

## Glengarry Community Council (GCC)

### Minutes of Meeting

held on 4<sup>th</sup> March 2024 at 19.00 in Glengarry Community Hall

1. Present, apologies and conflicts of interest  
Kevin Sutherland (KS), chair, Lea MacNally (LMacN), treasurer, George Cross (GX), vice chair, Neillie Stewart (NS), Ken Brown (KB), Cecilia Dyckhoff (CD), secretary, Philippa Maltby (PM), Gillian Carruthers (GC); one member of the public namely Mars Projects Ltd (MPL) representative Kenneth Knott (KK). No apologies were received. No conflicts of interest were intimated in relation to matters principally specified on the agenda; LMacN intimated that he would have a conflict of interest in relation to one matter to be raised in Any Other Business.
2. Minutes of 5<sup>th</sup> February 2024  
The minutes of 5<sup>th</sup> February 2024, along with two annexes, were adopted. Proposed: NS; seconded KB.
3. Matters arising
  - (a) Playground equipment NS reported that after taking into account the views of parents and children in the community, he had identified a suitable roundabout in a catalogue of suppliers approved by Highland Council (HC). It includes a wheelchair-accessible position and it can be easily operated from positions both on and off the equipment. GC noted that additional ground stabilisation and finishing works by HC may be required. It was noted that HC had undertaken to install the equipment to their standards, which would include ground works. The cost of the equipment with delivery, if VAT is included, amounts to £9,893. NS is to confirm with HC that the cost will be free from VAT, in accordance with usual practice, if HC makes the order. LMacN confirmed that GCC is in funds for this level of cost, in view of the recent unexpected payment in relation to Forestry and Land Scotland (FLS) hydros. The purchase was approved: proposed KS; seconded KB.
  - (b) Road issues: CD confirmed that she had written to HC and BEAR in relation to road issues. Repair works have been undertaken by HC. Matters in relation to the speed limit and safety issues on the A87 within the village will be reviewed after BEAR has undertaken a survey in the coming months.
  - (c) Loch Fearna development meeting: CD is to proceed with agreeing the date of a meeting in forthcoming months.
  - (d) Community Plan: GX had circulated a draft response which was approved. He will send it to Slikk.
  - (e) Derelict house: CD had written to HC's Environmental Health Department but had not received a reply. She will pursue this. The matter was discussed and sympathy was expressed for those affected by the situation, who had raised the matter. GX undertook to investigate whether it would be appropriate to report the property to a register of derelict houses. LMacN noted that HC's Access

Officer had had difficulties in the past in arranging for any HC department to remove an abandoned vehicle.

- (f) Piper at Remembrance Day: CD had written to Malcolm Heeles expressing appreciation of and gratitude for his playing, and confirming that a donation would be made to his suggested charity. LMacN confirmed that this would be done as soon as possible.
- (g) Post Office: GX confirmed that the constitution provides for sensitive matters of commercial or personal nature to be considered either in private or by a sub-committee. He passed out a copy of the relevant provisions. He noted that it would be possible to set up an arm's length legal entity to hold and administer the property in question. It was agreed, on his proposal, seconded by KB, that a sub-committee consisting of LMacN, GX and CD should be set up forthwith, subject to section 10.1 of the constitution.
- (h) MOWI fish farm defibrillator: LMacN had been unable to speak to the manager as he has not been on site lately and the office is currently closed. He will pursue the matter.

#### 4. Financial report

LMacN had circulated a report. It was noted that this is not required to be a full account. On the main account, there had been income of £2,589.34 disbursed in the usual manner by the Shinty Club from FLS payments; expenditure for the village officer had been £364; and the closing balance was £29,402, with a ring fenced amount of £8,473.23. The Post Office account had income of £43.33, no expenditure, and a closing balance of £1,533.88. He reported that there has been some delay in establishing the signatories of the separate account owing to the fact that different departments of the bank operate under different rules.

#### 5. GCC administration including complaints procedure and website

GX had prepared and circulated a proposed complaints procedure following the provisions of the constitution and the HC template. This paper was tabled and accepted, and will be attached to these minutes.

In relation to the .website, GX and CD had consulted with Liz Graham of Lamont Design, who had provided a proposal for the work of preparing a website, which had been circulated. The cost of this being somewhat higher than expected, GX had investigated alternatives; and he showed slides of various sites that could be produced using reasonably priced tools. GCC's requirements are for a website which can carry agendas, minutes and other public notices; that is secure; that can be reasonably easily edited by an authorised person or authorised persons; that can be used on mobile devices as well as laptops; and that is easy for members of the public to navigate. Having noted that it is not required of Community Councils to have a web presence, he suggested that this was becoming increasingly desirable, and said that others had done so. A presence in social media may also be considered in due course. The website Community Councils Scotland recommends WordPress as a site creation tool, though its basic form has some disadvantages including lack of security, which has to be purchased as an addition. GX has also investigated Wix, a tool similar to WordPress that includes security, as well as providers such as

Spanglefish and Netwise, which are more expensive. The cost of Wix is between £7.50 and £14 per month and the cost of a domain is in the region of £15 to £30 per annum. LMacN confirmed that this level of cost can be accommodated in the budget. Payments may have to be made by GX as an individual as GCC at present has no online payment capacity; but an invoice from him would be acceptable. GX will see if there are any online reviews of Wix; but in the meantime it was agreed after discussion that the details provided about it and the sample which GX had produced were acceptable and that the project should be moved forward on that basis.

6. Mars Projects Ltd complaints

A draft note of the resolution of the complaint investigation and the meeting between KS, GX and KK on 23<sup>rd</sup> February was handed out. It was accepted: proposed CD; seconded LMacN. KK, thanking KS, said that in his view as the representative of Mars, issues between the parties would be better settled by meeting rather than by email.

7. Meeting with SSEN on 21<sup>st</sup> February

A Minute of the meeting had been circulated and was accepted: proposed KB; seconded GC. The SSEN proposal that a Liaison Group be set up was discussed. It was noted that GCC representatives as well as members of the public had been invited to take part. One member of the public has already indicated her interest. It was agreed that two GCC members should be proposed, but that the actual persons might change depending on their availability or special knowledge. LMacN and GX indicated their willingness to join the group. CD said that she already has a role in communicating information to a number of residents and other parties with an interest in the C1144, and relaying their concerns to third parties, as coordinator of the Upper Glengarry Infrastructure Group. KB reported that he runs a Facebook page (Glengarry Road Watch) dealing with the glen road. He said that he had already received comments about the current works including a request that when speed limits for works traffic are proposed, the speed of such traffic within Invergarry village should also be included. He also mentioned a recent report suggesting that those living within 200 metres of power lines should receive financial compensation. He noted that four members of GCC might need to declare an interest in this if it became an issue. There was some uncertainty about whether the members actually live within the limit mentioned, and it was suggested that this could be checked.

8. Planning applications

Notice of an application in regard to a property on the Kilfinnan road had been received. After discussion, it was agreed that GCC's position on this was neutral and that KB should intimate that on the planning portal.

9. Any other competent business

(a) CD and LMacN have received an email from an estate owner enclosing his views on a scoping exercise by engineering contractors about the provision of equipment for emergency communications on the U1207 road beyond the Quoich bridge. LMacN intimated that he could have a conflict of interest in relation to this, owing to his former position on the Quoich estate. After some

discussion, it was agreed that there are concerns within the community about the impact of such works on the natural environment, and also that residents and proprietors would benefit from improved mobile communications to their properties. As it was unclear on what basis CD had received the email, it was agreed that she should write asking for further particulars about the location and current status of the works, and revert to members.

- (b) GC said that trees within the school grounds are in a dangerous condition and that the school's contact with HC about this has been unsuccessful so far. It was agreed that CD should write to HC about this.
- (c) LMacN reported the difficulty and expense of dealing with the skips if waste now defined as hazardous is placed in them. Such waste includes such things as mattresses and other household items. It was accepted that providing the skips is a benefit to the community. There was discussion about whether steps could be taken such as erecting notices, providing a separate skip for hazardous items, or asking contractors using skips for their own purposes if they could be used for community waste. KS suggested that an estimate should be obtained for providing a skip suitable for all types of waste including the hazardous items; and it was agreed that this should be done.
- (d) NS reported that he had been told that a copy of the minutes was no longer made available at the Post Office. KS said that he had put them on the notice board there, as well as at the Community Hall and the garage, as usual. CD said that she would be happy to provide copies of the adopted Minutes by email if requested.
- (e) KK asked if GCC has a view on the proposal that Lochaber should become a National Park. It was noted that though the application has gone forward, no request for CC opinions has yet been sought, and that when that happens a response will be considered.
- (f) KK asked if copies of the annual accounts for the last two years could be provided to him; and it was confirmed that that would be done.

#### 10. Date of next meeting

The next meeting will take place on 8<sup>th</sup> April 2024 in the Community Hall at 19.00

## Glengarry Community Council Complaints Procedure

1. Complaints to Glengarry Community Council must be in writing outlining the nature of complaint – this can be by letter or email to the Secretary or Chair of the Community Council.
2. The Secretary will pass the complaint to the Chairperson, or, if the complaint relates to the Chairperson, another appropriate officer bearer or Member of the Community Council.
3. Complaints will be acknowledged within 7 days of being received where possible and the complainant advised how, when and where they can expect their complaint to be considered and responded to.
4. For a procedural type complaint, (for example, breaches to the Highland Council Scheme of Establishment of Community Councils) the Chairperson or appointed person/s will investigate and recommend to the Community Council whether to uphold or not uphold the complaint and send a response to the complainant within a recommended timescale of 10 days of the decision having been made. If the complaint is upheld appropriate action will be taken. This will include an apology and explanation if appropriate. In such circumstances, the Community Council will identify any steps to be taken to prevent such a problem reoccurring. In this case all members of the Community Council will be updated at the next meeting and an item will be added to the agenda to note the position.
5. Where the Chairperson or appointed person/s determines that the complaint is not upheld the matter will be noted and no further action will be taken other than providing a written/email response to the complainant. This response should outline that if the complainant remains dissatisfied with the response provided. they have the right to refer their complaint to The Highland Council (through the [Ward Manager](#) for your area) who will consider whether to review the matter further and/or provide support and guidance to the complainant and the Community Council. In this case all members of the Community Council will be updated at the next meeting and an item will be added to the agenda to note this.
6. If the complaint is more complex and requires a more detailed investigation a longer time may be required. In this case the complainant will be advised of the timescale and the Chairperson or appointed person/s will undertake the required investigation (for example, the conduct of an individual Community Council Member). The matter will also be reported to the next meeting of the Community Council for consideration by all members present.
7. If appropriate, the terms of the complaint may be discussed in full and in public at the next scheduled meeting, when it would be expected that an appropriate resolution can be reached by the majority of Community Councillors present.
8. If it is deemed necessary to deal with a complaint at the next scheduled meeting and depending on the nature of the complaint and in accordance with 11.1 of the constitution and 1.1 and 9.1 of the standing orders, the Community Council may suspend standing orders and discuss the complaint in private. The minute of the Community Council must however note the reason for taking the item in private and the decision made.
9. Once a decision is made the complainant will be notified in writing within 10 days of the meeting where the complaint was considered. The decision letter/email will advise the complainant of the outcome of the Community Council's investigation and consideration of the complaint and how they might proceed if they remain dissatisfied with the outcome.

**Result of investigation into complaints by Mr K Knott, representing Mars Projects Ltd**  
(To be added to the minutes of meeting for 4<sup>th</sup> March 2024.)

In early February 2024 we received emails making complaints. In accordance with the Highland Council guidance regarding complaints I took on the investigation, established contact with Mr Knott and decided to meet, alongside the Vice Chairman.

There were two complaints:

Complaint One – Lack of a complaints procedure.

Complaint Two – A doubt that the Code of Conduct and Scheme of Establishment for Community Councils are being properly followed.

As Chairman, having investigated these complaints, including meeting with Mr Knott on 23<sup>rd</sup> February 2024, I find:

Complaint One is upheld. Glengarry Community Council has no Complaints Procedure in place and members will be aware from the current agenda that this is being remedied tonight. The reason for this lack being that there has been no previous complaint made about the Community Council.

Complaint Two is not specific enough to state whether it is upheld or not. It is possible to say that the fact that there is no complaints procedure in place is itself evidence of not following all due process. In the past assertions have been made that, again, of themselves suggest that at least a perception of lack of care in some circumstances may have developed. This perception must be dealt with and I, as Chairman, and the Vice Chairman give reassurance here that we will always apply and affirm the Code of Conduct and the Scheme of Establishment.

To this end, although I'm sure all of us have read and understood, I feel it reasonable to precis the Code of Conduct here:

Community Councillors have a duty and responsibility to:

- Give Service: To act in the interests of the local community.
- Selflessness: To take decisions solely in terms of the interest of the community. To not use your position as a Community Councillor to gain benefit.
- Integrity: To not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you.
- Objectivity: To endeavour to represent the overall views of your community.

- **Accountability and Stewardship:** To be accountable for the decisions and actions that you take on behalf of your community. To ensure that the Community Council uses its resources prudently. To individually and collectively ensure that annual accounts are produced. To minute meetings and circulate a record of all actions and decisions.
- **Openness:** To be open about your decisions, actions and representations.
- **Honesty:** To act honestly and to always work within the law. To declare any private interest.
- **Leadership:** To promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members. To promote social inclusion and challenge discrimination in any form.
- **Respect:** To respect fellow members of your Community Council and those that you represent in a non-discriminatory manner. To recognise and value the contribution of everyone participating in the work of the Community Council. To comply with Equal Opportunities legislation and ensure that equality of opportunity be given.

It is our responsibility to be familiar with the Code of Conduct and with the Scheme of Establishment.

I recommend that these findings be upheld by Glengarry Community Council.

Kevin Sutherland (& George Cross)

Chairman (and Vice Chairman) of Glengarry Community Council