

Argyll and Bute Council
Comhairle Earra-Ghàidheal Agus Bhòid

Customer Services
Executive Director: Douglas Hendry



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14 February 2019

NOTICE OF MEETING

A Special meeting of **ARGYLL AND BUTE COUNCIL** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **THURSDAY, 21 FEBRUARY 2019** at **11:00 AM**, which you are requested to attend.

Douglas Hendry
Executive Director - Customer Services

BUSINESS

- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTERESTS (IF ANY)**
- 3. REVIEW OF POLLING DISTRICTS / POLLING PLACES 2018/20**
Report by Executive Director of Customer Services (Pages 3 - 20)
- 4. REVIEW OF SECTION 43[A] OF THE TOWN AND COUNTRY PLANNING (S) ACT 1997 SCHEME OF DELEGATIONS**
Recommendation by the Planning, Protective Services and Licensing Committee of 21 November 2018 (Pages 21 - 26)
- 5. ETHICAL STANDARDS IN PUBLIC LIFE (SCOTLAND) ACT 2000 - STANDARDS COMMISSION HEARING**
Report by Executive Director of Customer Services (Pages 27 - 34)
- E1 6. COUNCIL CONSIDERATION OF ABSENCE**
Report by Executive Director of Customer Services

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 paragraph is:-

E1 Paragraph 1 Information relating to a particular employee, former employee or applicant to become an employee of, or a particular office-holder, former office-holder or applicant to become an office-holder under the authority.

ARGYLL AND BUTE COUNCIL

Contact: Sandra Campbell Tel: 01546 604401

ARGYLL AND BUTE COUNCIL**COUNCIL****CUSTOMER SERVICES****21 FEBRUARY 2019**

REVIEW OF POLLING DISTRICTS AND POLLING PLACES 2018-20

1.0 EXECUTIVE SUMMARY

The Electoral Registration and Administration Act 2013 requires Argyll and Bute Council to undertake a review, between the dates of 1 October 2018 and 31 January 2020, of polling districts and polling places within the Argyll and Bute UK Parliamentary Constituency for the purposes of UK Parliamentary, Scottish Parliamentary and Local Government elections.

The Council is being asked to agree the following recommendations:-

- a) Note that polling districts and polling places will continue to be reviewed on an on-going basis by the Returning Officer to whom authority has already been delegated to make alterations in response to changing circumstances;
- b) Note that under the provisions of the Electoral Registration and Administration Act 2013 a further formal review of polling districts and polling places will require to be carried out by the end of January 2025 and on a 5 yearly basis thereafter;
- c) Approve the scheme of polling districts and polling places detailed in Appendix 1;
- d) Note the representations received during the consultation period detailed in Appendix 2 together with the Returning Officer comments thereon.

ARGYLL AND BUTE COUNCIL

COUNCIL

CUSTOMER SERVICES

21 FEBRUARY 2019

REVIEW OF POLLING DISTRICTS AND POLLING PLACES 2018-20

2.0 INTRODUCTION

- 2.1 The Electoral Registration and Administration Act 2013 requires Argyll and Bute Council to undertake a review, between the dates of 1 October 2018 and 31 January 2020, of polling districts and polling places within the Argyll and Bute UK Parliamentary Constituency for the purposes of UK Parliamentary, Scottish Parliamentary and Local Government elections.

3.0 RECOMMENDATIONS

The Council is being asked to:-

- 3.1 Note that polling districts and polling places will continue to be reviewed on an on-going basis by the Returning Officer to whom authority has already been delegated to make alterations in response to changing circumstances;
- 3.2 Note that under the provisions of the Electoral Registration and Administration Act 2013 a further formal review of polling districts and polling places will require to be carried out by the end of January 2025 and on a 5 yearly basis thereafter;
- 3.3 Approve the scheme of polling districts and polling places detailed in Appendix 1;
- 3.4 Note the representations received during the consultation period detailed in Appendix 2 together with the Returning Officer comments thereon.

4.0 DETAIL

- 4.1 There has always been a requirement on the relevant local authority to keep under review the polling districts and polling places used at parliamentary and local government elections. Section 17 of the Registration and Administration Act 2013 requires every local authority to undertake a review by the end of January 2020, and every fifth year thereafter. In practice in Argyll and Bute the fixing of polling district boundaries and polling places is delegated to the Chief Executive, who also acts as the Returning Officer for parliamentary and local

government elections.

- 4.2 The polling districts and polling places were last reviewed in Argyll and Bute in 2015. The polling district boundaries and polling places are the same for all elections whether UK Parliamentary, Scottish Parliamentary or local government elections.
- 4.3 The aims of the review were to seek to ensure that:
 - (a) all the electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances; and
 - (b) so far as is reasonable and practicable, the polling places are accessible to all electors, including those who may have a disability.
- 4.4 In an ideal world electoral administrators would have the choice of a range of fully accessible buildings, conveniently located for the electors in the area. In practice, however, this is not always the case and there may be little choice available. Where it is necessary to use a place where the access is not ideal then every reasonable adjustment is made to provide access for all electors. The choice of polling place will often be a balance between the quality (access, facilities, etc.) of a building and the distances between the residents and that building compared to other options for polling places. There is no fixed rule on how to decide how this should be done. The legislation provides that all electors in a constituency should have such reasonable facilities for voting as are practicable in the circumstances.
- 4.5 The review was held from 1 October 2018 and details of the proposals were sent to all Elected Members, Community Councils, relevant Constituency MPs and MSPs, local Access Panels and the Electoral Registration Officer. These proposals are set out in Appendix I. Notices were posted, and copies of the documentation made available for public view, in Council Service Points and on the website. Representations on the proposed scheme were invited by 10th December 2018.
- 4.6 A number of representations have been received and these are detailed in Appendix 2, together with the Returning Officers comments.
- 4.7 Note: Machrihanish Golf Club fire – there are no scheduled elections until 2021 and the owners of the club are planning to rebuild the building within this timeframe meanwhile the Returning Officer will explore alternative venues in the event of an election being called.

5.0 CONCLUSION

- 5.1 Having taken into account the responses to the consultation, and in the knowledge that (a) polling districts and polling places will continue to be

reviewed on an on-going basis by the Returning Officer, to whom authority has already been delegated to make alterations in response to changing circumstances; and (b) under the provisions of the Electoral Registration and Administration Act 2013 a further formal review will require to be carried out by 2025 and on a 5 yearly basis thereafter, it is concluded that Appendix 1 be approved as the final scheme for polling districts and polling stations for Argyll and Bute.

6.0 IMPLICATIONS

- 6.1 Policy - None
- 6.2 Financial - None
- 6.3 Legal - None
- 6.4 HR - None
- 6.5 Fairer Scotland Duty - None
- 6.5.1 Equalities – protected characteristics - None
- 6.5.2 Socio-economic Duty - None
- 6.5.3 Islands - None
- 6.6 Risk - None
- 6.7 Customer Service - None

Executive Director of Customer Services – Douglas Hendry

Policy Lead - Councillor Rory Colville

14 January 2019

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

APPENDICES

Appendix 1

Appendix 2

APPENDIX 1

**ARGYLL AND BUTE UK PARLIAMENTARY CONSTITUENCY
REVIEW OF POLLING DISTRICTS AND POLLING PLACES – 2018/19**

Current Electoral Ward	Current Polling District Number	Current Polling District Name	Current Polling Place	New Polling District Number	New Polling District Name	New Polling Place	Notes
Ward 1 - South Kintyre	AA01	Campbeltown South	Victoria Hall, Kinloch Road, Campbeltown	AA01	Campbeltown South	Victoria Hall, Kinloch Road, Campbeltown, PA28 6EG	No change
Ward 1 - South Kintyre	AA02	Drumlemble	Machrihanish Golf Club	AA02	Drumlemble	Machrihanish Golf Club, Campbeltown, PA28 6PT	No change
Ward 1 - South Kintyre	AA03	Southend	Dunaverty Hall	AA03	Southend	Dunaverty Hall, Southend, Campbeltown, PA28 6RW	No change
Ward 1 - South Kintyre	AA04	Campbeltown Central	Victoria Hall, Kinloch Road, Campbeltown	AA04	Campbeltown Central	Victoria Hall, Kinloch Road, Campbeltown, PA28 6EG	No change
Ward 1 - South Kintyre	AA05	Peninver	Peninver Village Hall	AA05	Peninver	Peninver Village Hall, Peninver, PA28 6QP	No change
Ward 1 - South Kintyre	AA06	Campbeltown North	Victoria Hall, Kinloch Road, Campbeltown	AA06	Campbeltown North	Victoria Hall, Kinloch Road, Campbeltown, PA28 6EG	No change
Ward 1 - South Kintyre	AA07	Bellochantuy / Kilkenzie	Victoria Hall, Kinloch Road, Campbeltown	AA07	Bellochantuy / Kilkenzie	Victoria Hall, Kinloch Road, Campbeltown PA28 6EG	No change
Ward 2 - Kintyre & the Islands	AA08	Carradale	Carradale Village Hall	AA08	Carradale	Carradale Village Hall, Carradale, PA28 6QG	No change
Ward 2 - Kintyre & the Islands	AA09	Skipness	Skipness Hall	AA09	Skipness	Skipness Hall, Skipness, PA29 6XT	No change
Ward 2 - Kintyre & the Islands	AA10	Tarbert	Templar Arts & Leisure Centre, Tarbert	AA10	Tarbert	Templar Arts & Leisure Centre, Harbour Street, Tarbert, PA29 6UD	No change
Ward 2 - Kintyre & the Islands	AA11	Gigha	Gigha Primary School	AA11	Gigha	Gigha Primary School, Isle of Gigha, PA41 7AA	No change
Ward 2 - Kintyre & the Islands	AA12	Chleit	Tayinloan Village Hall	AA12	Chleit	Tayinloan Village Hall, Tayinloan, Tarbert, PA29 6XG	No change

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Current Electoral Ward	Current Polling District Number	Current Polling District Name	Current Polling Place	New Polling District Number	New Polling District Name	New Polling Place	Notes
Ward 2 - Kintyre & the Islands	AA13	Clachan	Clachan Primary School	AA13	Clachan	Clachan Primary School, Clachan, By Tarbert, PA29 6XL	No change
Ward 2 - Kintyre & the Islands	AA14	Dunmore	Kilberry Inn, Kilberry	AA14	Dunmore	Kilberry Inn, Kilberry, By Tarbert, PA29 6YD	No change
Ward 2 - Kintyre & the Islands	AA15	Port Charlotte	Port Mor, Port Charlotte	AA15	Port Charlotte	Port Mor, Port Charlotte, Islay, PA48 7UE	No change
Ward 2 - Kintyre & the Islands	AA16	Portnahaven	Rhinns Hall, Portnahaven	AA16	Portnahaven	Rhinns Hall, Portnahaven, Islay, PA47 7SG	No change
Ward 2 - Kintyre & the Islands	AA17	Kilmeny	Ballygrant Hall	AA17	Kilmeny	Ballygrant Hall, Ballygrant, Islay, PA45 7QR	No change
Ward 2 - Kintyre & the Islands	AA18	Port Ellen	Ramsay Memorial Hall, Port Ellen	AA18	Port Ellen	Ramsay Memorial Hall, Port Ellen, Islay, PA47 7BD	No change
Ward 2 - Kintyre & the Islands	AA19	Bowmore	Bowmore Village Hall	AA19	Bowmore	Bowmore Village Hall, Bowmore, Islay, PA43 7JJ	No change
Ward 2 - Kintyre & the Islands	AA20	Jura	Craighouse Village Hall	AA20	Jura	Craighouse Village Hall, Craighouse, Jura PA60 7XG	No change
Ward 2 - Kintyre & the Islands	AA21	Colonsay	Colonsay Village Hall	AA21	Colonsay	Colonsay Village Hall, Colonsay, PA61 7YW	No change
Ward 3 - Mid Argyll	AA23	Ardrishaig	Ardrishaig Public Hall	AA23	Ardrishaig	Ardrishaig Public Hall, Chalmers Street, Ardrishaig, PA30 8EY	No change
Ward 3 - Mid Argyll	AA24	Achahoish	Achahoish Primary School	AA24	Achahoish	Achahoish New Primary School, Ormsary Road, By Lochgilphead, PA31 8NZ	No change
Ward 3 - Mid Argyll	AA25	Crinan	Achnamara Hall	AA25	Crinan	Achnamara Hall, Achnamara, Lochgilphead, PA31 8PU	No change

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Current Electoral Ward	Current Polling District Number	Current Polling District Name	Current Polling Place	New Polling District Number	New Polling District Name	New Polling Place	Notes
Ward 3 - Mid Argyll	AA26	Tayvallich	Tayvallich Village Hall	AA26	Tayvallich	Tayvallich Village Hall, Tayvallich, PA31 8PN	No change
Ward 3 - Mid Argyll	AA27	Lochgilphead	Lochgilphead Community Education Centre	AA27	Lochgilphead	Lochgilphead Community Education Centre, Manse Brae, Lochgilphead, PA31 8SY	No change
Ward 3 - Mid Argyll	AA28	Inveraray	Nicoll Hall, Inveraray	AA28	Inveraray	Nicoll Hall, Church Square, Inveraray, PA32 8TZ	No change
Ward 3 - Mid Argyll	AA29	Furnace	Furnace Hall	AA29	Furnace	Furnace Village Hall, Furnace, By Inveraray, PA32 8XN	No change
Ward 3 - Mid Argyll	AA30	Kilmartin	Kilmartin Church Hall	AA30	Kilmartin	Kilmartin Church Hall, Kilmartin, PA31 8RQ	No change
Ward 3 - Mid Argyll	AA31	Ford	Ford Village Hall	AA31	Ford	Ford Village Hall, Ford, PA31 8RH	No change
Ward 3 - Mid Argyll	AA32	Craignish	Craignish Village Hall	AA32	Craignish	Craignish Village Hall, Ardfern, PA31 8QN	No change
Ward 3 - Mid Argyll	AA33	Kilmichael Glassary	Glassary Primary School	AA33	Kilmichael Glassary	Glassary Primary School, Kilmichael Glassary, PA31 8QA	No change
Ward 3 - Mid Argyll	AA34	Minard	Minard Village Hall	AA34	Minard	Minard Village Hall, Minard, by Inveraray, PA32 8PN	No change
Ward 4 - Oban South & the Isles	AA36	Oban Central	Salvation Army Hall, Stevenson Street, Oban	AA36	Oban Central	Salvation Army Hall, Stevenson Street, Oban, PA34 5NA	No change
Ward 4 - Oban South & the Isles	AA37	Oban West	Baptist Church Hall, Albany Street	AA37	Oban West	Baptist Church Hall, Albany Street, Oban, PA34 4AL	No change
Ward 4 - Oban South & the Isles	AA38	Oban Glencruitten	Kilmore & Oban Parish Church Hall, Glencruitten Road, Oban	AA38	Oban Glencruitten	Kilmore & Oban Parish Church Hall, Glencruitten Road, Oban, PA34 4DN	No change

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Current Electoral Ward	Current Polling District Number	Current Polling District Name	Current Polling Place	New Polling District Number	New Polling District Name	New Polling Place	Notes
Ward 4 - Oban South & the Isles	AA39	Oban Soroba	Soroba Community Facility, 6B Scalpay Terrace, Oban	AA39	Oban Soroba	Soroba Community Facility, 6B Scalpay Terrace, Oban, PA34 4YH	No change
Ward 4 - Oban South & the Isles	AA42	Tobermory	Aros Hall, Tobermory	AA42	Tobermory	Aros Hall, Main Street, Tobermory, Mull, PA75 6NT	No change
Ward 4 - Oban South & the Isles	AA43	Dervaig	Dervaig Hall	AA43	Dervaig	Dervaig Hall, Dervaig, Mull, PA75 6QN	No change
Ward 4 - Oban South & the Isles	AA44	Ulva Ferry	Ulva Ferry Primary School	AA44	Ulva Ferry	Ulva Ferry Primary School, Ulva Ferry, Mull, PA73 6LT	No change
Ward 4 - Oban South & the Isles	AA45	Salen	Salen Parish Church Hall	AA45	Salen	Salen Parish Church Hall, Salen, Aros, Mull, PA72 6JG	No change
Ward 4 - Oban South & the Isles	AA46	Lochdonhead	Craignure Hall	AA46	Lochdonhead	Craignure Hall, Craignure, Mull, PA65 6AY	No change
Ward 4 - Oban South & the Isles	AA47	Lochbuie	Fiadh Cottage Caravan, Lochbuie	AA47	Lochbuie	Fiadh Cottage Caravan, Lochbuie, Mull, PA62 6AA *	No change
Ward 4 - Oban South & the Isles	AA48	Pennyghael/ Tiroran	Pennyghael Hall	AA48	Pennyghael/ Tiroran	Pennyghael Hall, Pennyghael, Mull, PA70 6HB	No change
Ward 4 - Oban South & the Isles	AA49	Bunessan	Bunessan Community Centre	AA49	Bunessan	Bunessan Community Centre, Bunessan, Mull, PA67 6DG	No change
Ward 4 - Oban South & the Isles	AA50	Fionnphort	Creich Community Centre, Fionnphort	AA50	Fionnphort	Creich Community Centre, Fionnphort, Mull, PA66 6BP	No change
Ward 4 - Oban South & the Isles	AA51	Iona	Iona Village Hall	AA51	Iona	Iona Village Hall, Iona, PA76 6SJ	No change
Ward 4 - Oban South & the Isles	AA52	Coll	An Cridhe	AA52	Coll	An Cridhe, Arinagour, Isle of Coll, PA78 6SY	No change
Ward 4 - Oban South & the Isles	AA53	Tiree	An Talla Hall	AA53	Tiree	An Talla Hall, Crossapol, Isle of Tiree, PA77 6UP	No change

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Current Electoral Ward	Current Polling District Number	Current Polling District Name	Current Polling Place	New Polling District Number	New Polling District Name	New Polling Place	Notes
Ward 5 - Oban North & Lorn	AA55	Lochawe	Lochawe Village Hall	AA55	Lochawe	Lochawe Village Hall, Lochawe, PA33 1AQ	No change
Ward 5 - Oban North & Lorn	AA56	Dalmally	Dalmally Community Centre	AA56	Dalmally	Dalmally Community Centre, Dalmally, PA33 1AX	No change
Ward 5 - Oban North & Lorn	AA57	Bridge Of Orchy	Bridge of Orchy Church	AA57	Bridge Of Orchy	Bridge of Orchy Church, Bridge of Orchy, PA36 4AD	No change
Ward 5 - Oban North & Lorn	AA58	Taynuilt	Taynuilt Village Hall	AA58	Taynuilt	Taynuilt Village Hall, Taynuilt, PA35 1JE	No change
Ward 5 - Oban North & Lorn	AA59	Kilchrenan	Kilchrenan Village Hall	AA59	Kilchrenan	Kilchrenan Village Hall, Kilchrenan, PA35 1HG	No change
Ward 5 - Oban North & Lorn	AA60	Dalavich	Dalavich Community Centre Hall	AA60	Dalavich	Dalavich Community Centre Hall, Dalavich, PA35 1HL	No change
Ward 5 - Oban North & Lorn	AA61	Portsonachan	Portsonachan Village Hall	AA61	Portsonachan	Portsonachan Village Hall, Portsonachan, PA33 1BQ	No change
Ward 5 - Oban North & Lorn	AA62	Luing	Cullipool Village Hall	AA62	Luing	Cullipool Village Hall, Luing, Isle of Luing, PA34 4UB	No change
Ward 5 - Oban North & Lorn	AA63	Kilmelford	Kilmelford Village Hall	AA63	Kilmelford	Kilmelford Village Hall, Kilmelford, PA34 4XD	No change
Ward 5 - Oban North & Lorn	AA64	Oban North	St John's Cathedral Hall, Oban	AA64	Oban North	St John's Cathedral Hall, William Street, Oban, PA34 5NT	No change
Ward 5 - Oban North & Lorn	AA65	Easdale	Seil Island Hall, Easdale	AA65	Easdale	Seil Island Hall, Easdale, PA34 4RF	No change
Ward 5 - Oban North & Lorn	AA66	Kilmore	Kilmore Hall	AA66	Kilmore	Kilmore Hall, Kilmore, By Oban, PA34 4XT	No change

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Current Electoral Ward	Current Polling District Number	Current Polling District Name	Current Polling Place	New Polling District Number	New Polling District Name	New Polling Place	Notes
Ward 5 - Oban North & Lorn	AA67	Dunbeg	St Oran's Parish Church	AA67	Dunbeg	Dunbeg Church, Etive Road, Dunbeg, By Oban, PA37 1QF	No change to venue, change of name to Hall only
Ward 5 - Oban North & Lorn	AA68	Kilninver	Kilninver Primary School	AA68	Kilninver	Kilninver Primary School, Kilninver, By Oban, PA34 4UT	No change
Ward 5 - Oban North & Lorn	AA69	Lismore	Lismore Public Hall	AA69	Lismore	Lismore Public Hall, Isle of Lismore, PA34 5UG	No change
Ward 5 - Oban North & Lorn	AA70	Appin	Appin Hall	AA70	Appin	Appin Hall, Appin, By Oban, PA38 4BN	No change
Ward 5 - Oban North & Lorn	AA71	Connel	Connel Village Hall	AA71	Connel	Connel Village Hall, Main Street, Connel, PA37 1PA	No change
Ward 5 - Oban North & Lorn	AA72	Barcaldine	Victory Hall, Benderloch	AA72	Barcaldine	Victory Hall, Benderloch, By Oban, PA37 1RZ	No change
Ward 5 - Oban North & Lorn	AA73	Lochnell	Victory Hall, Benderloch	AA73	Lochnell	Victory Hall, Benderloch, By Oban, PA37 1RZ	No change
Ward 5 - Oban North & Lorn	AA74	Ardchattan	Ardchattan Primary School	AA74	Ardchattan	Ardchattan Primary School, Ardchattan, By Oban, PA37 1RH	No change
Ward 6 - Cowal	AA75	Glendaruel	Glendaruel Hall	AA75	Glendaruel	Glendaruel Hall, Glendaruel, PA22 3AE	No change
Ward 6 - Cowal	AA76	Colintraive	Colintraive Hall	AA76	Colintraive	Colintraive Hall, Colintraive, PA22 3AS	No change
Ward 6 - Cowal	AA77	Cairndow	Cairndow Village Hall	AA77	Cairndow	Cairndow Village Hall, Cairndow, PA26 8BN	No change
Ward 6 - Cowal	AA78	Lochgoilhead	Lochgoil Village Hall	AA78	Lochgoilhead	Lochgoil Village Hall, Lochgoilhead, PA24 8AQ	No change

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Current Electoral Ward	Current Polling District Number	Current Polling District Name	Current Polling Place	New Polling District Number	New Polling District Name	New Polling Place	Notes
Ward 6 - Cowal	AA79	Strachur	Strachur Memorial Hall	AA79	Strachur	Strachur Memorial Hall, Strachur, PA27 8DG	No change
Ward 6 - Cowal	AA80	Strathlachlan	Strathlachlan Community Centre	AA80	Strathlachlan	Strathlachlan Community Centre, Strathlachlan, PA27 8BZ	No change
Ward 6 - Cowal	AA81	Kilfinan	Kilfinan Community Hall	AA81	Kilfinan	Kilfinan Community Hall, Kilfinan, PA21 2EP	No change
Ward 6 - Cowal	AA82	Tighnabruaich	Kames District Recreation Club	AA82	Tighnabruaich	Kames District Recreation Club, Highgate, Kames, Tignabruaich, PA21 2AF	No change
Ward 6 - Cowal	AA83	Kirn	Cowal Golf Club, Ardenslate Road, Kirn, Dunoon PA23 8LT	AA83	Kirn	Cowal Golf Club, Ardenslate Road, Kirn, Dunoon PA23 8LT	No change
Ward 6 - Cowal	AA83A	Hunters Quay	Cowal Golf Club, Ardenslate Road, Kirn, Dunoon PA23 8LT	AA83A	Hunters Quay	Cowal Golf Club, Ardenslate Road, Kirn, Dunoon PA23 8LT	No change
Ward 6 - Cowal	AA84	Rashfield	Uig Hall	AA84	Rashfield	Uig Hall, Rashfield, Dunoon, PA23 8QU	No change
Ward 6 - Cowal	AA85	Ardentinny	Ardentinny Bowling Club	AA85	Ardentinny	Ardentinny Bowling Club, Finart Bay, Shore Road, Ardentinnny, Dunoon, PA23 8TS	No change
Ward 6 - Cowal	AA86	Strone	Younger Hall, Shore Road, Kilmun	AA86	Strone	Younger Hall, Shore Road, Kilmun PA23 8SD	No change
Ward 6 - Cowal	AA87	Sandbank	Sandbank Village Hall	AA87	Sandbank	Sandbank Village Hall, High Road, Sandbank, PA23 8QS	No change
Ward 7 - Dunoon	AA89	Hafton	St Mun's Church Hall	AA89	Hafton	St Mun's Church Hall, Alexandra Parade, Dunoon PA23 8AW	No change
Ward 7 - Dunoon	AA90	Dunoon	Castle House	AA90	Dunoon	Castle House, Castle Gardens, Argyll Street, Dunoon, PA23 7HH	No Change
Ward 7 - Dunoon	AA91	Ardenslate	Community Education Centre, 170 Edward Street, Dunoon	AA91	Ardenslate	Community Education Centre, 170 Edward Street, Dunoon, PA23 7PH	No change

APPENDIX 1

Current Electoral Ward	Current Polling District Number	Current Polling District Name	Current Polling Place	New Polling District Number	New Polling District Name	New Polling Place	Notes
Ward 7 - Dunoon	AA92	Innellan	Innellan Public Hall	AA92	Innellan	Innellan Public Hall, Innellan, Dunoon, PA23 7TH	No change
Ward 7 - Dunoon	AA93	Dunoon South	Castle House	AA93	Dunoon South	Castle House, Castle Gardens, Argyll Street, Dunoon, PA23 7HH	No Change
Ward 8 - Isle of Bute	AA94	Rothesay North	Isle of Bute Sailing Club	AA94	Rothesay North	Isle of Bute Sailing Club, Rothesay, Bute, PA20 OAX	No change
Ward 8 - Isle of Bute	AA95	Port Bannatyne	Port Bannatyne Village Hall	AA95	Port Bannatyne	Port Bannatyne Village Hall, Castle Street, Port Bannatyne, Bute, PA20 0QW	No change
Ward 8 - Isle of Bute	AA96	Rothesay Central	The Moat Centre, Stuart Street	AA96	Rothesay Central	The Moat Centre, Stuart Street, Rothesay, Bute, PA20 OEP	No change
Ward 8 - Isle of Bute	AA97	Bute West	The Moat Centre, Stuart Street	AA97	Bute West	The Moat Centre, Stuart Street, Rothesay, Bute, PA20 0EP	No change
Ward 8 - Isle of Bute	AA98	Bute East	The Moat Centre, Stuart Street	AA98	Bute East	The Moat Centre, Stuart Street, Rothesay, Bute, PA20 0EP	No change
Ward 8 - Isle of Bute	AA99	Kingarth	The Kingarth Hotel, Kilchattan Bay	AA99	Kingarth	The Kingarth Hotel, Kilchattan Bay, Bute, PA20 9NP	No change
Ward 9 - Lomond North	AD01	Rhu South	Rhu Community Education Centre, Hall Road, Rhu	AD01	Rhu South	Rhu Community Education Centre, Hall Road, Rhu, G84 8RR	No change
Ward 9 - Lomond North	AD02	Garelochhead	Gibson Hall, Garelochhead	AD02	Garelochhead	Gibson Hall, Garelochhead, G84 0AT	No change
Ward 9 - Lomond North	AD03	Cove	Cove Burgh Hall	AD03	Cove	Cove Burgh Hall, Shore Road, Cove, G84 0LT	No change
Ward 9 - Lomond North	AD04	Arrochar	The Three Villages Hall, Arrochar	AD04	Arrochar	The Three Villages Hall, Arrochar, G83 7AB	No change

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Current Electoral Ward	Current Polling District Number	Current Polling District Name	Current Polling Place	New Polling District Number	New Polling District Name	New Polling Place	Notes
Ward 9 - Lomond North	AD05	Luss	Luss Village Hall	AD05	Luss	Luss Village Hall, Luss, G83 8NZ	No change
Ward 9 - Lomond North	AD06	Tarbet & Ardlui	Arrochar Primary School, Tarbet	AD06	Tarbet & Ardlui	Arrochar Primary School, Tarbet, Arrochar, G83 7DG	No change
Ward 9 - Lomond North	AD07	North Rhu & Shandon	Rhu Community Education Centre, Hall Road, Rhu	AD07	North Rhu & Shandon	Rhu Community Education Centre, Hall Road, Rhu, G84 8RR	No change
Ward 9 - Lomond North	AD08	Kilcreggan	Cove Burgh Hall	AD08	Kilcreggan	Cove Burgh Hall, Shore Road, Cove, G84 0LT	No change
Ward 9 - Lomond North	AD09	Rosneath	St Modans Parish Church Hall	AD09	Rosneath	St Modans Parish Church Hall, The Clachan, Rosneath, G84 0RF	No change
Ward 9 - Lomond North	AD10	Glencroe	The Three Villages Hall, Arrochar	AD10	Glencroe	The Three Villages Hall, Arrochar, G83 7AB	No change
Ward 10 - Helensburgh Central	AD12	Kirkmichael	Kirkmichael Centre, Townhead Road, Kirkmichael, Helensburgh	AD12	Kirkmichael	British Red Cross Society Hall, 116 East Princes Street, Helensburgh G84 7DQ	Change of venue Kirkmichael Centre no longer available
Ward 10 - Helensburgh Central	AD13	Helensburgh Lower East	Templeton Building Annexe	AD13	Helensburgh Lower East	Templeton Building Annexe, Helensburgh & Lomond Civic Centre. 38 East Clyde Street, Helensburgh, G84 7PG	No change
Ward 10 - Helensburgh Central	AD14	Helensburgh Upper West	Victoria Halls, Sinclair Street, Helensburgh	AD14	Helensburgh Upper West	Victoria Halls, Sinclair Street, Helensburgh, G84 8TU	No change
Ward 10 - Helensburgh Central	AD15	Helensburgh West	Victoria Halls, Sinclair Street, Helensburgh	AD15	Helensburgh West	Victoria Halls, Sinclair Street, Helensburgh, G84 8TU	No change
Ward 10 - Helensburgh Central	AD16	Central	Victoria Halls, Sinclair Street, Helensburgh	AD16	Central	Victoria Halls, Sinclair Street, Helensburgh, G84 8TU	No change
Ward 10 - Helensburgh Central	AD17	Helensburgh East	Victoria Halls, Sinclair Street, Helensburgh	AD17	Helensburgh East	Victoria Halls, Sinclair Street, Helensburgh, G84 8TU	No change

APPENDIX 1

Current Electoral Ward	Current Polling District Number	Current Polling District Name	Current Polling Place	New Polling District Number	New Polling District Name	New Polling Place	Notes
Ward 10 - Helensburgh Central	AD18	Helensburgh Lower West	Helensburgh Parish Church Hall	AD18	Helensburgh Lower West	Helensburgh Parish Church Hall, Colquhoun Street, Helensburgh G84 8UP	No change
Ward 11 - Helensburgh & Lomond South	AD20	Colgrain	Colgrain Primary School, Redgauntlet Road, Colgrain	AD20	Colgrain	Colgrain Primary School, Redgauntlet Road, Colgrain, G84 7TZ	No change
Ward 11 - Helensburgh & Lomond South	AD21	Helensburgh North East	Drumfork Centre Annexe	AD21	Helensburgh North East	Drumfork Centre Annexe, Churchill Square, Helensburgh, G84 9HL	No change
Ward 11 - Helensburgh & Lomond South	AD22	Helensburgh Upper East	Victoria Halls, Sinclair Street, Helensburgh	AD22	Helensburgh Upper East	Victoria Halls, Sinclair Street, Helensburgh, G84 8TU	No change
Ward 11 - Helensburgh & Lomond South	AD23	Cardross	Geilston Hall, Main Street, Cardross	AD23	Cardross	Geilston Hall, Main Street, Cardross, G82 5PA	No change
Ward 11 - Helensburgh & Lomond South	AD24	Arden	Luss Village Hall	AD24	Arden	Luss Village Hall, Luss, G83 8NZ	No change

Where no change is proposed to a Polling Place this is because the existing Polling Place is deemed (a) to meet the reasonable requirements of the electors to enable them to vote by providing such reasonable facilities for voting as are practicable in the circumstances; and (b) the Polling Stations within each of the Polling Places provide reasonable access for people with disabilities, with the single exception of the Polling Place for Polling District AA47 (Lochbuie), marked with an asterisk *, where an assessment has failed to identify more suitable premises.

Comments from Stakeholders during Consultation

Representations received from 1 October 2018 to 10 December 2018

REF	DATE RECEIVED	REPRESENTATION MADE BY WHOM	REPRESENTATION / COMMENTS MADE	OUTCOME – STATEMENT OF REASONS
1	1 Oct	Councillor Aileen Morton	At recent elections, many parents of children at Colgrain Primary were unhappy that their children lost a day's schooling because the school was used as a polling station. Can other venue be looked at for future elections. Colgrain Primary School	Recognise the concern and can confirm that whilst the Council is committed to ceasing use of schools wherever possible, there is no suitable alternative that meet current requirements. The RO staff will continue to keep under review options to discontinue the use of schools wherever possible.
2	1 Oct	Ardentinny Hall Committee – Treasurer	The Ardentinny Hall now have a new Committee established and can offer the use of the hall again as a polling station – hall has previously been used for polling. Current polling station is Ardentinny Bowling Club .	The Ardentinny hall was the polling station until the hall committee ceased to function. It is noted that it is now operating again and it is suggested that the polling scheme remain unchanged at present. Officers will however meet with the committee of the hall to consider the invitation.
3	2 Oct	Councillor Anne Horn	I have been contacted several times regarding the lack of a dropped kerb outside of the Templars Arts and Leisure Centre in Tarbert . This can cause difficulties for anyone attempting to vote at the Centre as there are no dropped kerbs right along the footpath.	The comment is noted, whilst outside the remit of the polling scheme review as it is on the public highway, a request will be made to Roads and amenity services to look at feasibility of a dropped kerb option at this location.
4	15 Oct	Dunbeg Community Council - Secretary	Thank you for sending the polling places review. This was discussed at the recent Dunbeg Community Council meeting and I have been asked to write to you pointing out errors in the Dunbeg polling place. As long as I have been in Dunbeg, the polling place has been in Dunbeg Primary school and not in St Oran's church as stated in the paperwork. Also it states new polling place as Kingdom Hall but that this is just a change in name of the hall. Could you please point out to whoever is responsible	Venue has moved out of Dunbeg School to Dunbeg Church after the June 2017 election. The Council are trying to move polling stations out of schools to enable the schools to remain open.

			that these are 3 separate locations in Etive Road - Dunbeg Primary School, St Oran's Church and Kingdom Hall. The current and new polling place should read Dunbeg Primary School and none of these locations have changed their name.	
5	18 Oct	Len Church, Helensburgh	I made a complaint 2 years ago regarding the station at Drumfork Centre, Churchill . The access has no consideration for people with health issues Car park in square leaves a long uphill ramp, and the other access from the lock upside is also difficult. The old station at the side of the shop was better and parking was available beside building. I made the same comments to start at last elections who say this is the only place available. Please consider people like me with health issues.	Previous station was the Naval Families Centre – no longer allowed to use as a polling station. No alternatives; Drumfork being refurbished Jan 2019. The concerns raised are very understandable but there are no viable better alternatives than this. The RO will write to explain the reasoning and outlining options for a postal vote or proxy to assist.
6	29 Oct	Secretary of Strachur Community Council	Strachur Community Council discussed this at a meeting on 17th October 2018. I can report that all members of the Community Council were satisfied with the current polling districts and polling places, and had no further comments to make. Members of the public will be made aware of this consultation by means of articles in the local Newsletter and the Community Facebook page. Strachur Memorial Hall	noted
7	2 Nov	Jessie Church, Helensburgh	Drumfork Centre, Churchill . My husband has copd which creates difficulty in using this polling station as the access from carpark via the ramp to entry is very difficult. We have note the complaint at the last two election and were told by one this was the only place available. Not happy if this is the way.	Previous station was the Naval Families Centre – no longer allowed to use as a polling station. No alternatives; Drumfork being refurbished Jan 2019. The concerns raised are very understandable but there are no viable better alternatives than this. The RO will write explain the reasoning and outlining options for a postal vote or proxy to assist.
8	28 Nov	Linda Floyd	The Focus leaflet from Councillor Ellen Morton this week gave this address for comments regarding the use of	noted

			<p>Colgrain primary School as a polling station. I would like to indicate that I very much hope this will continue, it is convenient, any other likely place would not be possible for me going to work as I do not have a car and even the Civic centre is not practical. I have two kids who attended Colgrain until recently, and the occasional day off has never been a problem as far as I am concerned.</p>	
9	10 Dec	Councillor Alan Reid	<p>At the last election, I got complaints from people in houses on the A880 in Kilmun who vote at Uig Hall, Rashfield, Dunoon PA23 8QU. They said they could walk to the Younger Hall, but not to Uig Hall, and so would prefer to vote at the Younger Hall. Could this request please be considered?</p>	<p>The boundary between AA86 and AA84 falls where the pavement on the A880 ends. This issue has been reviewed in some detail and it is proposed to retain the existing set up as whilst it is acknowledged that there are some people who would be closer to the Younger hall, it is unlikely that access would be taken by many voters on foot given that the hall is on the main road. There is also concern that increasing the number of voters at Younger Hall would impact on parking availability which is on the main road. If there are concerns about distance then the option to have a postal or proxy vote are available.</p>

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ARGYLL & BUTE COUNCIL**COUNCIL****CUSTOMER SERVICES****21 February 2019**

**EXTRACT OF MINUTE OF PLANNING, PROTECTIVE SERVICES AND LICENSING
COMMITTEE 21 NOVEMBER 2018**

* **4. REVIEW OF SECTION 43[A] OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997 SCHEME OF DELEGATIONS**

Members considered a report inviting them to endorse the current Scheme of Delegations for planning matters and to invite the Council to seek the agreement of Scottish Ministers to confirm the Scheme for a further 5 year period.

Decision

The Committee noted the views expressed by the Head of Planning, Housing and Regulatory Services and the Head of Governance and Law in terms of the current suitability of the Scheme of Delegations and recommended to Council that it seeks consent from Scottish Ministers to renew the current Scheme with no changes to that which currently operates.

(Reference: Report by Executive Director – Customer Services dated 17 September 2018, submitted)

Note

The Head of Governance and Law has obtained consent from Scottish Ministers to the Council adopting the scheme as recommended by the Committee. It is recommended that Council agree that the scheme come into force from 23rd April 2019.

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ARGYLL AND BUTE COUNCIL

**PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE**

CUSTOMER SERVICES

21 NOVEMBER 2018

**REVIEW OF SECTION 43[A] OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND ACT) 1997 SCHEME OF DELEGATIONS**

1.0 EXECUTIVE SUMMARY

This report invites Members to endorse the current scheme of delegations for planning matters and to invite the Council to seek the agreement of Scottish Ministers to confirm the Scheme for a further 5 year period.

1.2 Recommendations

To note the views expressed by the Head of Planning, Housing and Regulatory Services and the Head of Governance and Law in terms of the current suitability of the scheme of delegations and to recommend to Council that it seeks consent from Scottish Ministers to renew the current scheme with no changes to that which currently operates .

ARGYLL AND BUTE COUNCIL

**PLANNING, PROTECTIVE SERVICES
AND LICENSING COMMITTEE**

CUSTOMER SERVICES

21 NOVEMBER 2018

**REVIEW OF SECTION 43[A] OF THE TOWN AND COUNTRY PLANNING
(SCOTLAND) ACT 1997 SCHEME OF DELEGATIONS**

2.0 INTRODUCTION

- 2.1 This report invites Members to endorse the current scheme of delegations for planning matters and to invite the Council to seek the agreement of Scottish Ministers to confirm the Scheme for a further 5 year period.

3.0 RECOMMENDATIONS

- 3.1 To note the views expressed by the Head of Planning, Housing and Regulatory Services and the Head of Governance and Law in terms of the current suitability of the scheme of delegations and to recommend to Council that it seeks consent from Scottish Ministers to renew the current scheme with no changes to that which currently operates .

4.0 DETAIL

- 4.1 The relevant regulations in respect of schemes of delegation require consent of Scottish Ministers to those elements of the Scheme specified in the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 prior to formal adoption by the Council. The regulations also require that the planning authority review its scheme at intervals of no more than 5 years and the first scheme was adopted in August 2009. The scheme was updated in April 2014 and so the scheme requires to be renewed prior to that date
- 4.2 The view of the Head of Planning, Housing and Regulatory Services is that the operation of the current scheme has been efficient and has not raised any significant concerns during the last 4.5 years. The Head of Governance and Law has a similar view in respect to the current scheme and has indicated that there have been few, if any, occasions where the operation of the specific delegations to an officer has given rise to concerns from any elected members. It is proposed that the Council be asked to seek consent from Scottish Ministers and then adopt the new scheme with effect from 23 April 2019. This will maintain the 5 year

anniversary with the next renewal required before 23 April 2024.

5.0 CONCLUSION

- 5.1 Adopting the current scheme for a further period of 5 years if so agreed by Scottish Ministers will provide an efficient structure to determine planning applications.

6.0 IMPLICATIONS

- 6.1 Policy - Requirement to regularly review and update delegations.
- 6.2 Financial – None
- 6.3 Legal - To review section 43[a] delegations at intervals of no more than 5 years.
- 6.4 HR - None
- 6.5 Equalities - These proposals have no adverse impact on equal opportunities
- 6.6 Risk - Regular review and update minimises the risk of challenges to council decisions
- 6.7 Customer Service - The current scheme has proved to be an efficient way of dealing with different types of applications

Executive Director of Customer Services
Policy Lead – Councillor David Kinniburgh
17 September 2018

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

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ARGYLL AND BUTE COUNCIL

COUNCIL

CUSTOMER SERVICES

21 FEBRUARY 2019

MONITORING OFFICER

ETHICAL STANDARDS IN PUBLIC LIFE (SCOTLAND) ACT 2000

STANDARDS COMMISSION HEARING

1.0 INTRODUCTION

- 1.1 Section 18 of the Ethical Standards in Public Life (Scotland) Act 2000 requires a Council receiving a copy of the Standards Commission's written decision of a Hearing to consider those findings within three months.
- 1.2 A Hearing was held on 18th January 2019 in respect of Councillor Gary Mulvaney, and a copy of the Commissioner's decision is attached hereto for Members consideration.

2.0 RECOMMENDATIONS

- 2.1 Members are asked to consider the Commissioner's decision, attached at appendix one.

DOUGLAS HENDRY

MONITORING OFFICER

31st January 2019

For further information contact: Douglas Hendry, Monitoring Officer

APPENDICES

Appendix 1 – Commissioner's Findings

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Decision of the Hearing Panel of the Standards Commission for Scotland following the Hearing held at The Helensburgh and Lomond Civic Centre, Helensburgh on 18 January 2019.

Panel Members: Mr Michael McCormick, Chair of the Hearing Panel
Mrs Tricia Stewart
Mr Paul Walker

The Hearing arose in respect of a Report by Mr Bill Thomson, the Commissioner for Ethical Standards in Public Life in Scotland (the ESC), further to complaint reference LA/AB/2125 (the complaint) concerning an alleged contravention of the Councillors' Code of Conduct (the Code) by Councillor Gary Mulvaney (the Respondent).

COMPLAINT

A complaint was received by the ESC about the alleged conduct of the Respondent. Following an investigation, the ESC referred the complaint to the Standards Commission for Scotland on 22 October 2018, in accordance with section 14(2) of the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act), as amended.

The substance of the referral was that the Respondent had failed to comply with the provisions of the Code and, in particular, that he had contravened paragraphs 5.3 and 5.7.

The relevant provisions are:

Declaration of Interests

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.

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.

Evidence Presented at the Hearing

Submissions made by the ESC

The ESC advised that the Respondent had been a councillor for some 15 years and, following the May 2017 local government elections, had been appointed as Argyll & Bute Council's representative on the Board of the Dunbritton Housing Association (the Housing Association). The ESC confirmed that the position was not remunerated and that the Respondent had included it as a non-financial interest in his Register of Interests.

The ESC advised that a development of sheltered housing managed by the Housing Association was located at Scott Gardens, Cardross. The development was accessed via a cul-de-sac off the main road in Cardross. The ESC indicated that when the development was built, a layby on Main Road, Cardross, at the junction with Scott Gardens, had been retained without any parking restrictions. The ESC stated that, in 2016, a manager and tenant of the Housing Association had made representations to Argyll & Bute Council (the Council) about parking in the layby causing difficulties in terms of the sightlines and egress from the development, albeit there was no record of a formal complaint having been made.

The ESC indicated that the Council had investigated the matter and a report proposing to extend existing no waiting restrictions on the main road to include the layby was prepared for consideration at a meeting of the Helensburgh and Lomond Area Committee (the Area Committee) of the Council on 21 December 2017. The ESC advised that it was not in dispute that the Respondent had received the Committee papers, including the report, before the meeting.

The ESC advised that the report before the Committee referred to the difficulties being incurred by vehicles exiting the Scott Gardens development and further stated that an increase in the number of drivers using the layby had resulted in the Housing Association "regularly receiving complaints from the residents", who were finding it increasingly difficult to egress onto the main road. The ESC advised, however, that the report also contained three objections to the proposal from members of the public, on the grounds of loss of the amenity and road safety.

The ESC advised that it was not in dispute that the Respondent had not declared any interest in the item, and, further, had spoken in support of the recommendation to permit a no waiting restriction in the layby. The ESC noted that the Area Committee agreed unanimously, at the meeting on 21 December 2017, to permit the no waiting restriction and to have the layby marked with double yellow lines.

The ESC argued that it was clear from the report that, while there were overall issues of road safety, the principal beneficiaries of the proposal to extend the no waiting restrictions to include the layby were the residents of, and any visitors to, the Housing Association managed Scott Gardens development. As such, the ESC contended that, having registered his appointment as a non-financial interest, in terms of paragraph 5.7 of the Code, the Respondent should have considered

the objective test when making a decision about whether or not to declare it at the meeting of the Area Committee on 21 December 2017.

The ESC noted that there would have been no need to declare the interest if it had been so remote or insignificant that it could not reasonably be taken to fall within the objective test. The ESC argued, however, that in this case the Respondent should have considered that a member of the public, with knowledge of the relevant facts, may have reasonably concluded that the Respondent would act in the best interests of the Housing Association and its tenants. As such, the interest could be objectively regarded as so significant that it was likely to prejudice his discussion or decision-making. The ESC argued, therefore, that the Respondent should have declared the interest, withdrawn from the room and taken no part in the discussion and decision-making on the item.

Submissions made by the Respondent

The Respondent advised that he did not dispute any of the facts as found and presented by the ESC. The Respondent advised, however, that he disputed the ESC's conclusions. The Respondent noted that there was no mention of the Housing Association or its manager having made any complaints in the report before the Area Committee. The Respondent advised that he had had no discussions with the Housing Association or any individuals, either within or external to the Council, about the matter before the meeting and, further, that he did not know any of the tenants of the Scott Gardens development. The Respondent advised that he had considered the proposal with an open mind and that his decision was solely based on merit and what he perceived to be the overall public interest in terms of road safety.

The Respondent drew the Hearing Panel's attention to the fact that he had declared an interest in the Housing Association on 11 other separate occasions, which he contended demonstrated that he was aware of the provisions and requirements of the Code. The Respondent argued that, in this case, he had read the report some two to three days before the meeting of the Area Committee, and had noted that the recommendation to extend the existing no waiting restrictions was based on overall road safety concern and, in particular, on a perception that a recent opening of a new shop in the area was causing more difficulties as there had been an associated increase in usage of the layby as a parking area.

The Respondent noted that there had been no mention of the Housing Association in the report's Executive Summary and that there was no evidence of it being involved in either supporting or opposing the proposal. The Respondent noted that the only reference to the Housing Association had been contained in the body of the report, in relation to it having received complaints. The Respondent reiterated that the matter had not come to his attention, either formally or informally before the Area Committee meeting. The Respondent further noted that there was no explicit reference to such complaints having been made by the residents of the Scott Gardens development or to them being the primary beneficiaries of the proposal to extend the no waiting restrictions.

The Respondent advised that, in determining whether or not he should declare an interest, he had concluded that the matter concerned overall road and public safety and, as such, his interest in the Housing Association was too remote / of too little significance to fall within the objective test. The Respondent confirmed, therefore, that he had not declared an interest and had instead taken part in the discussion and decision-making. The Respondent asked the Hearing Panel to note that the decision to approve the proposal had been passed unanimously.

DECISION

The Hearing Panel considered the submissions made both in writing and orally at the Hearing. It concluded that:

1. The Councillors' Code of Conduct applied to the Respondent, Councillor Mulvaney.
2. The decision was finely balanced. Having taken all relevant matters into consideration, however, the Panel determined that the Respondent had breached paragraphs 5.3 and 5.7 of the Code.

Reasons for Decision

The Hearing Panel noted that the Respondent accepted the facts as outlined in the ESC's Report, albeit he did not accept the ESC's interpretation of these and his conclusions.

The Panel noted the Respondent's position was that the report before the Area Committee did not explicitly state that the Housing Association had made any representations on the matter or that it had submitted a complaint to the Council; and indeed that he had no knowledge of it having done so. The Respondent's position was that the report only referred to the Housing Association as having received complaints from residents about drivers using the layby as a parking area, making it more difficult for them to egress on to the main road.

The Panel found that while the Housing Association was mentioned twice in the main body of the report, it had not been identified as having made a complaint or having objected to the proposal. The Panel further found that the report concerned road safety in general, and that the opening of a shop had led to a material change in circumstances from when the development was built. The Panel considered that it was nonetheless apparent from the report that the proposal could benefit the residents of the Housing Association to a greater extent than other members of the public.

The Panel accepted that the Respondent, in deciding whether to declare an interest, had a finely balanced judgement to make. The Panel further accepted that the Respondent had: included his appointment to the Housing Association's Board in the Council's Register of Interests; considered the terms of the Code when deciding whether to declare an interest in relation to the proposed change to parking restrictions in Cardross; and focused on road safety in his consideration of the report. The Panel concluded, however, that having considered the full terms of the report before the Committee, the objections received should have put the Respondent on notice that the residents of the Housing Association owned development may have gained a particular benefit in terms of their egress on to the main road and, therefore, had a greater interest in the outcome of the proposal than that of general members of the public. As such, and having considered the terms of the objective test, the Panel determined that the Respondent should have concluded that a member of the public, with knowledge of the relevant facts (including the fact that he had a registered interest as a Member of the Board of the Housing Association), would reasonably conclude that his interest could be sufficiently significant as to affect his discussion or decision-making.

The Panel accepted there was evidence that the Respondent had applied the objective test and declared an interest in the Housing Association on 11 separate other occasions. The Panel was

satisfied that this demonstrated that the Respondent was aware of the requirements of the Code and was diligent in applying them. In this case, however, the Panel was of the view that, on balance, the Respondent should have erred on the side of caution, as advised by paragraph 5.2 of the Code, and reached the view in terms of paragraph 5.7 his interest in the Housing Association would not be perceived as being so remote and insignificant, given the particular benefit its residents might gain from the proposal in question, that it could not fall within the objective test under paragraph 5.3.

As such, the Panel determined that, in terms of paragraph 5.3 of the Code, the Respondent should have declared a non-financial interest in the matter as required by paragraph 5.7, when taken together with the Respondent's need to also give consideration to the Code's advice to err on the side of caution.

The Panel therefore concluded that the Respondent had contravened paragraphs 5.3 and 5.7 of the Councillors' Code of Conduct.

Evidence in Mitigation

The Respondent advised that while he was disappointed, he nevertheless accepted the Hearing Panel's interpretation of the Code and decision.

The Respondent confirmed that his intention was always to act honestly and openly in the best interest of his constituents. The Respondent noted that he had made a judgement call at the Area Committee meeting in determining whether or not to declare an interest and, while he now accepted he should have perhaps erred on the side of caution in applying the objective test, he had nevertheless considered the matter objectively when reaching a decision as to whether the proposal was in the overall public interest. The Respondent confirmed that there had been no personal gain and reiterated that the decision made by the Area Committee had been unanimous.

The Respondent asked the Hearing Panel to note that he had an unblemished record in his 15 years in public service.

SANCTION

The decision of the Hearing Panel was to censure the Respondent, Councillor Mulvaney.

The sanction was made under the terms of the section 19(1)(a) of the 2000 Act.

Reasons for Sanction

In reaching their decision, the Hearing Panel noted it was obliged under the 2000 Act to impose a sanction where a breach had been found.

The Panel considered the Standards Commission's Policy on the Application of Sanction. The Panel:

- Noted that the Respondent accepted its determination and welcomed his full participation in the Hearing procedures.

- Further noted the contribution made by the Respondent to public life in his 15 years as a councillor.
- Was satisfied that that there had been no personal gain to the Respondent and, given that the proposal had passed unanimously, it was unlikely that his failure to declare an interest and withdraw would have had any impact on the overall decision of the Committee.
- Was further satisfied that the Respondent had demonstrated insight and understanding of the provisions of the Code and the importance of complying with it. The Panel had no reason to doubt that the Respondent had been trying to act in the overall public interest in terms of road safety.

However, the Panel:

- Wished to make it clear that the requirement to declare interests is an integral part of the Code as it provides the opportunity for openness and transparency and affords members of the public the opportunity to consider whether a councillor's interests may influence his or her discussion and decision-making.
- Reiterated that public confidence in a Council's decision-making processes can be eroded by a failure to declare interests as required by the Code. The Panel noted that it was essential for the public to have the highest confidence that those elected to local government are making decisions in the public interest only.
- Considered that, on this occasion, when faced with a finely balanced decision, the Respondent should have taken cognisance of the advice in the Code to err on the side of caution in order to ensure full transparency and maintain public confidence.

RIGHT OF APPEAL

The Respondent has a right of appeal in respect of this decision, as outlined in Section 22 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, as amended.

Date: 23 January 2019



**Mr Michael McCormick
Chair of the Hearing Panel**