

**MINUTES of MEETING of COMMUNITY COUNCIL COMPLAINTS REVIEW PANEL held in the
COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD
on TUESDAY, 2 APRIL 2019**

Present: Margaret Pratt (Chair)

Andy Buntin
Councillor Rory Colville

Councillor Audrey Forrest
Councillor Roderick McCuish

Attending: Charles Reppke, Head of Governance and Law (Independent Advisor)
Fiona McCallum, Committee Services Officer (Minutes)

The Head of Governance and Law welcomed everyone to the meeting and invited the Panel to nominate a Chair for these proceedings. It was unanimously agreed to appoint Margaret Pratt as Chair of this Complaints Review Panel.

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. COMPLAINT AGAINST LUSS AND ARDEN COMMUNITY COUNCIL

The Chair advised that her first task would be to establish if the members of the Review Panel had sufficient information before them to discuss and determine the subject of the complaint.

The Panel agreed that they had sufficient information to determine the complaint before them. The Chair invited the Panel to discuss the terms of the complaint and after discussion the Panel considered each complaint in turn and reached the following decisions and reasons.

Decision

1. The Panel does not believe that it was improper for the Community Council to consider text prepared to guide their response, particularly as the issue had been under consideration over more than one meeting. There are many Community Councils who delegate consideration of planning to a sub-committee which might make suggestions as to the relevant issues for consideration. It appears that the Community Council made efforts to ascertain the views of the community and to respond. There is nothing to prevent anyone from carrying out assessment of information and representations prior to the meeting provided they retain an open mind during consideration of the matter and have regard to their purpose of ascertaining the views of their community. The Council is not prescriptive on how that should be done and recognise that all Community Council members are volunteers.

Decision – dismiss the complaint.

2. The Panel notes the view of the complainant and the response from the Community Council that most of the draft responses were adjusted as part of the debate at the

meeting. The Convener has authority to determine matters of process and has asserted that the draft responses were all considered and how that was achieved was for the Convener to determine.

Decision – dismiss the complaint.

3. The Agenda was determined to deal with the business before the Community Council and the draft responses were fully considered by the members present.

Decision – dismiss the complaint.

4. The performance of the Convener is not a matter for this Panel to determine. It appears that the meeting achieved its purpose in determining the Community Council response to the consultation. As it relates only to the actions of one person, it should be dealt with by the Community Council if a complaint is made.

Decision – dismiss the complaint.

5. The Community Council agreed a response to the consultation and it is not for this Panel to exam matters of comfort or empathy of individual members. The Community Council members are volunteers and they have discharged their role by submitting a response to the consultation which appears to have reflected the views ascertained from their community. There appears to be no complaint that the Community Council misrepresented the views of their community.

Decision – dismiss the complaint.

6. The Scheme for Community Councils requires public notice for a meeting it does not specify where that notice should be displayed.

Decision – to provide advice to the Community Council on the arrangements for giving notice of a meeting.

7. The Scheme for Community Councils requires draft minutes to be available within 14 days.

Decision - to give advice to the Community Council on the arrangements for preparation of draft minutes.

The Panel noted that whilst it was not part of the complaint for them to determine, they wished to offer advice to the Community Council that their decision to allow a member to remain after declaring an interest was inadvisable and that they should adhere to the terms of the Best Practice Agreement in the future.

(Reference: Submission by Complainer and response by Community Council, submitted)