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MINUTES of MEETING of COMMUNITY COUNCIL CONDUCT REVIEW PANEL held in the COUNCIL CHAMBERS, KILMORY, LOCHGILPHEAD on FRIDAY, 8 NOVEMBER 2019

Present: Councillor Richard Trail (Chair)

Councillor Gordon Blair
Catherine Bowe

Councillor Donald MacMillan BEM
David Wilkie

Attending: Shona Barton, Committee Manager (Independent Advisor)
Lynsey Innis, Senior Committee Assistant (Minutes)

1. APPOINTMENT OF CHAIR

The Committee Manager welcomed everyone to the meeting and invited the Panel to nominate a Chair for the proceedings. It was unanimously agreed to appoint Councillor Richard Trail as Chair of this Complaints Conduct Review Panel.

2. APOLOGIES FOR ABSENCE

There were no apologies for absence intimated.

3. DECLARATIONS OF INTEREST

There were no declarations of interest intimated.

4. COMPLAINT AGAINST BUTE COMMUNITY COUNCIL

Having assumed the role of Chair, Councillor Trail outlined the procedure and advised that his first task would be to establish whether 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 Committee Manager circulated copies of correspondence between Stuart McLean, Investigating Officer; the complainant and Bute Community Council, outlining the individual aspects of the complaint and a typed version of the written response from Bute Community Council.

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. Bute Community Council has no training nor skills to handle complaints.

The Panel noted that the Community Council took advice from the Community Council Liaison Officer (CCLO), who provided them with the Model Complaints Procedure prior to consideration of the complaint and it is their view that this was sufficient.

Decision – Not Upheld.

2. Bute Community Council does not act in the community interest.

The Panel agreed that to act in the community interest is the very being of a Community Council and they felt that the examples provided in respect of raising funds for the Christmas Lights and assisting persons within the community who are experiencing housing difficulties confirmed this to be the case.

Decision – Not Upheld

3. Bute Community Council did not inform the complainant of how the complaint was to be dealt with, or the date of the meeting.

The Panel agreed that the Community Council had been remiss in the procedural part of handling the complaint. They expressed that they did not feel that this was out of inappropriate behaviour, but that having received the Model Complaints Procedure from the CCLO, they should have ensured that the procedure was followed accordingly.

Decision – Upheld

4. The Complainant was subjected to embarrassment and harassment from the floor during the meeting of 20 August 2019.

Although the Panel were unclear as to the exact nature of embarrassment and harassment, they agreed that although it is not possible to control what people say it was a matter for the Chair to ensure control of conduct at a meeting, by stopping negative behaviour and seeking clarification in a situation of misunderstanding.

Decision – On a show of hands vote it was agreed to uphold the complaint by 4 to 1.

5. Bute Community Council have not contacted the complainant since the meeting concluded on 20 August 2019 to confirm the decision of the Community Council.

The Panel agreed that the Community Council had been remiss in the procedural part of handling the complaint. They felt that the Community Council should have actively responded to the complainant as outlined in the Model Complaints Procedure.

Decision – Upheld

The Panel, having agreed that the Community Council had not breached the Scheme for Establishment of Community Councils in Argyll and Bute 2018, recognised that the Community Council failed to follow the terms of the Model Complaints Procedure. The Panel were of the view that the Community Council would benefit from engaging in some further governance training, particularly around managing meetings and dealing with complaints. They made the following recommendation:-

That the Community Council engage with the Community Council Liaison Officer to discuss appropriate governance training with particular emphasis on managing meetings and dealing with complaints.

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

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