct is being displayed and being affected by it), and can occur as an isolated incident or as a course of persistent behaviour.

2.2 It is also important to note that even if behaviour is unintentional, it can still be classed as a form of harassment. Harassment is essentially about what the recipient deems to be offensive, not about what was intended. You should be aware, therefore, of the

impact of your conduct on others and that what may seem harmless to you can be offensive to someone else.

2.3 Harassment can occur through verbal or written comments (including ones made online). The following list provides some examples but it is, by no means, exhaustive:

- Unwelcome physical contact such as touching or invading 'personal space';
- Inappropriate remarks or questioning such as comments about someone's appearance, lewd comments, and offensive jokes (such as ones of a racial, sexual or sectarian nature);
- Intrusive questioning, including the persistent discussion of a person's sexual practices, misogynistic behaviour, sexual orientation or religious beliefs (either directly or with others); and
- Sending unwelcome emails, messages or notes; circulating or displaying explicit or inappropriate images.

3. Bullying

3.1 Bullying is inappropriate and unwelcome behaviour which is offensive and intimidating, and which makes an individual or group feel undermined, humiliated or insulted. Again, it is the impact of any behaviour rather than the intent which is the key.

3.2 Bullying usually arises as a result of an individual misusing their power (usually derived from status or some other position of strength) and, again, can occur through all means of communication. Bullying tends to be a pattern of behaviour or can be a one off serious incident that becomes objectionable or intimidating. The examples in the following list are, by no means, exhaustive:

- Unwelcome physical, verbal or non-verbal conduct;
- Intimidatory behaviour including verbal abuse or the making of threats;
- Making someone's working life difficult;
- Disparaging, ridiculing or mocking comments and remarks;
- Physical violence; and
- Deliberately excluding an individual from conversations, work or social activities, in which they have a right or legitimate expectation to participate.

4. Your Specific Responsibilities as a Councillor

4.1 You should behave in accordance with the Code in all situations where you act as a councillor or are perceived as acting as a councillor, including representing the Council on official business and when using social media.

4.2 You should ensure that you are familiar, and comply, with the terms of any policy your Council has issued on dignity in the workplace.

4.3 You must treat all individuals with courtesy and respect when carrying out your duties as a councillor. You should not participate in, or condone, acts of harassment, discrimination, victimisation or bullying.

- 4.4 You should be aware of the inherent influence your role brings and ensure that you are demonstrating respect for others and encouraging colleagues to do the same.
- 4.5 You should be aware of the role that officers play and ensure you are not compromising this by behaving in a manner that could result in them feeling threatened or intimidated, which could prevent them from undertaking their duties properly and appropriately. You must not bring any undue influence to bear on an officer to take a certain action, particularly if it is contrary to the law or the Council's policies and procedures.
- 4.6 As someone in a position of trust you may be made aware of incidents that are brought to your attention by victims of this kind of behaviour, or other witnesses. You can assist by becoming familiar with what is meant by harassment, discrimination, victimisation and bullying and the impact these can have on individuals or groups.
- 4.7 If you are a witness to any acts of harassment, victimisation or bullying, you should encourage the complainant to seek support and assistance and make it clear that you will offer them assistance and provide evidence if they decide to make an informal or formal complaint;
- 4.8 Where you have witnessed bullying or harassment you have a responsibility to speak out. You should challenge inappropriate behaviour as it happens and consider making a complaint.

5. Further Sources of Information

- 5.1 The Standards Commission has published guidance and advice notes on how to interpret, and act in accordance with, the provisions in the Councillors' Code of Conduct, including those relating to relationships with employees. The guidance and advice can be found on the Standards Commission's website at: www.standardscommissionscotland.org.uk.
- 5.2 The Standards Commission also publishes written decisions of Hearings held on its website, which can be found at: www.standardscommissionscotland.org.uk/cases/case-list.
- 5.3 The Improvement Service's Induction material includes guidance on Standards, Ethics and Information Handling. These can be found at: www.improvementservice.org.uk/elected-member-induction-materials.html.
- 5.4 The Accounts Commission's 2010 'Report on Roles and working relationships - are you getting it right?' and their 2016 Report 'Roles and working relationships in councils - Are you still getting it right?' are aimed at supporting councillors and officers to be clear about their own roles and reiterate that good conduct and behaviours are critical to the overall performance of the Council. These Reports can be found at: www.audit-scotland.gov.uk/our-work/how-councils-work.
- 5.5 If you have any queries or concerns about how to interpret or act in accordance with the provisions in the Councillors' Code of Conduct, you should seek assistance from

your Council’s Monitoring Officer. Further information can also be obtained from the Standards Commission using the contact details outlined below.

Standards Commission for Scotland
 Room T2.21, Scottish Parliament
 Edinburgh, EH99 1SP
 Tel: 0131 348 6666
 Email: enquiries@standardscommission.org.uk.

5.6 If you are experiencing any form of bullying or harassment or know anyone who is, you should refer to you Council’s internal policy or procedure for information on how to report or deal with the matter. There are a number of organisations you can also contact for support, such as:

ACAS (provide guidance for employers and employees on bullying and harassment at work). Contact: Helpline at 08457 47 47 47; www.acas.org.uk
 Scottish Women’s Rights Centre legal helpline. Contact freephone 08088 010 789.



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