

Argyll and Bute Council
Comhairle Earra Ghaidheal agus Bhoid

Corporate Services
Director: Nigel Stewart



Kilmory, Lochgilphead, PA31 8RT
Tel: 01546 602127 Fax: 01546 604444
DX 599700 LOCHGILPHEAD
e.mail –nigel.stewart@argyll-bute.gov.uk

12 March 2009

NOTICE OF MEETING

A meeting of the **EXECUTIVE** will be held in the **COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD** on **THURSDAY, 19 MARCH 2009** at **10:00 AM**, which you are requested to attend.

Nigel Stewart
Director of Corporate Services

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **MINUTES**
 - (a) Executive 19 February 2009 (Pages 1 - 16)
 - (b) Special Committee for Older People's Services 26 February 2009 (Pages 17 - 20)
4. **LEADER'S REPORT**
Report by Leader of the Council (Pages 21 - 28)
- # 5. **EDUCATION AND LIFELONG LEARNING**
Report by Spokesperson (Pages 29 - 32)
6. **SOCIAL SERVICES**
Report by Spokesperson (Pages 33 - 36)
7. **INVESTMENT IN AFFORDABLE HOUSING**
Report by Director of Community Services (Pages 37 - 58)
8. **MENTAL HEALTH SERVICES IN ARGYLL AND BUTE - REDESIGN AND MODERNISATION**
Report by Director of Community Services and Extract from Minutes of Social Affairs Policy and Performance Group 9 March 2009 (Pages 59 - 100)

9. **EQUALITY AND DIVERSITY SCHEME: DRAFT FOR CONSULTATION**
Report by Chief Executive (Pages 101 - 170)
10. **REPORT ON PLANNING ON THE CONSULTATION BY THE SCOTTISH GOVERNMENT ON HOUSEHOLD PERMITTED DEVELOPMENT RIGHTS**
Report by Head of Planning Services (Pages 171 - 180)
11. **PROPOSED DEVELOPMENT PLAN SCHEME**
Report by Director of Development Services (Pages 181 - 194)
12. **TWINNING VISIT TO KORCULA**
Report by Director of Corporate Services (Pages 195 - 196)
13. **PORT ASKAIG REDEVELOPMENT**
Extract from Minutes of Organisational Development Policy and Performance Group 11 February 2009 and Report by Head of Roads and Amenity Services (Pages 197 - 214)
- E1 14. **HELENSBURGH OFFICE RATIONALISATION - REVISED OUTLINE BUSINESS CASE**
Report by Director of Operational Services (Pages 215 - 280)
- # E1 15. **JOINT CONTRACTS INVOLVING SCHOOL TRANSPORT AND LOCAL BUS SERVICES - BUTE AND COWAL**
Report by Director of Development Services (Pages 281 - 288)

Items marked with # denote matters to be considered as part of the Council's function as Education Authority.

The Committee 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 1 of Schedule 7a to the Local Government (Scotland) Act 1973.

The appropriate paragraphs are:-

- E1 Paragraph 8** The amount of any expenditure proposed to be incurred by the authority under any particular contract for the acquisition of property or the supply of goods or services.
- 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.

EXECUTIVE

Maureen Arthur
Councillor Robin Currie
Fiona Fisher
Councillor Alison Hay
Councillor Robert Macintyre
David McEwan
Councillor Ellen Morton

Jane Brown
Councillor Vivien Dance
Councillor George Freeman
Councillor Donald Macdonald
Councillor Duncan MacIntyre
Councillor Donald McIntosh
Alison Palmer

Councillor Douglas Philand
Councillor Elaine Robertson
Councillor Isobel Strong

Councillor James Robb
Councillor Len Scoullar
Councillor Dick Walsh

Contact: Fiona McCallum Tel: 01546 604406

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**MINUTES of MEETING of the EXECUTIVE held in the COUNCIL CHAMBER, KILMORY,
LOCHGILPHEAD
on THURSDAY, 19 FEBRUARY 2009**

Present: Councillor Dick Walsh (Chair)

Councillor Robin Currie	Councillor James Robb
Councillor Vivien Dance	Councillor Elaine Robertson
Councillor George Freeman	Councillor Len Scoullar
Councillor Alison Hay	Councillor Isobel Strong
Councillor Donald Macdonald	Maureen Arthur
Councillor Duncan MacIntyre	Fiona Fisher
Councillor Robert Macintyre	David McEwan
Councillor Ellen Morton	Alison Palmer
Councillor Douglas Philand	

Also Present:

Councillor Anne Horn	Councillor Andrew Nisbet
Councillor Alister MacAlister	Councillor Al Reay
Councillor John McAlpine	Councillor John Semple
Councillor Donald MacMillan	Councillor Ron Simon
Councillor Alex McNaughton	Provost William Petrie
Councillor Bruce Marshall	

Attending:

Nigel Stewart, Director of Corporate Services
 Andrew Law, Director of Operational Services
 Bruce West, Head of Strategic Finance
 Angus Gilmour, Head of Planning
 Robert Pollock, Head of Development and Strategic Transportation
 Malcolm MacFadyen, Head of Community Regeneration
 Jane Fowler, European Manager
 Brian Barker, Policy and Strategy Manager
 Fergus Murray, Development Services
 Mark Lodge, Development Services

Apologies: Councillor Donald McIntosh Jane Brown

The Chair ruled, and the Executive agreed, to consider as a matter of urgency a report regarding Dunoon Hostel by reason of the need to allow works to proceed. This report is dealt with at item 18 of this Minute.

1. DECLARATIONS OF INTEREST

None declared.

2. MINUTES

(a) EMPLOYEE JOINT CONSULTATIVE COMMITTEE 5 SEPTEMBER 2008

The Minutes of the Employee Joint Consultative Committee meeting held on 5 September 2008 were noted.

(b) **EXECUTIVE 22 JANUARY 2009**

The Minutes of the Executive of 22 January 2009 were approved as a correct record.

3. LEADER'S REPORT

The Leader of the Council submitted a report which highlighted issues he had recently been involved with including:-

His presentation to the "Aspiring to be a Head of Service" seminar on 13 January 2009; his attendance at the Community Planning Management Committee on 21 January 2009; his attendance at the COSLA Leaders meeting on 30 January 2009; and he reported on Council Tax collections and collections of Non-Domestic Rates to the end of January 2009.

Decision

To note the contents of the report for the period 24 December 2008 – 30 January 2009.

(Reference: Report by Leader of the Council for period 24 December 2008 to 30 January 2009, submitted).

4. SUPPLEMENTARY PLANNING GUIDANCE ON AREA CAPACITY EVALUATIONS

Following recommendations by the Reporter, which were accepted by the Council, a report detailing Supplementary Planning Guidance developed to provide guidance on the circumstances when an Area Capacity Evaluation (ACE) should be carried out, who should do it, what it should contain and how it should be used to inform the development management decision making process was considered.

Decision

1. To note the contents of the report and endorse the Supplementary Planning Guidance on the use of Area Capacity Evaluations in the Development Management process as detailed at Appendix A of the report; and
2. To establish a protocol for dealing with applications which require Area Capacity Assessments and the ACE which accompanies them as detailed at paragraph 2.2 of the report.

(Reference: Report by Director of Development Services, submitted)

5. REVENUE BUDGET MONITORING TO 31 DECEMBER 2008

A report summarising the Revenue Budget position of the Council as at 31 December 2008 was considered.

Decision

To note the Revenue Budget position of the Council as at 31 December 2008.

(Reference: Report by Head of Strategic Finance, Joint Report by Chief Executive and Head of Strategic Finance, Joint Report by Director of Community Services and Head of Strategic Finance, Joint Report by Director of Corporate Services and Head of Strategic Finance, Joint Report by Director of Development Services and Head of Strategic Finance and Joint Report by Director of Operational Services and Head of Strategic Finance, tabled)

6. CAPITAL PLAN MONITORING TO 31 DECEMBER 2008

A report summarising the position for all Services on the Capital Plan as at 31 December 2008 was considered. The report compared expenditure levels and project performance in terms of costs, timescale, benefits and risks. Where Services had projects classified as red then a separate report from the relevant Head of Service was also considered.

Decision

To note the Capital Plan position of the Council as at 31 December 2008.

(Reference: Report by Head of Strategic Finance dated 22 January 2009, Report by Head of Democratic Services and Governance dated 26 January 2009, Report by Head of ICT and Financial Services dated 16 January 2009, Report by Head of Community Regeneration dated 27 January 2009, Report by Head of Roads and Amenity Services dated 26 January 2009 and Report by Head of Facility Services dated 20 January 2009, tabled)

7. TREASURY MANAGEMENT MONITORING TO 31 DECEMBER 2008

A report summarising the monitoring as at 31 December 2008 of the Council's Overall Borrowing Position, Borrowing Requirement for the Year, Treasury Management Activity, and Prudential Indicators was considered.

Decision

To note the Treasury Management monitoring report as at 31 December 2008.

(Reference: Report by Head of Strategic Finance dated 30 January 2009, submitted)

8. FAIRER ARGYLL AND BUTE (FAB) PLAN

The Executive on 18 December 2008 received a report about the Fairer Argyll and Bute (FAB) Plan and the process for allocating the Fairer Scotland Fund (FSF). The FAB Partnership met for the first time on 19 December 2008 and considered the draft Plan and funding allocations within the Plan. The recommended Plan, which will form part of the 2009 Single Outcome Agreement, and FSF allocations were before the Executive for consideration.

Decision

1. To agree the scope for the Fairer Argyll and Bute Plan;

2. To approve the recommendations for the allocation of the Fairer Scotland Fund made by the FAB Partnership;
3. To note the criteria used to assess proposals;
4. To note that the recommended allocation to the third sector will be made pending agreement of detailed implementation plans with the Third Sector Steering Group;
5. To agree that work should begin now to look at the implications of historic and prospective funding circumstances; and
6. To agree that a seminar on this should be arranged for Members in the Autumn of 2009.

(Report by Chief Executive, submitted)

Provost William Petrie left the meeting during discussion of the foregoing item.

Maureen Arthur and Alison Palmer left the meeting.

9. ARTS, CULTURE, LEISURE AND SPORT

The Depute Spokesperson for Arts, Culture, Leisure and Sport submitted a report which detailed various meetings he had attended between 2 September and 15 December 2008.

Decision

1. To note the contents of the report; and
2. To agree that the Social Affairs Policy and Performance Group should look at presenting a case for the use of sports facilities within Argyll and Bute at the 2014 Commonwealth Games.

(Reference: Report by Depute Spokesperson for Arts, Culture, Leisure and Sport dated 8 January 2009, submitted)

10. STRATEGIC TRANSPORT PROJECTS REVIEW UPDATE

A report advising the Executive of the impact that the Strategic Transport Projects Review (STPR) may have on the road and rail infrastructure within the Argyll and Bute Council area was considered.

Decision

1. To note the contents of the report;
2. To delegate to the Director of Development Services, in consultation with the Leader of the Council, to draw up a list of schemes and to press to the Scottish Government, MPs and MSPs to recognise the importance of these schemes; and

3. To request that appropriate Member and Officer intervention is made to ensure that the proposals within the Argyll and Bute Council area are realised.

(Reference: Report by Director of Operational Services dated 28 January 2009, submitted)

Councillor Donald MacMillan left the meeting.

11. DRIVING IMPROVEMENTS FOR THE MANAGEMENT AND MAINTENANCE OF THE SCOTTISH TRUNK ROAD NETWORK

Transport Scotland had issued consultation documents in December 2008 seeking views of key stakeholders on the shape of the 4th Generation Term Contracts for the Management and Maintenance of the Scottish Trunk Road Network. A proposed response to this consultation was before the Executive for consideration.

Decision

To agree the response as detailed at Appendix A of the report subject to the following amendments and to instruct the Head of Roads and Amenity Services to submit this as Argyll and Bute Council's formal response to the consultation to Transport Scotland by 23 February 2009:-

1. Additional sentence to be added to the response to question 6 to read "The Council would welcome discussion on partnership arrangements that would lead to a greater collaborative framework with local authorities"; and
2. Additional sentence to be added to the response to question 11 to read "The Council believes there is a need to improve communication between Scotland Transerv and Transport Scotland with the public, communities and road users.

(Reference: Report by Director of Operational Services dated 27 January 2009, submitted)

12. ENVIRONMENT POLICY AND PERFORMANCE GROUP WORK PROGRAMME

A report summarising the key activity areas and current work programme of the Environment Policy and Performance Group was considered.

Decision

To note the forward work programme of the Environment Policy and Performance Group and that a future report on progress will be brought to the Executive in August 2009.

(Reference: Report by Chair of Environment Policy and Performance Group dated 5 February 2009, submitted)

13. ISLE OF TIREE SUSTAINABLE DESIGN GUIDANCE

Argyll and Bute Council had approved the new Argyll and Bute Sustainable Design Guidance at the Strategic Policy Committee on 21 September 2006. The most challenging component of the new guidance had been to embrace the varying and distinctive landscapes and settlements within Argyll and Bute and provide appropriate design guidance for these. In recognition of this and given the unique and distinctive landscape and built form on the island of Tiree it was determined that area specific guidance should be developed for the island which would supplement the more general Argyll and Bute guidance.

The Oban, Lorn and the Isles Area Committee, on 4 February 2009, had approved the Isle of Tiree's Sustainable Design Guidance as supplementary planning guidance and this was now before the Executive for ratification.

Decision

To endorse the decision of the Oban, Lorn and the Isles Area Committee to approve the new Isle of Tiree Sustainable Design Guidance as supplementary planning guidance.

(Reference: Report by Director of Development Services, submitted)

The Chair ruled, and the Executive agreed, to adjourn the meeting for lunch at 12.50 pm and reconvene at 1.20 pm.

David McEwan, Fiona Fisher and Councillors Anne Horn, John McAlpine, Alex McNaughton, Bruce Marshall and Ron Simon did not return to the meeting.

14. CONSULTATION ON FORESTRY PROVISIONS IN THE SCOTTISH CLIMATE CHANGE BILL

The Executive, at its meeting on 22 January 2009, had considered a proposed response to the consultation on the Forestry Provisions in the Scottish Climate Change Bill. A further report proposing the way forward on the consultation was before the Executive for consideration.

Decision

1. To note that the meeting with the Minister had been rescheduled; and
2. In light of the extended deadline, afforded to the Council, for submissions being today, to endorse the discussion paper, as adjusted and appended to this Minute, as the Council's response to the consultation and to request the Leader in addition to develop these points further at the meeting with the Minister.

(Reference: Report by Leader of the Council and Extract from Minutes of Mid Argyll, Kintyre and the Islands Area Committee of 4 February 2009, submitted)

Councillor John Semple left during discussion of the foregoing item.

15. NATIONAL PLANNING FRAMEWORK FOR SCOTLAND 2 - GRID ELECTRICITY TRANSMISSION ISSUES

The Scottish Government had issued a consultation on the National Planning Framework for Scotland 2 (NPF2) Discussion Draft in early 2008 which set out a spatial strategy for Scotland's development to 2030, providing a national strategic context for development plans and planning decisions and helping to inform the wider programmes of government, public agencies and local authorities in Scotland. The Council had made representation to the Scottish Government on a number of issues which it felt had not been fully addressed including the lack of any mention of the proposal to develop the Hunterston to Carradale sub-sea cable link, which it was felt should be included as part of the transmission system reinforcements.

A report updating Members as to the current position with regard to the NPF2 and advising Members that, given the tight parliamentary timeframe, representation had now been made to the Scottish Parliament on the specific issue of electricity grid reinforcements as contained in the NPF2, as they related to Argyll and Bute. This matter was initially raised following a debate at the Economy Policy and Performance Group on 28 January 2009.

Decision

To note that the Council has now written to the Clerk to the Local Government and Communities Committee at the Scottish Parliament and all Argyll and Bute Members of Parliament seeking the inclusion of a new sub-sea cable link from Hunterston to Carradale in the future electricity grid reinforcements identified within the National Planning Framework for Scotland 2.

(Reference: Report by Director of Development Services, submitted)

Councillor Robin Currie left during discussion of the forgoing item.

16. LOCH LOMOND AND THE TROSSACHS NATIONAL PARK CONSULTATIVE DRAFT LOCAL PLAN

A report summarising the main issues contained within the Local Lomond and the Trossachs National Park Consultative Draft Local Plan November 2008 and recommendations from the Helensburgh and Lomond and Bute and Cowal Area Committees were considered.

Decision

To agree the following recommendations and include these as the Council's formal response to the Loch Lomond and the Trossachs National Park Authority consultation on the proposed Loch Lomond and the Trossachs National Park Local Plan which ends on 28 February 2009:-

1. That Argyll and Bute Council is broadly supportive of the Loch Lomond and the Trossachs first local plan and in particular welcomes the proposed policies which accord with the aims and objectives of the Argyll and Bute Structure and Local Plans, in particular, Policies TRAN 1 and TRAN 3;

2. That the Council strongly objects to COM 2 where it seeks to prevent change of use of Libraries and Schools unless they have been marketed for such uses for 12 months, because these services are predominantly provided by local authorities within the areas which they are responsible for, as such no alternative market exists for these uses where a local authority declares them surplus to requirements due to closure or replacement;
3. That the Council object to RET1 in relation to retail development, because the lack of reference to sequential approach and definition of small scale retail development is not consistent with the approach advocated by SPP8 or the Argyll and Bute Structure Plan as it applies to the Argyll and Bute sector of the National Park;
4. To insert the word 'adverse' at paragraph 3.7 of the report, 4th sentence, so that it reads "This policy could therefore have adverse implications for services provided by Argyll and Bute Council, such as schools and libraries"; and
5. That the Council recommend that minor amendments be made to the policies on drainage and flooding in order to take cognisance of the Council's role as flooding authority as follows: ENV 12 delete last sentence and replace with "Consideration should also be given to the impact of discharging surface water from developments to any watercourse by undertaking a Drainage Impact Assessment in consultation with the flooding authority". ENV 16 – add to the end of 2nd sentence "for approval by the flooding authority" and to part b) add "(vi) Cognisance has been taken of the Association of British Insurers template of flood events for particular development risks". Reason – in order to highlight residential occupancy risks greater than normal and subsequently require more onerous storm return periods to be designed for.

(Reference: Report by Director of Development Services, Extract from Minutes of Helensburgh and Lomond Area Committee of 3 February 2009 and Extract from Minutes of Bute and Cowal Area Committee of 3 February 2009, submitted)

Councillors Alister MacAlister, Duncan MacIntyre and Al Reay left during discussion of the foregoing item.

Councillor Robert Macintyre left the meeting.

17. EUROPEAN COMMISSION CONSULTATION ON TERRITORIAL COHESION

In October 2008 the European Commission launched its Green Paper on Territorial Cohesion for consultation amongst EU member states. A draft response to this consultation along with a recommendation from the Economy Policy and Performance Group was considered.

Decision

To approve the draft response subject to the following amendments:-

1. Reference should be made within the response to the Council's preference for co-terminosity; and

2. In light of the stance taken by the CPMR, to add a paragraph referring to the Council's desire to see improved grid connections and pricing structure.

(Reference: Report by European Manager and Extract from Minutes of Economy Policy and Performance Group of 28 January 2009, submitted)

18. DUNOON HOSTEL - UPDATE ON INCREASED COSTS OF FIRE SAFETY UPGRADING WORKS

A report seeking funding to cover the cost of additional works identified following an inspection by the Care Commission on 16 January 2009 was considered.

Decision

To approve the additional £135,000 required to complete this project to the appropriate standards to be vired from elsewhere within the Community Services Block Allocation for 2009/2010.

(Reference: Joint Report by Director of Community Services and Director of Operational Services dated 19 February 2009, tabled)

The Committee resolved in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973 to exclude the public for the following 4 items of business on the grounds that they were likely to involve the disclosure of exempt information as defined in Paragraphs 1; 1; 8 and 9; and 6 and 9 respectively of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.

19. CHIEF EXECUTIVE'S UNIT: FUTURE STAFFING FOCUS

A report inviting the Executive to endorse a significant development of direction in the delivery of the Chief Executive's function to secure and lead improvement in light of the Council's approval of the Improvement Plan on 22 January 2009 was considered.

Decision

1. To endorse
 - a) The arrangements as set out in Appendix 1 to the report;
 - b) A reconfigured post of Head of Improvement and HR; and
2. To appoint a Recruitment Panel comprising the Leader, the Depute Leader, Councillor Ellen Morton, Councillor Alison Hay and 3 other Councillors, to be notified to the Director of Corporate Services by the Leader, to short list, interview the short listed candidates and make an appointment to the reconfigured post of Head of Improvement and HR.

(Reference: Report by Chief Executive dated 10 February 2009, submitted)

20. BEST VALUE REVIEW OF PROTECTIVE SERVICES AND LICENSING FUNCTIONS

A report on the outcome of the Best Value Review of Protective Services, Licensing and support services function in Legal and Protective Services was considered.

Decision

1. To approve the report and action plan arising from the Best Value Review; and
2. To approve the approach to implementing the action plan outlined in paragraphs 3.5 – 3.8 and appendix 1 of the report and the arrangements set out therein.

(Reference: Report by Director of Corporate Services dated 9 February 2009, submitted)

21. FLEXIBLE NEW DEAL

Delivery of the Government's service to the unemployed is undergoing significant change. This service is currently delivered via a series of tendered contracts which include New Deal. As part of a streamlining and simplification exercise, the Department of Work and Pensions is introducing a new approach to delivery called Flexible New Deal. This will consolidate a large number of existing individual contracts for different types of support thus reducing the number of contractors who deliver this service. The Council's Employability Service is one of 15 Prime contractors in Scotland and delivers services to the unemployed in Argyll and Bute and West Dunbartonshire. The Employability Service approach to delivering support to clients is recognised across Scotland as best practice. A series of papers have been considered by the Economy Policy and Performance Group giving a range of options for the Council's approach to New Deal changes. The PPG is recommending to the Executive that the first stage in a tendering process be approved by the completion of a Pre Qualification Questionnaire (PQQ) which must be submitted by March 2009.

Decision

1. To approve the submission of a PQQ as the first non-binding stage of a tendering process; and
2. To agree to consider a further series of papers on Flexible New Deal detailing the resources required and risk associated with the tendering process and subsequent service delivery if successful.

(Reference: Report by European Officer and Extract from Minutes of Economy Policy and Performance Group of 28 January 2009, submitted)

22. LEASE OF SITE AT DUNOON STADIUM

A report advising the Executive of a request for lease of a site at Dunoon Stadium was considered.

Decision

To agree the recommendation as detailed in the report dated 10 February 2009.

(Reference: Reports by Director of Corporate Services dated 26 January, 3 February and 10 February 2009 and Extract from Minutes of Bute and Cowal Area Committee of 3 February 2009, submitted)

Appendix

IEWS OF ARGYLL AND BUTE COUNCIL FOR DISCUSSION WITH THE
MINISTER FOR THE ENVIRONMENT
ON THE CONSULTATION PROPOSALS ON FORESTRY PROVISIONS IN
THE SCOTTISH CLIMATE CHANGE BILL.

1. We appreciate this opportunity to have a discussion with the Minister on the consultation on forestry provisions in the Scottish Climate Change Bill.
2. Our request for this meeting follows our not being formally consulted, as part of the process and our need to secure further detail. We fully recognise that a number of principles require to be established to take forward the proposals but understand that many of the respondents to the consultation have expressed concerns on the lack of detail.
3. As a Council we are aware that there exists significant opposition and objection to the principle of the proposal from Forestry Trade Unions and from communities as well as community council representatives
4. Our Council recognises that the purpose of the consultation is to seek views on the use of a proposed measure in the Scottish Climate Change Bill that would give Scottish Ministers powers, through secondary legislation, to modify the functions of the Forestry Commission in Scotland where necessary or expedient, to address climate change and to provide greater flexibility in maximising the potential of the National Forest Estate to help combat climate change. However, the ability of the proposals to deliver the desired outcomes is uncertain given the lack of detail. In addition consideration of other solutions does not appear to have taken place.
5. Our Council further recognises that the Scottish Government places a high priority on the efficient management of its capital assets and that the National Forest Estate is the single largest public land resource held by Scottish government. It has a capital value estimated to be around £850 million and delivers a wide range of benefits, including the production of timber for Scotland's wood processing industries, opportunities for education, recreation, wildlife conservation, community engagement and partnership working.
6. Argyll and Bute Council noted the following in respect of forest expansion in its response to the consultation on the SFS in 2006 – *“The Draft Scottish Forestry Strategy has set a target of 25% of woodland cover by 2050 from the current level of 17½%. Currently the Argyll area has approximately 30% of its area covered by forestry, exceeding the Scotland wide target and contains over 20% of Scotland's broad leaved woodland. Any proposed increases in forestry in the Argyll and Bute area need to take the existing high levels of forestry into account. It is proposed that the detailed delivery of this Scottish Forestry Strategy target should be dealt with through the Regional Forestry Forums and Indicative Forestry Strategies (IFS), in order that appropriate account can be taken of local circumstances. The element of local accountability which IFS provide has been noted as valuable by the*

Scottish Ministers and should be recognised in the Scottish Forestry Strategy. An IFS is an important reference source across a range of forestry decisions including targeting.

7. *Another target is a sustained level of production by 2025. It should be noted that timber production is set to double in the next decade in Argyll. Consideration requires to be given to the infrastructure issues which are particularly acute in Argyll. Currently, assistance is primarily targeted to Trunk roads whereas it is the fragile rural roads which are liable to bear the brunt of sustaining this increased level of production. Pressure on the more fragile rural areas could conflict with the Scottish Executive policies in terms of the environment and tourism.”* Given the above the significance of this issue to the people/communities of Argyll and Bute can be appreciated; especially when considering that 25% of this will be the subject of this consultation.
- 8 Increased forest traffic impacts on and increases deterioration of our fragile rural roads which will require increased Government support to sustain that local road network.
8. At this point in time in view of the lack of detailed information we are aware that there is much public concern regarding the potential economic, social and environmental impact of what is proposed here, with many public meetings taking place across Argyll and Bute. There is therefore an urgent need for further and informed comment.
9. We are aware of the views being expressed on the consultation, especially the plausible submission from the Forestry Commission Trade Unions and those from the forest industry operating in the Argyll and Bute area. We hope that all will be very carefully considered, with information, conditions and assurances provided that recognise all the important points being made.
10. A number of issues raised within the consultation are worthy of discussion here today :-

Joint venture

12. The issue of joint venture, which we generally support with the proviso that all relevant European, national and local policies are addressed. Further, that consideration being given to National Forest Estate (NFE) continuing to play a leading role in delivering on climate change, as well as recognition of the many joint venture arrangements currently in place, and promoted by Forestry Commission Scotland.

Leasing of land

13. The issue giving cause for real concern and opposition by many, is the proposal to pre-selling of the Forestry Commission timber reserves through a land- lease proposal. Part of this concern relates to the possible loss of a long term income stream that the Forestry Commission relies on to deliver much of its conservation, education and recreation programmes. There are questions around the lack of evidence to support the value of leasing or cutting rights on large areas of FCS land. We understand that the removal of

100,000ha of the most commercial areas from FCS management (approx 25% of the NFE woodland cover) is equivalent to removing nearly 35% of the income from FCS. If correct then careful consideration will require to be given on the impacts of this.

14. Further careful consideration needs to be given to the various points raised by the Forestry Commission Trade Unions in their submission at section 9, relating to the potential disadvantages to Scottish Government and the Forestry Commission. They illustrate previous bad experiences by other governments with; leasing, the change in emphasis in forest policy over recent years, the value of any leasing and its relationship to capital values, rotation lengths and improved carbon sequestration, the issues around impacts on staff, future employment and its sustainability, the lack of flexibility to redeploy staff, maintaining the commitment to no compulsory redundancies, and as a result provide safeguards/resources to FCS on the likely future cost implications of all of this.
15. The Council shares the concern regarding future employment in Argyll and Bute in the forestry sector which employs a significant number of people; in particular the remoter, rural and island areas. The Council expects that should future leasing arrangements go ahead they will not compromise the ability of the FC to continue to run the Modern Apprenticeship Schemes. It is unclear how this would be achieved with the significant reduction in income.
16. Further detail needs to be provided regarding the benefits and any disbenefits of a leasing arrangement in a transparent way through ongoing dialogue with all interested stakeholders. There will need to be clearer demonstration of contractual conditions that safeguard the public and their concerns.
17. Argyll and Bute Council will require further detail with cast iron guarantees, through contractual conditions, that in the event of a leasing arrangement and the generation of £200m, that a significant proportion of this will be spent in Argyll and Bute to deliver the objectives of the Single Outcome Agreement..
18. Consideration being given to the provisions for land management, infrastructure deterioration and flooding issues, as a consequence of leasing, must ensure no detriment from the proposals impacting on communities and individuals. It is unclear what consideration was given to other methods of achieving the desired outcomes.

Trusts

19. There are questions around the need to form Trusts to hold funds.
20. It has been suggested that Scottish Government could give Forest Enterprise "trading status" and allow it to hold over such funds for the purpose of climate change. This may provide for greater flexibility.

General re questions 4, 5, and 6.

21. Argyll and Bute Council, in partnership with the Forestry Commission and Scottish Enterprise Forest Industries Cluster, are currently commissioning a new Indicative Forest Strategy (IFS) for Argyll and Bute, excluding the loch

Lomond and Trossachs National Park.

22. This strategy is looking at all aspects of the future of forestry (private and public), as it affects our area, including for example; identifying new afforestation opportunities, the incorporation of renewable energy (biomass), tackling timber transport issues and the development of forest crofts. This will accord with Circular 9/1999 (currently being revised by the Scottish Government) and the Scottish Forestry Strategy aims. Given the lack of detail it is unclear if the ability to deliver the outcomes identified in the locally developed IFS will be compromised.
23. A major concern already identified is the fact that over 90% of the existing forest product is exported from our area, normally by road, with no added value being applied. If this situation is allowed to continue then the expansion of forestry will simply add to the emissions generated by this transportation method and will significantly impact on climate change. This reinforces the point that although there are costs to Argyll and Bute there is a need for added value to be invested in the communities of Argyll and Bute.
24. It is our belief that the future forest management policy should be integrated with the broader land management pattern and spatial planning objectives. The importance of climate change must be assessed in context with other objectives such as the need for reducing transport and producing food locally. The IFS is one way of achieving this.
25. The Scottish Rural Development Programme (SRDP) was recently agreed with the European Union but the level of support, particularly relating to forestry and agriculture, was limited. A report of the Royal Society of Edinburgh's Independent Inquiry into the future of Scotland's hills and islands sets out very clearly the issues preventing the achievement of Scottish government targets for woodland expansion. The IFS is one vehicle for improving take up of SRDP related to increasing /enhancing forestry and woodlands.
26. There is an urgent need to ensure the sustainability of population and employment in rural areas. The allocation of additional resources to those which are currently approved to help achieve woodland expansion and targets, as well as to sustain agricultural activity in all our remote, rural areas of Scotland requires endorsement by the EU.

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**MINUTES of MEETING of SPECIAL COMMITTEE FOR OLDER PEOPLE'S SERVICES held in
the BOARD ROOM, SCOTTISH NATURAL HERITAGE, KILMORY INDUSTRIAL ESTATE,
LOCHGILPHEAD
on THURSDAY, 26 FEBRUARY 2009**

Present: Councillor Dick Walsh (Chair)

Councillor George Freeman	Councillor Ellen Morton
Councillor Donald McIntosh	Councillor Gary Mulvaney
Councillor Robert Macintyre	Councillor Len Scoullar

Also Present: Councillor Elaine Robertson

Attending: Douglas Hendry, Director of Community Services
Jim Robb, Head of Adult Care
David Logan – Quality Information Officer – Special Projects
Chris Dalgarno-Platt, Finance Manager – Special Projects
Joanna Miller, Finance Manager – Community Services

1. DECLARATIONS OF INTEREST

None declared.

2. MINUTES

The Minutes of the Special Committee for Older People's Services of 13 August 2008 were approved as a correct record.

3. REPORT ON REVIEW OF OLDER PEOPLE'S SERVICES WITH APPRAISAL BRIEF

A report updating Members in regard to the options appraisal process in respect of the Review of Older People's Services was considered.

Decision

1. To note the contents of the report;
2. To request that a further report detailing the rationale and thought processes behind the scoring of all options be prepared and presented to the next meeting of the Project Board before any decision is taken;
3. To note that Financial appraisal on the recommended options contained within this report will commence and will be due for completion by July 2009. However, the Project Team may undertake further financial appraisals on other options if required, following discussion of the further report detailing rationale of scoring of all options;
4. To note that a presentation will made to the Project Board explaining the process followed in scoring of all options; and

5. To agree that consultation with Community Care Fora should be undertaken to seek their views on criteria used for short-listing of options.

(Reference: Report by Director of Community Services, submitted)

4. REPORT ON PROPOSED CONSULTATION IN REVIEW OF OLDER PEOPLE'S SERVICES

A report setting out the proposed format for the public consultations that will be held in regard to the emerging options for the re-design of older people's services in Argyll and Bute was considered.

Decision

1. To note the contents of the report;
2. To note that the Head of Service and Managers will meet with staff on an ongoing basis to keep them advised of the process;
3. To note that individual briefing sessions will be held for Elected Members, MPs/MSPs and the press;
4. To note that formal views will be requested from the CHP, Community Care Fora and Community Councils; and
5. To note that local radio will be used to publicise this exercise.

(Reference: Report by Director of Community Services dated February 2009, submitted)

5. REPORT ON PROGRESSIVE CARE PILOT

As part of the Expressions of Interest sought for Older People's services in July 2007, contact was made with providers of Sheltering Housing to ascertain their interest in developing Sheltered Housing complexes to offer Progressive Care facilities and the Special Committee for Older People's Services agreed, at its meeting on 24 June 2008, that the scoping out of 3 pilots be taken forward in the areas with a current gap in provision. A report providing detail of the work carried out to date in the scoping out of these pilot projects was considered.

Decision

To note the content of the report detailing the scoping work carried out to date and agree the Project Plan detailed in Appendix 1 of the report.

(Reference: Report by Director of Community Services, submitted)

6. REPORT ON REVIEW OF LEARNING DISABILITY SERVICES WITH APPRAISAL BRIEF

A report updating Members in regard to the options appraisal process in respect of the review of Learning Disability Services was considered.

Decision

To note the contents of the report and that initial consultation will be carried out with Learning Disability groups.

(Reference: Report by Director of Community Services, submitted)

7. REPORT ON PROPOSED CONSULTATION IN REGARD TO LEARNING DISABILITY SERVICES

Following on the consultation exercise undertaken in the Review of Older People's Services, the Learning Disability Project Team have identified the need for a series of initial consultation events across the Council area in advance of any further formal consultation process that will follow during the review process.

Decision

1. To note the contents of the report;
2. To agree that five initial consultation events be undertaken to inform both the Project Board and Project Team of the views of service users and carers prior to the short listing of options;
3. To appoint Alex Davidson to co-ordinate these events; and
4. To undertake a review of Fyne View Respite House within the Learning Disability options appraisal. Consequently all client groups will be consulted as part of the consultation process.

(Reference: Report by Director of Community Services dated 19 February 2009, submitted)

8. REPORT ON NOMINATIONS TO THE PROJECT BOARD IN RESPECT OF LEARNING DISABILITY SERVICES

A report seeking approval of nominations to the Learning Disability Project Board was considered.

Decision

1. To note the contents of the report;
2. To invite the two identified nominees to become members of the Project Board; and;
3. To instruct the Head of Adult Care to seek to identify and appoint, from the nominations received, an additional representative from the Helensburgh and Lomond area and to report back to the Committee if unable to do so.

(Reference: Report by Director of Community Services, submitted)

9. DATE OF NEXT MEETING

To agree that a further meeting be arranged within the next 6-8 weeks in order for the Project Board to give further consideration to the Older Person's options appraisal.

LEADER'S REPORT: 30 January- 30 February

ARGYLL AND BUTE COUNCIL EXECUTIVE MEETING: 19 March 2009**1. Launch of National Books of Scottish Connection, 6th February**

I was delighted to be able to give the official welcome to everyone who attended this historic day at Kilmartin Museum on Friday 6th February and together with Jim Mather, Minister for Enterprise, Energy and Tourism, launch the national Book of Scottish Connections.

The Book of Scottish Connections will record the; births, deaths, marriages and civil partnerships; involving Scottish people, that take place outside of Scotland. Lolita and David Lavery from Campbeltown were presented with the first ever certificate from the book by Jim Mather MSP, following their marriage in South Africa.

Lolita is originally from Cape Town and moved to Scotland to trace her roots, meeting David in the process. The couple had since set up Kintyre's only 5-star guest house and are expecting triplets in July.

It gave me great pleasure to present David and Lolita with a commemorative bottle of Springbank Whisky, which was very kindly donated by the distillery.

I feel that The Book of Scottish Connections is an extremely important document and to be able to launch it at Kilmartin was a great honour, especially during this Year of Homecoming Scotland. It was a most fitting location for such an event given the historic significance of Dunaad.

The book will enable the Scottish diaspora to establish their link to Scotland in a new public record and to obtain a copy of the entry for commemorative purposes. Although the Book of Scottish Connections will have no legal standing, applications will be rigorously checked to ensure their authenticity and will help generations to come to trace their Scottish roots.

I was so pleased that the very first entry in the newly created register would feature an Argyll and Bute family and felt proud that one of our historic locations had been selected for the launch

2. Process for Change Up-Date, High Level Design, 24th February

I was pleased to introduce the update seminar for the Process for Change, the purpose of which was to share the results of the high level design phase of the process and consult on which of the seven identified themes should be progressed to the next "detailed design phase".

The Council received £150,000 at the end of last financial year towards completing the National Shared Services Diagnostic. This was completed and reported to Council on 2nd October 2008. The Council decided to take forward 7 themes for further investigation, as an integrated programme and allocated funds of £221,000 for this high level design stage. This programme was branded "Process for Change" with myself as Sponsor for the overall programme along with the Chief Executive.

The high level design stage has now been completed and the results of this were disseminated at the seminar. The Project Managers discussed their respective themes in turn giving an overview of what the future design would look like and showed us their re-worked business cases.

After hearing about each theme, members were asked to decide which of these they would like to have progressed to "Detailed Design". This would be the stage of the process in which; process maps for service redesign would be produced identifying which posts would be affected, developing criteria for any new system specifications, and determining any changes required to premises, etc.

Having decided which themes we would like to take forward to detailed design, we would then have to; consider the costs involved, how we would fund this further work and ensure we have the capacity to go forward from detailed design to implementation.

The Process for Change is not just about service delivery and where monetary savings can be made. It is about how we as representatives of Argyll and Bute Council can provide a better services to the people we represent.

Now that the themes have been discussed at this forum, there is a short time available to review and amend proposals before they go to Council formally for consideration on 5th March.

Members were asked to consider if this was sufficient time or whether we needed longer to consider the issues.

3. Economic Summit 2009

On 25th February, I gave the welcome at the Argyll and Bute 2009 Economic Summit, which was hosted in our own Council Chamber.

The attendees on the day were a broad representation of businesses from across the area who had come together to listen to our speakers, share thoughts and discuss the challenges and opportunities facing businesses in Argyll and Bute.

Since the previous Economic Summit, just over a year earlier, a lot had changed in the national and global economic arena with the result that everyone now faced financial challenges. This was reflected in the presentations from the speakers who included; Liz Cameron (Chief Executive, Scottish Chambers) David Douglas,

(Regional Director, Clydesdale Bank Plc) and David Sutherland (Chairman, Tulloch Group Plc). Our Chair for the day was Mr. Michael Levack, Chair of the Scottish Building Federation, the leading trade body for the Construction Industry in Scotland.

I described how Argyll and Bute was doing everything possible to work with partners to remain in-tune with the needs of communities and businesses and respond positively to this sudden and increasing downturn in the prospect for growth and jobs.

I spoke about how Argyll and Bute Council had welcomed the recognition given to Local Government by Scottish Government, especially the acknowledgement of the important part that we play in the governance of Scotland and the potential that we have to influence the economic health of our area.

I described how Argyll and Bute Council values partnership working, as we see it as the only way forward for the development of our communities and businesses in such times. Also our overall approach this year being to deliberately align our budget processes with opportunities for delivering sustainable economic growth.

I continued in some detail with the specific examples of the investments the Council had committed to including:-

- our £30m+ programme of major realm works which would be delivered through the CHORD programme,
- our future in the retention and development of wind energy manufacturing processes for Kintyre with announcements likely in march,
- £50m already spent and £34.7m to be invested on road and transport related infrastructure improvements in Argyll and Bute (egg through the development of Airport and Harbour projects),
- and our commitment to the establishment of the new in-house Business Gateway service proposed for April to act as a key means for improving our engagement with the local business community through a “one door approach” to business advice and information.

I explained that it would be most important, looking to our shared futures, to maintain dialogue with Chamber of Commerce, the Federation of Small Businesses and other key partners in order to promote services more effectively and adjust them to meet business need where possible.

In the area of planning, which was highlighted as an issue at the previous Economic Summit, I explained how we had been working to influence the government’s Planning Reform Agenda and remain committed to improving the processes and timescales for planning approvals and the production of our Local Development Plan.

I confirmed the Council’s commitment to pursuing the six elements of the Government’s wider economic recovery programme:-

- Reshaping capital spending plans
- Ensuring all government activity, including on planning regulation, supports economic development
- Intensifying activity and support for tourism and homecoming 2009
- Intensifying work around energy efficiency and fuel poverty
- Increasing advice to business and individuals
- Improving advice to vulnerable individuals.

In addition, I explained that we are ensuring that we access maximum external funding, especially from Europe, for Argyll and Bute's continued development.

I concluded, my presentation by explaining that Argyll and Bute Council views investment in the local economy as being crucial to supporting local business, as well as in supporting and developing communities. The Council's actions to date, clearly demonstrate that we have initiated imagination as well as innovation and that;

- We have the determination and the in-built flexibilities to succeed,
- That we are in-tune with all that the Government's Economic Recovery Programme requires and that we have responded appropriately,
- And importantly, that what we propose meets with the needs of our communities and businesses

We are clear, as a council, we can only be successful in achieving our goals by continuing to work in partnerships that include a broad range of local businesses.

4. Dunoon - Gourock Ferry Crossing Meeting between Inverclyde Council, Argyll and Bute Council and Scottish Government, Friday, 20 February 2009

I attended the above meeting at the Municipal Buildings, Greenock. Also in attendance on the day from Argyll and Bute Council were; Councillor Duncan McIntyre (Transport Spokesperson), Moya Ingram (Transportation Manager), Robert Pollock (Head of Economic Development & Strategic Transportation) From Scottish Government were; Graham Laidlaw (Transport Directorate), Judith Ainsley (Transport Directorate), Alan McPherson (Transport Directorate). From Inverclyde Council were; Councillor Terry Loughran, Councillor George White, Councillor Ronnie Ahlfeld, Aubrey Fawcett (Corporate Director, Regeneration & Resources). We received apologies from Jim Mather MSP, Councillor Jim Clocherty and Councillor Robert Moran

Graham Laidlaw outlined the roles and responsibilities of the other Scottish Government staff in attendance; Alan McPherson would be leading on policy development and dealing with the Commission and Judith Ainsley would be leading on Ferries Review and tendering. He also updated the meeting on action taken; meetings and correspondence, since the previous meeting, including some detail on the broader Ferries Review issue.

I took the opportunity of emphasising the importance of any tendering process specifying a combined vehicle and foot passenger service and asked if this could

now be taken forward. Aubrey Fawcett endorsed my view, indicating that he had concerns about the matter being delayed any further, stating that the two Councils were looking to the Scottish Government to be proactive on this matter. I asked that the Scottish Government consider an options exercise.

The main outcomes from the meeting were as follow:-

- Councils would provide an economic overview to the Scottish Government within next 2 weeks. Robert Pollock and Aubrey Fawcett would liaise accordingly.
- Scottish Government would consider how a tender brief could be developed and would organise a follow-up meeting with officers from the two Councils to discuss.
- Scottish Government would arrange for all to meet again in late March after a planned mid March meeting between the Commission and the Scottish Government.
- That all of the above actions would be carried out in a manner supportive of a fully open tendering process

Another meeting is to be arranged by Graham Laidlaw and held in Inverclyde.

5. Older people and learning disability project board at SNH Boardroom

I chaired a meeting of the Project Board with responsibility for oversight of the reviews of Learning Disability, and Older People's Services which the Council has agreed should be carried out.

The Project Board includes; representatives from Health, service users and their carers. A considerable amount of work has been carried out in recent months, in terms of developing options/proposals for both service areas.

There was considerable discussion at the Project Board, about the need for good communications in relation to these matters, and briefings on progress will be put in place for Members, and indeed for other interested parties, over the next two to three months.

6. Demonstration Project Board Meeting- Harnessing the Potential of the 3rd Sector to Help Achieve Council's Corporate Objectives, HIE Office, 26th February 2009

On the above date, I chaired the first meeting of the second phase of the Demonstration Project Board. There were two main items discussed on the day; Dialogue with Partners Brief and the Demonstration Project Action Plan.

The Demonstration Project has finished its first phase of research and we are now ready to have a dialogue with our partners on findings from Phase 1 of the Project and the proposed follow-up actions. This dialogue will take place through the

months of May, June and July 2009. The resulting feedback will be incorporated to ensure that the proposed actions are fit for purpose. The first stage of this work will be to look at our own internal processes by speaking with Officers and others within the Council who work with the Third Sector, to find out what tools and information they use to engage with the Third Sector. Likewise, we will also be speaking with our colleagues in Health, Enterprise and Third Sector Intermediaries. This information will then be used to further inform the Project's work.

A number of milestones, roles and responsibilities were agreed at the meeting and the project's progress will be reported to the board on an on-going basis.

An unscheduled item which arose as a result of an earlier meeting with Kate Braithwaite of the Carnegie UK Trust was the possibility of Argyll and Bute participating as one of five UK National Third Sector Flagship projects. I hope to be able to bring more information to the Executive Committee in a future next Leader's Report.

7. Council Tax

Council tax collections to end of January for 2008/9 are 94.84% - now exactly the same as last year. By contrast at the end of January we were down 0.07%. The improvement in December was in part due to re-instatement of discounts which had been removed at the end of November and adversely affected that month's stats. Overpaid accounts are still lower than the previous year's so we actually have a very slight increase in performance. Current year sheriff officer payments are still up on last year's now equating to c 0.13%.

We are now monitoring collections on a weekly basis and as at 6 March 2009, for 2008/9 they are now at 95.12% up 0.34% on last year's. This is encouraging. Statistics over the last few weeks are quite volatile as payments start to come in for the new year following annual billing – in the past payments via post offices all defaulted to the current year. We have gone live with a new cash receipting system which we believe will not have this particular problem. No doubt there will be others instead.

Collections for the 2007/08 year are now 96.92%, down 0.03% on last year's at this time. Sheriff officer collections for February for all years were £186,788 – down £19,000 on last February's. For January and February together, we are now down £77,000 of the previous year's – a reduction of nearly 17%.

A presentation to prospective tenderers in respect of the sheriff officer tender was held on 26 February. Responses are due by 26 March.

Collections of Non-Domestic Rates to the end of February for 2008/9 are 103.89%, 6.91% up on this time last year. This is due to overpayments of £1,676,091 the majority of which relates to NBC Clyde Properties as they have asked us to retain these monies to offset against next year's rates. Excluding overpayments, collections would be 97.25%, an increase of 0.27%. Collections for 2007/8 are 104.60%, again overstated by overpayments majority of which also relates to NBC Clyde Properties. Substantial overpayments will be a continuing feature of the NDR

statistics over the remainder of the year. Across all years back to 1 April 2005 the overpayments due to NBC Clyde Properties amount to £5.2m. plus interest. They have now requested that we make the repayment to them in respect of Faslane, but not for Coulport or Glendouglas. A repayment of £2.87m will be made.

Councillor Dick Walsh
Leader of the Council
12 March 2009

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Community Services

Spokesperson's Report – Education and Lifelong Learning

1. Toward Primary School Win Solar Panels

I am proud to announce that Toward Primary School has become one of the first schools in Scotland to be rewarded with state-of-the-art solar panels by Scottish Gas for its exemplary green behaviour as part of the nationwide schools programme, Generation Green.

Generation Green provides schools with specially designed learning materials and rewards them for taking simple energy saving steps. Schools are given a 'Leaf Goal' and earn 'Green Leaves' for undertaking specific environmental related tasks.

Of the almost 9000 schools now taking part in Generation Green, solar panels are reserved for the very keenest and greenest schools, such as Toward Primary. Solar panels are awarded to the first 10 primary and the first 10 secondary schools that reach their Leaf Goal.

Toward Primary pupils had done tremendously well to win solar panel for their school and I would like to take this opportunity to thank all the children for their hard work and also the Head Teacher, Cathleen Russell, and the community for enabling a small school like Toward to compete on a national basis. Congratulations to all involved.

2. Visit to Tiree High School

On 1st December I travelled to Tiree with Robert Grant, Head of Secondary Education, and Malcolm MacFadyen, Head of Community Regeneration, to view the improvement works that are taking place at the school through the Capital Programme. A number of upgrades will be taking place at the school, particularly within the Science department.

I enjoyed the opportunity to visit Tiree High and was impressed with the schools ability to deliver a range of subjects at certificate level.

3. Dunoon Grammar School (DGS) TV

On Friday 16th January 2009 Dunoon Grammar pupils launched their own groundbreaking TV station. DGS TV was set up by the pupils in a purpose built studio within the school, using virtual studio technology.

The flagship show for the station will be a weekly magazine-style show featuring news, views, music acts and competitions, which will be broadcast within the school using plasma televisions and multimedia projectors.

At the launch pupils showed their support to Homecoming 2009 by recording their own version of the current television advert, using Dougie MacLean's 'Caledonia' song and images of Dunoon.

I was very impressed by the organisation of the event by the pupils and also the showcase of talents that were on display at the launch. It was a wonderful day for the pupils at DGS and is an initiative which will benefit children for years to come.

4. Oban High School – Cashless Catering

Wednesday 4th February 2009 saw the official launch of Cashless Catering at Oban High School. I, along with all the Oban, Lorn and the Isles Councillors were invited to attend this event.

Many other schools across Argyll and Bute already have this system in operation and now Oban High School can experience the benefits of Cashless Catering. Instead of handing over cash each pupil will have a personal card which identifies his/her Cashless Catering account. Pupils who carry Young Scot Cards will be able to use these and those pupils who opt out of Young Scot will be issued with a Cashless Catering only card.

The cards can be credited with money in a number of ways, for example, by using the "top up" machines which are conveniently located within the school or by parents issuing the school with a cheque.

Schools which operate a Cashless Catering System benefit greatly over those using the traditional cash payment. Benefits include;

- Reduces the need for children to carry cash on a regular basis, which results in a reduction of theft and bullying
- Pupils entitled to free school meals use the card in the same manner as everyone else which eradicates the stigma that some pupils experience
- Service will speed up in the canteen, giving pupils more time to enjoy their lunch
- Restrictions can be placed on card to prevent your child from buying particular food types

5. Argyll and Bute Schools Concert Band

The Argyll and Bute Schools Concert Band played in Rothesay Joint Campus on 16th February and in Dunoon Grammar School on 17th February. I was invited to deliver the vote of thanks at the event in Rothesay and was very impressed by the array of performances that were on display throughout the evening. I took the opportunity to thank all the pupils from across the different secondary schools and also Kathryn

Wilkie, Education QIO, who contributed greatly to the organisation of this event, which is logistically challenging.

6. Examination Results 2008

The examinations results for Argyll and Bute have been published for a while now but I have not had the opportunity to personally congratulate the schools in their continued level of high performance in national qualifications. The authority is above or equal to the national and “family” (Angus, Dumfries and Galloway, Highland, Scottish Borders and South Ayrshire) averages in all but the Advance Higher category, where there was a decrease over the record figure of 2007.

Argyll and Bute schools continue to demonstrate strong performances across most of the national qualification measures and I commend all education staff for their hard work and dedication in securing continuous improvement within the authority.

**Councillor Isobel Strong
Education and Lifelong Learning Spokesperson
March 2009**

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Community Services Spokespersons Report – Social Services

1. Into the Spotlight – Housing, Homecare and Community Health Services Event

On 2nd December 2008 I attended the above event with the Head of Adult Care, which was held in the Crieff Hydro Hotel, Perthshire. This COSLA ran conference was set up to address the ways in which housing, care and health services can work in partnership to enable people to remain in their own home. The drive for more flexible services and increasing quality will impact on future service delivery across each of the sectors, which when coupled with the ageing population provides and even greater challenge.

A number of key speakers from each of the sectors were in attendance to discuss and explore any future developments and how a more integrated approach can be taken to deliver sustainable outcomes. Speakers included;

- Nicola Sturgeon MSP, Deputy First Minister and Cabinet Secretary for Health and Wellbeing, who spoke about the importance of care at home and the delivery of “Better Health, Better Care”
- Councillor Ronnie McColl, COSLA Spokesperson for Health and Wellbeing, who delivered a presentation entitled “Excellence in care at home requires excellence in partnership working”.
- Peter Gabbitas, Director of Health and Community Services, Lothian CHP, spoke in regard to the delivery of joined up care and how a more innovative and integrated approach can be taken.
- Colin Mair, Chief Executive, Improvement Service, and Mike Foulis, Director of Housing and Regeneration, Scottish Government, jointly delivered a discussion on “What makes a good health, housing and social care partnership.

In addition to the above speakers, there was a huge array of workshops arranged throughout the day, covering all aspects of care and housing. This was a very well organised event which I was pleased to attend as I found it very informative and was impressed by the diverse range of speakers who presented on the day.

2. Argyll and Bute Alcohol and Drugs Action Team Lead Officers Group (ABADATLOG)

I attended a meeting of ABADATLOG which was held at Dunoon Police Station on 12th December 2008. One of the items on the agenda was an update on the coordinator post which has now been advertised and which is likely to be based in either Lochgilphead or Helensburgh. There was also a lengthy discussion in regard to funding and how this was being spent. Arising from this a meeting was arranged with Shona Robison to discuss this issue further – see item 6 below.

3. Argyll and Bute Health and Care Strategic Partnership Committee

I attended a meeting of the Strategic Partnership on 19th December 2008. At this meeting the role of Chairman was transferred from Bill Brackenridge over to myself, unopposed. Other items of the agenda included;

- Re-design of older peoples services – it was advised that the Council have been leading on this project and a short list of options have now been completed and scored, which will be presented to the Project Board at end February 2009, coming to the Partnership thereafter.
- Delayed Discharge – the figures for the November census were discussed and it was noted that there are 71(x) issues particularly in Oban and Mid Argyll, Kintyre and Islay, where there are bed capacity issues.
- Integrated Occupational Therapy Service – discussion took place around the care management role of OT's and what measures can be taken to reduce the waiting list. It was noted that a training and implementation plan would be used to address waiting list issues. This has been piloted in Bute and Cowal with positive results.
- Jeannie Deans Unit – it was reported that work commences in January 2009 and should be ready for completion in June 2009, with an audiology and dental facility completed by end July 2009.

4. SWIA Interview

As part of the follow up inspection program I was interviewed on 6th January 2009, where a number of issues were discussed, including the re-design of older people's services, mental health, learning disability and the communication of changes to staff and partners.

5. COSLA Executive Group – Health and Wellbeing

I attended a meeting of the COSLA Health and Wellbeing Executive Group on 26th January 2009. A number of policy development issues were discussed at the meeting, including;

- Towards a Mentally Flourishing Scotland – a report was put before the group outlining the Scottish Governments proposals for a new action plan for mental health improvement. This policy will include action to promote and protect mental wellbeing, reduce the prevalence of mental health problems and support those experiencing mental health problems and mental illness. The proposed action plan will set out how we build on current success from now until 2011 and beyond, looking at strategic priorities and the infrastructure and support that Government will put in place to help facilitate implementation and delivery.
- Review of Older People's Care – an update on the preparatory work that COSLA has undertaken in pursuit of the reform of older people's

care was circulated to the group. This paper has been developed in reaction to the demographic changes that are taking place/impending. The group endorsed the recommendation to have a national debate about the future of older people's services, using post Sutherland work to facilitate this, and agreed the forward activity to be carried out by COSLA.

Other topics discussed were; the health of the working age population, including the promotion of healthy working lives; the recent launch of the continuous learning framework; and an update on a number of ongoing/completed consultations in regard to health and wellbeing.

The next meeting is scheduled for 16th April 2009.

6. Meeting with Shona Robison MSP

In regard to item 2 above, a meeting was arranged with Shona Robison MSP, Minister for Public Health in order to discuss the distribution of alcohol monies from NHS Highland to the Argyll and Bute Alcohol and Drugs Action Team.

7. IDEA

A further meeting with IDEA, Islay was held on 23rd February 2009 at the Service Point, Bowmore. The Head of Adult Care was in attendance, as well as Councillors Horn and Currie. The purpose of the meeting was to discuss the current financial and management position of IDEA and the way forward. It was agreed that the Council would continue to support IDEA by providing recurring funding of £26,000 per year. It was also agreed IDEA would seek to find alternative funding sources and in order to achieve long term stability IDEA would look at providing flexible outreach work with less dependence on traditional patterns of employment and more use of volunteers wherever possible.

**Councillor Donald McIntosh
Social Services Spokesperson
March 2009**

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Consultation began December 2008
Consultation ends 17 March 2009

ARGYLL AND BUTE COUNCIL**EXECUTIVE****COMMUNITY SERVICES****THURSDAY 19th MARCH 2009**

**“INVESTING IN AFFORDABLE HOUSING: A CONSULTATION” – DRAFT
RESPONSE**

1.0 SUMMARY

1.1 This report proposes a draft response to the Scottish Government's consultation paper “Investing in Affordable Housing” which was issued in December 2008. Final responses are due by the 17th March 2009, therefore a copy of the draft has already been submitted to comply with this deadline on the strict understanding that it is still subject to approval.

2.0 RECOMMENDATIONS

2.1 Members are asked to approve the draft response for formal submission.

3.0 BACKGROUND

3.1 The Scottish Government issued the consultation paper “Investing in Affordable Housing” in December 2008. Key aspects of the proposed reforms are, in summary:-

- Housing investment priorities would be determined on a regional basis and agreed with local authority partners;
- The regional priorities would be set out in Prospectuses which would be based on Strategic Housing Investment Plans;
- Lead Developers would operate within the agreed regions, and there should be scope for there to be more than one Lead Developer in each of the regions;
- In order to become a Lead Developer, Registered Social Landlords (RSLs) would be encouraged to form development consortia that are committed to securing greater efficiency and more value from the investment in affordable housing;

- Each consortium should be led by one RSL which would then bid for subsidy on behalf of the consortium as a whole and would be a prospective Lead Developer;
 - There will be time for RSLs not currently working in existing consortia to organise themselves and either join a consortium or set one up;

 - There would be two stages in the process: the first stage would be *pre-qualification* and only pre-qualified RSLs would be able to move on to the second stage, which is bidding for subsidy and for appointment as a Lead Developer;

 - All pre-qualified RSLs, whether acting on their own behalf or as heads of a consortium, should be able to compete for subsidy for short-term costed projects; and, if they wish, seek appointment as a Lead Developer which would secure for them a conditional guarantee of programme funding for up to five years;

 - Subsidy would only be awarded to those projects which offer the most competitive price and best match the funding criteria; and

 - Future rounds of competition for subsidy would be conducted as and when necessary, bearing in mind that, where Lead Developers have been appointed, much of the Investment Programme may already have been committed to them.
- 3.2 The consultation paper contains 24 specific questions and additional comments are also invited. The annex to this paper outlines a draft response which was jointly considered and approved by the Strategic Housing and Communities Forum on the 27th February 2009.

4.0 Conclusion

- 4.1 The Government's proposals for reforms to the Affordable Housing Investment Programme have important implications for local authorities and RSL partners. The proposals include key concepts such as the development of **Regional Prospectuses**; the creation of **Lead Developers**; and the establishment of **Development Consortia**.

- 4.2 The Council and its development partners have some serious reservations regarding the effectiveness of these proposals within the context of Argyll and Bute. In the circumstances, the proposed response has been prepared in collaboration with key partners and stakeholders on the Strategic Housing & Communities Forum. While highlighting areas of concern, the response also provides constructive comment on a way forward that would protect the interests of the Council, its RSL partners, local contractors and those who need access to affordable housing within Argyll & Bute.

5.0 IMPLICATIONS

- 5.1 **Policy** – The proposed reforms will impact on the Council's ability to plan strategically and to address local and national policy objectives. The aims and objectives of the Council's Local Housing Strategy and the Strategic Housing Investment Plan could be severely and adversely affected.
- 5.2 **Finance** – The effect of the Scottish Government's proposals could have significant implications for the local economy, the construction industry in general, and for the delivery of the Council's Strategic Housing Investment Plan.
- 5.3 **Legal** – The Council would be required to enter into legal arrangements with any proposed Lead Developer and Registered Social Landlord consortium for the delivery of planned objectives.
- 5.4 **Equal Opportunities** – Regionalisation and proposals for bulk procurement could have an adverse effect on remote and rural communities and on those with special housing needs. They may also inhibit opportunities for local contractors to bid for work.
- 5.5 **Personnel** – Nil.

Director of Community Services
February 2009

For further information contact:
Mr Malcolm MacFadyen, Head of Community Regeneration
Tel: 01546 604412

Background Papers: For the full text of the consultation document, visit www.scotland.gov.uk/Consultation/Current

ANNEX: "INVESTING IN AFFORDABLE HOUSING" – CONSULTATION RESPONSE ON BEHALF OF ARGYLL AND BUTE COUNCIL

QUESTION

RESPONSE

<p>Question 1 To what extent does our assessment of the current economic situation reflect your assessment?</p>	<p>Argyll & Bute Council is currently updating its Local Housing System Analysis and Needs Assessments, but our basic understanding of the economic situation reflects that of the Government generally, as summarised in this paper and other publications such as "Responding to the Changed Economic Climate: More Action on Housing" issued in January 2009.</p> <p>The Council's own recent Key Housing Issues paper, produced in collaboration with partners on the Strategic Housing & Communities Forum in August 2008, highlighted increasing concerns for Members and RSLs, for example in securing viable financial packages via private sector borrowing. The current credit crunch exacerbates these difficulties.</p> <p>The Council would also support the Scottish Federation of Housing Association's analysis, that increasing land prices and development costs have been the key factors in the recent pressurised housing markets exacerbated by high Housing Association Grant (HAG) subsidy levels and reduced Affordable Housing Investment Programme (AHIP) funding, rather than any minor inefficiencies inherent in historical procurement practices.</p> <p>This Council and its RSL partners would challenge the Government's assertion that at around 14 homes the average size of scheme is low and "limits scope for process and cost efficiencies". In rural and remote areas</p>
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Question

Response

	<p>such as Argyll & Bute, this would be considered quite a large project and it would be impractical to assume that joining up several schemes which may be miles apart from each other in diverse and isolated communities could in any way hope to achieve significant cost savings.</p> <p>Argyll and Bute Council and its partners would also challenge the Government's overall assumption that the current procurement system, as developed and operated within this authority area, does actually exhibit significant inefficiencies or indeed that the Government's proposals would introduce any efficiencies. There is no clear evidence for either assumption.</p> <p>In addition, we have concerns regarding the impact of the potential policy changes where economies of scale are sought through the use of large building contractors who do not normally operate within the authority area. There is the risk of such proposals impacting negatively on local economies with fewer jobs for locals and consequent depressed income levels, directly resulting in an adverse impact on the socio economic opportunities available to the local population. The Council and its partners do not believe these proposals support the regeneration agenda, the health inequalities agenda, nor do they promote the improvements to mental health and wellbeing as well as physical health which feature in local Community Planning priorities and national outcomes.</p>
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Question

Response

<p>Question 2 Does the economic situation strengthen or weaken the case for investment reform at this time, & why?</p>	<p>This economic situation may be viewed as a temporary anomaly or, in part, as a necessary corrective to an overheated & unsustainable market, however, a time of such economic uncertainty does not provide the most favourable environment for introducing radical procurement reforms. Given the current reluctance of lenders to risk funding RSL activity, and the direct impact of the financial crisis on the housing system and on local economies - for instance on the local construction industry - many stakeholders would consider this totally inappropriate.</p> <p>This Council would accept that the recent detrimental reductions in AHIP and changes in HAG subsidy levels (as referred to in Q1 above), require review and amendment, however, the specific reform proposals at the heart of this consultation are less clearly necessary and must not be imposed too hastily or without due consideration.</p>
<p>Question 3 Do you agree that local authority Strategic Housing Investment Plans and related strategies should form the basis for identifying investment priorities for periods of up to five years?</p>	<p>The proposals for 5 year investment programmes to underpin and enable long-term, forward planning are welcomed as a positive and practical approach. It is essential (by definition) that investment priorities should be based on the appropriate Local Housing Strategy (LHS) and Strategic Housing Investment Plan (SHIP) and that these be aligned with Development Plans which are required to take a long-term vision on the effective supply of land.</p> <p>Currently, development of realistic and effective SHIPs has been hampered by the lack of provision of detailed resource assumptions for future years, however it is hoped that resource allocation will in future reflect the proposals</p>

Question

Response

	<p>and projections set out in the later years of the SHIP programme. In fact, the Council would argue that a 5 year programme should be the minimum period for investment planning and that anything shorter would be impractical and ineffective and would not allow for the objectives of greater efficiencies and improved investment and procurement processes to be achieved.</p>
<p>Question 4 Do you agree with our proposed principles on which geographic regions for investment will be based?</p>	<p>This Council has consistently challenged the appropriateness of the regional approach in previous consultation responses, given the unique and relatively discrete context of both Argyll & Bute and the majority of the local, rural housing markets within the area. It should be noted that the majority of the projects within this area are small in scale and very localised, often on problematic sites with infrastructure constraints and other restrictive factors that impact on delivery costs and viability of schemes. The assumption that regionalisation would secure efficiencies of scale in these circumstances, therefore, is entirely inappropriate.</p> <p>Given the exceptions applied to other island authorities, the Council and its partners consider that there is a compelling case for Argyll & Bute to be viewed as a particular case too. There are 25 inhabited islands in this authority, more than any other local authority area in Scotland, and most are not well interconnected as links tend to be with the mainland, which itself is divided by long sea lochs that cut deep inland and further fragment already remote and sparsely populated areas. This extends road links with long drive times and very often only one road connects settlements. 17% of the local population live on islands and are reliant on a ferry. This amounts to almost 16,000 persons and 7,500 households. In fact Argyll & Bute has been</p>

Question

Response

	<p>described as “the most diverse local authority area anywhere in the UK”. There is no strategic or functional rationale for grouping Argyll & Bute with authorities such as Inverclyde, East & West Dunbartonshire, and Renfrewshire, as proposed. These authorities are predominantly urban based and quite distinct in character from the remote rural and island nature of Argyll and Bute, therefore such regionalisation would not be addressing like for like.</p> <p>In addition, the Council also envisages geographical issues and additional bureaucratic confusions arising between the proposed grouping of local authorities and other pre-existing, non-contiguous geographies such as the needs and impact of the Loch Lomond & Trossachs National Park area. Within Argyll and Bute, it is also the case that the main builders and developers operate within circumscribed boundaries and the imposition of the proposed regional boundaries would neither reflect nor serve their interests in the local housing markets to any significant degree. Previous experience would indicate that introducing competition into the procurement process along the lines proposed does not in fact deliver any concrete benefits nor achieve efficiency savings and may indeed have quite contrary effects in the long term. Given the geographical extent and complexity of this authority, there is no clear argument for economies of scale across a wider region, and it must be borne in mind that housing needs within Argyll and Bute are particularly localised and so cannot be addressed on a regional basis.</p> <p>The scope of the proposals within the current SHIP also demonstrates</p>
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Question

Response

	<p>clearly that Argyll and Bute, as a discrete region in itself, has the capacity to support an extensive 5 year affordable housing investment programme and indeed beyond an initial 5 years.</p> <p>Ultimately, there is also the crucial issue of governance across such a diverse and artificially constructed regional entity. It is not clear how this would operate and what, if any, benefits would be achieved. There is no evidence to suggest this approach would encourage effective competition and there is a real risk that the high-cost schemes typical of a geographic area such as this will be put at risk within a wider region.</p> <p>Argyll & Bute Council is firmly of the view that the local authority’s LHS and SHIP, subject to effective local governance, are the key building blocks rather than regional prospectuses.</p>
<p>Question 5 a) Do you agree with our proposed treatment for Orkney, Shetland and the Western Isles Councils?</p> <p>b) Do you agree with our proposed approach for Glasgow City and City of Edinburgh Councils?</p>	<p>a) See comment for Q4 regarding proposed approach to the island authorities – this authority would argue that similar exceptional circumstances apply to Argyll & Bute with our 25 inhabited islands. Previous LHS/SHIP development work has identified only limited scope for cross-boundary synergies with neighbouring authorities and we would anticipate similar marginal outcomes for local procurement through the proposed regionalisation approach. Indeed, these proposals could prove in practice to be detrimental to the current and developing good practice in procurement within this particular authority and may actually introduce counter-effective inefficiencies in the longer term.</p> <p>b) The Council and its partners are also concerned that the proposed approach to Edinburgh, Glasgow and the “island” authorities, will result</p>

Question

Response

	<p>in a significantly restricted national "pot" for affordable housing investment in the other authorities and that, in particular, this will impact disproportionately and inequitably upon a remote rural authority such as Argyll & Bute. It is difficult to see the justification for removing so much of the national investment "pot" if the Government's aim of securing efficiencies across all authorities is to be achieved.</p> <p>However, this Council has remained firmly in agreement with the concept of Transferred Management of Development Funding as applied to Edinburgh and Glasgow, and would urge that this approach should be extended to other local authorities to reflect their strategic role in relation to housing.</p>
<p>Question 6 Do you agree that Councils, as the strategic planning and housing authorities, and in collaboration with RSLs, should advise on the regions to be adopted as the basis for Prospectuses?</p>	<p>As stated above, the Council is fundamentally opposed to this proposal on procurement, and would argue strongly that the approach should be based on local authority boundaries rather than unwieldy, large regions. However, if regions are introduced, as strategic housing authorities, it is essential that Councils are fully involved in the ultimate decision making.</p>

Question

Response

Question 7

a) Do you agree the scope of the content proposed for Prospectuses set out in Table 2?

b) How can we ensure that the housing need of people with specialist requirements or in more remote or rural areas are fully reflected in Prospectuses?

- a) More detail would be required on the actual process for developing Prospectuses and clarification on how these are to be linked to the LHS & SHIP. It is not immediately apparent how separate SHIPs would be collated and how their individual contents might be affected or compromised by regionalisation, for example, how would investment priorities across borders be assessed? Also, where the impact/quality of a regional prospectus is assessed negatively, or is considered to be problematic, how would this impact on individual SHIPs? How exactly would the proposals differ from the existing situation, with Scottish Government assessing individual SHIPs across their regions? It seems that this proposal would merely introduce an additional layer of bureaucracy with the associated issue of uncertain governance. There are critical questions regarding the practical and effective governance of such an approach, and ultimately, it is uncertain how these proposals would actually improve things.

- b) The approach to rural and specialist housing needs would be a crucial concern for Argyll & Bute Council and it is not self-evident that the proposals would provide positive benefits to an authority such as this. It would be important to ensure that the relative needs of these groups are not adversely affected or outweighed by quick-fix approaches or crude, numerical/economic efficiency arguments within a regional context. Some weighting technique would be required, based on content of LHS and local needs assessments, but there is the risk that this would be cumbersome and complex.

Question

Response

<p>Question 8 a) Do you agree that there is a need to provide guidance within Prospectuses on maximum rent levels and is the proposed framework acceptable?</p>	<p>There is already clear evidence of increasing pressures on rent levels in this area and Argyll & Bute Council with its RSL partners would agree that any adverse impact of these proposals on rent levels would be of critical concern, due to high levels of benefit dependency and compromised affordability across the housing system. Therefore, if the prospectus concept were to be introduced contrary to our views, then additional guidance and formal framework for safeguarding rent levels within the proposed context of prospectuses would be necessary. There may be scope for undertaking work to define and standardise the definition of affordability as a basis on which rents can be measured and set. Local RSLs would have concerns that maximum rents become the norm and that any RSL with lower rents (for justifiable socio-economic reasons) would be forced to use the maximum for HAG appraisal purposes.</p>
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Question

Response

<p>Question 9 a) Are there other issues which would similarly benefit from guidance? b) What are these and what is the case for including them?</p>	<p>a) Yes, there are a number of additional issues which would benefit from clear and detailed guidance.</p> <p>b) More guidance is required on the governance and decision-making processes for the proposed regional structures and on how prospectuses will be developed and how exactly the LHS and SHIP will inform these. In addition, if they are to be introduced, clear guidance on the mechanisms for prioritising investment allocations across regional prospectuses is crucial.</p> <p>Further, guidance on issues such as design and space standards, energy efficiency, would be helpful to ensure that that cost-efficiencies do not over-ride or compromise the quality standards currently being provided by RSLs and which the Scottish Government has made a clear commitment to uphold.</p>
<p>Question 10 a) Is the Lead Developer role proposed here sufficient to deliver a more streamlined and effective approach to investment in and procurement of new affordable housing?</p>	<p>a) While acknowledging the intentions and principles underpinning this proposal, Argyll & Bute Council and its development partners require further evidence of the real benefit of the Lead Developer concept in practice and within the context of this type of authority. Given the geographic factors outlined in previous responses, the Council is not confident that a Lead Developer brought into the area, and lacking local knowledge or experience of the particular development issues pertaining to the area, would be able to deliver any real savings or achieve economies of scale.</p> <p>In addition, there is a need to provide clarity regarding the distinctive</p>

Question

Response

<p>b) Does it adequately balance and recognize the needs and roles of non-developing RSL partners?</p>	<p>roles and remits of Lead Developers (as delivery mechanism) and Local Authorities (as strategic authority), and the relationship between both. The Council assumes that the Local authority, as strategic housing body, would oversee and direct the activities of a Lead Developer, in partnership with a consortium of RSLs.</p> <p>b) This is a contentious issue for the Council and RSL partners, and is likely to create more problems than it resolves, particularly in an area like Argyll and Bute if, say, external agencies with limited local awareness and experience were to be considered. It is necessary to ensure all RSL partners (and others) have appropriate input into the procurement process and participate in decision-making. Conflicts of interest between individual RSLs acting as Lead Developers and as equal members with other landlord functions will need to be resolved and this will require the establishment of detailed and potentially complex arrangements.</p> <p>While the additional proposals for multi developers and flexibility within the process are potentially helpful, they may also lead to further complication and therefore undermine the original aims of the proposal, i.e. to streamline processes and decrease complex bureaucracy. The integration of local RSLs into consortia is however a welcome and practical concept. It is the Council's firm belief that the Government's stated aims of efficiency may be best served within Argyll and Bute by the development of a local consortium of equal partners. This would build on work that has already been undertaken</p>
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Question

Response

	<p>in the area to develop partnerships with local contractors wherein on site efficiencies are developed.</p>
<p>Question 11 What are your views on the routes we propose for establishing Lead Developers?</p>	<p>The overall process would appear to be practical however more detail is required to assess the likely effectiveness. There is a definite role for the local authority in the process of evaluating and confirming Lead Developer bodies where these are deemed appropriate. The Council, as strategic housing authority, would have to assure itself of the credibility and capacity of any RSL appointed to such a responsible role.</p>
<p>Question 12 a) Do you agree with the proposed principles of consortia and responsibilities for consortium heads?</p>	<p>Argyll & Bute Council would welcome the basic principle of the consortium, a concept which is likely to work effectively within the context of this area, however, the role and remit of the local authority and all partners would need to be clear and formally defined. Ultimately, it is envisaged that the Council should be acting as the strategic lead agency for the consortium, with responsibility for managing the investment programme while the RSLs within the consortium constitute the delivery mechanism.</p> <p>Local consortia should be allowed to develop organic structures suited to local circumstances and not have "one-size fits all" national norm imposed externally. Some centrally produced models could be developed on which local groupings can base their structures. The danger of overly detailed processes and constrictive structure development (with associated costs, particularly legal) could actually detract from the fundamental goal of delivering affordable housing.</p>

Question

Response

<p>Question 13 a) Do you agree with the proposals on formation of consortia, including the requirement of a formal agreement to govern relationships within consortia? b) What guidance would be helpful to support the sector in setting up consortia and Lead Developer arrangements? c) What guidance would be helpful to ensure tenant and community engagement in decision-making?</p>	<p>a) The argument for the formation of consortia to streamline procurement (within the context of local authorities and local housing markets rather than regions) appears sound and in line with the principles of Best Value. Formal agreements governing participants' relationships would be necessary and in Argyll & Bute there is some practical, positive experience of such formal partnerships within the context of the Common Housing Register.</p> <p>b) While detailed, specific guidance would be helpful and legal, contractual safeguards should be established, the operation of consortia should be flexible enough to suit local needs.</p> <p>c) For the future, tenant and community engagement in decision-making will have to be incorporated within the structures and mechanisms already existing within the LHS/SHIP processes.</p>
<p>Question 14 a) Do you consider that there may be circumstances in which consortium membership should include local authorities or other non-RSL bodies? b) In what circumstances would you see this as appropriate?</p>	<p>As strategic housing authorities, all councils should be involved within the consortium. Within this authority it would be most effective if the consortium was contiguous with the SHIP Development Group and consequently the Council must be included in membership. The Consortium would also be ultimately responsible to the Council and its activities would be monitored by our Strategic Housing & Community Forum.</p>
<p>Question 15 Are there circumstances in which bodies other than RSLs might be eligible to become heads of consortia and Lead Developers?</p>	<p>Given above comments, where a consortium is part of, or equivalent to, an LHS/ SHIP development partnership, there would be strong arguments for the local authority to take lead responsibility (as the Scottish Government proposals indicate, referring to "more influence for Local Authorities on the</p>

Question

Response

	<p>allocation of AHIP” and on assessing pre-qualification applications). In respect of Lead developers, there are also circumstances whereby authorities planning to undertake significant new build programmes should be eligible to assume this role.</p>
<p>Question 16 Do you agree that a pre-qualification process should be included in the new arrangements?</p>	<p>The pre-qualification process is a useful step towards ensuring basic standards, qualifications, experience & capacity are in place, however, this process should not duplicate or merely add to existing Regulation & Inspection processes, e.g., those procedures already in place for RSLs with development functions. As stated above, the local authority would have a role in this process, as it would have to be satisfied that the approved vehicle is fit for purpose.</p>
<p>Question 17 Are the pre-qualification criteria and information requirements set out at Annex C a reasonable basis on which to work with the Regulator, the SFHA and COSLA to refine the pre-qualification process?</p>	<p>If this approach is to be adopted, then the details set out in Annex C would require further development of the pre-qualification process in liaison with all the relevant bodies.</p>
<p>Question 18 Do you agree with the proposed funding criteria for bids for specific projects?</p>	<p>This Council has concerns regarding the emphasis on competition in the context of this relatively high-cost area, and believes that the introduction of an approach based on competitive bulk procurement would be counter productive and would not achieve the anticipated efficiency savings but is more likely to increase uncertainty into the tendering process.</p> <p>Regarding the proposed funding criteria: Amount of subsidy – The Council agrees that this criterion needs to be balanced against other criteria to ensure a comprehensive assessment of</p>

Question

Response

	<p>Value For Money;</p> <p>Deliverability – The Council agrees that projects should be realistic and achievable in terms of land ownership; scheduled development plans; and fully costed requirements;</p> <p>Quality – The Council agrees that proposals would be required to meet explicit standards of quality;</p> <p>Local Authority Endorsement – It is essential that all subsidised proposals must contribute to the local strategic plans and objectives set out by the Council and reflect the investment priorities as set out in the SHIP & LHS;</p> <p>Ownership & Management – The Council agrees that details of ultimate ownership and management arrangements for proposed units must be specified.</p> <p>In addition, further clarification would be required regarding the allocation of the funding to address local needs and the precise roles and responsibilities of local authorities (in managing resources through the LHS and SHIP) and any Lead Developer. The implications for non lead developers in accessing funding also need to be considered in detail.</p>
<p>Question 19 Do you agree with our proposed approach to development of an assessment framework?</p>	<p>The Council agrees that the development of a transparent and consistent assessment framework should be progressed jointly with COSLA and SFHA. Clarity on the role/input of Local authorities is required. The balance between objectivity and subjective judgment in assessment must also be clarified. In particular, this authority would agree that due account is required of the investment priorities set out in the SHIP and that this must reflect the priority to be given to both special needs accommodation and the requirements of</p>

Question

Response

	<p>remote and rural areas. Assessments must balance and resolve any potential conflict between these priorities (i.e. special and rural needs) and the drive to achieve lower unit costs.</p>
<p>Question 20 How might we enhance the involvement of local authorities, RSLs and other stakeholders in the assessment of proposals?</p>	<p>We would expect local authorities to be fully involved in the appraisal of all proposals and that ultimately these must be developed within the context of the LHS and SHIP and subject to the existing local authority governance regime. It is not clear how this governance would be achieved through the proposed regional model. Further guidance to specify this approach would be helpful. At the national level, clear and agreed procedures should be set by the Scottish Government and COSLA in consultation with the SHFA. At the local level, Councils should liaise with local Housing Investment Division Offices to assess pre-qualification submissions and bids for AHIP by lead developers and other RSLs.</p>
<p>Question 21 Do you agree with our proposed approach to the appointment and management of Lead Developers?</p>	<p>This Council is not in agreement with the basic concept of Lead Developer as proposed. (See previous comments). Fundamentally, we do not believe this is the only effective way for local consortia to operate, however, if this were to be imposed then more detail on issues such as monitoring and sanctions against poorly performing lead developers would be helpful. Any Lead Developer would have to demonstrate, as a minimum,</p> <ul style="list-style-type: none"> • clear commitment to developing housing appropriate to the area (and to delivering the aims and objectives of the LHS and SHIP); • financial capacity and sound governance; • the support and agreement of all consortium partners;

Question

Response

	<ul style="list-style-type: none"> • fully developed schedules which include detailed costings & timescales for at least the first 1 to 2 years of the proposed programme; • clear proposals for ultimate ownership & management of the new units; and • and a Monitoring & Evaluation framework which outlines performance indicators against which efficiency, effectiveness and value for money will be measured <p>As stated above, ultimately, the Local Authority would have to satisfy itself of the suitability and capacity of any organization to be appointed to operate within its boundaries. RSL partners also have significant concerns about the role and responsibilities of a single Lead Developer which is a highly risky remit and may not be attractive or feasible for one organization itself, particularly in the current economic downturn. Other models of consortium structure and delivery should be permissible to suit local circumstances, rather than incorporation into wider regional structures. The best way forward for Argyll and Bute is more likely to be achieved through improved on-site project management and this would be best delivered through a partnership of equals which embodies local knowledge and experience of tackling the particular difficulties characteristic of this authority area.</p>
<p>Question 22 a) Do you agree with the overall approach to grant agreements for Lead Developers as set out here?</p>	<p>a) In principle, Argyll & Bute Council would agree that Grant Agreements should reduce cumbersome processes as far as possible and encourage streamlined efficiency, while ensuring best value is</p>

Question

Response

<p>b) What do you suggest we could alter to make grant payments more streamlined?</p>	<p>sustained. However, clear guidelines on monitoring the delivery of grant against a schedule of outputs and outcomes would be necessary.</p> <p>b) Longer term commitments to future levels of funding should be in place, as far as possible, to allow developments to proceed with some assurance of security for developers and partners. A robust but flexible approach to monitoring progress across a SHIP-based programme would help reduce the bureaucracy of micro-managed individual projects.</p>
<p>Question 23 Do you have any comments on the proposed timetable?</p> <ul style="list-style-type: none"> • June 2009: Regional structure confirmed, pre-qualification prospectus issued and RSLs start to make provisional plans for joining consortia and applying to become a Lead Developer • September 2009: deadline for applications for pre-qualification • October 2009: appointment of pre-qualified RSLs • November 2009: regional Prospectuses published and all pre-qualified RSLs invited to apply for subsidy and for appointment as Lead Developer 	<p>This timetable is extremely challenging and does not appear to follow a clear, logical sequence. Further consultation and discussion at both local and national level s is required regarding, for instance, acceptable regions and the development of prospectuses. It appears that these prospectuses are supposed to reflect individual SHIPs although these would be under development at the same time to meet the November deadline for submission. This seems impractical, to say the least.</p> <p>Ultimately, this process must sit with the SHIP development & LHS review processes which most local authorities are currently undertaking and, therefore, this Council does not consider such a timetable to be realistic or achievable, particularly at this time of economic uncertainty. The Council and its partners would have great concerns about the imposition of such far-reaching reform with undue haste. This is particularly so at this time of</p>

Question	Response
<ul style="list-style-type: none"> • Oct 2009 – Feb 2010: RSLs finalise both their consortium membership and investment proposals • March 2010: Deadline for applications from pre-qualified RSLs/consortia for funding of specific projects over 2010-12 and for appointment as Lead Developer • April 2010: Competitive awards of subsidy for 2010-2012 and appointment of Lead Developers for 2010-2015 	<p>economic uncertainty when the impact could be damaging to the local economy and local housing system within Argyll & Bute.</p>
<p>Question 24 Which indicators and what aspects of the Investment Programme should be included in a monitoring and evaluation framework?</p>	<p>Monitoring & Evaluation should focus on the agreed LHS outcomes & SHIP objectives and targets, taking account of cost and quality but with due allowance for local circumstances and context. However, it is not clear who would oversee this across a region or how it would be undertaken within that context. Existing Monitoring & Evaluation structures should be built on rather than creating further bureaucratic and disassociated structures.</p>

**MENTAL HEALTH SERVICES IN ARGYLL AND BUTE
- REDESIGN AND MODERNISATION**

1. INTRODUCTION

- 1.1 An extensive Service Review and work on developing options for the future of Mental Health Services has been in progress in Argyll and Bute since 2007. This work has involved many local service users, carers, NHS staff and managers and staff from Argyll and Bute Council, all working together using a process called “Service Redesign” to plan Mental Health services for the 21st Century. The Head of Service Adult Care and Service Manager (Mental Health) have been involved in every step of this process to ensure the Council is a fully active partner, shaping and influencing the Process of service redesign.
- 1.2 A draft response on behalf of Argyll and Bute Council to the consultation is attached along with a copy of the consultation document “Mental Health Services in Argyll and Bute – Redesign and Modernisation” from NHS Highland.
- 1.3 The CHP and Council have worked closely with an external consultancy organisation “Research and Development in Mental Health” (RDMH).
- 1.4 The process was split into three distinct phases. Phase 1 - Needs Assessment and Local Engagement (completed). Phase 2 - Service Option Development in Mental Health (completed). Phase 3 - formal period of Public Consultation which runs from 12th January to 10th April 2009.
- 1.5 A series of further events have been set to ensure the public and staff of partner agencies are given time to consider the proposals set out in the public consultation document entitled “Mental Health Services in Argyll and Bute – Redesign and Modernisation. Further details of phase 1 and phase 2 activity is contained within the document previously mentioned.
- 1.6 The key messages that people reported during phase 1 and phase 2 were:
 - Services to be as local to peoples communities as is safe and achievable
 - Seven day a week community Mental Health services
 - Crisis response, ideally including home based treatment both to prevent admission and to facilitate discharge from hospital
 - Development of psychological services

- NHS Community Mental Health staff and Social Work staff to be working and based together
- Adequate support and help for carers
- A single point of access for people to the mental health services
- Access to inpatient care when needed
- Services to Helensburgh and Lomond area must follow same principles and aims as the rest of Argyll and Bute.

2. OPTIONS

- 2.1 The following 5 options are contained within the consultation document:
- 2.2 Option 1 - **Minimal Change** - some minor changes to inpatient services at the Argyll and Bute Hospital, some minor improvements in community based care.
- 2.3 Option 2 - **Local Services with Inpatient Care in Community Hospitals** - improvements in community based services, 7 days a week, some adult inpatient care in local community hospitals, and intensive inpatient care in either a new 6 bed unit in Lochgilphead or in a hospital of a neighbouring NHS Board.
- 2.4 Option 3 - **Enhanced Local Community Services and a Single, Local Inpatient Unit in Lochgilphead** - Improvements in community based services, 7 days a week, supported by a new, flexible, adult inpatient facility based in Lochgilphead.
- 2.5 Option 4 - **As Option 3 plus Day Assessment and Treatment Service, and a Centre for Staff Training** - as above plus day assessment and treatment service, and a centre for ongoing staff training and development.
- 2.6 Option 5 - **Community Based Services with No Local Inpatient Care** - expanded and enhanced community based services including specialist services to enable people to remain in their own community. When admission to hospital is unavoidable, it may be by arrangement with a hospital in a neighbouring NHS Board.

3.0 SERVICE COSTS

	Option 1	Option 2	Option 3	Option 4	Option 5
Hospital Services	9.261m	9.318m	7.619m	7.837	5.683m
Community Services	4.342m	6.393m	6.038m	6.038m	7.865m
Total	13.603m	15.711m	13.657	13.875	13.549m

3.1 Current Services

Hospital Services	£9.261m
Community Services	£4.342m
Total	£13.603m

3.2 Building Costs

Option 1	Option 2	Option 3	Option 4	Option 5
10m	4.8m	8.69m	9.59m	2.25m

3.3 Council Contribution

The Council have set the budget allocation for Mental Health and this cost is fixed regardless of which option is chosen.

4. SUMMARY OF OPTIONS 1 TO 5

- 4.1 **Option 1** - This option keeps the current services much as they are, with only a few small changes.
- 4.2 **Option 2** - This option has developments in Primary Care and Community Care services. Inpatient beds would be available in five of the local Community Hospitals, and more specialised psychiatric intensive care services in either a new 6 bed unit in Lochgilphead, or provided outside Argyll and Bute by another NHS provider. **The costs of this option make it unaffordable in its present form.**
- 4.3 **Option 3** - This option would have significant developments in Primary and Community Care services, with a single specialist inpatient Mental Health unit in Lochgilphead.
- 4.4 **Option 4** - This is a variation of option 3. It includes two additional functions – an Assessment and Day Treatment service where people who may be facing admission to hospital can be assessed and can have formal individual and group therapies, plus an Education Centre for staff training, and to support ongoing clinical staff development.
- 4.5 **Option 5** - The aim of this option is to provide a wide range of care for people in their own home or their own community so that relatively few people would need in-patient treatment. It includes extended development of the Community Mental Health Teams. There would be no Mental Health inpatient beds within Argyll and Bute. People requiring hospital treatment would be referred out of the area.

5. FINANCIAL IMPLICATIONS OF OPTION 2

- 5.1 NHS Highland have indicated in section 5.2.6 of the consultation document that “this option would require substantial additional investment. The full costing indicates that annual running costs would be in the region

of £15.7m which is £2m more than current service. This reflects the very high cost of running 5 small inpatient units.

6. CONCLUSION

- 6.1 The Council need to consider the content of the consultation document regarding the Redesign and Modernisation of Mental Health Services in Argyll and Bute and consider the formal letter of response. The Council is supportive of option 3 while noting that further refinement of this option will be explored in relation to the detail of Community Mental Health Teams and the associated management framework.

James Robb, Head of Adult Care

27th February 2009

For further information contact:

Allen Stevenson, Service Manager, Mental Health

ARGYLL & BUTE COUNCIL
CORPORATE SERVICES

EXECUTIVE
19 March 2009

EXTRACT OF MINUTE OF SOCIAL AFFAIRS POLICY AND PERFORMANCE
GROUP 9 MARCH 2009

**11. COMMUNITY HEALTH PARTNERSHIP'S CONSULTATION PAPER ON THE
FUTURE OF MENTAL HEALTH SERVICES**

An extensive Service Review and work on developing options for the future of Mental Health Services has been progress in Argyll and Bute since 2007. A draft response on behalf of Argyll and Bute Council to the consultation along with a copy of the consultation document "Mental Health Services in Argyll and Bute – Redesign and Modernisation" from NHS Highland was before Members for consideration.

An amended report summarising the main points within the consultation document was also tabled at the meeting.

Decision

1. To agree the draft response to the consultation and to support Option 3 subject to the following amendments:-
 - (a) The importance of crisis beds being area based within the Community Hospitals should be included within the response;
 - (b) The importance of the development of the future configuration and management of Community Mental Health Teams should be stressed within the response;
 - (c) That in supporting Option 3, to make clear that this option should be made available to clients across the whole of Argyll and Bute including Helensburgh and Lomond; and
2. To note that the response will be redrafted to take account of the above amendments and forwarded to the Executive for their endorsement.

(Reference: Report by Director of Community Services dated 27 February 2009, issued and Amended Report by Director of Community Services dated 27 February 2009, tabled)

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Kilmory, Lochgilphead, Argyll. PA31 8RT
Telephone: 01546 604348 **Fax:** (01546) 604434
Our Ref: DW/LMC **Your Ref:**
If phoning or calling please ask for: Councillor Walsh
E-mail: dick.walsh@argyll-bute.gov.uk
Council Website: www.argyll-bute.gov.uk

March 2009

Argyll and Bute MH Consultation
NHS Highland
Assynt House
Beechwood Park
INVERNESS
IV2 3BW

Dear Sirs

ARGYLL AND BUTE MENTAL HEALTH CONSULTATION

Thank you for the opportunity to respond to the above consultation process. Argyll and Bute Council have been active partners throughout this process. Council Officers have attended public meetings, Project Board meetings and linked closely with the CHP General Manager, Locality Managers and Clinicians and Research and Development in Mental Health (RDMH).

The process was split into three distinct phases. Phase 1 - Needs Assessment and Local Engagement completed. Phase 2 - Service Option Development in Mental Health complete. Phase 3 - formal period of Public Consultation which runs from 12th January to 10th April 2009 and Council Officers have played an active part in this. As series of public events have been held across Argyll and Bute to ensure the public and staff are given the opportunity to consider the proposals set out in the public consultation document entitled "Mental Health Services in Argyll and Bute – Redesign and Modernisation".

Argyll and Bute Council welcome the opportunity to be involved in the further series of "mop up" events during March which will offer the public and staff a further opportunity to consider the proposals set out in the public consultation document.

Options

Option 1 – The Council recognise this option keeps the current services much as they are, with only a few small changes. This will not deliver on the Partnerships aspiration for a modern Mental Health Service fit for the 21st Century.

Option 2 - This option has developments in Primary Care and Community Care services. Inpatient beds would be available in five of the local Community Hospitals, and more specialised psychiatric intensive care services in either a new 6 bed unit in Lochgilphead, or provided outside Argyll and Bute by another NHS provider. The Council recognise that the costs of this option make it unaffordable in its present form. This option appears to be popular with service users, carers and voluntary organisations.

Option 3 - This option would have significant developments in Primary and Community Care services, with a single specialist inpatient Mental Health unit in Lochgilphead.

Option 4 - This is a variation of option 3. It includes two additional functions – an Assessment and Day Treatment service where people who may be facing admission to hospital can be assessed and can have formal individual and group therapies, plus an Education Centre for staff training, and to support ongoing clinical staff development.

Option 5 – The Council recognise this option is unpopular with users and carers, clinicians and other Mental Health staff due to the unavailability of direct access to beds within Argyll and Bute. The Partnership would be dependant on a Service Level Agreement with another CHP.

Financial Implications of Options

NHS Highland has indicated in section 5.2.6 of the consultation document that “option 2 would require substantial additional investment”. The full costing indicates that annual running costs would be in the region of £15.7m which is £2m more than current service. This reflects the very high cost of running 5 small inpatient units. All the other options can be delivered within existing budget.

Outstanding Issues

Option 2 is popular with service users and a range of stakeholders but is not affordable in its current form. The Council acknowledges the potential gap in available resources to develop this option in its current form. The Council recognise this option remains popular with service users and carers and there will be dissatisfaction from the aforementioned groups if this option is not pursued.

Contained within option 4 is a central training facility which is argued is essential for the development of staff skills and training. However, training within localities could deliver a more local response to identified training needs within option 3. The other issue to consider is the wider need within the CHP and Council in terms of a training base which is not exclusively for Mental Health staff.

As the debate evolves around the 5 original options, there may be additional development of aspects of options 3 and 4. For example, option 2 is very popular with service users and carers/...

carers because of the availability of acute beds locally. A future development of options 3 or 4 could consider the potential of 24 hour crisis bed in each Community Hospital. The Service User would then return home with an appropriate support plan. This could avoid a lengthy transfer to the Lochgilphead area and it may also be affordable within existing budget. The nature of this debate will shift and change as the public start to consider wider issues and then provide feedback to the CHP and Council.

A detailed debate on the future configuration and management of Community Mental Health Teams remains outstanding. It is the Council's view that it is best placed to manage these community teams and intends retaining the management of its own staff. We would want to engage positively with the Argyll & Bute CHP to pursue this to a conclusion as expeditiously as possible.

Recommendations

The decision to recommend one option is not a straight forward decision for the Council simply due to the diversity of options contained within the consultation document.

However, the option which presents as the most beneficial in terms of securing a balance between the centralised/decentralised debate as well as providing quality, safety, affordability and access to services is option 3.

While recognising the similarities of options 3 & 4, the advantage that option 3 has over option 4 is the deployment of more services to local geographical areas. Option 4 proposes adding to the new central unit in Lochgilphead with an additional Assessment and Treatment service as well as staff training facilities. The advantages of option 3 include:

- This provides a central inpatient facility in Lochgilphead.
- It also promotes the principle of developing community services in each geographical area thus ensuring as much revenue and therefore services are delivered in local geographical areas.
- This is as opposed to option 4 which builds on the central inpatient facility to include a central base for individual and group therapies.
- It could be more advantageous to provide these services in local areas and keep to a minimum the need for people to travel to Lochgilphead for specialist treatments.
- This option also builds capacity locally in relation to ongoing staff training.
- This service would cost broadly the same as the existing service, so is affordable.

Conclusion

The Council recognises the five options contained within the consultation document offer both advantages and disadvantages. The Council is supportive of option 3 while noting that further refinement of this option will be explored in relation to the detail of Community Mental Health Teams and the associated management framework. The Council note the principle that/..

that service users in Helensburgh and Lochside should expect the same benefits as a result of the redesign process as service users in all other areas of Argyll and Bute. The option of developing the concept of a 24 Hour Crisis bed in each community hospital is a very positive development and is valuable evidence that the issues raised by members of the public are having an influence on the development of the options during this consultation process.

Yours faithfully

Councillor Dick Walsh
Leader of Argyll and Bute Council

DRAFT

Public consultation



Mental Health Services in Argyll and Bute - redesign and modernisation

THIS CONSULTATION RUNS FROM 12 JANUARY 2009 TO 10 APRIL 2009.

This document sets out proposals for the future of adult mental health services across Argyll and Bute and explains how you can make your views known.

If you would like this information in a different language or format (E.g. **large print** or audio cassette) or to know details of consultation events in your area please contact 01546 604908

If you wish to have any of this information reproduced in another format or language, please contact:

Fiona Broderick Argyll & Bute Community Health Partnership
Email address fiona.broderick@nhs.net
Telephone: 01546 604908

Gaelic:

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Arabic:

ی، رخ آة غل و آ رخ آ قی س ن ت ب ت ا م و ل ع م ل ا ه ذ ه ن م ء ز ج ی ل ع ل و ص ح ل ا ی ف ب غ ر ت ت ن ك ا ذ ا
ه ا ل ع آ و ك ذ م ل ا ل ا ص ت ا ل ت ا ن ا ی ب م ا د خ ت س ا ی ج ر ی

Bengali:

"আপনি যদি এই তথ্যটির কিছু কিছু অংশ অন্যান্য হরফে/আকারে বা ভাষায় পেতে চান, অনুগ্রহ করে ওপরে দেওয়া যোগাযোগের বিস্তারিত তথ্য ব্যবহার করুন"

This is an NHS Highland consultation on service change; the work on developing future models of service has been undertaken in partnership with Argyll and Bute Council.



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Summary

This consultation paper sets out proposals for change to mental health services in Argyll and Bute, and invites you to respond with your views.

In the following pages we have set out why change is needed, how we have developed options for the future, who was involved in developing those options, and the 5 options themselves. We have also described each option, and provided comments about the benefits to patients and the disadvantages of each option.

There is a glossary of terms in Appendix Two at the back of this document. A brief summary of the 5 options:

- 1. Minimal change** - some minor changes to inpatient services at the Argyll and Bute Hospital, some minor improvements in community based care.
- 2. Local services with inpatient care in Community Hospitals** - improvements in community based services, 7 days a week, some adult inpatient care in local community hospitals, and intensive inpatient care either in a new 6 bed unit in Lochgilphead or in a hospital of a neighbouring NHS Board.
- 3. Enhanced local community services and a single, local inpatient unit in Lochgilphead** - improvements in community based services, 7 days a week, supported by a new, flexible, adult inpatient facility based at Lochgilphead.
- 4. As option 3 plus day assessment and treatment service, and centre for staff training** - as above plus day assessment and treatment service, and a centre for ongoing staff training and development.
- 5. Community based services with no local inpatient care** - expanded and enhanced community based services including specialist services to enable people to remain in their own community. When admission to hospital is unavoidable, it will be by arrangement with a hospital in a neighbouring NHS Board.

The NHS Highland Board now wishes to hear the views of patients, carers and local people on the options, and to hear any other suggestions or ideas about the future of local mental health services.

THIS CONSULTATION RUNS FROM 12 JANUARY 2009 TO 10 APRIL 2009.

For details of meetings and events please see the Argyll and Bute section of the NHS Highland website:

<http://www.nhshighland.scot.nhs.uk/CHP/ArgyllandBute/Pages/MentalHealthReview.aspx>
Alternatively phone Fiona Broderick on 01546 604908.

There are some key questions on which NHS Highland is seeking your views:

- Which option do you suggest best meets the needs of mental health service users and carers, and why do you favour it?
- Option two would need to be modified to make it affordable. If you favour option two how do you suggest it could be adapted to make it affordable?
- Options three and four provide a balance of quality, safety, affordability, and access to services, but we recognise that some service users have concerns about local access to inpatient care. Do you have any suggestions that might address these concerns?
- Do you have other ideas or suggestions that have not been considered?
- What points do you wish the NHS Highland Board to consider to strengthen the case for the option you prefer?

At the back of this document there is a pull-out form with these questions and space for you to record your views.

Services included in this consultation

This consultation is about Adult Mental Health services. It does not include the following services which are being reviewed through other processes:

- Addictions - Argyll and Bute Alcohol and Drug Action Team.
- Child and Adolescent Mental Health Services (CAMHS) - West of Scotland CAMHS Planning Group and NHS Highland CAMHS Implementation Group.
- Dementia Care - Joint local authority/NHS Older Persons Service planning process.
- Learning Disability services - Joint local authority/NHS service development group.

There is no change to arrangements for the highly specialised inpatient services used by patients in Argyll and Bute:

- High and Medium Secure care (Carstairs and Rowanbank).
- Child and Adolescent Mental Health (Gartnavel and Yorkhill Hospitals).
- Learning disability assessment and treatment (currently private sector).
- Perinatal care (Glasgow).

Part One

1. BACKGROUND

1.1 About Argyll and Bute

Argyll and Bute has a population of over 90,000 spread across 10% of the area of Scotland. It has more than 4,500 km of coastline, with mainland communities and 25 inhabited islands. It is the second largest council area in Scotland.

The Argyll and Bute population is expected to change over the next 25 years, with fewer children and adults aged 16-65 and a large increase in the over 65 population. The young and adult population aged 16-65 is expected to decrease by 17% over the next 25 years, and by 2031 one in four of the Argyll and Bute population will be over 65.

Much of the economy of Argyll and Bute is serviced based, with the public sector as the largest employer. The main industries are tourism, agriculture, aquaculture and telecom related activities. The level of unemployment is lower than the national average and the crime rate is half the national average.

1.2 Health, Wealth and Wellbeing in Argyll and Bute

According to recent public health reports on the health of people in Argyll and Bute:

- Argyll and Bute has alcohol-related deaths at 50% above the UK average, which is similar to the rest of Scotland, and there are many alcohol related health problems.
- There are significant problems of drug misuse.
- In 2004 it was estimated that the number of patients prescribed anti-depressants was in line with the rest of Scotland.
- Geography and transport cause problems for people in the area.

However:

- Overall Argyll and Bute enjoys a healthier lifestyle than the rest of Scotland.
- People live a little longer than Scotland generally.

"Argyll and Bute is not highly deprived compared to other local authority areas, but there are still significant numbers of people in deprivation..... Houses with the same postcode can be at opposite ends of the socio-economic spectrum. In many rural areas deprived individuals and households are distributed throughout the patch, with circumstances of deprivation having more to do with an individual's characteristics than the area in which they live."

Source: The health of the people of Helensburgh and Lomond 2007

Current Services And The Need For Change

2. CURRENT MENTAL HEALTH SERVICES

2.1 Overview

The geography of Argyll and Bute creates a real challenge to providers of Mental Health services - patients and communities are scattered widely across the rural, remote, and island areas which have very limited transport links. Over the last 25 years some community mental health services have been developed and as a result, there has been a much lower need for inpatient beds at the Argyll and Bute Hospital. For example, in 1982 there were over 300 hospital beds in use, now there are 70 (excluding dementia care).

2.2 NHS Services

Inpatient services

The Argyll and Bute Hospital at Lochgilphead provides:

Adult beds	Dementia beds
26 Acute Admission beds	27 Dementia continuing care beds
12 Intensive Psychiatric Care beds	16 Dementia assessment beds
20 Continuing Care (mental illness) beds	
12 Rehabilitation beds	

Community services

Community Mental Health Teams are still developing. Most areas only have Community Psychiatric Nursing (CPN) staff, social workers and support workers, with visiting Medical and Clinical Psychology staff. Only one team has an Occupational Therapist. Not all teams are together in shared workplaces, and there are no formal joint team management arrangements although there is much good joint working. There are no formal liaison services or crisis response services.

Primary Care

There are no primary care mental health workers to support G.P.s and very few Clinical Psychology staff. There are various voluntary sector schemes in some communities, some local authority supported Link Clubs, and one Healthy Living Centre on Bute. There is some mental health awareness work through the local NHS Health Improvement Team and the "Choose Life" suicide prevention initiative.

Part One

Current staff profile

The majority of mental health staff are based in the Argyll and Bute Hospital, and there are relatively few in locality based community services. Appendix 1 presents the current staff profile, and shows the split between hospital and community staff at present, and under each option. Appendix 1 also presents a brief summary of the how the budget is split between these two staff groups.

2.3 Local authority services

Social Work

There is a Service Manager (Mental Health) responsible for all mental health services (excluding dementia) and Area Managers (Mental Health) supporting fieldwork and project staff in Bute and Cowal, Helensburgh and Lomond, Mid-Argyll and Kintyre, Oban, Lorn and the Islands. Staff within these teams are based in the community providing a range of services e.g. assessment and care management. There is a social work community team which provides for service users at the Argyll and Bute Hospital.

Mental Health Officer Service

The social work service provides a 24 Hour Mental Health Officer (MHO) Service to all parts of the Council area except Helensburgh which is covered by the West of Scotland "out of hours" standby service based in Glasgow.

Day Services

The current Day Care services are traditional in nature. These services could be reviewed and updated so that they are focused on meeting the current needs of people who would most benefit from day care support. There are currently day care services in Dunoon, Mid-Argyll, Kintyre and Oban.

2.4 Services for Helensburgh and Lomond

The Argyll and Bute Community Health Partnership has a contract with NHS Greater Glasgow and Clyde to provide inpatient and community services for the Helensburgh and Lomond area. This provides for inpatient care at the Vale of Leven Hospital and a Community Mental Health Team based in Helensburgh. The provision of inpatient care at the Vale of Leven Hospital is the subject of recent review and consultation by NHS Greater Glasgow and Clyde.

Current Services And The Need For Change

3. REVIEWING AND IMPROVING LOCAL SERVICES

3.1 History

An extensive service review and work on developing options for the future has been in progress in Argyll and Bute since 2007. This work has involved many local service users, carers, NHS staff and colleagues from the Argyll and Bute Council, all working together using a process called “service redesign” to plan mental health services for the 21st Century.

This redesign project was set up because the existing local services were felt not to be meeting the needs of local people. Two of the strong and clear messages from service users and their carers have been that people want to have more mental health staff working in their own communities, and they need a range of services which will help people with different types of need.

3.2 Project aims

The review and redesign was led by the Argyll and Bute Community Health Partnership (CHP) working closely with Argyll and Bute Council, and supported by an external consultancy “Research and Development in Mental Health”. The process was in three phases. Phase one “needs assessment and local engagement” and phase two “service option development and appraisal” are complete. The third phase is this public consultation.

3.2.1 Phase One - Needs Assessment and Local Engagement

There have been many discussions over the last few years with staff, service users and our communities about the future shape of mental health services. We included these previous discussions in the current planning.

Up to date information on local services and future needs was gathered through launch events and public drop-in events held across Argyll and Bute, along with almost 50 individual interviews, service user and carer group meetings, staff meetings, a Service User and Carer Questionnaire, and a G.P. questionnaire. Inpatient data and community caseload data was gathered and analysed.

Part One

People told us what is most important to them:

- Services to be as local to people's communities as is safe and achievable

- Seven day a week community mental health services

- Crisis response, ideally including home based treatment both to prevent admission and to facilitate discharge from hospital

- Development of services across the range of mental health needs, e.g. from promoting health and wellbeing, through support for people with mild/moderate conditions (primary care), and for people with more severe and enduring problems (community mental health teams)

- Development of psychological therapies service, including "talking therapies" and creative therapies

- Services and agencies to work together better, more joined-up working

- NHS community mental health staff and social work staff to be working and based together

- Develop stronger links with other services in the communities

- Use full potential of the voluntary sector, particularly befriending and buddying, and explore the role of peer support

- Adequate support and help for carers

- Continuing development of service user involvement in all aspects of planning and reviewing services

- A single point of access for people to the mental health services

- Recovery focus to be the basis of all services

- Access to inpatient care when needed

- Regular staff training to keep people up to date

- Services for the Helensburgh and Lomond area must follow the same principles and aims as the rest of Argyll and Bute (services provided by NHS Greater Glasgow and Clyde)

- Services must be cost effective

Current Services And The Need For Change

3.2.2 Phase Two - Options development and appraisal

The information gathered was used to give a perspective of service needs for the future. These were developed further through a Service User and Carer Event in June 2008. This was followed in July 2008 by a series of workshops to develop service options. From this, five options were drawn up and put through an options appraisal process during August and September 2008. This too involved service users, carers, staff and other stakeholders. From this work, options two and four emerged as those most favoured.

The appraisal was based on a number of "quality of service" criteria, and did not include information about the cost or affordability of the options. Since then, further work has been done to estimate the cost of each option so that local people and the NHS Board are clear about the financial implications of decisions about the future shape of services.

3.2.3 Phase Three - Public Consultation

Financial assessment of the options shows that most of them are affordable as they would cost almost the same as the current services. Option two would cost almost £2m more every year than current mental health services, so it is not affordable unless money is redirected from other local health services. The NHS Highland Board is keen therefore to set out all the options for wider consultation, and to hear views on any of these, along with any other suggestions which may not have been considered.

This public consultation document sets out for further discussion the five options, and aims to encourage informed debate about how to achieve the best possible range of services within the various requirements, opportunities and constraints.

Part One

4. MODERN MENTAL HEALTH SERVICES

4.1 General trends

In the UK, and internationally, a modern mental health service has the following features:

- More care in the community, fewer admissions to hospital
- Hospital admissions only for people experiencing more severe and enduring mental health problems
- Shorter lengths of stay when admission is necessary
- Long term care through community services, or in a Care Home if care at home is no longer possible
- Expanded community mental health teams - broader mix of staff and skills
- More help available through G.P. practices and locally based teams
- Arrangements for responding to people in crisis
- Targeted work with people who do not actively engage with the service
- Early intervention and support

4.2 National policy - leading to change

“Delivering for Health” was published in 2005 by the Scottish Government and set out clear objectives including an aim to improve the health - and mental health - of Scottish people. It demands a greater and wider effort on improving health and well being through preventative measures, support for self care and a targeting of resources on those at greater risk.

Following this, “Delivering for Mental Health” was published in 2006. It set out a range of national targets for services, and stated a number of commitments for change. The report emphasised that services cannot be targeted exclusively to address severe and enduring mental illnesses but must address in some manner the needs of people with any condition. The national focus has been further reinforced by “Rights, Relationships and Recovery”, the national review of mental health nursing and ‘With Inclusion in Mind’ a framework document which sets out the Local Authorities’ duties and responsibilities under the Mental Health (Care and Treatment) (Scotland) Act 2003, Sections 25-31. The aim is to prevent and treat illness and to promote health and wellbeing. There is a strong emphasis on reducing social exclusion, promoting recovery, and tackling stigma.

The expectations are:

- Improved anticipation of the care needs of people who experience mental illness
- Increased mental health services for those living in the community particularly the most disadvantaged communities

Current Services And The Need For Change

- Increased resources and support for self care
- Better use of inpatient services, and crisis services to prevent admission
- Full utilisation of staff skills to improve care

4.3 Modernising services in Argyll and Bute

4.3.1 Does anything need to change?

Feedback from patients and carers tells us very clearly that the clinical and personal needs of people are not being adequately met by the current services, despite the best efforts of all. The current services are under pressure trying to meet the demand for safe and comprehensive care for those with severe mental health conditions as well as for those with moderate or intermittent problems. At the same time there is demand for better community services because people want to be cared for within their local community. Other changes in society also have an effect, for example there are increasing levels of depression, anxiety and stress. Treatment options have also expanded within the field of mental health. For example, some forms of psychological therapy are proven to be effective, and need to be offered more readily across Argyll and Bute.

There is much excellent community focussed work in place across Argyll and Bute. However, the ability to develop this further is greatly limited by the fact that so much resource (staff and money) is committed to running the Argyll and Bute Hospital.

4.3.2 Looking back in time

Patients receiving care in hospital are housed in a very old building (100+ years) that was built for very different purposes. The Argyll and Bute Hospital dates back to a time when people with mental health problems were placed into institutions, and isolated far from other people. Today, even the best efforts of the dedicated and caring hospital staff cannot overcome the very obvious inadequacies of the clinical facilities. Our patients should have suitable private, safe space and areas that are both restful and therapeutic.

4.3.3 Looking forward

There is much support and commitment to modernise services across Argyll and Bute, and agreement from staff, service users, carers and others about the urgent need to make progress now.

Part Two

5. OPTIONS DEVELOPMENT AND APPRAISAL

The extensive work with service users, carers, partners and local mental health staff led to the development of 5 options for the future. The options were then considered against a list of quality criteria to test out how well each of them would meet the aims and requirements described earlier in this paper (i.e. the “non financial” benefits).

Following this, further work was done to estimate the financial costs of each option, and to compare these to the existing budgets for mental health services. Decisions about public services need to be informed by a sound understanding of both the non financial and financial criteria in order to achieve the best outcome for local people within the available resources. Current NHS expenditure on mental health care in Argyll and Bute is £13.6m per annum.

The next section describes each of the options and the benefits and weaknesses identified through the option appraisal process, followed by the financial implications, followed by an assessment of each option by NHS Highland.

5.1 Option One - Minimal Change

Summary - This option keeps the current services much as they are, with only a few, small changes.

5.1.1 Primary and Community Based Care

- Train a group of community volunteers in “guided self-help” to enable them to work with and support people with mild depression.
- No significant change or expansion within G.P. and community based NHS services. Local health care teams would continue to treat mainly people with severe and enduring conditions who are at risk of admission.
- Provide additional training for staff to provide treatment for people with mild/moderate mental health issues.
- Existing Day Care and support services such as the Link Clubs and local mental health community projects would be reviewed to ensure they focus on promoting wellbeing and independence, and to ensure they are reaching people who might not otherwise seek out this type of service.

5.1.2 Hospital services

- General inpatient beds would remain in the Argyll and Bute Hospital.
- The specialist inpatient rehabilitation unit would stay at Argyll and Bute Hospital.

Developing Options For The Future

- The continuing care ward (Arran) would remain in the short term, while staff support patients and carers to find alternative ongoing care in a more homely setting, in their own home, in very supported housing, or, if not possible, in a Care Home.
- Bed numbers would make it possible to adapt the existing wards, and to consider amalgamating some, and making some minor improvements to the environment and facilities.
- Proposed bed numbers:
 - o Acute and rehabilitation: between 20-26
 - o Intensive care: 6
 - o Dementia assessment: 10

5.1.3 Advantages

- Continuity of care for existing patients
- Minimal change for the workforce
- Affordable

5.1.4 Disadvantages

- No service developments in primary care
- Very limited development of community services
- Does not bring services closer to patients' own communities
- Does not strengthen integrated working across health and social services
- Little expansion of primary care management of mild/moderate conditions
- Does not meet national policy
- Does not meet local (community and staff) expectations of service
- Continues to focus on hospital care at expense of community services
- Continues to provide hospital care in buildings which are not fit for purpose.

5.1.5 Financial implications

The service changes being considered under option 1 should be achievable within the existing revenue budget for mental health services of £13.6m (see Appendix 1). The capital cost of improvements to bring the Argyll and Bute hospital into reasonable condition is estimated at over £10m.

5.1.6 NHS Highland Assessment of Option 1

The NHS Highland Board is aware that service users, carers, staff and other partners involved in developing and appraising the options did not consider this option to have any merit.

The Board considers this option unacceptable. It does not provide any significant improvement in services to patients.

Part Two

5.2 Option Two - Local services, including inpatient services in Community Hospitals.

Summary - This option has developments in primary care and community care services. Inpatient beds would be available in five of the local community hospitals, and more specialist psychiatric intensive care services in either a new 6 bed unit in Lochgilphead, or provided outside Argyll and Bute by another NHS provider. The costs of this option make it unaffordable in its present form.

5.2.1 Primary and Community based Care

- Train a group of community volunteers in “guided self-help” to enable them to work with and support people with mild depression.
- Provide additional training for staff to provide treatment for people with mild/moderate mental health issues.
- New specialist primary mental health workers working closely with individuals experiencing distress from mild mental health problems, and guiding / supporting G.P.s, other health professionals and staff in voluntary organisations.
- Existing Day Care and support services such as the Link Clubs and local mental health community projects would be reviewed to ensure they focus on promoting wellbeing and independence, and to ensure they are reaching people who might not otherwise seek out this type of service.

5.2.2 Community Mental Health Teams (CMHTs)

- Would be put in place in all localities, with a range of professional staff operating a core service Monday to Friday, with an “out of hours” crisis response service operating 7 days.
- These teams would provide full community mental health services to service users, carers and families in partnership with other agencies and primary care.
- They would help people in crisis, support them at home, provide rehabilitation, medicine management, and psychological therapies.

5.2.3 Hospital services

- Between 4-6 inpatient beds would be provided for acute admissions within the community hospitals in Bute, Campbeltown, Dunoon, and Lochgilphead, and in the Lorn and Isles Rural General Hospital in Oban.
- On Islay an area of the hospital would be designated for acute assessment and short term care, prior to transferring the patient to acute inpatient care. A similar arrangement may also be possible on Mull.

Developing Options For The Future

- The Argyll and Bute Hospital in Lochgilphead would close. There would be 6 psychiatric intensive care beds provided either in a new facility in Lochgilphead, or provided outside Argyll and Bute by another NHS Board.
- Staff would support patients in Arran Ward and their carers to find alternative ongoing care in a more homely setting, in their own home, in very supported housing, or, if not possible, in a Care Home.

5.2.4 Advantages

- Local, responsive, team based care
- Services close to home, including hospital inpatient care
- Integrated services - supports team working between staff of different services / agencies
- Enhanced primary care services
- Provides "out of hours" crisis response service - 7 days
- Expanding and enhancing local Community Mental Health Teams will lower waiting times for treatments, and provide more psychological therapies
- Local beds for acute admissions, provide quick and responsive inpatient treatment

5.2.5 Disadvantages

- No specialist inpatient service e.g. rehabilitation, intensive psychotherapy
- Intensive care beds would be isolated from other inpatient beds (which would be located either in a new build in Lochgilphead, or outwith the area).
- Service users may be unable to be admitted to the nearest hospital if local beds are full, and may need to travel outside local area
- Dispersal of clinical expertise - current hospital clinical staff would be relocated across Argyll and Bute, and would lose professional peer support
- Small inpatient units would be prone to peaks and troughs in use, so would be inefficient use of staff and other resources
- Small units would offer staff fairly limited scope for professional clinical practice, and it may be difficult to retain staff, and to recruit new staff in future
- High cost involved in providing hospital based staff to cover all shifts safely across the 5 local community hospitals
- Each community hospital with mental health beds would need either a new build extension or significant modernisation of existing facilities
- Investment in buildings would limit the amount of investment available for community staff and services
- This option is not affordable in its present form

Part Two

5.2.6 Financial Implications

This option would require substantial additional investment. The full costing indicates that annual running costs would be in the region of £15.7m per annum, which is £2m more than the current service. This reflects the very high cost of running five small inpatient units each with its own dedicated 24/7 staff team whilst also providing a full range of local, community services (see Appendix 1). Building costs are estimated at almost £5m (£4,820,000).

5.2.7 NHS Highland Assessment of Option 2

The NHS Highland Board is aware that this option is very popular with the service users and carers involved in the options development and appraisal process. It would deliver some of what people defined as important to them - as listed in paragraph 3.2.1.

Although local staff welcome the improvements in joint team working, the clinicians have strong reservations about the sustainability and clinical safety of small units within community hospitals. They have a concern about the ability to provide a clinically safe care environment which would meet the needs of the wide range and mix of patients. The dispersal of hospital staff to small units on five sites would give much less flexibility to cope with changes in demand. This could result in people being unable to be admitted in their own locality. Although this option has good potential to integrate hospital and community based staff, the existing hospital staff feel they would become isolated from peers and colleagues in the other locations.

The costs of this option are significantly more than the existing services. This means it is not affordable. This option needs to be modified to become affordable, or resources would have to be taken from other local health services and redirected into mental health care.

The Board is keen to hear suggestions about how this option might be adapted in order to achieve a balance between the expressed wishes of patients, and the Board's legal duties and other obligations to provide services which are safe, effective, sustainable and affordable.

We therefore wish to use this consultation to hear ideas and suggestions from service users, carers and other people about what is most important in this option, and what could be changed to make it achievable.

Developing Options For The Future

5.3 Option Three - Enhanced community services with a single, local inpatient unit.

Summary - Significant developments in primary and community care services, with a single, specialist inpatient mental health unit in Lochgilphead.

5.3.1 Primary and Community based Care

- Same as for Option Two

5.3.2 Community Mental Health Teams

- Same as for Option Two

5.3.3 Hospital Services

- There would be one hospital site probably in Lochgilphead which would include the following hospital beds:
 - o Acute and rehabilitation: between 20-26
 - o Intensive care: 6
 - o Dementia assessment: 10
- The design aims would be to offer therapeutic interventions that meet people's needs, in a purpose built unit, offering a modern environment, with domestic and independent living areas.
- Staff would support patients in Arran Ward and their carers to find alternative ongoing care in a more homely setting, in their own home, in very supported housing, or, if not possible, in a Care Home.

5.3.4 Advantages

- Local responsive, team based care
- Enhanced primary care services - close to home
- Integrated services - supports team working between staff of different services / agencies
- Provides "out of hours" crisis response service - 7 days
- Expanding and enhancing local Community Mental Health Teams will lower waiting times for treatments, and provide more psychological therapies
- Specialist dedicated inpatient unit, providing flexible services - acute, rehabilitation, and intensive care
- Creates local base for ongoing staff training
- The service would cost broadly the same as the existing, so is affordable

Part Two

5.3.5 Disadvantages

- As at present, some inpatients will be at a distance from home, and may feel isolated from family and friends
- As at present, some family and friends will have to travel to visit people in hospital
- May retain the identity of the existing hospital, and not provide real momentum for change

5.3.6 Financial Implications

A smaller central in-patient facility in Lochgilphead would have lower running costs than the current Argyll and Bute Hospital. This will enable increased investment in community services. The full costing of this option has indicated that annual running costs will be in the region of £13.7m per annum, so with minor adjustments, it is affordable (see Appendix 1). There will be significant building costs of £8.69m to build a new facility to replace the Argyll and Bute Hospital.

5.3.7 NHS Highland Assessment of Option 3

This has most of the benefits for patients of Option Two. Having a single inpatient unit would overcome the concerns of the professional staff, and maintains a viable and cost effective hospital based clinical team. The Board recognises the implications for patients, family and friends of having to travel for inpatient care. However, the developments in primary and community based services will help to keep many more people at home than is possible at present.

5.4 Option Four - as for Option Three, but also including Specialist Day Assessment and Treatment Service, and centre for staff training

Summary - This is a variation of option three. It includes two additional functions - an assessment and day treatment service where people who may be facing admission to hospital can be assessed, and can have formal individual and group therapies, plus an education centre for staff training, and to support ongoing clinical staff development.

5.4.1 Primary and Community based Care

- As for Options Two and Three

5.4.2 Community Mental Health Teams

- As for Options Two and Three

5.4.3 Hospital Services

- As for Option Three

Developing Options For The Future

5.4.4 Specialist Day Service and Education Centre

- A specialist day assessment and treatment service, and an education centre would be developed alongside the inpatient service.
- It would be a focus for very specialist psychological therapies for groups and individuals (“talking therapies”)
- People living at a distance from the day service would have homely accommodation if needed for overnight stays, e.g. local B & Bs, hotels.
- Patients’ travel and accommodation costs would be covered by the Highlands and Islands Travel Scheme.
- The Centre for staff training would be a permanent, local base for staff development and training of NHS staff and colleagues in other partner agencies.

5.4.5 Advantages

As for Option Three, plus -

- Specialist day assessment and treatment, avoids unnecessary admission to hospital
- Dedicated support for ongoing staff learning and training promotes multi agency team learning and development.
- A focus on learning encourages the ongoing development of clinical expertise and practice, and will promote high quality care
- Promotes ongoing learning for “generalist” health staff - such as G.P.s, health visitors, and community nurses - who are supporting many people with mental health problems
- The support for staff learning should encourage recruitment in future years, helping to sustain local services in the longer term.

5.4.6 Disadvantages

As for Option Three plus -

- Some resources would have to be shifted from developments in community based services in order to fund the day treatment service and education centre
- Some people using day services will need to travel from home and stay in overnight accommodation

5.4.7 Financial Implications

Annual running costs for this option will be in the region of £13.9m per annum. With some adjustments, it could be affordable (see Appendix 1). As with option 3, there will be significant building costs, £9.59m to replace the Argyll and Bute Hospital.

Part Two

5.4.8 NHS Highland Assessment of Option 4

In addition to our comments on Option Three, the Board welcomes the inclusion of a range of day services for people with moderate or more severe conditions. Helping people to stay out of hospital gives individuals a greater degree of independence, and can be an important step in assisting people to return home more quickly.

The Board also welcomes the inclusion of the staff learning and training centre. Although this has a financial cost, we recognise that staff training is essential to the ability to provide high quality professional treatments and care. The emphasis on multi agency training and development is very positive for patients - joint training is an effective way of helping staff of different backgrounds and disciplines to work well together.

Overall, option 4 has much in its favour. It meets most of the expressed needs and wishes of service users and carers, and it supports the clinical and other staff to continue developing and improving practice.

5.5 Option Five - Intensive Community based services, with no inpatient facility in Argyll and Bute

Summary - The aim of this option is to provide a wide range of care for people in their own home or their own community so that relatively few people would need in-patient treatment. It includes extended development of the community mental health teams. There would be no mental health inpatient beds within Argyll and Bute. People requiring hospital treatment would be referred out of the area.

5.5.1 Primary and Community based Care

- Same as for options two, three and four

5.5.2 Community Mental Health Teams

- As for options two, three and four plus
- Specific role to support people in crisis, supporting people at home

5.5.3 Hospital Services

- When admission is required this would be to a hospital outside of the area. The Argyll and Bute Hospital in Lochgilphead would close.
- In crisis, initial assessment and treatment may include short term care at a community hospital whilst awaiting transfer to an acute hospital.
- Staff would support patients in Arran Ward and their carers to find alternative ongoing care in a more homely setting, in their own home, in very supported housing, or, if not possible, in a Care Home.

Developing Options For The Future

5.5.4 Advantages

- Emphasis on treating people in their own community, including people with severe and enduring conditions
- Expanding and enhancing community mental health teams will lower waiting times, provide more psychological therapies, and other professional support
- Enhanced primary care services
- Significant developments in community teams
- Provides “out of hours” crisis response service - 7 days
- This would provide a unique opportunity for staff (including students / staff in training) to develop advanced skills and expertise in community based mental health care.

5.5.5 Disadvantages

- Service users requiring admission would have to go out of Argyll and Bute
- This would mean all patients who need admission, their carers, relatives and visitors would have to travel to inpatient services, sometimes over long distances (by road, ferry, 'plane)
- Total break in continuity of care between community team and inpatient staff
- Increased risk of communication failures between staff groups
- Risk of increasing the readmission rate because admissions are likely to be short stay
- Distance to acute hospital site will mean delays in reaching care
- Would rely on staff and carers' ability to manage and support individuals to remain at home
- Significant implications for G.P.s involved in “out of hours” medical cover

5.5.6 Financial Implications

Significant savings would be made from the closure of the Argyll and Bute Hospital. These savings would be re-invested in community services and on the purchase of inpatient beds from a neighbouring NHS Board. The full costing of this option indicates annual costs in the region of £13.5m. This is close to the current costs, so it is affordable. There would be building costs of £2.25m. (see Appendix 1)

5.5.7 NHS Highland Assessment of Option 5

In common with options two, three and four, this option has the benefits of developing and expanding local mental health teams. However, the Board is aware that local people and clinical staff have expressed real concern at the implications of having no locally based acute inpatient service. This would have the greatest impact on people who are very unwell.

Part Two

Developing Options For The Future

Local staff expressed a number of concerns about the loss of continuity of care if people were receiving hospital care outwith Argyll and Bute. There is a risk that communication between clinical staff would be more difficult and less effective for the patient. There is also a concern that this may create a reluctance to admit patients who require intensive, inpatient care, and that staff may take a higher degree of clinical risk by attempting to treat and support people in the community when this is not appropriate.

Contracting with another NHS Board for hospital care also introduces a degree of financial risk. The costs per admission may be higher than at present. Generally, a contract of this sort allows limited flexibility, e.g. to alter the service in light of experience, or feedback from service users.

By splitting hospital services to another NHS Board, this option does not provide the fully integrated, team based approach which service users and staff wish to achieve. In view of this, the Board does not favour option five.

6. Workforce Issues

Our ability to provide local people with good, safe, effective care is very dependent on our ability to retain and recruit the staff needed to provide care. It is very clear that bringing change to mental health services in Argyll and Bute will have huge implications for the staff involved. In addition to the duties of NHS Highland to patients and service users, we also have legal and moral responsibilities for our staff.

Approximately 200 staff are likely to be affected by change in mental health services in Argyll and Bute. Depending on the option selected for implementation, the greater the dispersal of staff required, the greater the challenges. There already exists an Organisational Change Group within the Argyll and Bute mental health service, with responsibility for overseeing and advising on the impact of change on the workforce.

Once the future shape of local services has been determined, a detailed programme of work will take place with staff and their representatives to manage the impact of the change. This will be done in accordance with national and NHS Highland Organisational Change policies. Staff and their representatives will be involved in meetings to explore the potential implications, and the opportunities associated with redeployment.

Part Three

Hearing Your views

7. Getting involved

NHS Highland wants to hear your views on the options in this consultation document, and to hear any additional ideas or suggestions which will help to shape the future of local mental health services. There is a tear out section at the back which you can use to record your views, and return to the FREEPOST address given. You may prefer to respond by email using the dedicated consultation mailbox. Details on the response form.

In addition, there will be many opportunities for you to meet local NHS staff in order to discuss these proposals more fully. Watch out for:

- Press releases in local papers, along with public notices advertising local meetings and road shows.
- Webpage - check the NHS Highland CHP project webpage for up to date information and copies of newsletters <http://www.nhshighland.scot.nhs.uk/CHP/ArgyllandBute/Pages/MentalHealthReview.aspx>
- Newsletter - the monthly project newsletter will continue to be produced and distributed widely to community groups. To add your name to the distribution list, contact Fiona Broderick on 01546 604908.
- Posters/Flyers/mailings - Events information will be sent to the key community councils/ groups, voluntary organisations and other interested parties.
- Argyll and Bute Public Partnership Forum (PPF) - members will be kept informed and encouraged to spread the word around their networks so that as many people as possible participate in the consultation.
- ACUMEN, Mental Health Forums, and local health forums have supported the service user and carer involvement throughout phases 1 and 2. We will continue to link through these networks to circulate information to their members.
- Community meetings and Road Show Events - discussion and consultation events will be held in key locations across each of the localities. Wherever possible we will also respond to invitations from community councils, community groups and voluntary groups to join your meetings for discussion and feedback.

Part Three

Hearing Your views

- Staff Briefings/Meetings - staff meetings will be arranged to ensure health and local authority staff/members are fully briefed and involved and given opportunities to respond to the consultation.

What happens after the consultation?

All feedback received during the public consultation period will inform the development of a final set of proposals and recommendations by the Argyll and Bute Community Health Partnership (CHP). The NHS Highland Board will then consider the recommendations of the CHP and the report of public feedback, and make a decision about the future shape of services. Depending on the outcome of that, and if the Scottish Government considers the proposals to be "major service change", they will be submitted to the Cabinet Secretary for Health and Wellbeing for a final decision.

Once the final outcome is known, it will be communicated widely through the Newsletter (for details see list above), and through local newspapers.

When will we see progress?

Once a decision is made, planning for implementation will start during 2009. An Implementation Plan will be produced describing the steps in the process to bring about change. Introducing change to local services is likely to take 2 - 3 years, depending on the final decision, and possibly longer depending on the amount and type of building work required.

Appendix One

1. Staff profile

All figures relating to staff numbers are expressed as whole time equivalents, not by head count. Numbers have been rounded for ease of reference.

Current Services

Hospital services	198
Community services	43
Total	241

	Option One	Option Two	Option Three	Option Four	Option Five
Hospital services	198	176	131	134	38
Community services	43	86	83	83	108
Total	241	262	214	217	146

2. Service Costs

All figures relating to the costs of services have been rounded to the nearest £100,000.

Current Services

Hospital services	9.261m
Community services	4.342m
Total	£13.603m

	Option One	Option Two	Option Three	Option Four	Option Five
Hospital services	9.261m	9.318m	7.619m	7.837m	5.683m
Community services	4.342m	6.393m	6.038m	6.038m	7.865m
Total	13.603m	15.711m	13.657m	13.875m	13.549m

3. Buildings costs (outline costs)

	Option One	Option Two	Option Three	Option Four	Option Five
	10m	4.8m	8.69m	9.59m	2.25m

Appendix Two

Definitions and acronyms

The following list includes terms used in this document, and some other terms which you may hear during the consultation period.

ACUMEN	Argyll and Clyde United in Mental Health - a service user and carer led network
Assertive Outreach	Targeted at people do not actively engage with services, to support them to maintain contact with care and treatment
Befriending and buddying	An informal, normally voluntary, role where two people agree to spend time together in a supportive friendship - sometimes of mutual benefit
Carer	Someone who looks after or supports a person with a health condition
CHP	Community Health Partnership - part of the NHS Board
Community Mental Health Team	Mental health team based in the community with a range of different staff caring for people with more serious mental health conditions at home.
Complex needs in the community	People who have multiple conditions, or other complex needs but who are able to be cared for at home
CPN	Community Psychiatric Nurse
Crisis Service	Service to help people in crisis and where possible to avoid the need for them to go into hospital
Day Care Service	Structured support, either individually or in small groups, to offer activity and purpose to a person's day
Dementia	A chronic confusional state
Early Intervention	Service aimed at identifying and treating mental health conditions, or changes in the condition at a early stage, particularly psychosis
G.P.	General Practitioner - the family doctor.
Holistic care	Understanding and responding to the broad range of someone's needs, e.g. their health, housing, and community support
Inclusion	Means promoting a person's wellbeing and social development, and tackling issues that cause social exclusion, e.g. poverty and other forms of disadvantage
IPCU	Intensive Psychiatric Care Unit; a hospital unit for people who are acutely unwell, and whose needs cannot be met safely in an open ward e.g. people who are very disturbed or aggressive, people who are likely to abscond from treatment and care.

Appendix Two

Link Clubs	Local service user run organisations providing support for people with mental health problems.
Long stay continuing care	Care in a residential setting for people who cannot be cared for in their own home
MHO - Mental Health Officer Status	An MHO is a social worker with additional training, experience and skills to work with people with mental health conditions
Option development and appraisal	Formal, structured process for developing services and assessing them objectively. A requirement of the Scottish Government.
Peer Support	Support given between two people where they both have had a similar or complementary experience
Primary Care	Normally this is the first contact of people with the health system, e.g. G.P., pharmacist, dentist.
Psychological therapies	A range of psychological treatments, based on two main traditions - psychotherapy and counselling. Includes cognitive behaviour therapy (CBT), cognitive analytic therapy (CAT) and dialectical behaviour therapy (DBT)
Public Partnership Forum (PPF)	A group of local people who have an interest in health and health services, and who get involved in many, different ways
Recovery	In relation to mental health, this means people regaining at least some degree of control of their lives, helping them to achieve a meaningful life, and a positive sense of belonging in their communities
Rehabilitation	A process to help people be as independent as they can be e.g. by learning day to day life skills which improve confidence and coping.
Service integration	Different organisation and services being run and managed together
Service User	Someone who uses a service
Severe and enduring mental health conditions	Conditions which have long term, serious impacts on people's lives
Talking therapies	A range of treatments based on talking with a counsellor or psychotherapist, generally for mild to moderate mental health conditions.
Voluntary or Third Sector	voluntary and community groups and organisations

Appendix Three

References and supporting information

National documents

1. Delivering for Health. Scottish Executive 2005.
2. Delivering for Mental Health. Scottish Executive 2006.
3. Delivering for Health: Delivering for Mental Health National Standards for Crisis Services. Scottish Executive 2006.
4. With Inclusion in Mind: The local authority's role in promoting wellbeing and social development: Mental Health (Care and Treatment) (Scotland) Act 2003 Sections 25-31. Scottish executive 2007.
5. Scottish National Benchmarking Project. Report 2. Scottish Executive 2008.
6. National Programme to Improve the Mental Health and Well Being of the Scottish Population. Scottish Executive 2001.
7. Choose Life: A National Strategy and Action Plan to Prevent Suicide in Scotland. Scottish Executive 2002.
8. "See Me" campaign. Scottish Executive 2005.

Local Documents

9. A New Vision for Mental Health Services - Building on our Experience. Argyll and Bute Community Health Partnership 2007.
10. The Redesign and Modernisation of Mental Health Services in Argyll and Bute. Argyll and Bute CHP 2008.
11. The Redesign and Modernisation of Mental Health Services in Argyll and Bute, supplementary appendixes of project and analysis. Argyll and Bute CHP, 2008.
12. Population review of Argyll and Bute CHP. Argyll and Bute CHP 2008 and Bed reduction analysis Argyll and Bute CHP 2008.
13. The Health of the people of Helensburgh and Lomond. Needs assessment report, Argyll and Bute CHP 2007.

Appendix Four

PUBLIC CONSULTATION - MENTAL HEALTH SERVICES IN ARGYLL AND BUTE, January to April 2009.

PUBLIC DROP IN SESSIONS, 2009

LOCATION	DATE	DETAILS
Oban Corran Halls	Wednesday 28 January	15.00 - 19.30
Isle of Mull Craignure Hall	Thursday 29 January	15.00 - 19.30
Isle of Islay Bowmore Hall	Tuesday 03 February	15.00 - 19.00
Campbeltown Campbeltown Community Centre	Tuesday 10 February	15.00 - 19.30
Rothesay Moat Centre	Friday 13 February	15.00 - 17.00
Dunoon Queens Hall	Monday 16 February	15.00 - 19.30
Lochgilphead Lochgilphead Community Centre	Thursday 19 February	15.00 - 19.30
Helensburgh Victoria Halls	Tuesday 24 February	15.00 - 19.30



Argyll and Bute MH Consultation
FREEPOST RLUC - KBCH - KKHC
NHS Highland, Assynt House, Beechwood Park,
Inverness IV2 3BW

E-mail us at: nhshighland.abmh@nhs.net

If you would like this information in a different language or format (E.g. **large print** or audio cassette) or to know details of consultation events in your area please contact 01546 604908

ARGYLL AND BUTE COUNCIL**EXECUTIVE****CHIEF EXECUTIVE'S UNIT****19 MARCH 2009**

DRAFT EQUALITY SCHEME

1. SUMMARY

This paper outlines a revised approach to meeting the Council's equality duties and recommends that a new Draft Scheme (attached) is circulated for consultation. The new approach includes some actions to be undertaken corporately when previously they were undertaken by individual services.

2. RECOMMENDATION

- i. SMT recommends that the draft Equality Scheme (Appendix 1) goes out for consultation
- ii. Executive agrees to the proposed corporate approach
- iii. Executive agrees to monitor the Equality Scheme via a scorecard and where appropriate refer elements to the PPG Social Affairs or PPG Organisational Development
- iv. Executive notes the Advice from the Equality and Human Rights Commission regarding Equality Impact Assessments (App. 2).

3. DETAIL**3.1 Background**

The current Equality and Diversity Scheme incorporated the Schemes for Race, Disability and Gender. Each of these equality duties operates to a different timescale due to the timetables dictated by previous individual equality commissions.

The commissions for Race, Disability and Equal Opportunity have been replaced by a single Commission for Equality and Human Rights that was set up on 1 October 2007. The Commission has produced a single Equality and Diversity Scheme and has recommended that single equality schemes can be produced as long as actions are "levelled up" so that all equality strands meet the highest requirements of any one equality strand.

The Council's current Equality and Diversity Scheme has been revised to align the action plans that were previously separate. A single Action Plan makes sense as there are actions that have an impact on people in terms of gender and race and disability.

The Single Equality Scheme will also ensure alignment with the Council's Corporate Plan and with Service Plans. Services have

reviewed their actions and updated the Equality Scheme Action Plan accordingly.

3.2 New Approach

Our objectives are to:

- ensure equality in the development and delivery of our services
- to be an equal opportunities employer
- have strong leadership – equality is one of the competencies of the Argyll and Bute Manager
- improve service delivery
- improve community engagement
- focus on outcomes.

The corporate lead for equalities lies with the Chief Executive's Unit. Each Strategic Director has specific responsibility for equalities within their department's area of responsibility. There are actions that are best suited to being carried out corporately, eg translation and interpretation, producing publications in easy read formats. By doing this corporately, we will improve our communication with our customers and also be able to keep track of demand for these services.

Equality training needs to have a corporate approach. The competency training being developed for the Argyll and Bute Manager will include equality. There are actions in the plan for equality training for employees at all levels and elected Members as it is essential that everyone understands their responsibilities in terms of equality. In addition to tutor-led development work, there will be a re-launch of the e-learning resource in April. Both managers and employees will be encouraged, and expected, to work through the e-learning materials. The courses will include:

- Age: Realising the benefits of an age diverse workforce
- Disability Confident: Working with disabled customers and colleagues
- Gender Matters: Creating an inclusive workplace for both women and men
- Religion and Belief: Respecting and accommodating faith and belief in the workplace
- Sexual Orientation: Respecting lesbian, gay and bisexual people in the work place
- The Diversity Challenge: Maximising the potential of our diverse workforce.

We need to improve the way in which we engage with communities. The new CPP Community Engagement strategy will apply to the way in which the Council involves seldom heard groups to help improve

services. This includes disabled people, young, old, people from different ethnic groups, as well as other under-represented groups.

Services are required to carry out Equality Impact Assessments of policies (new and when reviewed), functions and projects, to identify any potential adverse impact and take action to avoid this. An Advice Note produced by the Equality and Human Rights Commission (Appendix 2) outlines two cases to demonstrate the importance of carrying out Equality Impact Assessments. This should be noted.

There is a dual role for communication. The messages about equality need to be communicated internally but we also need to ensure that we communicate effectively with our customers and partners. There are actions in the Equality Scheme to address this.

3.2 Consultation about the Equality Scheme

In addition to going onto the Council's website, the draft Scheme (Appendix 1) will be circulated to Community Planning partners, other organisations and voluntary groups for their feedback. The consultation period will last for at least 6 weeks.

3.3 Monitoring the Equality Scheme

When the revised Equality Scheme is agreed, actions and performance indicators will be included in the performance management system, Pyramid and monitored by the Equality scorecard.

In terms of Elected Members monitoring the Equality Scheme, SMT has recommended that Members monitor the Equality Scheme via a scorecard and where appropriate refer elements to the PPG Social Affairs or PPG Organisational Development.

4 CONCLUSION

This report summarises the new approach of the Single Equality Scheme. The report recommends that the Draft Single Equality Scheme (App. 1) goes out for consultation and asks for an agreed approach to monitoring by Elected Members via one of the Policy and Performance Groups. The Executive is also asked to note the advice from the Equality and Human Rights Commission.

For further details, contact:

Jennifer Swanson, Policy Development Manager, Policy and Strategy
jennifer.swanson@argyll-bute.gov.uk Tel. 01546 604298

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ARGYLL AND BUTE COUNCIL
EQUALITY AND DIVERSITY SCHEME
DRAFT FOR CONSULTATION

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1 INTRODUCTION

Our overall aim is that Argyll and Bute should be recognised as Scotland's leading rural area.

We aim to achieve this by getting closer to our communities, valuing our employees and working with our partners. We will ensure that the services we provide are delivered in a fair, consistent, efficient and effective way taking into account their social and environmental impact and the needs and aspirations of communities and individuals.

We recognise that individuals are different and we need to ensure there is equality among our diverse communities. Achieving equality is a driver for improving services to all members of the community and is integral to the Council's overall performance. Equality is about people having equal life chances, equal dignity and worth, and equal participation. We must continue to strive to achieve this.

This Single Equality Scheme is intended to enable the Council to better-address the needs of all members of the communities it serves by combining all equality actions into one plan.

The Single Equality Scheme replaces the Race Equality Scheme published November 2002 and revised September 2004, the Equal Opportunities Policy, and the Equality and Diversity Scheme published in December 2006 and revised in June 2007. This Scheme outlines the legislative background and the data about each equality strand that has been used as a basis for action.

As part of the Council's commitment to equality we continue to welcome your views on this Scheme.

Councillor Dick Walsh
Council Leader

Sally Reid
Chief Executive

2 LEGAL DUTIES

The Equality and Human Rights Commission states:

“It is unlawful for a public authority exercising a function of a public nature to perform any act which constitutes discrimination. This applies to all the legal grounds for discrimination. Organisations in the public sector are expected to lead the way in carrying out their functions with demonstrable respect for equality and human rights. In the delivery of services, and in the devising of policies and procedures, public authorities have a crucial role to play in promoting the values and practices of a fair and democratic society.”

The Equality and Diversity Scheme outlines Argyll and Bute Council’s aims and intentions to promote equality in terms of service delivery and employment. The Scheme is in accordance with the Equality Duties Codes of Practice and the undernoted legislation:

RACE	
Anti-discrimination legislation	
Race Relations Act 1976	Unlawful to discriminate on grounds of race, colour, national or ethnic origin in: <ul style="list-style-type: none"> • Housing, • Employment, • Education and • Goods and services etc
Promotion of equality	
Race Relations (Amendment) Act 2000	Introduced race equality duty. Duty to: <ul style="list-style-type: none"> • Eliminate unlawful racial discrimination; • Promote equality of opportunity • Promote good relations between persons of different racial groups.

DISABILITY	
Anti-discrimination legislation	
Disability Discrimination Act 1995	Unlawful to discriminate on grounds of disability in: <ul style="list-style-type: none"> • Employment, • Education • Goods, services, premises etc
Promotion of equality	
<ul style="list-style-type: none"> • Disability Discrimination Act 2005 • Education (Additional Support for Learning) (Scotland) Act 2004 	Duty on all public organisations to give due regard to disability equality by: <ul style="list-style-type: none"> • Eliminating unlawful discrimination. • Eliminating unlawful harassment • Promoting equality of opportunity. • Taking steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably. • Promoting positive attitudes towards disabled persons. • Encouraging participation by disabled persons in public life.
GENDER	
Anti-discrimination legislation	
<ul style="list-style-type: none"> • Equal Pay Acts 1970 and 1984 • Sex Discrimination Act 1975 • Sex Discrimination (Gender Reassignment) Regulations 1999 	Unlawful to discriminate on the grounds of sex in <ul style="list-style-type: none"> • Employment • Education • Housing • Goods, services etc

Promotion of equality	
The Equality Act 2006	<p>Introduces gender equality duty - duty to give due regard to gender equality when carrying out all functions by:</p> <ul style="list-style-type: none"> • eliminating unlawful discrimination and harassment, and • promoting equality of opportunity between men and women
AGE	
Anti-discrimination legislation	
Employment Equality (Age) Regulations 2006	<p>Unlawful to discriminate on grounds of age (including all ages) in</p> <ul style="list-style-type: none"> • employment, • training and • adult education.
RELIGION / BELIEF	
Anti-discrimination legislation	
<ul style="list-style-type: none"> • Employment Equality (Religion or Belief) Regulations 2003 • The Equality Act 2006 	<p>Unlawful to discriminate on grounds of religion or belief in</p> <ul style="list-style-type: none"> • employment and • vocational training. <p>Unlawful to discriminate on grounds of religion or belief in the exercise of the functions of public authorities (some education related exceptions).</p>
SEXUAL ORIENTATION	
Anti-discrimination legislation	
<ul style="list-style-type: none"> • Employment Equality (Sexual Orientation) Regulations 2003 	<p>Unlawful to discriminate on grounds of sexual orientation in employment.</p>

<ul style="list-style-type: none"> • Equality Act (Sexual Orientation) Regulations 2007 	<p>Unlawful to discriminate on the grounds of sexual orientation (perceived or actual)</p> <ul style="list-style-type: none"> • in the provision of goods, facilities, services, education • use and disposal of premises • in the exercise of public duties
<p>HUMAN RIGHTS</p>	
<ul style="list-style-type: none"> • The Human Rights Act 1998 • Article 14 	<p>Prohibition of Discrimination – right not to be subject to discrimination</p>

The Council has further, specific statutory duties to develop and publish equality schemes for race, disability and gender. This single Equality Scheme shows how the Council fulfils its statutory duties to promote equality for everyone.

<p>Key Terms</p> <p>Direct Discrimination: treating a person less favourably than another on grounds of race, disability, gender, sexual orientation, religious/political belief or age.</p> <p>Indirect Discrimination: applying a condition or requirement that cannot be justified and that prevents people from certain groups from receiving a service or being employed.</p> <p>Harassment: unwanted behaviour that has the purpose or effect of violating a person’s dignity or creates a degrading, humiliating, hostile, intimidating or offensive working environment.</p>
--

3 ARGYLL AND BUTE COUNCIL PRIORITIES

Argyll and Bute aims to be the leading rural area and the Council's agreed themes are set out in its Corporate Plan:

- Vibrant Communities
- Outstanding Environment
- Forward Looking

The Council's strategic objectives are:

- Promoting our cultural, social and natural heritage and protecting our unique area
- Affecting demographic change, caring for vulnerable people and lifelong learning
- Creating an attractive, well-connected, modern economy
- Improving, innovative, proactive and successful organisational development.

These objectives are underpinned by the Council's core values and ways of working. We have identified key areas where we wish to change the way the Council works. They are:

How we were		How we want to be
Well managed	→	Well led
Hierarchical	→	Empowered and flexible
Profession centred	→	Customer focused
Consulting clients	→	Involving clients
Performance – an add-on	→	Performance integrated
Operational focus	→	Strategic focus
Departmental loyalty	→	Corporate commitment
Reactive	→	Proactive
Challenged	→	Challenging

The Council's Equality and Diversity Scheme is underpinned by key principles, stated in our Corporate Plan, that:

- no-one is disadvantaged because of their race or ethnic origin, disability, gender, age, sexual orientation, or religion and belief
- the differences between people are valued and good relations between groups are promoted
- people are treated fairly and with equal respect
- informed assessments are made on the impact of policies and services
- people are involved in the decisions that affect them and encouraged to participate in public life.

3.1 Our Objectives

- To have strong leadership – equality is one of the competencies of the Argyll and Bute Manager
- To improve service delivery
- To improve community engagement
- To focus on outcomes.

3.2 Organisation and Management of Equalities

The corporate lead for equalities lies with the Chief Executive's Unit. Each Strategic Director has specific responsibility for equalities within their department's area of responsibility.

Equality is a core value for Argyll and Bute Council and therefore everyone working for or with the Council has responsibilities in relation to promoting equality of opportunity and good relations between different groups.

Successful implementation of the Equality Scheme will depend on a partnership between the Council and the community and involves:

Elected Members:

- to comply with the Equality Scheme
- to provide leadership direction and support
- to engage with the local community
- to provide a scrutiny role

Strategic Directors:

- to comply with the Equality Scheme
- to provide leadership and support to enable services to comply with the Equality Scheme
- to oversee and monitor compliance with the Equality Scheme

Employees and staff representatives:

- to comply with the Equality Scheme
- to challenge existing cultures and traditions
- to engage with Community Planning Partners/Contractors

Providers of Goods and Services to and for the Council:

- to comply with the Equality Scheme

4 EQUALITY IMPACT ASSESSMENT

The Council has an Equality Impact Assessment toolkit that incorporates race, disability, gender, age, sexual orientation and religion/belief.

With this toolkit, all Council policies, strategies and procedures, both new and revised, are assessed for their likely impact on different groups of people and individuals. By assessing all new initiatives, we can identify any possible cause of inequality at the planning stage and remedy this.

Officers assess the impact of the Council's functions and policies on the diverse groups of people within Argyll and Bute by using all available information and engaging with local groups. The assessment process also helps to identify opportunities for the Council to promote equality and good relations between groups and to help ensure that the Council meets its equality commitments.

Twice a year, the Council's Strategic Management Team receives a report of the Equality Impact Assessments that have been completed and those that are planned.

5 RACE

5.1 Legal Duty

The Council has a statutory duty to have due regard to the need to:

- eliminate unlawful racial discrimination
- promote equality of opportunity, and
- promote good race relations.

We know from the census data that people from all ethnic minority backgrounds are scattered throughout Argyll and Bute, in remote areas and in towns. There are no concentrations of one group in any particular area and this can make it more difficult to engage with people. The Council recognises that having small numbers of people from ethnic minorities can mean that individuals feel more vulnerable and isolated.

It is likely that the make-up of the population will have changed since the 2001 Census and it will be fluid due to migrant workers.

In addition to the resident community recorded by the census, the Single Equality Scheme takes into account Gypsies/Travellers, non-resident workers (ie those who live outside Argyll and Bute but work in the area), visitors to the area and seasonal workers.

5.2 Gypsy / Travellers

Argyll and Bute Council was one of 11 local authorities that commissioned Craigforth to carry out research in 2007. The results are published in the document, "An Accommodation Needs Assessment of Gypsy/Travellers in West Central Scotland".

There are 3 official accommodation sites in Argyll and Bute located at Dunoon, Lochgilphead and Ledaig (north of Oban, near Benderloch). These 3 sites were formerly owned by Argyll and Bute Council but are now owned and managed by Argyll Community Housing Association (ACHA) following the transfer of all Council housing (including official sites) which took place during November 2006. However, the Council continues to have a duty to monitor and review the housing and support needs of Gypsies and Travellers within the context of the Local Housing Strategy.

5.3 Migrant Workers

The Council is working with Community Planning Partners to ensure that the housing, health and education needs of migrant workers are addressed.

5.4 Race Survey

The Council has worked in partnership with NHS Highland Argyll and Bute CHP (Community Health Partnership) to carry out a survey about people's experience of race equality in Argyll and Bute. There was a very low response rate to the survey so it will be difficult to draw useful conclusions from the results.

We will work with our community planning partners to find better ways of engaging with people from different ethnic groups. We will use the Community Planning Partnership [Community Engagement Strategy](#) that [focuses on improving our engagement with hard to reach](#) and [seldom heard groups](#).

5.5 Interpreting and Translation

The Council uses a service for interpretation and translation as required. Very few requests for this service have been received but we will keep this under review. Instead of services accessing this individually, the Council is going to take a corporate approach to procuring interpretation and translation services.

5.6 Community Safety Partnership

The Council is part of the Community Safety Partnership which considers regular reports of racist, homophobic and domestic abuse incidents. This information is collected and recorded by Strathclyde Police.

6 DISABILITY

6.1 Legal Duty

The Disability Discrimination Act 1995 places a general duty on the Council to have due regard to the need to:

- Promote equality of opportunity between disabled people and other people
- Eliminate discrimination that is unlawful under the Act
- Eliminate harassment of disabled people that is related to their disabilities
- Promote positive attitudes towards disabled people
- Encourage participation by disabled people in public life
- Take steps to take account of disabled people's disabilities, even where that involves treating disabled people more favourably than other people.

In addition, the Council has a Specific Duty to produce and publish a Disability Equality Scheme, to include an action plan to implement this and report progress on an annual basis. Our action plan records those actions that relate specifically to disability.

6.2 Definition of Disability

The Disability Discrimination Act (DDA) protects disabled people. The Act sets out the circumstances in which a person is "disabled". A person is disabled if:

- they have a mental or physical impairment
- this has an adverse effect on their ability to carry out normal day-to-day activities
- the adverse effect is substantial
- the adverse effect is long-term (meaning it has lasted for 12 months, or is likely to last for more than 12 months or for the rest of their life).

According to the 2001 Census, in Argyll and Bute 15% (13,676) of the total population have a limiting long-term illness. Therefore, it would be reasonable to assume that this is the proportion of the

population who have a disability. The RNID has advised that one-seventh of the population is likely to have a hearing impairment which amounts to approximately 13,044 people in Argyll and Bute. There are around 1000 people who are blind or visually impaired registered with the Council's Community Services. We know, from the range of support groups and self-help groups in Argyll and Bute that there is a wide range of disabilities affecting many people and their families.

6.3 Involving Disabled People

In the past, the Council has tended to consult with disabled people's groups on specific issues, for example Lochgilphead Resource Centre Users Consultation (2002), Learning Disability Consultation (2004). The results of these were considered when we developed our last action plan.

We recognised that while these consultations were useful, a one-off consultation might not bring the same benefits as continued dialogue. We need to improve the way that we engage with communities. We have had discussions with disabled people to identify good ways to work together.

The National Audit Office recommends long-term supported engagement. This is something that was explored in a pilot project with groups in Kintyre. In the discussions people told us that we need better links between disabled people's groups and the Council and Community Planning Partnership.

The pilot project, funded by Communities Scotland, was carried out by ODS Consultants who engaged with disabled people's groups in Kintyre between April and June 2006. All groups were asked for their views on how people with Additional Support Needs, and their carers, can influence service delivery. The pilot concluded that there was a need to strengthen the Kintyre Community Care Forum by bringing groups together and creating more formal structures of involvement. A summary of these discussions is shown below.

6.4 Pilot Project Summary of Findings

- There are at least 20 groups in South Kintyre which involve people with Additional Support Needs, and their carers

- Groups have varying levels of activity, but most are extremely active with meetings on a regular basis
- If individuals had an issue with a service, at present they would be most likely to contact their Councillor or write a letter
- Support groups and friends were also key sources of support, with some groups taking on a lobbying role to try and influence service provision
- People generally felt that it can take a long time to change any aspect of service provision and many had a feeling of powerlessness
- Those who relied most heavily on services – such as day and respite care - were most frustrated about their lack of influence
- Most people believed that staff at a local level tried to respond to issues, but that bureaucracy and resources could restrict their flexibility
- Few people were involved in any kind of consultation, and felt that information on service changes mainly travelled by word of mouth
- Groups would like to have more influence over service planning and delivery, through:
 - Developing trust and being treated as equal partners
 - Having a clear place in the decision making process
 - Joint working between groups
 - Support through funding
- Local organisations working with people with Additional Support Needs echoed these views, with a strengthened Community Care Forum seen as the key route for future involvement.

There are well over 100 disabled people's groups in Argyll and Bute. Most of these are support or self-help groups for people with particular disabilities. There are six Community Care Forums or Associations in Argyll and Bute and many disabled people's groups link to these at a local level.

In 2005 the Council and Argyll and Clyde Health Board worked together to consult with Community Care Forums and Associations about developing partnerships. This consultation considered current structures, developing new relationships and structures, and what resources were needed. Information gathered from this has been used to help formulate the Disability Equality Action Plan.

The information gathered in these consultations has helped to identify barriers for disabled people and unsatisfactory outcomes. This, in turn, has helped to set priorities for action plans and assist in planning activities.

Disabled people will be involved in implementing the Equality Scheme when services are conducting equality impact assessments and gathering evidence. Services are improving monitoring of initiatives and services so that success can be analysed.

(Our contact) has been excellent in the Roads department, always quick to help when we go to him with a problem. We had some dialogue with the Planning department, but that has gone by the wayside. We need to try and get this going again.

Fiona Morrison, Oban and District Disability Forum

Argyll and Bute Council expects that the Scottish Parliament will approve new planning regulations later in 2009. Planning officers will then re-engage with access panels, and other groups, about consultation arrangements and discuss how to improve contributions to the planning process.

We would like more Council information presented in Plain English and / or Easy Read formats. Argyll CVS assists us with terminology and produces summaries of Council documents for us.

Seniors Forum / Lomond and Argyll Advocacy Service / Link Club
representatives

Argyll and Bute Council will work with disability groups to produce Council information in Easy Read formats.

DRAFT

7 EDUCATION: DISABILITY EQUALITY SCHEME

7.1 Introduction and legislative context

This document represents the response of Education to the Disability Discrimination Act 2005 and the requirements for the authority to produce a Disability Equality Scheme for implementation by schools.

7.2 Education legislative framework

The Disability Discrimination Act 1995 states that:

...a person has a disability for the purposes of this Act if he or she has a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.'

Under the Education (Additional Support for Learning) (Scotland) Act 2004, learning disabilities is interpreted more widely. That is, where:

...a child or young person is unable without the provision of additional support to benefit from school education provided'

The Act goes on to state:

...all children and young people benefit from school education when they can access a curriculum which supports their learning and personal development; where teaching and support from others meet their needs; where they can learn with, and from, their peers and when their learning is supported by the parents in the home and by their wider community.

Children with additional support needs may be identified in a variety of circumstances: concerns raised by the parents or carers or through self referral by the child or young person, head teachers and senior staff, referral from medical services, staged intervention processes. Support may be identified by the Area Network

Teams, Psychological Services, allied health professionals, social work and teaching staff.

For all children so identified strategies are based on the principle they should receive the best educational opportunities available to develop to their fullest potential. It is the responsibility of the education authority to ensure that any physical, systemic or attitudinal barriers are removed.

The Education (Disabilities Strategies and Pupils' Education Records) Scotland Act 2002 requires that the Accessibility Strategy sets targets to improve access to the built environment, information and the curriculum. The 2006-2009 strategy was revised to take into account the Disability Equality Duty.

The Integrated Children's Services Plan, Joint Health Improvement Plan, Service Improvement Plan and School Improvement Plans will be assessed for their impact on the educational achievements and opportunities of children with disabilities.

A *Curriculum for Excellence* and the National Priorities are embedded in the learning experience of our pupils. They apply to all children at all levels of education and the ambition to encourage children and young people to become successful learners, confident individuals, responsible citizens and effective contributors reflects the spirit behind the promotion of disability equality and other equality strands. The values of wisdom, justice, compassion and integrity will become increasingly embedded in the curriculum and educational experience of pupils in Argyll and Bute.

The Curriculum Review Group stated:

... the curriculum should emphasise the rights and responsibilities of individuals and nations. It should help young people to understand diverse cultures and beliefs and support them in developing concern, tolerance, care and respect for themselves and others. In essence, it must be inclusive, be a stimulus for personal achievement, and through, the broadening of pupils' experience of the world be an encouragement towards informed and responsible citizenship'

7.3 The Role of Schools and arrangements within schools

Schools have a vital role in promoting equality of opportunity, not just for pupils, but also for staff, parents and the wider community. Argyll and Bute Council wants all its children to do well at school and all pupils are expected to have equal educational opportunities. The 2005 Annual Population Survey states that 30 percent of disabled people of the working age population had no qualifications, compared to 11.5 per cents of non-disabled people. The duty to promote disability equality informs HMIE inspection and the authority's school review processes. Schools will be auditing their existing practices, procedures and policies for their impact on educational opportunity as well as examining the necessity of using positive discrimination to ensure that pupils with disabilities are able to access the full range of education services.

The Disability Equality Duty requires that education authorities should make arrangements for every school under their management to carry out certain tasks. These tasks are:

- Impact assess each of their policies, practices and procedures. Training will be provided to support schools in this vital role which will be supported by effective involvement of disabled stakeholders;
- Gather information – each school will gather information on the effectiveness of their policies and practices on the educational opportunities of pupils;
- Provide an annual report – each school will provide within their annual standards and quality reports statements on the information gathered and impact assessments undertaken;
- Action plan – each school will be responsible for implementing those elements of the action plan which are required by schools;
- Maintain a copy of the Disability Equality Scheme – each school will maintain a copy of the Disability Equality Scheme and include it within their own policy file.

Schools will report annually to the Director of Community Services using the impact assessment audit tool as well as returning statistics on a range of issues affecting disabled stakeholders. These may include bullying, exclusions, involvement in public life at school, examination results, staffing, involvement of disabled parents and stakeholders.

Extensive training and support will be offered in the first instance to senior management but in recognition of the importance of the modelling attitudes and promoting an inclusive ethos all staff will be targeted.

7.4 Involving disabled stakeholders

The Disability Equality Scheme identifies the need to involve all stakeholders - pupils, staff, parents and community members with disabilities. This should be:

- Focussed
- Accessible
- Proportionate
- Influential
- Transparent

The geographic nature of Argyll and Bute creates challenges in the arrangement of authority wide meetings and creation of forums and groups that all can attend. However new technology should be used to encourage access for all. The role of the lead officer will include examining the best use of these alternative communications.

Stakeholder groups should be identified and all schools encouraged to include them when discussing and developing new policies and in all key aspects of the DES. Their opinions and views will be particularly valuable in identifying the barriers they face, setting priorities, the action plan, gathering evidence, impact assessment and evaluation and monitoring the DES.

7.5 Equality Impact Assessment

The Council has developed an Equality Impact Assessment toolkit to be used to consider whether any of its policies or functions have, or are likely to have, an adverse impact on different equality

target groups. Consideration is given to race, disability, gender, age, religion and belief, and sexual orientation. Part of the assessment process includes consulting with people from relevant equality target groups.

Schools will use the authority impact assessment tool to examine current and new practices, procedures and policies. Equality promotion should become embedded into the process of development of all new policies and should include the involvement of disabled stakeholders in identifying the relevance and priority of those policies.

7.6 Gathering and using information

Schools will gather information as part of the routine procedures which support the compilation of standards and quality reporting. However the information relevant to the impact of equality of opportunity for pupils with disabilities will be disaggregated. Information already gathered includes numbers of those pupils with disabilities and the assessment and nature of the disability as well as additional needs in terms of access to the built environment, the curriculum and information.

Schools will be supported in gathering information on wider issues eg the needs of parents with disabilities, community members and staff with disabilities. Equally important will be gathering information and views on the development of new policies.

Information may come from a variety of sources: analysis of attainment and achievement; feedback and complaint; exclusion figures; research into aspects of school life undertaken by Quality Improvement Officers and Education Support Officers; surveys; self-evaluation processes in schools; partnership agencies such as health, social work. A uniform information template will be used across all sectors and schools.

Information will be gathered and collated from schools and other relevant sources to inform the education authority's annual standards and quality report and any responses required by elected members.

Arrangements are in place to support schools in the collection of data. The management and information system, SEEMIS, will

show whether or not a pupil has declared a disability or been assessed as having a disability or requires an adaptation to the physical environment, the curriculum and information.

With the involvement of disabled stakeholders in the gathering of information it will be possible to ensure that appropriate priorities will be identified and that methods of obtaining information are accessible.

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8 GENDER

8.1 Legal Duty

The Gender Equality Duty came into force in Scotland in April 2007. Public authorities have a general duty to have due regard, when carrying out their functions, to the need:

- to eliminate unlawful discrimination and harassment
- to promote equality of opportunity between women and men.

The specific duties are:

- To prepare and publish a gender equality scheme, showing how it will meet its general and specific duties and setting out its gender equality objectives.
- In formulating its overall objectives, to consider the need to include objectives to address the causes of any gender pay gap.
- To gather and use information on how the public authority's policies and practices affect gender equality in the workforce and in the delivery of services.
- To consult stakeholders (i.e. employees, service users and others, including trade unions) and take account of relevant information in order to determine its gender equality objectives.
- To assess the impact of its current and proposed policies and practices on gender equality, and to have due regard to the results of those impact assessments.
- To implement the actions set out in its scheme within three years, unless it is unreasonable or impracticable to do so.
- To report against the scheme every year and review the scheme at least every three years.

This includes the need to carry out:

- Equal pay audit
- Impact assessment.

Definitions
(from Equal Opportunities Commission Guidance)

Gender Refers to the wider social roles, attitudes, values and behaviours attributed to women and men by society which structure men's and women's lives. For example, traditionally, a gender role would suggest that women should look after children, while men continue to go to work.

Transgender People who identify their gender to be different from the physical one into which they were born but who choose not to undergo medical treatment and simply live their life in their new gender are not subject to the same legal protections as transsexual people.

Transsexual A person who intends to undergo, is undergoing or has in the past undergone gender reassignment (which may or may not involve hormone therapy or surgery), and it is this individual who receives protection under the law.

9 EDUCATION: GENDER EQUALITY SCHEME 2007- 2010

9.1 Introduction and Legislative Context

The need for a Community Services: Education Gender Equality Scheme as part of Argyll and Bute's Equality and Diversity Scheme is intended to enable the Council to better address the needs of all members of the communities it serves including those involved in education.

This document represents the response to meet the requirements of the Gender Equality Duty (GED) which was created by the Equality Act 2006. This Act amends the Sex Discrimination Act 1975 to place a statutory duty on public bodies, when carrying out their functions to have due regard to the need to:

- eliminate unlawful discrimination and harassment; and
- promote equality of opportunity between men and women

These are the requirements of the general duty and are the core of the GED.

Unlawful discrimination means:

- direct and indirect discrimination against women and men, in employment and education, in goods, facilities and services and in the exercise of public functions;
- harassment, sexual harassment and discrimination on the grounds of pregnancy and maternity leave;
- discrimination on the grounds of gender reassignment in employment and vocational training;
- direct and indirect discrimination in the employment field on the grounds that a person is married or in a civil partnership;
- victimisation

9.2 Aims of Gender Equality Duty

The GED requires all Scottish schools and education authorities to eliminate any sex discrimination which may exist in our education system, and also to take steps to actively promote sex equality through the work they do.

It should help us achieve an education service in Argyll and Bute where:

- all pupils achieve their potential and leave our education establishments with skills and qualifications that prepare them for life
- all pupils make choices which fit with their aspirations and abilities and are not tainted by gender assumptions
- all aspects of a child's or young person's educational experiences tackle discrimination head-on and support teachers to support equality in the classroom
- excellence in promoting gender equality is recognised by the authority's review process and national inspection frameworks
- we have a gender balanced workforce at all levels and across all curricular areas and staffing functions in our education establishments and education authority
- national and local education policies explicitly recognise and address gender differences and inequalities, supporting professionals on the ground

9.3 Equal Pay Statement

Argyll and Bute Council carried out a review on equal pay in 2007 in accordance with the Gender Equality Duty.

9.4 The Role of the Education Authority

The Gender Equality Duty requires that listed bodies such as education authorities should take exact steps known as "specific duties" to help them meet the general duty.

The specific duties require Community Services: Education to:

1. Gather information on how their work affects women and men, boys and girls
2. Consult employees, service users, trade unions and other stakeholders such as parents' groups and the local community
3. Assess the different impact of policies and practices on both sexes and use this information to inform the authority's work
4. Identify priorities and set gender equality objectives
5. Plan and take action to achieve those objectives
6. Publish a gender equality scheme, report annually and review progress every three years.
7. Publish an equal pay policy statement and report on progress every three years.

9.5 The Role of Schools and Arrangements within Schools

Schools have a responsibility to ensure that they

- gather information on the effects of their policies and practices on gender equality
- assess the impact of those policies and practices on gender equality
- carry out steps to meet the duty in line with the Community Services: Education scheme
- report on these activities

9.6 Gender Equality Impact Assessment

The Council has developed an Equality Impact Assessment toolkit to be used to consider whether any of its policies or functions have, or are likely to have an adverse impact on different equality target groups. Consideration is given to gender, race, disability, age, religion and belief, and sexual orientation. In terms of gender equality impact assessment the questions asked of new or existing policies within Community Services: Education will include

- Does the policy further gender equality?
- Does the policy reinforce gender stereotypes?

- Is there evidence to suggest that boys and girls or men and women have different needs, experiences, concerns or priorities in relation to this priority area?
- Could the policy unintentionally disadvantage people of one sex or the other, or transsexual people?

Part of the assessment process includes consulting with people from relevant equality target groups.

Schools will use the above Equality Impact Assessment tool to examine current and new practices, procedures and policies. The promotion of gender equality should become embedded into the process of development of all new policies and should include the involvement of stakeholders in identifying the relevance and priority of those policies.

A copy of the Equality Impact Assessment toolkit is shown in appendix 3.

9.7 Gathering and Using Information

Schools will gather information as part of the routine procedures which support the compilation of annual standards and quality reports. The information may come from a variety of sources; analysis of attainment and achievement, exclusion figures, research into aspects undertaken by QIOs and ESOs, surveys, self evaluation processes in schools. This will be gathered and collated from schools using the management and information system, SEEMIS and a standardised information template.

9.8 Monitoring and reporting on progress

A summary will be produced within the education authority's annual standards and qualities report which will include:

- The steps taken to fulfil the gender equality duty and whether or not the targets have been met
- The results of information gathering, the evidence gathered and what it indicates
- How the information has been gathered and actions still to be taken.

There will be a three yearly report on Community Services:
Education Gender Equality Scheme which will include a review of
the action plan 2007 – 2010.

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10 AGE

10.1 Legislation

The Employment Equality (Age) Regulations 2006 make it unlawful to discriminate on grounds of age (including all ages) in:

- employment,
- training and
- adult education.

10.2 Population Distribution

In 2008 the Fairer Argyll and Bute (FAB) partnership carried out a Needs Analysis to help us direct our services to people with the most need.

This analysis found that older people are more likely to live in rural parts of Argyll and Bute and this means that service delivery to older people is complicated by access issues. Younger people tend to live within the towns.

10.3 Future Use of Older People's Services

The Council is carrying out an options appraisal to evaluate the provision of older people's services by both external and internal providers.

A programme of consultation meetings, surveys and phone-in sessions was undertaken with various stakeholders. Home care, day care, care home residents, families and staff in Mull, Tiree, Oban, Mid Argyll, Campbeltown, Islay, Helensburgh, Bute and Cowal all took part.

The results of the responses received are published on the Council's website www.argyll-bute.gov.uk/olderpeopleservices along with "Frequently Asked Questions" and report from the independent consultant on feedback from the programme of meetings.

The findings from this consultation exercise will be fed into the options appraisal which will now be undertaken for all older people's services.

In order to emphasise the Council's commitment to genuine consultation there will be a continuing process whereby the various stakeholders continue to be engaged in whatever changes are to take place. Further information will continue to be provided for people who use services and their carers, for staff, for partners and for communities as the decision-making process progresses.

10.4 Engaging with Younger People

The Scottish Government, Young Scot and Argyll and Bute Council are working in partnership to deliver a localised youth information package under the initiative of Dialogue Youth. The project aims to ensure young people aged 12 - 26 are fully represented in community planning, enabling them to make informed choices by providing information and opportunities, engaging young people in a range of innovative ways; empowering young people by providing platforms for them to express their views.

Argyll and Bute Young Scot / Dialogue Youth information package includes the Young Scot Card, PASS proof of age scheme, websites, social networking sites, text messaging, handbooks and magazines to engage with and support young people to make informed decisions and choices. Young people are encouraged to be as involved as possible; there are votes, surveys, consultations both online and offline on a range of topics from family mediation to green spaces. Our next planned consultation, in 2009, will focus on young people and alcohol.

Young Scot / Dialogue Youth has an online toolkit and customises consultations to make them interesting and user friendly for young people. This service is offered to Community Planning Partners free of charge.

11 RELIGION AND BELIEF

11.1 Legislation

Under the Human Rights Act 1998, everyone has a right to freedom of thought, conscience and belief. As a public authority, the Council has an obligation to ensure that these are adequately protected and we will challenge religious intolerance.

Figures from the 2001 Census show that there are broadly similar proportions of the population with different religious beliefs in Argyll and Bute compared with Scotland.

Religion and Belief is considered as part of the Council's Equality Impact Assessments.

12 SEXUAL ORIENTATION

12.1 Legislation

Legal protection from discrimination on the basis of sexual orientation applies to everyone, whatever their sexual orientation. Sexual orientation discrimination includes being treated less favourably because:

- a person is lesbian, gay, bisexual or heterosexual
- people think a person is lesbian, gay, bisexual or heterosexual, or that person is associated with someone who is lesbian, gay, bisexual or heterosexual, for example a friend, relative or colleague.

The law applies to direct and indirect discrimination as well as to harassment and victimisation. The law applies to the private, public and not-for-profit sectors.

Sexual Orientation is considered as part of the Council's Equality Impact Assessments.

13 CONSULTATION AND INVOLVEMENT

We recognise that we need to work in partnership with others to develop policies and improve services. In order to make these links effective, we are working with our community planning partners and neighbouring local authorities to share resources and information.

In order to structure our consultation and involvement we developed a Consultation Toolkit to help ensure best practice. We also adopted the National Standards of Consultation drawn up by Communities Scotland to use in all consultations.

13.1 COMMUNITY ENGAGEMENT STRATEGY

The Community Planning Partnership is developing a Community Engagement Strategy that aims to ensure that all sections of the community are fairly represented, have opportunities to participate and are involved in the decisions that affect them.

We recognise that people with whom we want to consult and involve may have training needs and we will endeavour to provide these. Training needs might include understanding Council procedures and enabling people to have their say.

We will make it a priority to increase the involvement of people from under-represented groups and extend capacity building to help those people develop their confidence and skills.

14 PUBLISHING AND PROMOTING ACCESS TO INFORMATION AND SERVICES

West of Scotland Racial Equality Council has advised on the languages that are likely to be spoken in Argyll and Bute based on information from the 2001 Census. Since then the linguistic profile has changed with the increase in people from Eastern European countries living and working in Argyll and Bute, and therefore other languages are now offered in published documents. Additionally, the area receives visitors from all over the world. Services are acknowledging this in the information that is published to ensure

that everyone can access the information they need in their first language.

All Council documents are published on the website: www.argyll-bute.gov.uk and internet access is available to the public at Council libraries. Surveys of the Citizens Panel (2001 and 2004) showed that residents have increasing levels of internet access with 75% of the public having access either at home, work or elsewhere. The internet was the most preferred method to access public services, after newspapers and printed leaflets. The Council's website is AA compliant within W3C guidelines and the Council strives to maintain this level of compliancy.

Council services provide an update on the Equality Action Plan to the Strategic Management Team twice a year. These reports also include a record of the number of requests received for information in alternative formats or languages. We are working to improve the service of responding to requests for translation and interpretation by carrying this out corporately.

15 MONITORING

15.1 Service Delivery Monitoring

Customer-facing services monitor satisfaction levels of service users to help identify any inequalities. To date, there is insufficient data to form conclusions however monitoring will continue and this is reported to the Strategic Management Team twice a year. Monitoring information will also be used in Equality Impact Assessments.

15.2 Employee Monitoring

The Council acknowledges the specific duties conferred by the Act in regard to the ethnic monitoring of employees. In order to meet these duties the Council collects and monitors data with reference to ethnic groups as defined by the categories contained in the 2001 National Census for the following:

- Number of employees in post by reference to salary bands;
- Number of leavers and reasons for leaving;
- Number of applicants for employment, training and promotion;
- Number of employees involved in the Disciplinary and Grievance and Disputes Procedures.

Reports on the above information are submitted to the Strategic Management Team on a quarterly basis; to the Executive on a six monthly basis and included in the Strategic HR Annual Report, which is an item for discussion on the Council's Employee Joint Consultative Committee (EJCC) Agenda. The EJCC comprises senior Members and senior Officers and representatives from the main trade unions. The Strategic HR Annual Report is also available to the public through the Council's Committee Services and through the Council's website.

15.3 Workforce Profile

The Council is committed to obtaining accurate ethnic origin data from its employees and has commissioned a bespoke

ethnic monitoring report to allow corporate reporting from our Northgate Personnel and Payroll system on the Council's workforce profile. This includes current employees by salary band. The report highlights areas of potential under-representation by ethnic groups and areas where the Council needs to consider Positive Action. Positive Action might include wider advertising of vacancies within media targeted at the ethnic minority population with the aim of attracting more applicants from ethnic minority groups. A further area for consideration may be the need to target development and training programmes.

15.4 Recruitment

The Council's Recruitment and Selection Policy and Procedures should help us to create a workforce that more closely reflects the ethnic, gender and disability profile of people in the local area. It is essential for all recruitment panel chairs to have equality training.

The Council produces monitoring information on recruitment at the following stages of the recruitment process:

- Application forms received;
- Those selected for interview;
- Job offers and those who have declined job offers.

The analysis of this information will provide indications where the Council needs to take positive action.

15.5 Leavers

The Council surveys employees when they leave the Council to help identify their reasons for leaving. This information is monitored to identify potential areas of discrimination on the basis of ethnicity, gender and disability. This allows the Council to take steps to address any issues or remove any barriers identified. The information received is reported to Departments for action as appropriate.

15.6 Disciplinary and Grievance and Disputes Procedures

Instances of disciplinary action and grievances submitted are monitored by ethnic group, gender and disability. Analysis of the information provided through this monitoring are used to identify any patterns of inequality and to make any appropriate interventions, eg training, to remove any potential discriminatory practices or actions.

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16 EMPLOYMENT IN ARGYLL AND BUTE COUNCIL

16.1 Employee Equality Forum

The Disability Matters Forum provided an opportunity for Council employees with disabilities to meet and discuss their concerns in relation to their disability and employment. The Forum agreed to extend membership to encompass all equality groups and the Employee Equality Forum was set up in 2008.

The Forum will be consulted from the outset on the development of new policies and revision of existing employment policies and will be involved in Equality Impact Assessments. Meetings are held approximately once every 4 - 6 months and a feature in the employee newsletter, *Work4ce*, will aim to encourage more participants from under-represented groups.

16.2 Gender Equality in Employment

The Council is required to measure its performance in equality in employment and report this each year. The Accounts Commission then publishes statistics on the percentage of highest paid 2% and 5% of earners among council employees (excluding teachers) that are women. The following table shows the figures for the last 3 years:

Percentage of women employees in the top 2% of earners	Percentage of women employees in the top 5% of earners
2005/06	
Argyll and Bute: 27%	Argyll and Bute: 32%
Scotland: 32%	Scotland: 38%
2006/07	
Argyll and Bute: 28%	Argyll and Bute: 33%
Scotland: 34%	Scotland: 40%
2007/08	
Argyll and Bute: 26%	Argyll and Bute: 31%
Scotland: 36%	Scotland: 44%

In 2007/08 Argyll and Bute Council was ranked 29th out of 32 Councils for both Statutory Performance Indicators. The Council is committed to improving its ranking and with this in mind the issue was raised at a meeting of the Equality Forum in September 2008.

Initial discussions highlighted a number of issues including the timing and location of meetings and the reluctance of some staff to agree to job share at higher levels. These issues require to be examined in greater detail and strategies developed to address them.

The Council already has video conferencing facilities and these are widely available throughout the area. Greater use of them for meetings would reduce the need to travel and have the added bonus of helping the Council to reduce its carbon emissions.

In addition, following on from the Shared Services Diagnostic Project in 2008, a flexible, mobile and home-working pilot is currently being undertaken as part of the Council's Process for Change Programme within the Improvement Plan. A considerable number of jobs across the Council have already been identified as being potentially suitable for flexible working and this will also reduce the need for employees to travel as well as helping to improve their work-life balance.

A job share scheme and a flexi time scheme are already well established within the Council. In addition, the Council makes every effort to accommodate requests made under flexible working legislation from employees with childcare responsibilities or those with caring responsibilities for adults.

16.3 Training

Equality training is featured in the Council's Induction course for new employees. Many in-house courses also include elements of equality training: Recruitment and Selection, Customer Care, Disciplinary Procedures, and Supervisors Programme. These courses have been identified to target the areas of greatest need. Equality training for elected Members will continue to be provided. The Learning and Development Manager has responsibility for the Council's training programme.

We are developing training for Argyll and Bute Manager Competencies and equality is one of these. This will help to ensure that Managers are aware of emerging issues and best practice in terms of Equality and Diversity.

We are also discussing joint training or joint procurement of training with our Community Planning Partners in order to reduce costs.

The Council will continue to monitor attendance at training courses and requests for training through the PDR (Personal Development Review) process to help identify whether there is discrimination among employees. The Head of Strategic HR is responsible for ensuring that this is carried out.

The PDR process is used to identify individuals' training needs and managers will continue to ensure that employees complete equalities training as relevant to their role. We have identified that priority should be given to front-line employees and that training is tailored to the needs of their role, eg increasing understanding of religious and cultural issues for home helps who have personal contact with service users.

While we recognise the importance of equalities training to raise awareness and increase understanding, employees also need practical training to improve delivery of services to all members of the community, for example in the use of aids for disabled people, eg induction loop, and in cultural issues and how this impacts on personal care or leisure activities. With regard to this, consideration is being given to training Council employees as trainers to deliver on-site training, particularly to part-time staff who might have difficulty travelling to attend courses.

17 ACTION PLAN - EQUALITY DUTY REFERENCES

Each equality duty has requirements and each of these has been given a reference code. The reference code helps us to show in our action plan which actions relate to which requirements. These reference codes and requirements are listed below.

We have to pay due regard to the following requirements of the Race Equality Duty:

- R1 Eliminate unlawful discrimination
- R2 Promote equality of opportunity
- R3 Promote good relations between people of different racial groups

We have to pay due regard to the following requirements of the Disability Equality Duty:

- D1 Promote equality of opportunity between disabled people and other people
- D2 Eliminate unlawful discrimination
- D3 Eliminate harassment of disabled people that is related to their disabilities
- D4 Promote positive attitudes towards disabled people
- D5 Encourage participation by disabled people in public life
- D6 Take steps to take account of disabled people's disabilities, even where that involves treating them more favourably than other people.

We have to pay due regard to the following requirements of the Gender Equality Duty:

- G1 Eliminate unlawful sex discrimination
- G2 Eliminate unlawful harassment
- G3 Promote equality of opportunity between men and women

The requirements to eliminate unlawful sex discrimination and harassment also include discrimination and harassment on the basis of gender reassignment.

ARGYLL AND BUTE COUNCIL - SINGLE EQUALITY SCHEME 2009 - 2012

**INTERIM ACTION PLAN
PROMOTING EQUALITY FOR EVERYONE**

Equality Ref	Service outcome	Actions to achieve outcome	Success measures	Key dates	Lead	Risks
R2, R3, D1, D5, G3	Equalities is put into practice with increased involvement of all communities	Identify best ways for people to become involved Extend capacity building work with communities and individuals to build confidence and skills	Implement engagement mechanisms for equality target groups	March 2010	Chief Executive	
D2, D4, D5, D6	More council information is presented in Plain English and / or Easy Read formats	Implement Communication Strategy Establish Easy Read working group	Improved accessibility of Council information Group involves people with learning difficulties	March 2010	Communications Manager	

Equality Ref	Service outcome	Actions to achieve outcome	Success measures	Key dates	Lead	Risks
R1, D2, G1	Services provided on Council's behalf or with Council support promote equality	Produce documents in Easy Read format Service providers ensure that employees have equality training	X documents produced in Easy Read format Improved services for people with disabilities, elderly (identified by customer satisfaction surveys)		Procurement	
D1, D5	Improved quality of life, social and learning outcomes for children affected by a	Providing or commissioning support services for children affected by a disability, including general community based support	Number of children with a disability receiving community based supports	2009 - 2011	Service Officer – Children with Special Needs	

Equality Ref	Service outcome	Actions to achieve outcome	Success measures	Key dates	Lead	Risks
D1, D5	disability and their families	services, bespoke packages of home and community support, respite and residential care, in line with the principles of "Same as You".	Number of children affected by a disability supported to prepare for adulthood	2009 - 2011	Service Officer - Community Regeneration and Voluntary Support	

Equality Ref	Service outcome	Actions to achieve outcome	Success measures	Key dates	Lead	Risks
D1, D5	Improved information sharing and improved understanding by officers and Access Panel members	<p>Improve engagement between Local Access Panels and officers from Roads and Amenity Services, Transport, Building Standards and Planning, to discuss the issues that are relevant and help improve what we do.</p> <p>HITRANS – Heads of Transport meetings link with local equality officers</p>	<p>At least one meeting per year of each Access Panel to be attended by officer from Planning or Roads and Amenity Services or Transport</p> <p>Head of Service is provided with equality update prior to each HITRANS meeting</p>	2010 and annually	<p>Heads of Service: Planning, Roads and Amenity Services, Economic Development and Strategic Transport</p> <p>Head of Economic Development and Strategic Transport</p>	

Equality Ref	Service outcome	Actions to achieve outcome	Success measures	Key dates	Lead	Risks
D1, D5	Improved access to Council buildings and services	Engage with local Access Panels (Council officers to attend at least one meeting per year of each Access Panel)	Positive feedback from disabled people's groups	March 2010 and annually	Head of Roads and Amenity Services; Head of Planning	
R1 R2 D1 G1	Vulnerable Adults at risk are safeguarded	Any concerns about safety and wellbeing of Vulnerable Adults are appropriately investigated. Co-ordinated inter-agency support is provided for Vulnerable Adults identified as being at risk.		December 2009	Service Manager, Mental Health	

Equality Ref	Service outcome	Actions to achieve outcome	Success measures	Key dates	Lead	Risks
		<p>The Adult Protection Register and other support systems are maintained to enhance joint working in protecting Vulnerable Adults.</p>				
<p>R1 R2 D1 G1</p>	<p>The life chances for Adults with Disabilities residing in care homes are improved</p>	<p>A range of appropriate placements for adults with disabilities who cannot live at home are available. All adults with disabilities who are looked after have their needs assessed and suitable care planning arrangements are in place.</p>		<p>December 2009</p>	<p>Service Managers: Operations, Learning Disability, Mental Health</p>	

Equality Ref	Service outcome	Actions to achieve outcome	Success measures	Key dates	Lead	Risks
R1 R2 D1 D2 D3 D5 G1	Adults with Disabilities and their families are supported and given assistance to achieve full integration into society.	<p>The proportion of adults with disabilities who are in community placements is increased.</p> <p>assess needs of adults with disabilities</p> <p>assess needs of carers of adults with disabilities</p> <p>provide appropriate support arrangements to adults with disabilities</p> <p>develop and support a range of support provision for families with adults with</p>		December 2009	Service Managers: Operations, Learning Disability, Mental Health.	

Equality Ref	Service outcome	Actions to achieve outcome	Success measures	Key dates	Lead	Risks
		disabilities				
		co-ordinate inter-agency activity in providing support and early intervention for families.				
R1, R2 D1, D2, D5,D6 G1, G2, G3	Improved housing and support options for all equality groups	Equality Impact Assess revised LHS & Homeless Strategy. Update housing needs & demand assessments including needs of equalities groups & consult with partners/stakeholders.		March 2010	Community Support Development Manager	
		Consultation with young people about alcohol, focusing on		August 2009	Young Scot / Dialogue Youth Co-ordinator	

Equality Ref	Service outcome	Actions to achieve outcome	Success measures	Key dates	Lead	Risks
R1 to R3 D1 to D6 G1 to G3	Improved service provision within ICT & Financial Services in line with the needs of equality target groups	Oban and Mull Liaise with Policy and Strategy regarding results from previous consultations with Equality Target Groups/Citizen's Panel		30 th June 2009	Accounting & Best Value Supervisor, ICT and Financial Services	
R1 to R3 D1 to D6 G1 to G3	Functions or services screened for adverse impact on equality target groups	Complete programme of Equality Impact Assessments and identify new policy areas or procedures for inclusion in the programme	Each service has completed current Equality Impact Assessments and planned future programme	All by December 2009	Heads of Service	

Equality Ref	Service outcome	Actions to achieve outcome	Success measures	Key dates	Lead	Risks
R2, D1, G3	To identify areas of potential discrimination to assist in the elimination of discrimination and promote equality of opportunity in employment	<p>Monitor employee data on equality strands with regard to equality of access to employment, training. Analyse trends.</p> <p>Collect data from existing employees by re-issuing equal opportunities monitoring form following article in <i>Work4ce</i>. HR staff to enter data into the Council's integrated HR/payroll system.</p>	<p>Collect data on applicants via the Council's Vacancy Management System and analyse the results by gender, disability, race and age. Includes monitoring responses to media.</p> <p>Data collected from existing employees. Positive response to <i>Work4ce</i> article. Information entered into Resourcelink.</p>	<p>Dec 2009</p> <p>April – June 2009</p>	Head of Strategic HR	Failure to recruit and retain high quality staff leading to inability to carry out functions and deliver services

Equality Ref	Service outcome	Actions to achieve outcome	Success measures	Key dates	Lead	Risks
R1,2,3 D1, 2,3,4,5,6 G1,2,3	Employment policies that meet the needs of all	Continued consultation with Equality Forum. The Forum will be consulted from the	Analyse data and publish the results in Pyramid on a quarterly basis. Publish information on applications for employment, promotions, training, disciplines, grievances and terminations in Strategic HR's annual report.	October 2009 May 2010	Head of Strategic HR	Failure to recruit and retain high

Equality Ref	Service outcome	Actions to achieve outcome	Success measures	Key dates	Lead	Risks
	employees	outset on the development of new/revision of existing employment policies and will be involved in Equality Impact Assessing policies.	<p>Article promoting the Equality Forum in March edition of Work4ce</p> <p>Equality Forum attracts new members, particularly from under-represented groups.</p> <p>Equality Forum members are trained in Equality Impact Assessment</p>	<p>March 2009</p> <p>April 2009</p> <p>May 2009</p>		<p>quality staff, leading to inability to carry out functions and deliver services</p> <p>Failure to comply with legislation</p>
R1,2,3 D1, 2,3,4,5,6 G1,2,3	Improved knowledge and understanding of equality	Training for elected Members			Head of Democratic Services and Governance	

Equality Ref	Service outcome	Actions to achieve outcome	Success measures	Key dates	Lead	Risks
	among all levels of employees and elected Members	<p>Training for senior managers - Argyll and Bute Manager Competencies</p> <p>Training for employees - Training & Development: ensure that courses continue to be available on the Council's e-learning website, Learn-in-Bytes, and also face-to-face courses as required.</p> <p>Work with Community Planning Partners to identify joint training opportunities</p>	<p>Set up a monitoring system to evaluate take-up of e-learning courses.</p>	June 2009	<p>Learning and Development Manager</p> <p>Learning and Development Manager</p> <p>Learning and Development Manager</p>	

Equality Ref	Service outcome	Actions to achieve outcome	Success measures	Key dates	Lead	Risks
G1, G3	Equal pay for women and men working in equivalent jobs, or work of equal value	Ensure compliance with Equal Pay Policy Statement by carrying out an equality impact assessment of the new pay structure following conclusion of the Job Evaluation Appeals process	<p>Face to face courses are readily available and are utilised by Council employees</p> <p>Pay structure is reviewed</p>	June 2010	Head of Strategic HR	
G1, G2, G3	Attract good quality employees of both genders and encourage applications from under-represented groups.	Monitor equal opportunities data received at the point of application to identify areas for improvement	Collect data on applicants via the Council's Vacancy Management System and analyse the results by gender, Includes monitoring responses to media.	Ongoing	Head of Strategic HR	

Equality Ref	Service outcome	Actions to achieve outcome	Success measures	Key dates	Lead	Risks
		<p>Consult with women and men, including the Equality Forum, to identify ways to encourage good applicants.</p> <p>Conduct research to identify areas of best practice including contacting other Councils who have a higher percentage of female employees in the top 2% and 5% of earners.</p>	<p>Feedback from Equality Forum is researched and a strategy developed to address any issues.</p> <p>Improved Corporate Equal Opportunity Performance Indicator</p>	<p>December 2009</p> <p>April 2011</p>		

Equality Ref	Service outcome	Actions to achieve outcome	Success measures	Key dates	Lead	Risks
		<p>Promote Homeworking/Flexible working policy on the Council's vacancy website.</p>	<p>Homeworking/Flexible Working policy is developed and promoted to all employees and prospective employees</p>	<p>June 2010</p>		

Timetable of Equality Impact Assessments to be completed

Department	Assessment	Timetable	Comments
Chief Exec's Unit: Personnel	<ul style="list-style-type: none"> • Health and Safety • Personnel • Training and Management Services 	2008/09 2009/10 2010/11	
Chief Exec's Unit: Strategic Finance	BV Review of Strategic Finance – various actions	31/03/09	
Community: Planning and Performance	<ul style="list-style-type: none"> • Integrated Children's Service Plan 2008-2011 • Best Value Review of Social Work Admin • Local Housing Strategy 	31/03/09	
Community: Education	<ul style="list-style-type: none"> • Literacy • Numeracy 	31/03/09	
Corporate: ICT and Financial Services	<ul style="list-style-type: none"> ○ Benefits Administration ○ Sundry Debtors 	31/03/09 31/01/09	Benefits Administration postponed due to complexity of service delivery through multiple sites Sundry Debtors on hold until new debtors system introduced in January 2009

Department	Assessment	Timetable	Comments
Operational: Roads and Amenity Services	<ul style="list-style-type: none"> • Streetscene • Fortnightly Refuse Collection • Recycling / Waste Minimisation • Refuse Collection 	31/03/09	
Operational: Facility Services	<ul style="list-style-type: none"> • School Meals Provision • Health and Safety Policy Hungry4 Success • Leisure and Sports provision • Charging Policy 	31/03/09	
Development: Planning	DS03: European Unit activities DS09: Core Path Plan	28/02/09	
Development: Transportation and Infrastructure	DS08: Public/School Transport provision	31/03/09	

APPENDIX 2

Public Authority Advice Note: the Public Sector Duties and Financial Decisions¹

The recent downturn in the economic climate is likely to have a significant impact on public authorities. Financial constraints have already resulted in many authorities making important decisions about their operation and the services they provide. These decisions include efficiency drives; budget cuts; reorganisations and relocations; redundancies²; and service reductions.

The Equality and Human Rights Commission is concerned that some decisions may have a disproportionate effect on different groups of people, and may be contrary to the statutory equality obligations to which public authorities are subject.

Recent press reports substantiate these concerns, by suggesting, for example, that women are more likely to be affected by redundancies than men, as companies revise their maternity and flexible working policies in an attempt to save money.³

While acknowledging the difficult economic environment in which public authorities are now operating, the Commission is emphasising the mandatory nature of the equality duties, and the importance of public authorities meeting their duties when making significant decisions.

The equality duties

A positive duty on public bodies to promote race equality was introduced in 2001⁴. A duty to promote equality for disabled people came into effect in December 2006⁵, and this was followed by a duty to promote gender equality which came into effect in April 2007⁶.

While each duty places distinct legal obligations on public authorities, collectively the duties have the common aim of ensuring that the public

¹ This document is not a definitive statement of the law. Authorities should consult with the relevant Acts, Regulations and statutory Codes of Practice.

² The Commission has recently published guidance on redundancies and equality issues, *A short guide to managing the downturn and preparing for recovery*. See <http://www.here4business.net/a-guide-to-redundancy/>

³ See <http://www.timesonline.co.uk/tol/news/politics/article5581549.ece>

⁴ Race Relations (Amendment) Act 2000

⁵ Disability Discrimination Act 2005

⁶ Equality Act 2006

authorities work to eliminate discrimination and promote equality in their activities.

This means that when developing proposals and making policy decisions, including those about finance and service provision, public authorities must comply with their statutory equality duties. Public authorities must ensure that decisions are made in such a way as to minimise unfairness, and do not have a disproportionately negative effect on people from different ethnic groups; disabled people; and men and women.

Case study: Harrow⁷ - the importance of taking public sector equality duties into account

To make savings in light of budget deficits, the London Borough of Harrow proposed to restrict the provision of adult care services to people with critical needs only.

A consultation and an equality impact assessment were carried out regarding the proposed change. During this process, concerns were identified that the proposed decision would have a differential impact on particular groups of disabled people.

A report on the issues, including analyses of the results of the consultation process and the equality impact assessment, was then considered at a Cabinet meeting, where the Council decided to effect the proposed change. However, the Disability Equality Duty, and the specific obligations it places on the Council, was not explicitly brought to the Councillors' attention when they made the decision.

The Council's decision was challenged by service users. The Court held that elected members could not come to a balanced conclusion without being aware of what its responsibilities were under the Disability Equality Duty. As a result, the decision to restrict adult care services was held to be unlawful.

The equality duties are legal obligations which should remain a priority, even in times of economic difficulty. The duties are an invaluable tool to help ensure that decisions do not create or perpetuate inequality.

To ensure that they have complied with the equality duties, and to ensure that any decision made do not unfairly discriminate, public authorities

⁷ R (Chavda and others) v London Borough of Harrow [2007] EWHC 3064 (Admin)

should carry out robust equality impact assessments, and consult and involve relevant stakeholders, as part of the decision-making process.

Equality Impact Assessment

A key requirement of the public sector duties is for public authorities to carry out equality impact assessment for all relevant policies and decisions.

When public authorities are making financial decisions, it is vital that such decisions are equality impact assessed; the impact assessment being carried out when policy is initiated, as a central part of the policy development process.

As well as being a legal obligation under the public sector duties, equality impact assessment is an invaluable tool to assist authorities in ensuring that the interests of all groups are properly taken into account when difficult choices about resources are required.

Case study: Southall Black Sisters⁸ - the need to impact assess decisions

Southall Black Sisters (SBS) provides specialist services to Asian and Afro-Caribbean women, particularly in relation to domestic violence issues.

In June 2007, Ealing Council announced proposals to move away from funding particular organisations (such as SBS), towards commissioning services (including domestic violence services) following a competitive bidding exercise.

Despite concerns raised during consultation that plans had not been equality impact assessed, and that commissioning could disadvantage grassroots community initiatives, Ealing decided to press ahead with its proposals.

During discussions about criteria for commissioning domestic violence services, SBS had highlighted the adverse impact the criteria could have on pre-existing domestic violence services provided to women from ethnic minority communities, and so an equality impact assessment should be carried out.

⁸ R (Kaur) v London Borough of Ealing [2008] EWHC 2062 (Admin)

Ealing carried out belated impact assessments on proposals before deciding to proceed with the existing domestic violence services commissioning criteria, resulting in two SBS service users launching a judicial review of the decision.

Ultimately, Ealing conceded these submissions and withdrew from the case. However, in an oral judgement, Lord Justice Moses reiterated the importance of undertaking an equality impact assessment, and also the importance of carrying out an impact assessment before policy formulation.

Impact assessment requires public authorities to consider all relevant, available information in order to anticipate any likely negative impact on people from different racial groups; on disabled people; or on men and women; and seek to avoid that negative impact by taking alternative courses of action wherever possible.

For example, the equality duties require public authorities to consider the potential impact of redundancies or reductions in service on race relations. If ethnic minority staff are disproportionately affected by a 'last in first out' redundancy policy, could this lead to tensions or a sense of grievance in the community, as well as potentially being indirectly discriminatory?

Similarly, under the Disability Equality Duty, public authorities are required to promote disabled people's participation in public life. 'Public life' is defined very broadly in the statutory Codes of Practice⁹ and can include participation in tenants' associations, school councils, or in public appointments. Decisions which restrict disabled people's ability to participate in such forums, for example by restricting access to community transport, may hamper an authority's ability to meet its statutory obligations. Such decisions may also inhibit the organisation's ability to promote positive images of disabled people.

So in making a decision regarding funding or service provision, public authorities must assess the potential impact of that decision, both positive and negative, as regards race, disability and gender. Where further action is required, public authorities must take this into account. Should a public authority be unable to avoid any potential negative impact which arises as a result of the decision, this must be a key consideration of future action,

⁹ For both the England and Wales, and Scotland, Codes of Practice, see www.equalityhumanrights.com/en/forbusinessesandorganisation/publicauthorities/disabilityequalityd/Pages/Codesofpractice1.aspx

such as considering the effect of the decision when the financial situation has improved.

The reality is that, in times of financial constraint, public authorities will have to make difficult and often unpopular decisions regarding funding and service provision. The public sector equality duties do not prevent authorities making these decisions, provided that decisions are taken in accordance with the duties.

The importance of consultation and involvement

Under Gender Equality Duty, public authorities must consult staff, service users and other relevant bodies. Under the Disability Equality Duty, authorities must promote disabled people's participation and involve disabled people. Involvement requires much more active engagement of disabled stakeholders than consultation.

Public authorities should consult and involve relevant stakeholders before making important decisions. By effectively consulting and involving stakeholders, as an integral part of their decision-making processes, public authorities will be able to make better decisions by getting a clearer picture of the main equality issues in their work; gathering evidence to use in carrying out impact assessments; and increasing transparency and openness in decision-making.

Conclusion

Considering the economic climate public authorities are facing it is more important than ever that authorities meet their statutory equality duties when making decisions, particularly those regarding finance or service provision.

All such decisions should be subject to robust impact assessment, which should entail a sound consideration of relevant data to identify if the decision may have a negative impact on particular groups, and seek to avoid this. The decision-making process also requires effective consultation and involvement with stakeholders to identify and address relevant issues. When decisions are made, decision makers must have the relevant data, including the results of equality impact assessment, and of consultation and involvement, before them to ensure they reach an informed decision.

Not only are public authorities under a legal obligation to meet the duties, but the duties also constitute a tool for better decision-making, ensuring

that decisions are taken in an accountable manner and do not adversely affect different ethnic groups; disabled people; or men and women.

The main aim of the... is to ensure that... are taken in an accountable manner and do not adversely affect different ethnic groups; disabled people; or men and women.

The importance of consultation and involvement... is to ensure that... are taken in an accountable manner and do not adversely affect different ethnic groups; disabled people; or men and women.

Public involvement should be a... and involve relevant stakeholders before... are taken in an accountable manner and do not adversely affect different ethnic groups; disabled people; or men and women.

Consultation... is to ensure that... are taken in an accountable manner and do not adversely affect different ethnic groups; disabled people; or men and women.

All such decisions should be subject to robust impact assessment and... are taken in an accountable manner and do not adversely affect different ethnic groups; disabled people; or men and women.

For this to be the case, authorities under a local authority must... are taken in an accountable manner and do not adversely affect different ethnic groups; disabled people; or men and women.

ARGYLL AND BUTE COUNCIL**Executive Committee****DEVELOPMENT SERVICES****19 March 2009**

**REPORT ON PLANNING ON THE CONSULTATION BY THE SCOTTISH
GOVERNMENT ON HOUSEHOLD PERMITTED DEVELOPMENT RIGHTS****REPORT BY HEAD OF PLANNING SERVICES**

1.0 INTRODUCTION

- 1.1 As part of the Government's modernising planning agenda, the Government is looking at ways to relax planning controls in relation to existing dwellinghouse (with few exceptions flats are not included).
- 1.2 The Government's objective is to reduce the number of householder applications in the order of 38%.
- 1.3 The full consultation paper can be viewed at the Department of Development Services or on the Government's web site at www.scotland.gov.uk .

2.0 RECOMMENDATIONS

- 2.1 It is recommended that:
 - (i) Members note the contents of the report.
 - (ii) Forward the comments on each of the questions as detailed in Appendix A.

3.0 SUMMARY OF THE MAIN CHANGES

- 3.1 The Government propose to increase the level of development by householders which is allowed without applying for planning permission by making the following key changes:
 - Increasing the limit on such development within the curtilage of a house from 30% to 40% of the curtilage;
 - Increasing the proportional limit of the increase in the size of the original dwellinghouse from 10% of the total internal floor area to 50% of the development footprint of the original dwellinghouse (subject to a height limit);
 - Relaxing the restrictions on roof alterations on certain rear and side elevations to allow the construction of dormer extensions or other extensions which enter the roof;

- Relaxing certain restrictions on development near roads;
- Introducing new rights covering decking, small porches and alterations to chimneys;
- Introducing a single height restriction of 4 metres for separate development within the curtilage of a dwellinghouse.

3.2 The Government intend to introduce the following changes to standard conditions and restrictions to prevent overdevelopment as a result of these changes:

- An absolute limit of 60 square metres on the area of the curtilage of the dwellinghouse which can be developed;
- A limit of 40% on the area of the rear curtilage which can be developed;
- No permitted development within 1 metre of the property boundary;
- No permitted development over 1 metre in height within 5 metres of a road if it is nearer to the road than the original dwellinghouse.

4.0 KEY ISSUES RAISED BY THE CONSULTATION PAPER

- 4.1
- The proposal will result in significant changes to what individuals can erect within the curtilage of a dwellinghouse without the need for planning permission.
 - Whilst this will reduce perceived “red tape”, it could result in increased privacy and amenity issues and neighbour disputes.
 - There are a number of concerns with definitions, in particular “Development Footprint” and “Principal Elevation”.
 - Will result in a reduction in planning fee income across Argyll and Bute.
 - Cumulatively and incrementally such permitted development could undermine environmental quality in particular the built heritage of our area.

5.0 CONCLUSIONS

- 5.1 The general thrust of the consultation is to reduce the need for planning permission in respect of householder developments by up to 38%. There is a general move towards greater restrictions in Conservation Areas and Listed Buildings, but relaxing restrictions elsewhere. This approach is generally to be welcomed but it is not

considered that the full impacts on privacy and amenity have been considered particularly in relation to the concept of a “Principal Elevation” and increased thresholds for extensions, particularly relative to terraces and semi-detached properties.

5.2 The ongoing issue of replacement windows in flatted properties is highlighted, but it is not considered that a reasonable permitted development right could be introduced due to the impact on the overall visual quality of a flatted property. In this respect, the ability to draw up reasonable and sensible permitted development rights without extensive “exclusions” to protect the overall quality of the building would be extremely difficult.

5.3 With some exceptions, the changes are to be welcomed, but could lead to greater staff time being given over to privacy and amenity complaints due to poorly thought out design and concepts. This in turn could lead to a greater workload for enforcement officers and permitted development right determinations.

6.0 IMPLICATIONS

Policy: The changes have no direct impact on Council Planning Policy.

Financial: The change in permitted development rights are likely to result in a reduction in income. The extent of the reduction cannot be calculated due to the lack of readily available analysis of householder applications.

Personnel: Without changes to definitions and concepts there could be an increase in complaint investigations and disputes between neighbours, thereby increasing enforcement officer workloads.

Equal Opportunity: None.

Author: Neil McKay, tel no. 01546 604172.

Reviewing Officer: Angus Gilmour, tel no. 01546 604288

APPENDIX A – SPECIFIC QUESTIONS

A1. Development Footprint

It is intended to move from a calculation involving floor area to “development footprint” in order to calculate the need for planning permission.

Q1. Do you agree with this change from floor area to development footprint/ground area?

Comment: It is considered that ‘development footprint’ rather than aggregate floor area would be simpler to calculate for prospective developers and officers. What constitutes “development footprint” however needs to be properly defined, in particular in relation to “detached” structures within the curtilage. Does it include a detached garage within 5 metres? (The definition in Article 2 is unclear). The suggested percentage of “development footprint” at 50% was considered quite high and needs to be reduced to 40% to be consistent with the other percentages. The suggested proposals could allow fairly long narrow extensions which could have amenity consequences, particularly for semi and terrace dwellings. For example, a typical semi-detached house could be provided with a 6 metre by 5 metre extension, were it to be set 1 metre in from the boundary, which could raise significant amenity issues.

A2. Principal Elevation, Side Elevations and Rear Elevation

It is proposed to change the simple definition of what requires express planning permission from an elevation facing a road, to a “principal elevation”

The Government’s proposed approach proceeds on the basis that most houses have a “principal elevation”. This is generally defined with reference to the door which forms the main or principal entrance to the house – this is not necessarily the door most often used, but the one designed as the main formal entrance to the house – usually the “front door”. This principal elevation may not be the wall of the house fronting the street on which the house is located and may not necessarily be the wall of the house which is designed as the face of the house. In most cases the principal elevation is easily identified and from that the rear (the elevation opposite the principal elevation) and side elevations (those connecting the principal and rear elevations) are self evident.

Comment: Contrary to what the consultation states the current permitted development rights do not prevent development on elevations facing “roads”, they just require express planning permission in some instances.

There is total opposition to the concept of “principal elevation” (determined by the presence of the main entrance). There are lots of examples of houses where the main public elevation of the building does not include a front door. It is not uncommon to find a rear and a gable end door and no “front” door as

such. This is particularly the case where houses face a main road but have access from a minor or service road at the rear. House designs will often not include a front door facing the main road. There is a continuing need to safeguard all elevations fronting roads (unless the building was well set back ie. greater than 20 metres). In the suggested scenario household developments are likely to end up with all sorts of uncontrolled conservatories decking etc. in what are front garden situations, where their presence could be detrimental to the street scene and amenity. There is a need to retain a simple definition, which would not be so readily open to “differences in opinion” between neighbours, developers and the Planning Authority over what is the “principle definition”. The retention of elevations facing a road (as defined in the Roads (Scotland) Act) is simple and easy to understand.

A3. Permitted Development Rights Near Roads

It is proposed to change the need for planning permission from within 20 metres of a “road” to within 5 metres and restrict development to below 1metre in height.

Q3. Do you believe that issues regarding road safety are sufficiently addressed by the restrictions on PDR set out in Article 3 of the draft Householder Permitted Development Order and the height limit of 1 metre within 5 metres of a road?

Comment: The existing 20 metre rule is considered overly restrictive. A restriction over development 1metre in height within 5 metres of a road, as suggested, would be more appropriate.

A4. Development within Curtilage of a Dwellinghouse

It is proposed to rationalise and limit the development area within the curtilage of a dwellinghouse to a maximum of 40% or up to 60 square metres, whichever is the least.

Q4. Do you agree with the overall limit on development of the curtilage (excluding the original dwelling) of 40%?

Q5. Do you agree with the additional limit on the development of rear curtilage of 40%?

Comment: An overall limit of 40% excluding the original dwelling is felt reasonable given the desire to exempt more developments from the need for an application.

Q6. Do you agree with an absolute limit of 60 square metres?

Comment: An absolute limit of 60 square metres (as opposed to 30 now) is felt reasonable given the desire to exempt more developments from the need for an application.

A5. Designated Areas

It is proposed to reduce the amount of permitted development rights associated with dwellinghouses in Conservation Area and those relating to listed buildings, but falls short of removing them altogether.

Q7. Do you agree with the additional conditions and restrictions on householder PDR in conservation areas contained in the draft Householder Permitted Development Order?

Q8. Do you agree with the additional conditions and restrictions on householder PDR within the curtilage of listed buildings as set out in the draft householder permitted development order?

Comment: It is not considered that a blanket ban on “permitted development” rights in a conservation area would be necessary and therefore welcome the additional restrictions proposed. The inclusion of gates, fences, surfaces and walls which are often of particular significance in such areas is to be welcomed.

Q9. Should there simply be no permitted development in relation to conservation areas or the curtilage of listed buildings?

Comment: It is considered that a blanket ban on “permitted development” for listed buildings or conservation areas is unnecessary as this would exclude even modest “development” from taking place, for example up to a 10 square metre extension or a structure within its curtilage of up to 4 square metres.

A6. World Heritage Sites

The consultation paper seeks views regarding the reservation of Permitted Development Rights in World Heritage Sites or other such designated areas. As this does not have a material bearing on Argyll and Bute, no comments to Q10, 11 and 12 are offered.

A7. Ramps and Handrails

The Scottish Government are seeking the Council’s view on how ramps and handrails are currently treated in terms of Permitted Development.

Q13. In your experience, do planning authorities treat the addition of ramps and handrails to the exterior of houses to assist the elderly or disabled people as requiring an application for planning permission?

Comment: Argyll and Bute Council considers “disabled persons” access under the existing Class 1, or as being *de minimis* if very minor works.

A8. Flats

There are currently no permitted development rights associated with flatted properties, (except in relation to satellite and other antennas). The Government is seeking the Council's view on any possible extension to permitted development rights, particularly in relation to windows.

Q14. Do respondents believe that replacement and alteration of existing windows in flats, without altering the overall size of the window opening should be permitted development?

Comment: It is considered that fenestration in flats is an important issue. At the very least it would be necessary to continue to control glazing pattern, means of opening and colour to retain some cohesiveness in appearance across a building, particularly in Conservation Areas. On balance it is considered it would be difficult to frame permitted development rights if the above issue were to be included.

A9. Flagpoles

The Government is interested in the Council's view to extend permitted development rights to include flagpoles.

Q15. Do respondents believe there should be specific PDR to allow flagpoles to be erected within the curtilage of a dwellinghouse?

Comment: It was not considered that there was any particular demand for domestic flagpoles, at this point in time, however, if they became in vogue there could be visual amenity issues. As such it is considered that the need for an application remains. If flagpoles did become permitted, these should be restricted to one only and should be no more than 3 metres in height.

A10. Classes of Householder Permitted Development Rights

The classes in this order are structured to have specific classes of PDR for various common forms of development. So, for example, decking has its own class of PDR and cannot be carried out under the provisions of another class. Some permitted developments may involve a combination of classes, eg. where an extension to a house increases its development footprint and requires an alteration to the roof of the original dwellinghouse, then the development would have to comply with the restrictions and conditions which apply to both Class 1 and Class 2 in order to benefit from PDR.

Q17 (Classes 1-12): Are the grant of permission and the restrictions and conditions clear?

Will these controls release a significant number of proposals (see paragraph 1.3) from the planning application process?

Will these PDR provide adequate controls on amenity?

Are there any changes to the controls which might mean significant further reduction in planning applications without undermining amenity?

Comment: The issue relative to siting microwave antenna “to minimise its effect on the external appearance of a building” may well fail the six tests for planning permission as it is not precise. This test needs to be omitted or made precise in its definition. This also applies to when a microwave antenna is no longer required; what is meant by “reasonably practicable”.

It is considered that the increase in thresholds would exempt more proposals from the need for an application but it is difficult to quantify in terms of numbers. It is considered that amenity considerations would undoubtedly be prejudiced by the move towards “principal” elevation and that this was the most significant flaw in the suggested proposals. No additional relaxations are recommended.

A11. Hardstandings within Dwellinghouses

At present various forms of hard surface, eg. paving stones, tarmac or mono blocking can be carried out without permission. Some concerns have been raised about this type of un-regulated hard surfacing adding to run off from dwellings which, in times of heavy rainfall for example, can contribute to flooding and the overflowing of drainage systems.

Q18. Do respondents agree with the addition of requirements on drainage to PDR for new and replacement hard surfaces over an area of 5 square metres between the principal elevation and the road?

Comment: It is considered that controls re drainage/flooding arising from hardstandings should not be a planning issue, particularly if consideration is being given to bringing domestic sized areas under the Building Standards, which would be more appropriate. This is particularly the case if a soakaway is involved, which would require a building warrant. In such cases a soakaway would need to be 5 metres from a boundary which could cause technical problems, which should stay with Building Standards.

All General Questions

Q19. Do respondents think the changes to permitted development rights as drafted will achieve the Scottish Government’s aim of removing a significant amount of householder development from the planning applications process?

Comment: Difficult to conclude whether additional exemptions will be ‘significant’, as there is no ready means to analyse existing applications.

Q20. If not, what particular alterations to the draft Householder Permitted Development Order might significantly reduce the number of householder planning applications?

Comment: There are no additional controls that can reasonably be suggested that would not raise privacy, amenity, design or road safety issues.

Q21: What effects might any suggested changes have on amenity issues?

Comment: It is considered that amenity issues would arise as a result of the “principal” elevation approach (uncontrolled extensions at the front) and the additional scale of extensions to the rear of attached properties (increased percentage/area), particularly when it comes to extensions within 1 metre of the boundary.

Q22: Do respondents believe that the provisions of the draft Householder Permitted Development Order pay sufficient regard to the impact on local amenity?

Comment: The introduction of a “principal elevation” in particular could lead to all forms of dispute between neighbours, developers and planning authorities, which could have significant effects on amenity. In this regard, rather than reducing local authorities workloads and making it easier for developers, there could be significant increases in complaints and time given over to poor definitions and concepts. There is a need to keep definitions simple, primarily “elevations fronting a road”. The potential scale of development within 1 metre of the boundary could also result in a decrease on amenity.

Q23: If not, what particular alterations to the draft Householder Permitted Development Order might address some or all of these issues?

Comment: It is considered that a length limit on rear extension relative to semi-detached and terraced properties would be helpful to limit impacts on attached houses and resulting amenity.

Q24: What particular issues would you like to see addressed in the guidance accompanying the changes to householder permitted development rights?

Comment: It is considered that a national advice note giving examples, drawings and clarifying interpretation would avoid inconsistencies and aid all parties.

The consultation raised a series of questions on Regulatory Impact Assessment and Equalities Impact Assessment but it was considered that these raised no particular issues.

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ARGYLL AND BUTE COUNCIL**Executive Committee****DEVELOPMENT SERVICES****19th March 2009**

Proposed Development Plan Scheme

1 SUMMARY

- 1.1 The Council is required to produce a Development Plan Scheme and associated Participation Statement by the Planning Etc. (Scotland) Act 2006. The Development Plan Scheme is required to be published and be submitted to the Scottish Government by 31st March 2009. This Development Plan Scheme relates to the next Local Development Plan and not the current Local Plan which is nearing adoption. It will not affect the timetable for adoption of the current Argyll and Bute Local Plan.

2 RECOMMENDATIONS

- 2.1 That the Council amends as appropriate and approves the Development Plan Scheme attached in Appendix A of this report for publication and submission to the Scottish Government.

3 BACKGROUND

- 3.1 As Members are aware the Planning System has been subject to considerable change in an effort to make the process more efficient and transparent. As part of this the Planning Etc. (Scotland) Act 2006 requires each Planning Authority to prepare a Local Development Plan (LDP). The LDP is an updated and combined version of the Structure Plan and Local Plan. The Act also amends the preparation process and procedures associated with the production of the Plan.
- 3.2 One such change is that Section 20B of the Planning Etc. (Scotland) Act 2006 requires each Planning Authority to prepare a Development Plan Scheme (DPS) at least annually. The exact requirements for the content and process of the LDP and associated DPS are set out in the Town and Country Planning (Development Planning)(Scotland) Regulations 2008 which came into force on 28th February 2009 and which was only issued to Councils in January 2009.
- 3.3 The DPS must set out the Council's programme for preparing and reviewing the LDP and what is likely to be involved at each stage. The DPS must include a Participation Statement which details when, how and with whom consultation on the LDP will take place, and the Council's proposals for public involvement in the Plan preparation process. Regulation 24 also requires the

DPS to contain a timetable, specifying the month the Council proposes to publish its main issues report and its proposed LDP along with when it proposes to submit the LDP to the Scottish Government.

- 3.4 Once the DPS has been produced it is required to be published and copies placed in all public libraries along with being submitted to the Scottish Government. There is no requirement to consult on the content of the DPS.

4 CONCLUSION

- 4.1 The production and submission of a Development Plan Scheme is a requirement of the Planning Etc. (Scotland) Act 2006 and should be published and submitted to the Scottish Government by 31st March 2009.

5 IMPLICATIONS

Policy: The Development Plan Scheme sets out the timetable and consultation process for the production of the new Local Development Plan that will replace the current Development Plan (Structure and Local Plan) in due course.

Financial: None.

Personnel: None.

Community: The Development Plan Scheme sets out the timetable and the details and extent of the public consultation process for the production of the Local Development Plan.

For further information contact: Fergus Murray

Telephone: 01631 604293

ARGYLL AND BUTE COUNCIL – DEVELOPMENT PLAN SCHEME

The Planning System

Planning affects most people at some point in their lives. The planning system includes Development Plans. Both the procedures associated with the production of Development Plans and the actual content and extent of Development Plans is changing due to the new Planning etc (Scotland) Act 2006.

At the moment, a Development Plan is made up of both a Structure Plan and Local Plans. They both contain statements (known as policies) which tell you where particular types of development can and cannot take place. Decisions on planning applications will normally be made in line with the Development Plan.

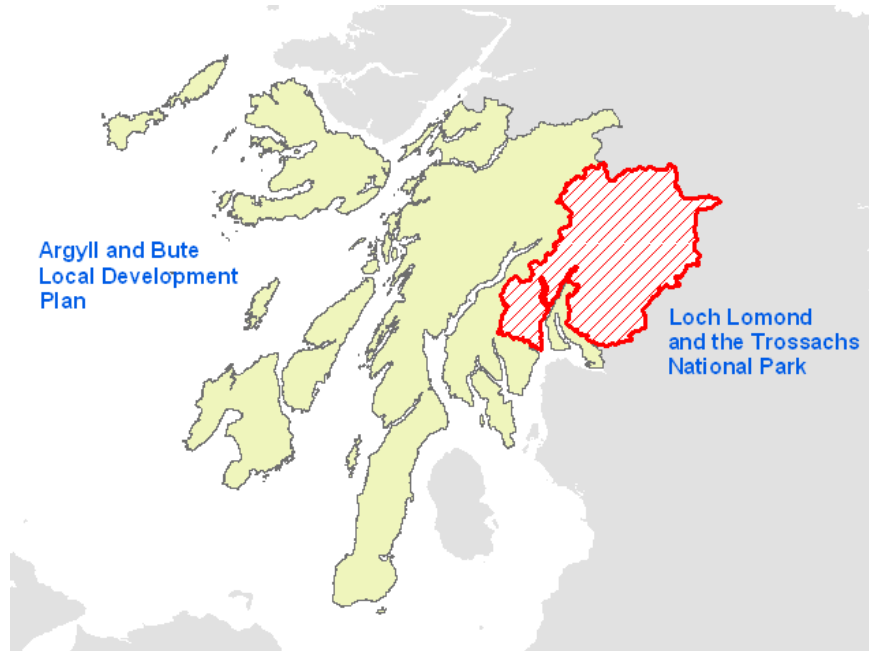
The Argyll and Bute Structure Plan was approved by Scottish Ministers in 2002. The Structure Plan looks at strategic development issues in the long-term. It sets out how much development should happen and broadly where it should take place.

The Argyll and Bute Local Plan set out more detailed policies and proposals on precisely where particular development types should be allowed. It is envisaged that the Argyll and Bute Local Plan will be adopted in the summer of 2009.

The Planning etc (Scotland) Act 2006 requires Argyll and Bute Council to replace the existing Structure Plan and Local Plan with a single new plan, the Local Development Plan (LDP). The LDP will set out our long-term vision for future development and land use across Argyll and Bute.

The Loch Lomond and the Trossachs National Park Authority prepares the LDP for their area within Argyll and Bute (see map below).

Appendix A



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The LDP will be supported by other documents. These include Strategic Environmental Assessment; Appropriate Assessment; Supplementary Planning Guidance and Action Programme.

Strategic Environmental Assessment

In tandem with the production of the LDP, the Council is required to carry out Strategic Environmental Assessment (SEA). A SEA is a process which helps identify how we can implement development so that it minimises harm to the environment. The consultation authorities, who are Scottish Natural Heritage (SNH), Scottish Environment Protection Authority (SEPA), and Historic Scotland (HS), will assist us with the SEA. Each stage of the SEA and its environmental report will be publically available for viewing / comment.

Appropriate Assessment

As the new LDP is likely to have a significant effect on a European site an Appropriate Assessment will also be required by Regulation 48 of the Habitats Regulations 1984 implementing Article 6(3) of the Habitats Directive (92/43/EEC). A European site is any classified SPA, SAC, potential SPA, candidate SACs and listed Ramsar sites. The Council will undertake the assessment and notify Scottish Natural Heritage of its findings.

Supplementary Planning Guidance

The Council is also in the process of, or committed to producing Supplementary Planning Guidance (SPG) which will sit alongside the Argyll and Bute Local

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Development Plan. This SPG provides more detail on the policies detailed in the LDP and will make sure everyone involved in the planning process, particularly people putting forward applications for development, are more aware of the Council's stance on particular development proposals.

Supplementary planning guidance will form part of the LDP and allows the Plan itself to be shorter and easier to understand. We aim for the SPG to be approved and available to use before or when the Argyll and Bute LDP is formally adopted.

The Council currently is of the view that the following SPG is required in association with the LDP:

- Developer Contributions
- Planning for managing floods
- Open Space Audit and Strategy
- Area Capacity Evaluation methodology
- Housing Density
- Landscape Capacity Studies
- Affordable Housing
- Designing for Sustainability / Energy efficiency
- Biodiversity
- Renewable Energy Strategy / Onshore Windfarm Cumulative Impact Study
- Woodland and Forestry strategy
- Coastal Development Strategy
- Greenbelt Masterplan
- Crofting
- Roads Standards
- Housing Layout and Design

There may also be a need to publish site specific development briefs and / or masterplans

Action Programme

The Council is also required to produce an Action Programme relating to the LDP. This Action Programme sets out how the main actions set out in the LDP will be achieved and will identify key organisations tasked with delivery. Action programmes are required to be adopted and published within three months of the LDP being adopted and be reviewed every two years.

Appendix A

Development Plan Scheme Requirements

The Planning etc (Scotland) Act 2006 requires the Council to produce a Development Plan Scheme (DPS).

The DPS is a document that sets out the Council's programme for preparing and reviewing the Argyll and Bute Local Development Plan (LDP). We will update the DPS annually to inform people about how the Plan preparation is progressing.

The DPS includes:

- Timetable for producing the Argyll and Bute Local Development Plan;
- Processes involved at each stage of the Plan preparation; and
- Participation Statement (ie. how and when both individuals and organisations can expect to be involved).

The DPS is sent to the Scottish Ministers.

You will be able to view the DPS in :

- All public libraries; Tarbert, Rosneath, Garelochhead, Cove, Cardross, Oban, Helensburgh, Dunoon, Rothesay, Campbeltown, Lochgilphead,
- Council Headquarters Offices, Kilmory, Lochgilphead.
- Council Area Offices (with Planning Staff) in Oban, Helensburgh, Dunoon
- Our website : www.argyll-bute.gov.uk

Production Timetable

The main stages in the production of the Argyll and Bute Local Development Plan and the associated timescales are detailed in the table below.

Stage	LDP	SEA	Timescale
1	<ul style="list-style-type: none"> • Publish the Development Plan Scheme. • Gather evidence to prepare for Stage 2. 	<ul style="list-style-type: none"> • Prepare the Screening Report (which identifies whether a SEA is needed) and send to the consultation authorities. • Publish this decision in Newspapers and website. • Prepare a Scoping Report 	March 2009 to Feb 2010

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		(which identifies the kinds of issues to be looked at) and send it to the consultation authorities.	
2	<ul style="list-style-type: none"> • Prepare and publish Main Issues report. • Consult people over 12 weeks. 	Undertake SEA.	March 2010
3	<ul style="list-style-type: none"> • Prepare, publish and consult on the proposed LDP and Action Programme. • Assess objections and comments and provide feedback. 	Produce SEA report and carry out formal consultation.	Aug 2010
4	<ul style="list-style-type: none"> • Prepare and consult on changes we make to the plan. • Assess feedback from the consultation and the results of the SEA. 	Revise the SEA in light of proposed changes to the LDP.	Aug 2011
5	<ul style="list-style-type: none"> • Hold a Public Local Inquiry (PLI) (if necessary) 		March 2012
6	<ul style="list-style-type: none"> • Publish recommendations of the PLI. • Publish any changes • Adopt the LDP. 	<ul style="list-style-type: none"> • Revise the SEA in light of proposed changes to the LDP. • Adopt the SEA report and publish a post-adoption statement (this says how we have considered the environmental report and how we will monitor the effects the LDP has on the environment). 	Dec 2012
7	<ul style="list-style-type: none"> • Put plan into place and monitor our progress. 		Jan 2013 onwards

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Participation Statement

It is imperative that meaningful participation and engagement takes place with a full range of stakeholders in the production of the LDP. This participation and engagement will be carried out in line with the provisions of PAN 81: Community Engagement – Planning with People, and will be facilitated through the following :-

- Workshops and public meetings;
- Dialogue with key agencies and organisations;
- Liase with Citizen's Panel
- Setting up special phone lines and e-mail addresses;
- Providing a form where you can give us feedback;
- Putting everybody who responds on a database for newsletters (sent regularly by e-mail or post or just before consultation documents are issued);
- Website based information and document releases;
- Providing paper copies of documents at all libraries, council offices with planning staff, and other important local facilities;
- Providing CD copies of documents in response to individual requests;
- Carryout appropriate Neighbour Notification.

The key agencies and organisations to be consulted will include (others may be added in due course) the following :-

Public-sector organisations

- Architecture and Design Scotland
- British Telecom Scotland
- British Waterways
- Civil Aviation Authority
- Crofters' Commission,
- Crown Estate Commission
- Forestry Commission Scotland
- Glasgow and Clyde Valley Strategic Development Plan Authority,
- Health and Safety Executive
- Highland Council,
- Highlands and Islands Enterprise,
- Historic Scotland,
- HITrans,
- Loch Lomond and the Trossachs National Park Authority,
- Marine Safety Agency
- Maritime and Coastguard Agency
- Members of Parliament
- Members of the European Parliament

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- Members of the Scottish Parliament
- Ministry of Defence
- NHS (including primary care trusts)
- Schools (primary, secondary, and private sector)
- Scottish Ambulance Service
- Scottish Association for Public Transport
- Scottish Enterprise
- Scottish Environment Protection Agency (SEPA),
- Scottish Government Departments,
- Scottish Natural Heritage (SNH),
- Scottish Water,
- Sportscotland
- SPT
- Stirling Council,
- SUStrans
- Transport Scotland,
- University of the Highlands and Islands Millenium Institute (UHI)
- West Dumbartonshire Council,
- West of Scotland Archaeology Service

Private-sector and Community Groups and Organisations –

- Action for Planning Transparency
- Association for the Protection of Rural Scotland
- Association of Scottish District Salmon Fishery Boards
- Chambers of Commerce,
- Community care forums
- Community Councils,
- Community health partnerships
- Community Planning Partnership,
- Community Self Build Scotland
- Community trusts and partnerships
- Council for Scottish Archaeology
- Councillors
- Crofters Union
- Deer Commission for Scotland
- Defence Estates
- Disabled Access groups
- Energy companies
- Estates (large landowners)
- Fisheries trusts
- Friends of the Earth (Scotland)
- Game Conservancy Trust

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- Gypsy travellers
- Heritage societies
- Highlands & Islands Airports Ltd
- Homes for Scotland,
- Housing Associations (ACHA, Dunbritton, Fyne Homes, West Highland),
- Interest groups,
- Keep Scotland Beautiful
- Landowners,
- Local amenity groups,
- National Farmers Union (Scotland)
- National Trust for Scotland
- Network Rail
- Northern Lighthouse Board
- Pensioners' clubs,
- Perth and Argyll Forestry Forum
- Port authorities
- Quarry Products Association
- Ramblers Association Scotland
- Religious Groups
- Renewable energy industry,
- Representatives of the development industry,
- Residents Associations,
- Residents' associations
- Royal Commission on Ancient and Historic Monuments
- Royal Society for the Protection of Birds (Scotland),
- Royal Town Planning Institute (Scotland)
- Schools boards and parent councils,
- Scottish and Southern Electricity,
- Scottish Civic Trust
- Scottish Coastal Forum
- Scottish Council for Volunteer Organisations
- Scottish Crofting Foundation
- Scottish House Builders Association
- Scottish Renewables Forum
- Scottish Rights of Way and Access Society
- Scottish Rural Property and Business Association
- Scottish Wildlife Trust
- Sea Fish Industry Authority
- The Architectural Heritage Society of Scotland
- The Woodland Trust Scotland
- Visit Scotland
- Youth Development Officer
- Youth forums

Appendix A

General Public –

Innovative consultation methods will be adopted to ensure as many people as possible can engage with the preparation of the LDP. Particular measures will be undertaken to encourage certain groups (for example, people with mobility issues, people under 35, people in full-time work, unemployed people, travellers and ethnic minorities) that have been less involved in the planning process in the past than other groups of people.

We will make your responses and our feedback available for viewing at each stage and report back on your responses to our Councillors at key stages.

Participation Timetable

General; DPS & Issues report : Summer 2009 – Spring 2010

Involving :-

Elected Members, members of the public; community groups; private and public sector; main agencies; consultation authorities.

Form of Consultation:-

- Summary leaflets - making leaflets available to community councils, and sending them to people who send us application forms for planning permission and building warrants.
- Targeting hard-to-reach groups – by making leaflets available in job centres, to travellers' communities, college students, large employers, and minority associations.
- Press release and articles in newspapers.
- Providing feedback forms online and in hard copies to ask your views on the ways we have involved you.
- Providing the scheme and leaflets online and in libraries.
- Making leaflets available in public buildings such as doctors' surgeries, council service points, council offices with planning staff and in libraries.
- Asking schools and colleges what they think is important and how we could communicate with them most effectively.

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- Launching the development plan scheme (to include community groups, main agencies and consultation authorities, business groups, and so on). Giving information to community councils.

Issues Report outcomes; LDP; SEA & Modifications to LDP

Phase	Date	Consultation Period
Issues Report	March 2010	12 weeks
LDP	August 2010	12 weeks
SEA	Sept 2010	12 weeks
Modifications to LDP	August 2011	6 weeks

Involving :-

Elected Members, members of the public; Community groups; Private and public sector; Main agencies; Consultation authorities;

Form of Consultation :-

- Exhibitions or displays in mobile libraries and libraries, shopfronts and shopping centres.
- Information days or newsletters for the wider public, focusing on hard-to-reach groups and particular issues.
- Workshops for particular sections of the community.
- Attend meetings held by community councils and community groups.
- Holding 'sounding board' meetings.
- Set up an Argyll and Bute wide forum to include focus groups and workshops to look at ways of picturing on a computer the main issues in the report.
- Schools – working with schools to develop a way of getting contributions from young people.
- Go to community forums and youth forums and get people's views on the report.
- Provide feedback forms online and in hard copies to review methods of involving people.

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- Hold information days and focus groups.
- Publish information in our newsletter, sending e-mails to people who are on our list of people to involve.
- Possible roadshow, providing an exhibition in different areas in accessible locations.
- Provide documents online and in different languages if required.
- Make a response form available online and in paper so you can give us your views about the changes.
- Put feedback forms online, and send out paper copies, so you can tell us what you think of the ways we involved you.

Contact Details

If you wish to comment on the Development Plan Scheme you can do so in the following ways:-

Phone the Development Policy Unit (Mon – Fri : 9am – 5pm) on:

General – Sheila McKenzie - 01546 604140

Bute, Cowal and Kintyre – Paul Convery – 01546 604278

Helensburgh and Lomond – Mark Lodge – 01546 604280

Mid Argyll, Islay and Jura – Sybil Johnson – 01546 604308

Oban, Lorn and the Islands – Adrian Jackson-Stark – 01546 604312

Development Policy – Fergus Murray – 01546 604312

Send an e-mail to:

sheila.mckenzie@argyll-bute.gov.uk

Write to:

Development Plan Scheme

Development Policy

Argyll and Bute Council

Kilmory

Lochgilphead

Argyll

PA31 8RT

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You are welcome to visit our main office (by appointment) at:

Development Policy
Argyll and Bute Council
Kilmory
Lochgilphead
Argyll
PA31 8RT

Our website is at

www.argyll-bute.gov.uk

Relevant documents will be placed on this website.

If you need help reading this document (for example, if you need it in a different language or another format such as in larger text or on audio tape), please phone Sheila McKenzie on 01546 604140.

ARGYLL AND BUTE COUNCIL**EXECUTIVE**
19 MARCH 2009

TWINNING VISIT TO KORCULA

1. SUMMARY

- 1.1 This report sets out proposed arrangements for the twinning visit to Korcula.

2. RECOMMENDATIONS

- 2.1 To agree the terms of the report.

3. DETAIL

- 3.1 The Executive agreed at its meeting on 20 November 2008 to refer the Provost's Office the invitation from the Croatian Government to re-establish the twinning link between Bute and Korcula which was established by Sir Fitzroy Maclean due to his service to the people of Croatia after the second world war.
- 3.2 The Executive agreed to refer to the Provost to consider the arrangements for such a visit.
- 3.3 After consultation with the Provost it has been proposed that the following arrangements should apply.
- 3.4 The Council should send a delegation with the intent of discussing how formal twinning links can be re-established and that this delegation be comprised of

Councillor Isobel Strong, the Depute Provost

Councillor Bruce Marshall, the Chair of the Bute & Cowal Area Committee.

- 3.5 It is proposed that they should be accompanied by an officer who would provide administrative support to the discussions with the Korcula authorities around how the twinning links might be re-established to the benefit of both the communities in Croatia and Argyll and Bute.
- 3.6 There would therefore be costs incurred in terms of the travel for the delegation.
- 3.7 The delegation would report back to a future meeting of the Executive on the outcome of their meeting on the agreements reached in terms of re-invigorating the Twinning arrangements. Members will recollect that the President of Croatia had expressed an interest in seeing these relations re-established and it would therefore seem of considerable significance to Croatia that these links with Argyll and Bute are re-established and therefore the Council should be minded to participate actively in re-establishing close contact with the community of Korcula.
- 3.8 It has been suggested that the Council might wish to extend an invitation to Sir Charles MacLean (Sir Fitzroy's Son) to be part of the Council's party in meeting with the Korcula representatives if he were minded to be travelling to Korcula at this time. It does seem to be an excellent suggestion and the question for the Executive would be whether they would wish to invite Sir Charles to attend with the Council delegation.

4. **IMPLICATIONS**

Policy	The Council has a long established twinning link with Korcula it would seem in the Council's best interest to seek to re-invigorate this relationship.
Legal	None
Personnel	None
Financial	The costs of travel to Korcula.

For further information contact Charles Reppke on extn. 4192.

3 March 2009

ARGYLL & BUTE COUNCIL
CORPORATE SERVICES

EXECUTIVE
19 March 2009

**EXTRACT OF MINUTE OF ORGANISATIONAL DEVELOPMENT POLICY AND
PERFORMANCE GROUP 11 FEBRUARY 2009**

5. PORT ASKAIG REDEVELOPMENT

The PPG considered a report dated 30th January 2009 by the Head of Roads & Amenity Services outlining the history of the Port Askaig redevelopment project and reporting on the contractual issues associated with the recently completed Phase 2 Marine Works contract, customer expectations and project management issues.

Decision:

It was agreed:

1. That the history of this project demonstrates systemic problems with the process for letting and monitoring large capital projects;
2. That insufficient time was given to consider the consequences of the cost increases;
- * 3. To agree to recommend to the Executive that, in view of the degree of overspend, this project be subjected to financial audit;
4. To request that the Head of Strategic Finance consider the following issues when compiling his report on procurement of large capital projects, to be submitted to the June meeting of the PPG:
 - The implementation of more robust procedures for estimating costs;
 - That it should be identified at an early stage where there are insufficient professional resources in-house to process matters relating to large capital projects, and that where such instances are highlighted consideration should be given to outsourcing such expertise, and the project pricing adjusted accordingly;
 - That legal and financial services are represented on all Project Boards;
 - Elected Members to be kept informed of any material changes to large capital projects;
 - To reaffirm the use of the Prince 2 approach to contract management;
 - That alternative options for Contractual procedures be considered for both physical works and consultancy; and
5. That Councillor Currie be provided with a copy of the Port Askaig

Redevelopment Contract, together with detail of the £120,000 spend on road repairs referred to in paragraph 3.18 of the report.

(Ref: Report dated 30th January 2009 by the Head of Roads & Amenity Services, submitted)

PORT ASKAIG REDEVELOPMENT

1. PURPOSE

The Mid-Argyll, Kintyre and the Islands Area Committee had requested that the Organisational Development Policy and Performance Group examined the way this project had been handled. A report was submitted to the Executive meeting on 18 December 2009 and they confirmed that the report should be referred to the PPG.

This report outlines the history of the project, reports on the contractual issues associated with the recently completed Phase 2 Marine Works contract, customer expectations and project management issues.

Questions raised by the Mid-Argyll, Kintyre and the Islands Area Committee along with answers have been included as an appendix to this paper

2. RECOMMENDATIONS

It is recommended that the PPG note the contents of the report and the actions already undertaken to mitigate against such overspends in the future and note that the project has provided a high quality facility to maintain the future ferry services to Islay and Jura for a cost of only £3,118,705 to the Council

3. PROJECT HISTORY

3.1 In 1999 the Scottish Executive created a Public Transport Fund and invited Councils to bid for the available funding.

3.2 There were considerable problems at Port Askaig with traffic congestion caused by an inadequate mustering area and the poor structural condition of the mainland ferry linkspan and the aligning structure for the Jura ferry berth.

3.3 A bid for funding for a project estimated to cost £5,500,000 was submitted in August 1999. An award of £3,750,000 was made in January 2000. The new access road and mustering area were estimated to cost £3,200,000, the Terminal building £450,000 and the Marine works £1,850,000. The Council's contribution to the works was estimated at £560,000 with an expectation of the balance coming from ERDF and Marine Grants.

- 3.4 It was decided at an early date that the project would have to be phased due to the restricted area at the pier and the specialisation of each of the three phases. The new access road and mustering area would be constructed first to remove the congestion from the Port Area. The specialist marine works would be the second contract with the pier buildings following last once the marine contractor had cleared the pier area to give sufficient room for access for the construction of the buildings.
- 3.5 Waterman Consultants were appointed in March 2000 to assist with the planning process as there was a new requirement for an environmental impact assessment.
- 3.6 The design of the access road and mustering area was carried out inhouse by Roads Design. Arch Henderson were appointed for the design and supervision of the marine works. Facility Services were appointed for the design and supervision of the building works
- 3.7 Preliminary consultations with Scottish Natural Heritage required a complete change to the proposed layouts of the port area as they required the existing pier buildings to be retained against the setting of the cliff faces. This required significant changes to the proposed design of the mustering area.
- 3.8 A public exhibition of the proposals was held in Bowmore on 24/25 July 2000
- 3.9 Planning was submitted and approved by the Council on 8 November 2000. There were no formal objections to the planning application. In January 2001 the Scottish Executive called in the application and a public inquiry was held in May 2001. Planning was approved in September 2001.
- 3.10 In September 2001 the project estimates were revised to £6,201,000. The main reason for the cost increase was due to changes to the design of the mustering area. The new access road and mustering area were estimated to cost £3,640,000, the Terminal building £500,000 and the Marine works £1,785,000
- 3.11 In April 2002 estimated project costs were continuing to rise and the decision was taken to revise the design of the access road by reducing the design standard and thus the costs. This required changes to the environmental impact assessment and a new planning application was submitted on 20 August 2002 and approved on 24 December 2002
- 3.12 In October 2002 a marine grant from the Scottish Executive was secured for £970,500. Estimated project costs had risen to £6,896,000. Design and the Phase 1 works were estimated at £4,429,000, Marine works at £1,700,000 and the buildings at £767,000
- 3.13 Tenders for the phase 1 contract for the parking and mustering were issued on 1 November 2002 and returned on 16 December 2002.
- 3.14 The phase 1 works had a significant volume of excavated materials to dispose of. Landfill regulations and land fill tax cost implications led to a rethink of how

to dispose of this material and delayed the start of the phase 1 works until 7 July 2003

- 3.15 In August 2003 ERDF grant of £2,240,000 was confirmed
- 3.16 The tender value of the Phase 1 contract was £3,101,868.00 after adjustment for the delay of the acceptance beyond the 3 months tender period (This was an increase of £243,000). Allowing 10% for contingencies the estimated cost of the contract works was expected to be £3,400,000 at the construction start. The contractor was I & H Brown.
- 3.17 The site works were completed by 19 November 2004.
- 3.18 The final certified payment to the contractor was £3,291,989. The cost of the Gate Lodge House was removed from the contract at a value of £120,000 as was the cost of the road repairs between Port Askaig and Ballygrant at £120,000. Therefore the comparative value should be £3,531,989 when compared to the construction start estimate of £3,400,000. £105,803 was deducted in liquidated damages so the cost to the Council was £3,426,186.
- 3.19 The contract was completed 98 days late but an extension of time of 58 days was awarded making the contractor 40 days late in completion of an original contract of 56 weeks. A 10 day extension of time was awarded for adverse weather, 7.5 days for delays in moving services and 40.5 days for increases in the volume of rock excavated.
- 3.20 The complexity of the design, the need for two major redesigns, two planning submissions, two new houses, a petrol station, mitigation of landfill tax costs and a public inquiry increased the design costs for inhouse staff and external consultant to £770,000 from an original estimate of £200,000. The phase 1 contract received a Saltire Society Project Commendation in 2005, confirming the high quality of the design.
- 3.21 The inability to reuse the dressed stone from the demolished gate house led to significant delays and increased costs for the new gate house from £120,000 to £354,800
- 3.22 The final cost of the Phase 1 works, including all the design costs was £5,220,000 against an original estimate of £3,200,000 in 1999 and £4,429,000 in October 2002. I & H Brown were considered to have performed well and did not pursue any significant claims after completion of the works.
- 3.23 Construction of the marine works should have followed on in 2005 after the completion of the phase 1 work but this was delayed as land entry was not available.
- 3.24 In December 2004 the project estimated costs had risen to £8,353,710 with the marine works estimated to cost £2,800,000 and the pier buildings £672,000. The marine grant was increased to £1,474,000. This gave a total income of £7,464,000

- 3.25 Tenders for the marine works were issued on 11 January 2006 and returned on 9 March 2006. The tender submitted by Carillion was the lowest at £4,284,078.64. Acceptance was not made within the required 90 days as land entry was not available. The Council had to accept the application of Baxter indicies to cover additional costs attributable to the delay in accepting the tender. The acceptance was issued on 25 August 2006 and the contract start date was 9 October 2006. It was a 48 week contract.
- 3.26 The tender was 71% higher than the estimated cost of £2,500,000. There was only a difference of £178,000 between the three lowest tenders indicating that the tenders were competitively priced. The increase in cost was attributable to high demand for marine works and costs of steel.
- 3.27 In recognition of the increasing costs of marine works the marine grant from the Scottish Executive was increased to £3,642,000 in July 2006. The project costs were now estimated at £10,810,000. £5,280,000 for the phase 1 works, £4,780,000 for the marine works and £750,000 for the pier buildings. The income was £9,632,000 making the Council contribution £1,178,000
- 3.28 Another factor in the decision to continue with the works was that the aligning structure for the Jura ferry was in a state of collapse and the existing linkspan was in a very poor structural condition. The linkspan was in fact closed in early 2007 forcing the diversion of all mainland ferries to Port Ellen. If the works had not been undertaken it is likely that the Jura vehicular ferry service would also have been lost due to failure of the aligning structure.
- 3.29 Carillion were 11 weeks late in completing the installation of the new linkspan and 23 weeks late in completing all the works. The works were completed on 18 January 2008
- 3.30 Variations to the works during the contract included additional work to the mainland berth extension due to poor rock conditions, variations to buried features at the location of the linkspan foundations and significant variations to the rock levels for the new Jura ferry berthing structure. These will lead to increased costs and an extension of time. In November 2007 Arch Henderson estimated the final costs to be £5,984,785. In June 2008 Arch Henderson estimated the final cost that may be claimed by Carillion to be £6,167,714 but this was not based on detailed claims from Carillion so has not been included in the budget estimates
- 3.31 Since completion of the works Carillion have been very slow at substantiating claims for additional costs and extensions of time and many of the staff involved in the works have left Carillion. In late November 2008 Arch Henderson received a substantial claim valued at approximately £2,500,000 taking the construction costs to a possible £6,784,000. This claim is still being examined but it is unlikely that Arch Henderson will agree this value. The current estimate of £5,984.785 has therefore been retained. This includes an estimate of £1,700,000 to cover claims and additional work of which £600,000 has been paid to date.

- 3.32 There is a concern that the majority of the Carillion staff involved in the project have left and this will make agreement of final measurement and claims difficult. Arch Henderson expect to have assessed the claim early in 2009.
- 3.33 Under the contract the maximum allowable liquidated damages are £125,000 and these have been deducted from monies due to Carillion
- 3.34 Arch Henderson fees have risen substantially due to the long delay in issuing tenders, the extended construction time and the complexity of the claims.
- 3.35 Estimated fees in 2003 were £70,000 and in 2006 £194,000. The current estimate fee cost is £535,000
- 3.36 2007/08 was the last year in which marine grant was available. In recognition of the increasing costs at Port Askaig the Scottish Government included an additional £1,000,000 in the Council's capital block allocation in 2009/10 for Port Askaig
- 3.37 The issue of tenders for the Pier Buildings was delayed until Carillion could clear the pier area to allow the pier building contractor access. Tenders were issued on 18 September 2007 and returned on 26 October 2007 as at that time Carillion were indicating completion of the site works by November 2007.
- 3.38 The lowest tender was submitted by MacInnes Brothers Ltd at £844,663.58 after correction. Before acceptance was issued MacInnes Brothers withdrew their tender so the tender was awarded to the second lowest which was M & K MacLeod Ltd with a corrected value of £904,351.79.
- 3.39 In December 2007 Hitrans awarded a grant of £300,000 towards the cost of the pier buildings
- 3.40 The tender was accepted on 24 January 2008 and the start date was to be 10 March 2008. The contract period is 42 weeks. M & K MacLeod were delayed in starting as Carillion had not cleared the pier area. The delay was 6 weeks. The actual start date was 21 April 2008.
- 3.41 M & K MacLeod are expected to complete the works by March 2009 and within the budget of £995,000
- 3.42 On completion of the pier buildings a small contract will be let for the road resurfacing and footways between the pier building and the Post Office. Landscaping works in the mustering area are expected to be undertaken in the Spring 2009. Work is in hand to obtain a standby generator for the linkspan.
- 3.43 The current estimated project cost is £13,146,000. The total income is £10,027,295. The cost to the Council is £3,118,705 of which £1,000,000 is covered by the additional capital block allocation. Claims resolution of the Phase 2 Marine Works contract is still outstanding and could lead to further cost increases.

4. PHASE 2 MARINE WORKS CONTRACT

The section of the report addresses the performance of Arch Henderson, the external consultant appointed to design and supervise the construction of the marine works, Carillion, the contractor appointed to construct the works and the issue of the public expectations from the works.

4.1 Arch Henderson – External Marine Consultant

- 4.1.1 In April 2000, six consultants with experience in marine work were asked to submit a pre-qualification tender for a feasibility study, final design and preparation of tender documentation for the marine works. Timescales required the planning application information by end July 2000 and tender documentation by the autumn of 2001.
- 4.1.2 The timescales were very short as it was driven by the need to meet the expenditure profile of the Public Transport Funding award
- 4.1.3 Three consultants were asked to give a presentation on their proposals on 11 May 2000. Arch Henderson was successful and appointed on 15 May 2000. The appointment was based on hourly costs as it was not possible to fully define the work required at this stage.
- 4.1.4 For future contracts consideration has been given to appoint a consultant for the design work on a fixed price. This approach would require committed timescales as delays would lead to cost increases. There is also a concern with a fixed price design contract that the quality of the work may diminish if the consultant was nearing his cost limit and there is no incentive for the designers to improve their designs. They would produce the design that was cheapest to design rather than cheapest to build.
- 4.1.5 Another alternative considered was a target contract where a target price is set and the profits/loss are shared between the Council and the consultant. These are complex to set up and lead to high target prices to ensure a profit rather than a loss. They also do not encourage efficient design.
- 4.1.6 The preliminary design work was completed and the planning information was submitted on time. However due to the public inquiry planning was not approved until September 2001. The consultant had been appointed with a specific condition that detail design was not to commence until planning approval was received to give the Council the opportunity to terminate the contract if the planning was unsuccessful.
- 4.1.7 As the works were phased Arch Henderson was under no pressure to complete the design until completion of phase 1 works. No significant final design work was undertaken until 2004 when Arch Henderson again committed resources to completing the design for a 2004 tender issue. The tender issue was delayed until January 2006 by the Council's failure to obtain land entry.
- 4.1.8 At the time of tender acceptance for construction of the marine works Arch Henderson fees were £142,603 for a contract estimated to cost £2,500,000

(5.7%) However at this time Arch Henderson advised that there was still detail design required on some elements of the work and that this would be undertaken during the construction period. This is normal for marine works to avoid abortive design work if unforeseen conditions are encountered.

- 4.1.9 Arch Henderson was appointed to undertake the site supervision works as Roads Design did not have the necessary resources available. This was again at cost. It is normal practice to pay for site supervision at cost as the levels of supervision required can vary depending on the site conditions and associated problems and the performance of the contractor.
- 4.1.10 Arch Henderson supervised the works on site from October 2006 to March 2008 at a supervision cost of £221,774 on a contract tender value of £4,282,078 (5.2%). These are very low supervision costs for a contract that extended from 44 weeks to 81 weeks and which required extensive travelling costs for site staff. Supervision costs are currently estimated at £230,000 to allow for dealing with claims and final measurement.
- 4.1.11 Arch Henderson undertook the remaining design work during the construction as well as additional design work to deal with unforeseen conditions. This raised the final design fees to £303,140. Arch Henderson charges all non site based staff costs as design costs but some may relate to what we would classify as site supervision costs. The total fee costs are £533,140 which is 12.4% of the tender cost for the marine works.
- 4.1.12 These fee levels are considered to be high but a significant element is attributable to the contractor's poor performance. The Council extended an 18 month contract into one covering 8 years. The construction period extended from 44 weeks to 85 weeks and we are currently going through protracted claims and final measurement issues. Once the design work commenced it would have been very difficult to change the consultant and at the start of the contract works there was no reason to consider such an action as the fees charged were reasonable.
- 4.1.13 Had we used a lump sum contract for the design work the Council would have been liable for constant variations due to the long delays during the design period.
- 4.1.14 With hindsight we should have kept a better control on the completion of the design work and had a better appreciation of the amount of design work that was outstanding at the time of the appointment of a contractor. Overall Arch Henderson have performed well in accepting the long time delays during the design period and have delivered the design work to match the contract requirements. We suspect that at times Arch Henderson were under resourced but considering the extreme timescale changes it would be unfair to make this a significant criticism.
- 4.1.15 The initial timescales for the project, required by the PTF funding were totally unrealistic for a project of this size and complexity. The introduction of the requirement for Environmental Assessments and the problems raised by the landfill tax regulations contributed to the delays. The biggest cause of delay to the marine works was the Council's inability to secure the required land entry.

4.2 Carillion - Contractor

- 4.2.1 Tenders were issued for the construction of the marine works on 11 January 2006. The tender could not be accepted within the 90 day period and the Council had to negotiate with the contractor for additional costs before the tender was accepted on 25 August 2006. The position was further complicated by the fact that tenders had been issued to Mowlem but they were taken over by Carillion before the acceptance was issued.
- 4.2.2 At the time of the tender issue the construction costs were estimated at £2,500,000. The lowest tender was £4,284,078. There was only a difference of £178,000 between the three lowest tenders indicating that the tenders had been competitively priced. Arch Henderson and the Scottish Executive Marine section agreed that there had been substantial increases in the costs of marine works throughout Scotland. There was a considerable pressure to commence the works due to the poor structural condition of the Jura berth aligning structure and the existing linkspan. The tender was therefore accepted.
- 4.2.3 Carillion's progress on the contract became a concern early in the contract. The mainland ferry was diverted from Port Askaig in January 2007, rather than in March 2007 for a period of only 4 weeks, due to the closure of the linkspan after a structural inspection. Carillion failed to capitalise on this benefit and only completed the linkspan closure some 11 weeks later than required. The progress by Carillion continued to be poor and towards the end of the contract was very poor. The site works were completed on 1 May 2008 some 37 weeks late. Carillion failed to meet their commitment for clearing the pier area and this led to a delay in the start of the pier building contract.
- 4.2.4 Carillion suffered several failures of their temporary works which caused concern and delayed the completion of the works. There were some necessary variations to the works for which Carillion will be entitled to an extension of time. Evaluation of this extension of time has been hampered by the lack of detail information from Carillion. Intimated variations to the works (but not agreed) are:

Weather delays	£59,000
Additional shipping movements	£17,000
Poor rock at new dolphin extension	£160,000
Fractured rock between dolphin and main pier	£193,000
Delays in completing the link span	£338,000
Replace RNLI mooring	£43,000
Linkspan variations	£54,000
Dowels to piles on Jura berth	£84,000
Misc works	£160,000
23 weeks prolongation costs	£402,500
Additional insurance costs	£20,000
Baxter indicies	£257,000

- 4.2.5 Carillion had intimated the basis for some claims but did not supply supporting information until November 2008. This information is now being assessed by Arch Henderson. They have intimated a claim value in the region of £2,500,000
- 4.2.6 The assessment of the claim has to be carried out by Arch Henderson who supervised the construction works. They check the factual content of the claim in relation to their site records and assess the contractual validity to see if the Council is liable for the costs claimed. Roads Design staff will then over view any proposed settlement before authorising payment. If Carillion do not accept the settlement offered they have the right to take the dispute to adjudication and or arbitration.
- 4.2.7 Many of the Mowlem staff that moved to Carillion at the start of the contract have now left Carillion and this will make agreement of final measurement and settlement of claims more difficult.
- 4.2.8 This contract was let under the ICE Conditions of Contract, Sixth Edition and the method of measurement was the Civil Engineering Standard Method of Measurement (3rd Edition)
- 4.2.9 These contracts do not allow for penalties for late completion. Liquidated damages can be applied but they are expressly forbidden to be a penalty and only allow for costs incurred by the late completion. In this contract liquidated damages were set for failure to reopen the linkspan at £10,000 per week with a limit of £100,000 and £2,500 per week for completion of the whole of the works at £2,500 per week with a limit of £25,000. The normal expectation is that a contractor will complete the works as quickly as possible to minimise his site overhead costs.
- 4.2.10 Once a contractor starts to under perform on a contract there is little the Council can do until it reaches a point where the Council may wish to terminate the contract. This is an extreme measure and would no doubt be contested in court by a contractor.
- 4.2.11 We have considered introducing penalty clauses for late completion but unless the works can be very strictly defined with little chance of variations to the requirements such clauses would be very difficult to enforce.

4.3 Customer Expectations

- 4.3.1 The marine works contract has attracted significant adverse reactions from users of the harbour and the Jura ferry. This is unfortunate as it detracts from the significant benefits the project has provided.
- 4.3.2 The Harbour Users Association have implied that the design of the inner harbour is sub-standard as it does not provide sufficient depth for large fishing vessels, it does not provide all year sheltered berthing and that the new berthing deck level is too low and is flooded by the high tides. None of these items were objectives of the design brief. The main requirement was to provide a new safe berthing structure for the Jura ferry.

- 4.3.3 An open structure could have been constructed and this would have left the inner harbour fully exposed to all weather conditions, closed off when the Jura ferry was berthed and with no increased capacity. By constructing a solid structure we have been able for little additional cost to meet the objective of a safe berth for the Jura ferry and also to offer significant improvements for the users of the inner harbour. The harbour users have developed expectations that were not requested or offered during the design phase.
- 4.3.4 The Jura ferry users suffered considerable disruption during the works and this was prolonged by the long delays in completion by Carillion. The new linkspan was increased in size specifically to allow the Jura ferry to be able to use it through all states of the tide. The design objective was to create a safer method of loading the Jura ferry and this has been achieved. The fixed ramp at the berthing structure was retained to allow Jura ferry sailings if the linkspan was out of use and for the eventual extension, if required, to a 1 in 8 fixed ramp in the future.
- 4.3.5 Since the design was completed the mainland ferry has started berthing overnight at Port Askaig preventing access for the Jura ferry. This has led to increased use of the fixed ramp and highlighted its inability to be used at low water. There are also conflicts with the afternoon sailings of the mainland ferry and the Jura ferry.
- 4.3.6 These disruptions are relatively minor and can be dealt with by minor changes to the timetabling to avoid the conflict while still providing the same number of Jura ferry sailing. Any design within such a restricted area and dealing with two distinct ferry services will require compromise or significantly increased funding.
- 4.3.7 Many of the items raised that are causing discontent are in fact requests for further improvements and additional work over and above the current contract. These have to be considered in the light of available budgets and the requirements for all the marine infrastructure owned by the Council. With the current level of predicted expenditure on the original project there is no scope for additional capital expenditure on the project

5. Project Management Issues

- 5.1 It is important from the start of any project to have realistic timescales and to understand the complexity of the project to be undertaken. This project was driven by the unrealistic timescales of the Public Transport Funding and was further delayed by the Environmental Impact Assessment requirements, resolving landfill tax regulations, the unexpected planning inquiry and the Councils own failure to obtain land entry within the required timescales.
- 5.2 Prince 2 project management has now been introduced for major projects. This ensures good definition and planning of the project from an early stage with any risks being highlighted. The project board also have the necessary power to ensure all services meet required timescales.
- 5.3 The marine work was further delayed by the poor performance of the contractor. Once a contractor is appointed there is little the Council can do to

prevent poor performance. We can and do enforce the specification requirements. Our standard contracts do not contain penalty clauses. Introducing such clauses would push up the price of contracts as contractors would build in the additional risk of a potential penalty to their rates. Penalty clauses would be difficult to enforce as contractors would seek to lay the blame for any delays on the Council and we would still be in a dispute position. A penalty clause would only be enforceable if all the risks were passed to the contractor by having a design and build contract. However because of the risks involved the tender prices for such contracts tend to be very high. In this instance the delayed land entry would have led to significant cost increases had we had such a contract.

- 5.4 Project estimates are always very difficult at the start of a project when many of the potential issues and problems have not been identified. This project was particularly complex and required significant major redesigns to reflect the outcome of the preliminary design works. There was an unexpected and significant increase in the cost of marine works throughout Scotland at the time the marine contract was let. The major factor in the increased costs was the uncontrolled timescales where the project extended from an expected 3 years to 9 years.
- 5.5 With this project the Council bore all the cost risks for delays as the PTF and ERDF funding was fixed at the start of the project. These cost increases were significantly mitigated by increased marine grants secured by the design team. At present the project costs have increased by £7,646,000 but the Council's contribution has increased by only £1,600,000.
- 5.6 Significant changes to the marine works were required because of unexpected poor ground conditions. There is a balance to be struck between the cost of advanced investigation work and the potential costs of unforeseen conditions not identified at the start of the works. With hindsight it is easy to say the ground investigation was inadequate but during the design phase it was considered that sufficient ground investigation and seabed inspection had been carried out. The cost of three boreholes was £25,500. To have guaranteed to have identified the extent of the poor ground conditions found we would have had to increase this by a factor of 10

6. IMPLICATIONS

6.1 Policy - None.

6.2 Financial – There are significant claims from Carillion for the Phase 2 Marine Works contract. If these are successful the Council will be required to fund them from the capital budget

6.3 Personnel – None

6.4 Equalities Impact Assessment - None

6.5 Legal – None.

For further information, please contact Peter Ward (Tel: 01546 604651).

Stewart Turner
Head of Roads & Amenity Services
30 January 2009

Appendix 1 – Mid-Argyll, Kintyre and the Islands Area Committee Questions

1. **What were the terms of reference to the harbour works designers?** - An outline brief describing the desired improvements was issued to several marine consultants. They were asked to give a presentation of what they thought was possible and on the basis of the presentation a consultant was appointed to develop the proposals
2. **What is the specified performance capability (vessel size, wave height, tide level) and compliance with current system failure reserve standards of the public linkspan terminal?** – This question is not fully understood and clarification has been sought from the Area Committee. Vessel size for the Jura ferry was the existing ferry and the normal standby vessel (Loch Class). The proposed improvements were discussed with Calmac who advised that they were suitable for any future vessels they may use on this route. Tide levels were as per tide tables. There was no specified wave height.
3. **What is the specified performance capability of the Jura/PA terminal and tie up berth?** - Deck levels were to match the existing pier deck. The vessel size was up to a Loch Class vessel. The linkspan was to be capable of allowing the Jura ferry to operate at all states of the tide
4. **What is the specified performance capability of the other berths?** - The proposed depth of water in the inner harbour and North harbour was determined by funding limitations and practical issues as to what was possible within that budget
5. **What is the break down of the 40% harbour works cost over run?** - Final costs have not been agreed so it is not possible to give a final cost or a breakdown of the increased costs at this point in time. The report details the main elements currently under discussion with the contractor.
6. **What has been the cost of professional fees from public funds, if confidential, on what authority?** – Arch Henderson fees are currently estimated at £535,000. Waterman fees were £318,000. Internal staff costs are £565,000
7. **Was the extra cost involved in providing the present Jura boat berth additional to the small boat harbour protective quay more than £5,000?** – This question is not understood. We provided a Jura ferry berthing face which allowed improvement of the inner harbour. Clarification of this question has been sought from the Area Committee
8. **What is the projected cost of a dedicated linkspan for the Jura boat which the Council officials undertook to determine and report back on at the Jura public meeting on 1st July?** - The meeting was held on 8 December 2008. Estimated costs are £900,000 - £1,500,000

9. **What is the projected cost of a wave suppresser to safeguard the Councils vessel as previously existed for the Jura berth?** – The previous berth had no wave suppressor and no commitment has been made to install one on the new berth. No work has been undertaken on such a system
10. **Will the Council now apply the £1,000,000 windfall extra grant windfall to restoring the integrity of the Jura link?** - The additional £1,000,000 was an allocation of capital funding towards the costs of the existing works. There is no spare funding
11. **What is the current and projected annual traffic to and from Jura?** –

	2005/06	2006/07	2007/08
Passengers	71800	73800	72000
Cars	24200	24000	24000
Commercials	4500	4900	4200

Traffic remains steady and the predicted levels are similar to the existing

12. **What is the current and projected annual traffic to and from the mainland?** - Calmac are being asked to supply this information
13. **Is the Jura ferry loading commercial traffic at the PA/Jura berth?** – We have advised that all commercial traffic should load via the linkspan as it is much safer
14. **What are the statistics for Jura crossings delayed or frustrated by berth issues?** – ASP have examined the records in the year before the marine works commenced and have not been able to identify any disruptions caused by low tide levels. There was considerable disruption during the berth construction
15. **Why is there no nominated harbour master, as laid down on the Government 2002 code of practice, resident on Islay?** – The code states there should be a harbour master not must be a harbour master. The cost of a full time harbour master cannot be justified. The technical officer based on Islay is able to undertake any necessary functions of the harbour master
16. **Will the Council be liable for negligence if there is an avoidable marine or personnel accident?** – The Council would be liable for an accident caused by negligence of its employees. Clarification of the rest of the question has been sought from the Area Committee
17. **What is the status of EU grant and does this require the works to be on ground with good title?** – The final amount of the ERDF grant has been claimed.
18. **Does the Council have good title to the built on the sea bed and the road and car park?**- The Council has acquired all the private land on which the works are constructed and obtained the necessary lease from the Crown Estates
19. **Has the elected Council overseen this major £13,000,000 plus project with a clear understanding of the objective to achieve an efficient interface for the islands' sea link?** –The Council has created an effective interface for vehicles

and passengers utilising the ferry services from Port Askaig. It has constructed what was agreed through the planning application.

20. **Who will carry out an on the spot audit to determine the extent to which the works are operationally satisfactory, and so value for public money, and when?** - The works as constructed have allowed the Jura ferry to continue to operate from Port Askaig and for the mainland ferry to continue operations. There is no proposal for an audit.

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