



COMHAIRLE NAN EILEAN SIAR

POLICY AND RESOURCES COMMITTEE

Minute of Meeting held in the
Council Offices, Stornoway,
on Thursday 17 December
2009 at 9.30am

PRESENT

Mr Angus Campbell (Chairman)	Mrs Agnes Rennie
Mr Norman A MacDonald (Vice-Chairman)	Mr John A Maciver
Mr Alex A MacDonald	Mr Norman M Macleod
Mrs Morag Munro	Mr Roddie Mackay
Mr Archie K Campbell	Mr Charlie Nicolson
Mr Donald Manford	Mrs Annie Macdonald

Ministerial Working Group and Housing Development Programmes

The Chairman updated the Committee in relation to the Ministerial Working Group and Housing Development Programmes.

He advised that representatives of the Comhairle had met with Alex Neil MSP, the Minister for Housing and Communities, in Edinburgh on 16 November 2009. The purpose of the meeting had been to present the findings of the Ministerial Working Group to the Minister and to set out a number of Recommendations to address the funding issue facing Hebridean Housing Partnership. This issue had arisen due to national changes in the way Housing Association Grant was calculated.

The meeting with the Minister had been very constructive and opened the way for a successful conclusion of the issue. The Recommendations presented to the Minister set out a partnership approach to dealing with the issues, with all three parties contributing towards a workable solution. The Minister had been prepared to accept the Recommendations in principle and asked that his officials should finalise the details with a view to concluding before Christmas.

Comhairle officials had met with the Scottish Government and HHP on 14 December 2009 to finalise the details of the package agreed with the Minister. Agreement had been reached on the outstanding issues.

It was understood that Scottish Government officials had now put the final proposal to the Minister for his approval and it was hoped that the Minister would be able to approve the details of the package shortly. A full announcement of the details of the package may require to await consideration of the proposals by the Board of HHP, in respect of HHP's contribution to the package. It was anticipated that the HHP Board would meet towards the end of January 2010.

Shawbost and Daliburgh Pitches

With reference to Item 5 of the Minute of Meeting of Sustainable Development Committee of 9 December 2009 the Chairman advised that further investigation had indicated that sportsScotland were seeking reassurance that any development of a new school in Daliburgh would not impact adversely on the facilities for which a funding application had been made.

It was agreed to recommend that the Chief Executive, in consultation with the Director of Social and Community Services, the Director of Technical Services and the Director of Education and Children's Services, be authorised to provide sportsScotland with such information as may be required by them to enable the funding application in respect of Shawbost and Daliburgh pitches to be progressed.

Fishing
Industry

The Chairman referred to meetings which he had recently held with fishermen and to the difficulties that the industry was currently experiencing. He indicated that the fishermen had advised that any extension to the current Fisheries Loan Scheme or expansion of the facility available under that scheme would be welcomed by the industry. It was also considered necessary to look at the development of the industry on a strategic basis.

It was agreed to recommend that the Chief Executive, in consultation with the Chairman and the Chairman of Sustainable Development Committee, be authorised to enter into discussions with the current scheme partner and any other potential partner with a view to maximising the amount of financial assistance available to the fishing industry, to make any necessary amendments to the existing scheme and to enter into any new scheme on such terms and conditions as he should deem appropriate subject always to the level of financial exposure of any guarantee being to the satisfaction of the Director of Finance and Corporate Resources.

It was further agreed to recommend that the Director of Development would prepare a comprehensive Report to the appropriate Committee or Committees of the Comhairle in relation to all strands of funding which may be available to the fishing industry with a view to a strategic scheme being developed to improve the fishing fleet.

Community
Land Buyouts

The Chairman referred to a meeting with representatives of communities who had either purchased their land under land reform legislation or were contemplating doing so. He also referred to the concerns in relation to the discontinuation of HIE's community land unit and the assurances which communities were seeking that the valued support provided by that unit to the first buy-outs would be available to those currently contemplating community buy-outs.

It was agreed to recommend that:

- (1) the Chairman write to the Chairman of HIE seeking (i) reassurance in relation to how the functions and support previously delivered by the Community Land Unit would be delivered in the future and (ii) details of the support currently available to communities and to be provided in the future; and**
- (2) the Chief Executive be authorised to provide an oversight and checking service for community bodies prior to submission of funding applications.**

Connected
Communities

Concern was expressed in relation to BT's stated position that they would not be involved in Connected Communities in the Outer Hebrides. It was understood that the arguments put forward to justify this decision could be challenged on the basis of previous correspondence.

It was agreed to recommend that the Comhairle would seek to challenge the arguments put forward by BT to justify their decision not to be involved in Connected Communities in the Outer Hebrides on the basis of correspondence to be provided by Mr Donald Manford.

Mr Calum
Mackenzie

The Chairman welcomed Mr Calum Mackenzie to his first meeting of the Committee since his appointment as Head of Estates and wished Mr Mackenzie every success in his new post.

MINUTES

Minute of Meeting of 5 November 2009 1

The Minute of Meeting of 5 November 2009 was **approved**.

- Declaration of Interest 2 The Chairman, the Vice-Chairman and Mr Norman M Macleod declared an interest in Item 32 as they were engaged in the supply of fuel, and left the meeting during consideration of this item.
- Mr Charlie Nicolson declared an interest in Item 30 as a Director of Isles FM and in Items 31 and 32 as Chairman of the Stornoway Trust and left the meeting during consideration of these items.
- The Vice-Chairman declared an interest in Items 38 and 39 due to the employment of a relative in the homecare workforce and left the meeting during consideration of these items.
- Minute of Meeting of the Outer Hebrides Community Planning Partnership of 21 May 2009 3 The Minute of Meeting of the Outer Hebrides Community Planning Partnership of 21 May 2009 was **noted**.
- Minute of Meeting of the Outer Hebrides Community Planning Partnership of 20 August 2009 4 The Minute of Meeting of the Outer Hebrides Community Planning Partnership of 20 August 2009 was **noted**.
- Minute of Meeting of the Outer Hebrides Community Planning Partnership of 15 October 2009 5 The Minute of Meeting of the Outer Hebrides Community Planning Partnership of 15 October 2009 was **noted**.
- Minute of Meeting of the Local Government Employee Joint Consultative Committee of 10 December 2009 6 The Minute of Meeting of the Local Government Employee Joint Consultative Committee of 10 December 2009 was **recommended for approval**.
- Minute of Meeting of Human Resources Sub-Committee of 10 December 2009 7 The Minute of Meeting of Human Resources Sub-Committee of 10 December 2009 was **noted** and item 10 was **recommended for approval subject to the deletion of details of the proposed reporting line from the job description at Appendix 6 to item 10**.
- Minute of Meeting of Joint Services Committee of 11 December 2009 8 The Minute of Meeting of Joint Services Committee of 11 December 2009 was **recommended for approval**.

Budget Strategy Update PR100.02 13 With reference to Item 9 of the Minute of Meeting of 5 November 2009 the Chief Executive and Director of Finance and Corporate Resources submitted a joint Report proving an update on the Comhairle's 2010-13 Budget Strategy following the settlement announcement on 26 November 2009. The announcement of the settlement had been broadly in line with the Comhairle's expectations and had been discussed at the Members' Budget Seminar on 15 December 2009. The Report indicated that the remaining savings to be identified after accounting for all planned changes amounted to an estimated £1.8 million in 2010/11. The Report indicated that it was estimated that corporate efficiency savings could achieve the savings of £500,000, that departmental efficiency savings would free up a further £500,000 and that by mainstreaming Fairer Scotland Funding and achieving its outcomes through core budgets a further £0.5M saving could be achieved. This left a balance of £300,000 for 2010/11 which it was suggested could be addressed by further departmental savings.

The Report also suggested, in relation to Concordat commitments, that the pre-school service be reconfigured to seek to provide the additional hours required within existing resources and that free school meals be phased in starting with P1 in August 2010.

It was indicated at the meeting that given the anticipated requirements for 2010-13 to achieve indicative savings of £10.3 million that Departments also be requested to identify a further £300,000 of savings in 2010/11 to be put towards corporate targets in 2011/12.

It was agreed to recommend that the Comhairle agree:

- (1) to note the outcome of the 2010/11 Settlement;**
- (2) the proposed approach to Concordat commitments set out in the Report;**
- (3) that a Report proposing how the Fairer Scotland Outcomes would be best achieved from core budgets and in terms of the Single Outcome Agreement be presented as part of the 2010/11 budget;**
- (4) the proposed approach and timetable for setting the 2010/11 budget as detailed in the Report; and**
- (5) that Departments identify a further £300k of savings to be put towards corporate targets in 2011/12.**

Treasury Management Monitoring Report to 30 September 2009 PR43.06 14 With reference to Item 8 of the Minute of Meeting of 5 November 2009 the Director of Finance and Corporate Resources submitted a Report to update Members on borrowing and investments undertaken within the treasury management service. The Report referred to CIPFA guidance which, following the banking crisis of 2008, placed increased emphasis on treasury management reporting and Member training. It was indicated in this Report that Member training had taken place at the last meeting of the Committee.

The Report indicated that the Comhairle's general policy objective was to invest its surplus funds prudently. The Comhairle's investment priorities were:

- (a) security of the invested capital;
- (b) liquidity of the invested capital; and
- (c) an optimum yield which was commensurate with security and liquidity.

The Report also referred to the Western Isles Schools Project as being an additional significant factor and indicated that, given the prospects for interest rates, the Director of Finance and Corporate Resources may take the opportunity throughout 2009/10 to borrow the funding required in advance of forecast need for this project.

It was agreed to recommend that the Comhairle:

- (1) note the Report; and**
- (2) agree that future Treasury Management performance be reported in the Information Bulletin at the first and third quarters and to the Comhairle at the half year and year end.**

POLICY AND RESOURCES COMMITTEE: 17 DECEMBER 2009

Write Off of Debts 15 PR100.03.01 With reference to Item 10 of the Minute of Meeting of 5 November 2009 the Director of Finance and Corporate Resources submitted a Report which recommended that a debt in the sum of £2,458.35 in respect of council tax debt be written off as detailed in Appendix A to the Report as it was considered to be irrecoverable.

It was agreed to recommend that the debt listed in Appendix A to the Report, totalling £2458.35 be written off.

Housing Benefit and Council Tax Benefit Counter Fraud Policy 16 PR10 A Report was submitted by the Director of Finance and Corporate Resources seeking approval of an amended counter fraud policy as required by recent changes to benefits legislation. The Report indicated that the need for elected members to be involved in and acquainted with the benefits service's counter fraud policy had been stressed by the Department for Work and Pensions in the work carried out by their performance development team which had been working with the Comhairle's benefits team during 2009. The counter fraud policy had been updated in light of the advice given by these two agencies and the policy detailed at Appendix 1 to the Report contained details of the prevention, detection and sanction work that would be led by the Revenues and Benefits team. The Report indicated that it was proposed that the policy be approved and reviewed annually.

It was agreed to recommend that the revised Housing Benefit and Council Tax Benefit Counter Fraud Policy be approved and that it be reviewed on an annual basis.

Payment of Suppliers by BACS 17 PR120.04 The Director of Finance and Corporate Resources submitted a Report recommending approval of a policy that all suppliers doing business with the Comhairle be paid by BACS. The Report indicated that payment by BACS was considered to be a more secure and efficient means for the Comhairle to make payments and that all employees were paid by BACS and that Housing and Council Tax benefits were also made directly into bank accounts. In relation to the Comhairle's equality duties the Report indicated that where a recipient of a social welfare payment specifically requested a cheque this form of payment would be made. Cheques may also be issued if appropriate where there was a requirement for a cheque to be included within correspondence.

The Report indicated that the bank charge incurred by the Comhairle for a payment by cheque was 10p whereas a BACS payment cost 0.1015p. Cheque payments also incurred costs associated with printing of cheques, envelopes and postage.

It was agreed to recommend that the Comhairle approve the policy that all suppliers be paid by BACS from 1 April 2010.

Policy on National Entitlement Cards 18 AL12 The Director of Finance and Corporate Resources and Director of Social and Community Services submitted a joint Report proposing a policy on the use of national entitlement cards within the Comhairle.

The Report indicated that the national entitlement card was a Scottish wide entitlement card operated by local authorities in partnership with Scottish Government and had been introduced with the aim of providing quicker and easier access to services such as transport, cashless catering, libraries and leisure membership. The Report suggested that this would be an appropriate time to consider adopting the national entitlement card due to the Comhairle's proposals to implement the new membership scheme for sports centres (Slàinte Mhath) and replacement of the current library system. Equalities issues were being addressed by this being a preferred solution and a local solution would be identified in relation to, for example, children under the age of 11 and a full Equalities Impact Assessment would be carried out prior to implementation of the recommendations.

It was agreed to recommend that the Comhairle agree that the National Entitlement Card be the Comhairle preferred solution for accessing card based services.

It was agreed that the public including the press be excluded from the meeting during consideration of the following item on the grounds that exempt information as defined in Paragraphs 6, 8 & 9 of Schedule 7A to the Local Government (Scotland) Act 1973 namely information relating to the financial or business affairs of any particular person other than the Comhairle, information relating to the amount of any expenditure proposed to be incurred by the Comhairle under any particular contract for the acquisition of property or the supply of goods or services and relating to any terms proposed or to be proposed by or to the Comhairle in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

Connected Communities Broadband Network PR11.09 19* With reference to Item 18 of the Minute of Meeting of 3 September 2009, a Report was submitted by the Director of Finance and Corporate Resources to allow Members to consider the future funding and management arrangements for the Connected Communities Broadband Network. The Report highlighted the financial pressures on the system and indicated that there had been considerable discussion with HIE and the Project Board to agree a funding package for 2010-13. The Report suggested a way forward from the 2010/11 financial year which represented an additional cost to the Comhairle of £393,000 per annum and had been included in the Comhairle's budget strategy.

It was agreed to recommend that the Comhairle agree:

- (1) to grant delegated authority to the Chief Executive to agree a three year contract with HIE for the period 1 April 2010 to 31 March 2013 on the basis set out in the Report on such terms and conditions as he should deem appropriate; and**
- (2) to advise HIE that the Comhairle was not in a position to contribute to the projected deficit HIE would incur in delivering the Connected Communities Broadband Network in 2009/10 as financial provision had not been made for increased liability in the Comhairle's 2009/10 budget.**

It was agreed that the public including the press be excluded from the meeting during consideration of the following item on the grounds that exempt information as defined in Paragraph 3 of Schedule 7A to the Local Government (Scotland) Act 1973 namely information relating to any particular application for, or recipient or former recipient of, any service provided by the Comhairle would be disclosed.

Mainland Placement Panel SW01.17 20* With reference to Item 13 of the Minute of Meeting of 5 November 2009 the Director of Social and Community Services submitted a Report advising of the decisions of the tenth meeting of the Mainland Placement Panel and of the current updated list of mainland placements. The Report indicated that the Chairman of the Panel had written to the Medical Director of NHS Eileanan Siar requesting nominations to extend the membership of the Panel and it was anticipated that this would be the subject of a Report to the next meeting of the Committee.

It was agreed to recommend that:

- (1) the decisions taken by the Mainland Placement Panel be noted; and**
- (2) the forecasted combined expenditure on specialist mainland placements of £1,311k detailed in Appendix 1 to the Report be noted.**

Overspend in Social and Community Services Department 2008/09 PR100.01 21 With reference to Item 10 of the Minute of Meeting of 18 June 2009 the Director of Social and Community Services submitted a Report advising the Committee of the current position regarding the Social and Community Services Department's 2008/09 carry forward overspend of £218K.

A supplementary Report was also placed before Members which provided details of proposals which could assist in achieving the £218K savings required. Savings of £37K were identified in the Report. It was indicated that these savings could be achieved as due to operational reasons in relation to recruitment the 24 hour Care Unit Service provision would not be implemented until March 2010 and travel and subsistence expenditure would be restricted to unavoidable business.

It was agreed to recommend that the Comhairle:

- (1) note the current position in relation to the Social and Community Services carry forward overspend in 2008/09;**
- (2) note the delay in implementing the 24 hour Care Unit Services provision until March 2010;**
- (3) approve the proposals for savings in relation to mainland and inter island travel and subsistence; and**
- (4) require that a Report identifying how the balance of savings required could be achieved be presented to the next meeting of the Committee.**

It was agreed that the public including the press be excluded from the meeting during consideration of the following item on the grounds that exempt information as defined in paragraph 1 & 8 of Schedule 7A of the Local Government (Scotland) Act 1973 would be disclosed, namely, information relating to any terms proposed or to be proposed by or to the Comhairle in the course of negotiation of a contract for the acquisition or disposal of property or the supply of goods or services would be disclosed.

Technical Services - Trading Operations Half Year Review 2009/10 CB015 22* With reference to Item 14 of the Minute of Meeting of 5 November 2009 the Director of Technical Services submitted a Report advising Members of the trading performance of the Commercial Operations Unit as at 30 September 2009 and providing details of current progress towards the integration of the Commercial Operations Unit into the Technical Services Department. The Report indicated that the trading activities were showing an overall deficit of £52,000 at the half year point and a forecast deficit of £2,000 for the year. The Report indicated that the reason that the Building Maintenance STO was projecting a loss in 2009/10 related to a contract which had been concluded in 2007/08. The Report also highlighted efficiency initiatives which were taking place throughout the COU in relation to financial systems and processes, stores and material control and flexible working.

Business improvement initiatives were also outlined.

Details of the trading performance and performance indicators in relation to the HHP Building Maintenance Contract were appended to the Report.

It was agreed to recommend that:

- (1) the Comhairle note the Report; and**
- (2) the Director of Technical Services submit a Report in relation to the underlying viability of the Building Maintenance STO to the next meeting of the STO/TO MOWG and the Committee; and**
- (3) the Director of Technical Services would in future present a statement to the STO/TO MOWG as soon as possible after the end of each financial year detailing proposed carry forwards and any contracts which had not been finalised within six months of the cessation of work and that an interim Report be presented to the next meeting of the STO/TO MOWG and the Committee.**

Funding for a Velocity Patcher T08.01 23 With reference to the additional item considered at the Meeting of 18 June 2009, the Director of Technical Services submitted a Report seeking approval for the purchase/hire of a Velocity Patcher for road repairs. The Report stated that the total cost of the velocity patcher had now been confirmed at £180K, with the option for a removable body to permit use for winter gritting. An assessment of the potential savings to the maintenance budget had also been completed and was estimated at £15K per year. The Report further stated that this saving would be available to support borrowing of £50K towards the Velocity Patcher and it was therefore recommended that the balance of £130K be met by a combination of £90K from the capital allocation for road strengthening and £40K from Winter Maintenance (on the basis that this represented an appropriate contribution for the benefit that would accrue to this budget).

It was agreed to recommend, insofar as the Committee's interests were concerned, that the Comhairle agree to fund the Velocity Patcher by allocating £50,000 of prudential borrowing to be funded from the Roads Revenue Budget; £90,000 from the Capital Budget, for Road Strengthening works; and £40,000 from the Winter Maintenance Budget or such other mechanism as the Director of Technical Services, in consultation with Director of Finance and Corporate Resources, Chairman of the Transportation Committee and Leader should determine, provided that the cost to the Capital Budget for Road Strengthening Works should not exceed £90,000.

Capital Works Programme and Progress PR33.01.12 24 With reference to Item 17 of the Minute of Meeting of 5 November 2009 the Director of Technical Services submitted a Report detailing programme and progress in respect of properties held on the Policy and Resources and Social Work accounts at pre-construction and construction stages.

It was agreed to recommend that the Comhairle note the Report.

Repairs and Maintenance (Revenue) Programme 2009/2010 – Quarterly Expenditure Report to 31 October 2009 PR33.01.12 25

The Director of Technical Services submitted a Report to inform Members of the situation in respect of expenditure upon the repairs and maintenance of properties held on Service and Policy and Resources Committee accounts to 31 October 2009. It was highlighted at the meeting that the percentage detailed in the Appendix to the Report for Social Work Properties was not accurate but the narrative which indicated that the projected overspend would be contained within the relevant budgets remained valid.

It was agreed to recommend that the Comhairle note the Report.

Western Isles Schools Project Update E01.02.15A 26

With reference to Item 18 of the Minute of Meeting of 5 November 2009 the Chief Executive submitted a Report concerning the Western Isles Schools Project. The meeting was advised that tender documents had been issued and that the Key Stage Review had been submitted to Scottish Futures Trust who had indicated that they had no objection to the issue of tender documents provided that the Comhairle considered any points they may make in relation to the Key Stage Review. Tenders for design and build and facilities management contracts were scheduled to be returned in February 2010.

It was indicated that the Executive Director of Sgoiltean Ùra LLP had advised of his intention to return to his substantive post at the end of his current secondment and that a Report in relation to the future resourcing of the project had been considered by Human Resources Sub-Committee at its meeting of 10 September 2009.

In relation to the proposed stopping up of Springfield Road, following meetings with interested parties, an alternative right of way through the school building had been advertised and access was to be allowed through the grounds of the Nicolson Institute out of hours at times to be determined by the Chief Executive on a “grace and favour” basis. In the event that the Comhairle considered the costs of meeting malicious damage claims to be unacceptable once the school was operational it would have the right to terminate the grace and favour arrangement. The time limit for objections was 11 December 2009. One objection had been received which the Chief Executive was seeking to resolve in terms of the relevant procedure.

At its meeting on 16 December 2009 the Environment and Protective Services Committee had recommended approval of the planning applications for the five schools subject to certain procedural matters in relation to land ownership being addressed.

It was agreed to recommend that: the Comhairle note:

- (1) the current status of the Western Isles School Project.; and**
- (2) that arrangements for the recruitment to the post of the Head of Special Purpose Vehicle including the constitution of any appointments panel had been delegated to the Chief Executive; and**
- (3) that a copy of the Project Plan would be circulated to all Members.**

Disposal of 27 The Chief Executive and Director of Finance and Corporate Resources submitted a joint Report seeking approval that authority be delegated to the Chief Executive to dispose of surplus Comhairle land and buildings to Hebridean Housing Partnership.
Comhairle
Property
LB06

The Report indicated that it was the intention to submit a comprehensive Report to the next meeting of the Committee in relation to an amendment to the Comhairle's current policy on disposal of Comhairle property. However, there was potentially an urgent need for Hebridean Housing Partnership to acquire a number of surplus sites for the purpose of building affordable housing in accordance with government policy during the financial year 2009/10.

The meeting was also advised of the intention to dispose of a property at Tobair Mairi in Tarbert on the open market which would result in a receipt to the Capital Programme. It was indicated at the meeting that no Comhairle department had a use for the property and there was no community interest.

It was agreed to recommend that the Comhairle:

- (1) grant delegated authority to the Chief Executive, in consultation with the Leader, Chairman and Vice Chairmen of the relevant Committee, to dispose of land for housing purposes, where the case could be made that this transaction must take place prior to 31 March 2010 on such terms and conditions as he should determine: and**
- (2) approve the actions of the Chief Executive in disposing of the remaining flat at Tobair Mairi, Tarbert on the open market.**

It was agreed that the public including the press be excluded from the meeting during consideration of the following item on the grounds that exempt information as defined in paragraph 8 of Schedule 7A of the Local Government (Scotland) Act 1973 would be disclosed, namely, information relating to any terms proposed or to be proposed by or to the Comhairle in the course of negotiation of a contract for the acquisition or disposal of property or the supply of goods or services would be disclosed.

Nicolson Institute 28* The Director of Technical Services submitted a Report concerning the final account for The Nicolson Institute Access Control Project.
Access Control –
Final Account –
and Project
Review.
E01.02.15A

It was understood that the contractor may not accept the Contract Administrator's ruling on this matter and would be preparing a Report to the Significant Trading Operations/Trading Operations Member/Officer Working Group.

It was agreed to recommend that, insofar as the Committee's interests were concerned, the Comhairle:

- (1) note the contents of the Report;**
- (2) agree that the additional £27,983.14 required to settle the Final Account be funded from the Education Core Capital Improvements budget 2008-13 (CS-ECS2), as outlined in paragraph 8.3; and**
- (3) note that a Report would be submitted in relation to the contractor's response to the Contract Administrator's determination to the next meeting of the STO/TO MOWG and, if necessary, the Committee.**

ECONOMIC DEVELOPMENT

Scottish
Government
Town Centre
Regeneration
Fund
DS40.84

- 29 With reference to the preamble to the Minute of Meeting of 18 June 2009 the Director of Development submitted a Report appraising Members of a successful bid to the Scottish Government's Town Centre Regeneration Fund for regenerative works within Stornoway Town Centre and requesting that provision be made for the Comhairle's match funding to the project.

The Report indicated that in May 2009 the Scottish Government had announced its £40M Town Centre Regeneration Fund and invited local authorities and community planning partners to submit bids for works which would deliver economic development outcomes within town centres. The partnership bid for Stornoway Town Centre comprised five work packages at a total estimated cost of £2.9M with an intervention rate of 80% (£2.32M) being sought from Scottish Government. The government had approved the bid for Stornoway with an allocation of £1.5M with four of the five submitted work packages approved for support.

The Report further stated that the timescale for drawing down this funding was 31 March 2010. There was a degree of flexibility beyond this date for the completion of works provided appropriate legal commitments were in place. It was proposed that the Comhairle match fund commitment to the project would equate to £400,000 giving a total funding package of £1.9M. It was proposed that the Comhairle be met from the EU Match Fund (Capital). It was anticipated that the overall project would meet the need for new economic and job creation activity linked to Stornoway Town Centre.

It was agreed to recommend that the Comhairle:

- (1) note the successful bid to the Town Centre Regeneration Fund;**
- (2) allocate £400,000 from the EU Match Fund (Capital) as match funding to the project; and**
- (3) delegate authority to the Chief Executive to ensure delivery of the work packages associated with the project as appropriate.**

Arising out of consideration of this item it was agreed that details of the approved projects would be circulated to all Members.

It was agreed that the public including the press be excluded from the meeting during consideration of the following item on the grounds that exempt information as defined in Paragraphs 6, 8 & 9 of Schedule 7A to the Local Government (Scotland) Act 1973 namely information relating to the financial or business affairs of any particular person other than the Comhairle, information relating to the amount of any expenditure proposed to be incurred by the Comhairle under any particular contract for the acquisition of property or the supply of goods or services and relating to any terms proposed or to be proposed by or to the Comhairle in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services.

Mr Charlie Nicolson declared an interest in Item 30 as a Director of Isles FM and left the meeting during consideration of this item.

Purchase of 50 30* With reference to Item 19 of Minute of Meeting of 5 November 2009 the Director of Development submitted a Report to enable the Comhairle to consider a request from Isles FM to purchase 50 Seaforth Road, Stornoway. Part of the site being purchased by the Comhairle consisted of a small office building at 50 Seaforth Road. The Report indicated that discussions had been ongoing for some time with Isles FM regarding their growth aspirations and ways in which the Comhairle could support these. One of the key issues had been the unsuitability of the current accommodation of Isles FM. Isles FM had indicated an interest in purchasing both the property at 50 Seaforth Road and additional land of around 45 square metres to the rear of the property to allow for future expansion and storage. It was considered that the purchase would support the proposed development and expansion of Isles FM and would allow them to be part of the media village and retain a visible presence in the community. For this reason it was proposed that regulations 2.13 and 2.14 of the Land and Information Technology Regulations be suspended and that the property be not advertised on the open market

Seaforth Road,
Stornoway
DS41.110

It was agreed to recommend that the Comhairle agree to suspend Land and Information Technology Regulations 2.13 and 2.14 and to sell the office building at 50 Seaforth Road, Stornoway and an additional 45 square metres of land on 50-52 Seaforth Road, all as shown on the plan annexed and executed as relative hereto, to Isles FM for a sum of £30,900, subject to the successful purchase of 50-52 Seaforth Road by the Comhairle and on such terms and conditions as the Chief Executive, in consultation with Director of Development, should determine.

CAPITAL PROGRAMME

Mr Charlie Nicolson declared an interest in Items 31 and 32 as Chairman of the Stornoway Trust and left the meeting during consideration of these items.

Community 31 With reference to Item 21 of the Minute of Meeting of Sustainable Development Sports Partnership Projects 2008-2013 AL06

With reference to Item 21 of the Minute of Meeting of Sustainable Development Committee of 10 June 2009 the Director of Social and Community Services submitted a Report seeking approval for a Scheme of Administration for Community Sports Partnership Projects Grant Scheme as part of the 2008-2013 capital programme. The Report stated that in order that the capital funding could be assessed, a Scheme of Administration required to be approved.

It was agreed to recommend that the Comhairle:

- (1) agree the Community Sports Partnership Projects Grant Scheme of Administration as detailed in Appendix 1 to the Report; and**
- (2) authorise the Director of Social and Community Services to award grants under this Scheme to the projects detailed in Appendix 2 to the Report, as previously agreed by the Comhairle, at the levels described in the fifth column of the said Appendix.**

The Chairman, the Vice-Chairman and Mr Norman M Macleod declared an interest in Item 32 as they were engaged in the supply of fuel, and left the meeting during consideration of this item.

Mr Alex A MacDonald chaired the meeting during consideration of the following item.

It was agreed that the public, including the press, be excluded from the Meeting during consideration of the following item on the grounds that exempt information as defined in Paragraph 6 of Schedule 7A to the Local Government (Scotland) Act 1973, namely, information relating to the financial or business affairs of any particular person other than the Comhairle.

Newton 32* The Director of Development submitted a Report updating the Comhairle on the Regeneration Bulk Cargos Project Update DS40

The Director of Development submitted a Report updating the Comhairle on the progress of the Stornoway Newton Regeneration Bulk Cargos project. The Report stated that the West Harbour/Newton Regeneration Project was a major capital investment proposal involving the relocation of oil, gas and other bulk cargo facilities to a new site on the west side of Stornoway Harbour. The Comhairle had approved £1.25m for progressing the project within the 2008-2012 Capital Programme. An experienced consultant had been appointed in July 2009 to review the project to date and to make recommendations on such a strategy. The review had been concluded and a number of short term actions were proposed and were outlined in the Report.

It was agreed to recommend that, insofar as the Committee's interests were concerned, the Comhairle note the conclusions of the review of the West Harbour/Newton Area Regeneration Project and agree to:

- (1) engage with Stornoway Port Authority in assessing the development options for both No 1 and No 2 Piers in relation to future oil and gas importation;
- (2) initiate discussions with Scotia Gas networks and HIE to assess the feasibility of additional mounding works at the LPG plant that may reduce the risk to the surrounding area;
- (3) initiate exploratory discussions with GB oils to understand fully issues relating to ethanol storage and blending and the optimum location for these facilities; and
- (4) undertake follow-up discussions with HIE on the potential use of Arnish Point for the relocation of the Shell Street oil depot.

Arising out of consideration of this item it was agreed to authorise the Chief Executive, in consultation with the Director of Technical Services and Director of Development, to make representations to the Office of Fair Trading and other relevant bodies in relation to the single supplier situation created as a result of the recent merger of fuel distributors and to explore options for alternative providers.

HOUSING

Outer Hebrides 33
Local Housing
Strategy:
Consultative
Draft 2010-2015
H01.01

The Director of Development submitted a Report appending a copy of the consultative draft of the Outer Hebrides Local Housing Strategy 2010-2015. It was intimated in the Report that the consultative draft reflected strategy development work undertaken and provided the basis for the extensive public and stakeholder consultation which would be required, prior to the Strategy being submitted to the Scottish Government.

It was intimated that the consultative draft had been prepared in accordance with Scottish Government guidance and in parallel with the Outer Hebrides Draft Main Issues Report, which would also be considered by the Comhairle in December 2009. The Report identified the substantial areas of work still to be undertaken to ensure that the new Local Housing Strategy was fully informed by a comprehensive evidence base and that this included:

- (1) undertaking localised Housing Needs surveys as comprehensively as resources permitted;
- (2) scoping the housing issues affecting vulnerable client groups in line with "particular needs' guidance";
- (3) undertaking a Strategic Environmental Assessment on the new Local Housing Strategy;
- (4) ensuring that equalities legislation was appropriately applied to the Strategy and that it was fully assessed using the Comhairle's Equality and Diversity Impact Assessment Toolkit;
- (5) achieving a "robust and credible" rating of the Housing Needs and Demand Assessment from the Scottish Government;
- (6) ensuring comprehensive consultation informed the development of strategic priorities;
- (7) continuing parallel work programmes, as appropriate, for the Local Housing Strategy and the Local Development Plan Main Issues Report; and
- (8) integrating previously individual strategies for Homelessness, Housing Support, Private Sector Housing and Fuel Poverty into the revised Local Housing Strategy.

It was stated that the Local Housing Strategy Officers Group and the Housing Strategy Member/Officer Working Group would continue to develop a revised Local Housing Strategy for 2010-15 and that further Reports on this matter would be submitted to the Committee at appropriate intervals.

It was agreed to recommend, insofar as the Committee's interests were concerned, that the Comhairle approve the content of the Local Housing Strategy 2010-2015 Consultative Draft and agree that it then form the basis of further consultation relating to the production of the Local Housing Strategy 2010-2015.

Housing (Scotland) Act 2006 – Proposed Scheme of Assistance, Section 72 Statement H01.01

34 The Director of Development submitted a Report seeking approval for the document entitled Comhairle nan Eilean Siar Housing (Scotland) Act 2006 Proposed Scheme of Assistance, including Section 72 Statement, of December 2009. It was intimated that the Housing (Scotland) Act 2006 introduced significant changes to the way in which assistance was provided to house owners and that there was now a statutory requirement on each local authority to prepare a Scheme of Assistance and provide a statement of the available assistance under Section 72 of the Housing (Scotland) Act 2006 and that the Comhairle was required to have a Scheme approved and in place for 1 April 2010. The Report emphasised that one of the aims of the new legislation was to ensure that house owners utilised their own resources before obtaining any public sector financial assistance and that this approach reversed the previous system of awarding grant to a home owner to improve their property, on the basis that the owner would find that balance of the total cost of any improvement works as their contribution towards the cost of the works. It was further emphasised in the Report that the Comhairle would be required to provide appropriate information and advice to those individuals who wished to carry out works at their home and, where appropriate, practical and financial assistance. It was further stated that the Comhairle's Scheme had identified three main priorities for assistance, namely:

- (1) essential adaptations for people with disabilities;
- (2) Below Tolerable Standard properties; and
- (3) energy efficiency measures.

The Report commented on the potential sources of financial assistance available to home owners and intimated that they would be expected to seek funding in the following order of preference:

- (1) the owners' own financial resources, such as savings;
- (2) loans, normally secured on the property; and
- (3) grants, subject to meeting qualifying criteria, from the Comhairle or other agencies for example the Crofters Commission;

with loan funding being obtained from a number of different sources including:

- (a) commercial loan products, including Equity Release products;
- (b) the Western Isles Credit Union, currently limited to a maximum loan of £7000;
- (c) the Loan Guarantee Scheme, which was available for certain types of tenure only.

It was further intimated in the Report that for improvement and repair works costing below £3,500 home owners would be expected to meet these costs in full using savings, or, if necessary, commercial sources of borrowing, or from the Western Isles Credit Union. However, provision could be made for those individuals who were over 60 years of age, or who had a disability, and who were unable to make such a contribution through the Small Repairs Scheme.

The Report stated that tenants of housing in crofting tenure would be expected, in the first instance, to seek assistance from the Crofters Commission through the Crofting House Grant Repair Scheme, which could provide financial help towards the improvement and repair of houses in crofting tenure, provided the cost of the works to be carried out was greater than £10,000, on the basis that if funding was not available through the Crofting House Grant Scheme then the Comhairle could offer assistance through its Loan Guarantee Scheme, or ultimately through grant. It was also pointed out that this option may be available to cottars and tenants of a fisherman's holding if there were no alternative funding sources available to them, on the basis that for a Loan Guarantee Scheme to be created an amount of Private Sector Housing Grant would be required to be set aside to build up the reserves necessary to operate such a Scheme.

The Report also gave information in relation to :

- (1) financial assistance to private landlords;
- (2) the grant conditions period;
- (3) monitoring and evaluation; and
- (4) the development of policies for the Scheme of Assistance.

The Report concluded that the proposed Scheme of Assistance had been prepared with a view to ensuring that it met the requirements of the Housing (Scotland) Act 2006, as well as taking into account the particular circumstances and needs of private sector housing in the Outer Hebrides and that the Scheme also aimed to encourage home owners to carry out preventative maintenance measures to stop their homes from falling into major disrepair and therefore avoid the associated high cost works to bring houses back up to tolerable standard.

It was agreed to recommend, insofar as the Committee's interests were concerned, that the Comhairle:

- (1) approve the proposed Scheme of Assistance detailed at Appendix 1 to the Report;**
- (2) approve that the Scheme of Assistance be implemented on 1 April 2010;**
- (3) delegate authority to the Director of Finance and Corporate Resources to develop and put in place a Loan Guarantee Scheme for certain types of private sector house owners as set out in the Scheme; and**
- (4) approve the revised Scheme relating to Adaptations Grants.**

Strategic
Housing
Investment Plan
2010-15
H01.01

35 The Director of Development submitted a Report intimating that the Comhairle was required to submit a Strategic Housing Investment Plan to the Scottish Government, on an annual basis, with the purpose of the Plan being to set out the Comhairle's housing investment priorities over a five year period, giving details of the number of homes required, the cost of providing these homes and the likely funding sources involved. It was emphasised that the Strategic Housing Investment Plan was used by the Scottish Government as a tool to target the Affordable Housing Investment Programme and to balance competing claims on resources. It was intimated that the Strategic Housing Investment Plan would be assessed taking into account the following issues, namely:

- (1) the extent to which the Plan delivered Local Housing Strategy outcomes;
- (2) the extent to which the Plan could deliver a feasible programme;
- (3) the Comhairle's contribution towards the delivery of the programme;
- (4) evidence that the Comhairle was supporting the efficient delivery of the programme;
- (5) evidence that key players with an involvement in housing in the Western Isles had been involved in developing the Strategic housing investment Plan; and
- (6) evidence that the Plan took account of equalities issues.

It was stated that for the purposes of producing the Strategic Housing investment Plan the Comhairle had been given an indicative Affordable Housing Investment Programme amount from the Scottish Government of £4.3 million for 2010/11 and that this figure had been used for each of the five years of the Plan, giving a total indicative Affordable Housing Investment Programme of £21.5 million between 2010 and 2015. It was, however, pointed out that the Comhairle estimated that 385 new affordable homes could be built over the five years of the Strategic Housing Investment Plan and these could be broken down into 366 general needs houses and 19 special needs houses, and of the houses included in the general needs category it was estimated that some 22 could be developed as New Supply Shared Equity, previously known as "Home stake". It was further pointed out that over the life time of the Strategic Housing Investment Plan these new affordable homes would require an estimated total Programme Investment of some £56.4 million from all funding sources, namely, the Affordable Housing Investment Programme, private finance etc, with the bulk of the cost being made up of an estimated requirement of some £35 million of Affordable Housing Investment Programme funding. Details of the funding sources which could be utilised to fund an investment in 385 new affordable houses were given as follows:

Funding Source	Amount £
Affordable Housing Investment Programme	35m
Private Finance	18m
Buyers Mortgage	1.3m
Other Public Funds	1.1m
Total	56.4

It was emphasised in the Report that the Strategic Housing Investment Plan process had highlighted the difference between the Affordable Housing Investment Programme funding required to meet the housing need in the Western Isles, some £35 million, and the likely indicative amounts of Affordable Housing Investment Programme, some of £21.5 million, and that Officers of the Comhairle would continue to monitor both the position with regard to Housing Association Grant funding and the Affordable Housing Investment Programme allocation and amend the Strategic Housing Investment Plan, as required, on the basis that any proposed changes to the Strategic Housing Investment Plan would be reported to Members, as required.

It was agreed to recommend, insofar as the Committee's interests were concerned, that the Comhairle:

- (1) approve the draft Strategic Housing Investment Plan submission for 2010-2015 as detailed at Appendix 1 to the Report; and**
- (2) delegate authority to the Director of Development to amend the Strategic Housing Investment Plan during final discussions with the Scottish Government.**

Supported
Temporary
Accommodation
H05.01.01

- 36 With reference to Item 13 of the Minute of Meeting of 25 August 2009 there was submitted Joint Report by the Director of Development and the Director of Finance and Corporate Resources concerning proposals for the development of the supported temporary accommodation unit for homeless clients. The Report referred to the statutory duty placed on the Comhairle to provide temporary accommodation, if required, for all households presenting as homeless pending during and following assessment of their housing needs. It was emphasised in the Report that demand for temporary accommodation was highest in the Stornoway area resulting in a great deal of pressure being placed on the Comhairle's existing temporary accommodation units and a reliance on the use of Bed and Breakfast accommodation. The Report set out proposals for a model based on 20-24 bed spaces supported temporary accommodation unit, which it was envisaged would be managed by a team of 7.5 full time equivalent staff and also set out a funding proposal for the supported temporary accommodation unit, based on the use of prudential borrowing supported by the use of Additional Council Tax Income from Second Homes (ACTISH) funds, together with an allocation from the Strategic Housing Reserve. Details of the proposed funding of the supported temporary accommodation unit were given in the Report as follows:

Source	Amount
2009 ACTISH	£170,000
2010 ACTISH	£165,000
2011 ACTISH	£165,000
Housing Reserve	£1,200,000
Total Available	£1,700,000
Estimated Cost	£2,400,000
Borrowing Requirement	£700,000

It was further stated in the Report that it was estimated that the Comhairle would require around £46,000 of ACTISH funding each year to service Prudential Borrowing of £700,000 over a 30 year period.

The Report referred to the criteria to be used for site selection and indicated that this would be based on the following:

- (1) size of site, was the site large enough to develop the proposed unit;
- (2) suitability of the site, are there any constraints such as access to services, and planning issues;
- (3) distance from the Stornoway town centre, for client access to services, such as shops, surgeries, health workers etc.;
- (4) closeness to bus route; and
- (5) ownership, for example is the site already in public ownership.

An indicative timetable for the supported temporary accommodation unit project was given in the Report as follows:

- (1) February 2010: Site Selection appraisal reported to the Comhairle
- (2) March 2010; Development Brief prepared;
- (3) April 2010: Development Brief reported to the Comhairle;
- (4) May 2010: Site Acquisition /Planning Process;
- (5) July 2010: Design Team appointment;
- (6) October 2010: Proposals considered by Comhairle;
- (7) Late 2010: Site Start; and
- (8) Mid 2011: Completion.

It was agreed to recommend, insofar as the Committee's interests were concerned, that the Comhairle approve:

- (1) the use of Additional Council Tax Income on Second Homes (ACTISH) funding to support Prudential Borrowing to fund development of a Supported Temporary Accommodation unit, as set out in paragraph 7.6 of the Report;
- (2) the in principle use of £46,000 of ACTISH funding per year over a 30 year period to support Prudential Borrowing for a Supported Temporary Accommodation unit; and
- (3) that site selection criteria be based on paragraph 8.3 of the Report and that the outcome of the site appraisal be reported to the February 2010 series of meetings.

COMMUNITY CARE

Hebridean
Independent
Living and
Learning Service
Update

- 37 The Clerk sought and obtained the Chairman's permission to withdraw this item.

The Vice-Chairman declared an interest in Items 38 and 39 due to the employment of a relative in the homecare workforce and left the meeting during consideration of these items.

National Eligibility
Criteria and
Waiting Times for
the Personal and
Nursing Care of
Older People
SW04

- 38 A Report was submitted by the Director of Social and Community Services, advising on the proposal to establish National Eligibility Criteria for adult social care in Scotland and the implications for the Comhairle of implementing this National Policy, and sought approval for the proposed implementation and of the Comhairle Eligibility Criteria for community care. The Report stated that recommendations on implementation of the programme included briefing and awareness training of community care staff and information sharing with stakeholders which included NHS Western Isles and user groups. This would include public information in respect of eligibility and assessment criteria in paper format and the information would also be available on the Comhairle website. It was also indicated at the meeting that discussions were ongoing with NHS Western Isles in relation to "capping" of home care packages in certain circumstances and that the outcome of these discussions would be reported to the next meeting of the Committee.

It was agreed to recommend that

- (1) the Comhairle Eligibility Criteria detailed at Appendix 1 to the Report for the personal and nursing care of older people and all other adult community care groups be approved and become effective from 11 January 2010;
- (2) eligibility for personal and nursing care for older people and all other adult community care groups would be for those categorised as at Critical and Substantial risk; and
- (3) a further Report in relation to the capping procedure would be considered at the next meeting of the Committee.

Community Care 39 With reference to Item 23 of the Minute of Meeting of 18 February 2009 a Report was submitted by the Director of Social and Community Services updating Members on the Training Strategy for Community Care Social Workers and Home Care Staff. The Training Strategy 2009-2012 which was appended to the Report set out the priorities for training of Community Care and Home Care staff over a three year period to ensure the workforce was competent, confident and able to deliver a high standard of care to service users.

SW01.17

The Report further stated that it prioritised training required for staff in line with national policy and SSSC (Scottish Social Services Council) requirements and also that the Training Strategy enabled equality and fair access to staff to ensure enhancement of skill and professional development.

It was agreed to recommend that the Comhairle approve the Community Care Training Strategy 2009-12 attached as Appendix 1 to the Report.

Update on Care 40
Unit
Developments
SW07.29

With reference to Item 23 of the Minute of Meeting of 18 February 2009 a Report was submitted by the Director of Social and Community Services providing Members with an update on progress made in relation to the transfer of usage of the Care Units. The Report stated that the service provided at Carloway, Garrabost, lochdar and Uig was being amended to a 24 hour area unit provision. It detailed the outcome of consultation with the Care Commission regarding registration of the new service, in particular the practical and financial implications of registering the Area Care Units as Care Homes and also the Charging Policy which was to be implemented for the residents at Carloway, Garrabost, lochdar and Uig Area Care Units. The Report provided an update on the transfer of usage at Bernera, Gravir and Scalpay to tenanted accommodation and made suggestions in relation to the surplus Care Units at South Dell and Tighean Ceilidh buildings.

It was agreed to recommend that:

- (1) the Care Units at Carloway, Crowlista, lochdar and Garrabost commence as 24 hour Area Units from March 2010;**
- (2) the said care units retain a dual registration of Care at Home and Housing Support with the Care Commission to reflect the service provision;**
- (3) the level of charging for the 24 hour area Care Units be approved at £680 per week and become effective from March 2010;**
- (4) the Comhairle approve that the rental charge for the three tenanted properties at Bernera, Gravir and Scalpay be set at £50.84 per week; and**
- (5) the Care Unit at South Dell and the surplus tighean ceilidh adjacent to the care units be disposed of was being amended to a 24 hour area unit provision in accordance with Comhairle procedure.**

GAELIC

BBC Alba 41
Review - Public
Consultation:
Comhairle
Response
PR13.05.09

With reference to Item 32 of the Minute of Meeting of 13 December 2007 the Chief Executive submitted a Report seeking approval to submit a response from the Comhairle to the BBC Trust Review and Public Consultation on BBC Alba. The Report indicated that BBC Alba were currently broadcasting on satellite, Freesat and BBC iplayer but, despite intense lobbying, the channel had not been made available on Freeview. The Comhairle, as a stakeholder, had been approached to submit an opinion on the current services and how they could be improved in the future. The BBC Trust had also initiated a consultation on making BBC Alba available for viewers on Freeview. The Report highlighted that the new channel had been an unqualified success, initially attracting 650,000 viewers, and currently having a regular audience of 220,000 viewers. Although a BBC Alba switch to Freeview would mean that some people would not be able to access some radio stations through the medium of television, this was considered a comparatively small price to pay to allow BBC Alba to reach a greater percentage of the population. It was estimated that making the BBC Alba available via Freeview would enable a further 180,000 to access the channel.

It was agreed to recommend that the Comhairle approve the responses detailed in the Appendices 1 and 2 to the Report

(1) subject to

(a) deletion of the word "critical" in Paragraph 2 of Appendix 1; and

(b) seeking reassurance that any Freeview service would be available via all masts including repeater masts; and

(2) that delegation be granted to the Chief Executive to explore means to facilitate others to make responses.

Comhairle nan 42
Eilean Siar
Gaelic Language
Plan 2007-2012:
Progress
PR13.05.09

With reference to Item 4 of the Minute of Meeting of 17 June 2008 the Chief Executive submitted a Report to advise Members of progress being made with the Comhairle's Gaelic Language Plan. The Report indicated that the Comhairle had committed to reviewing progress of the Gaelic Language Plan on a regular basis. This review had focused on targets in terms of the core commitments within the plan and it was indicated in the Report that a number of targets within the plan had been achieved.

The next stage in the process was for officers in Sgioba na Gaidhlig to work closely with Corporate Management Team to deliver initiatives throughout the Comhairle and reflect the place of Gaidhlig at the core of the Comhairle's business.

Appendix 1 to the Report contained details of progress that had been made within the past two years.

It was agreed to recommend that:

(1) the Comhairle note the progress with the Gaelic Language Plan as indicated in Appendix 1 to the Report; and

(2) the Director of Finance and Corporate Resources submit a Report to the next meeting of Comataidh Buileachaidh Plana Cànan in relation to Gaelic content on the Comhairle website including server capacity.

HUMAN RESOURCES

Disclosure Scotland Report 2009 PR10 43 The Chief Executive submitted a Report to enable the Comhairle to review and update the Comhairle's Disclosure Scotland Policy and Policy on the Rehabilitation of Offenders.

The Report indicated that on 19 August 2009 the Comhairle had been subject to a compliance audit by Disclosure Scotland. Disclosure Scotland had a duty to carry out compliance checks to be satisfied that those receiving disclosure information were behaving responsibly and using the information in accordance with the code, its associated guidance and the relevant legislative provisions. A copy of the audit report was appended to the Report as Appendix 1.

The audit had disclosed that the Comhairle was compliant in most areas but a number of actions were required to ensure full compliance. An action plan had therefore been submitted to Disclosure Scotland and they had confirmed that the Comhairle was now fully compliant with both the relevant legislation and the Code of Practice. The action plan was appended to the Report as Appendix 2.

It was agreed to recommend that:

- (1) the Disclosure Scotland Policy attached at Appendix 3 to the Report be agreed;**
- (2) the Policy on Rehabilitation of Offenders at Appendix 4 to the Report be agreed; and**
- (3) the Action Plan in response to the Disclosure Scotland Compliance Audit at Appendix 2 to the Report be noted.**

Respect at Work Policy 44 The Clerk sought and obtained the Chairman's permission to withdraw this item.

It was agreed that the public including the press be excluded from the meeting during consideration of the following item on the grounds that exempt information as defined in Paragraph 1 of Schedule 7A to the Local Government (Scotland) Act 1973 namely information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder or former office holder, or applicant to become an office holder under, the Comhairle would be disclosed.

Department of Technical Services: Integration of Commercial Operations Unit (COU) CB011 45* The Director of Technical Services submitted a Report setting out proposals in relation to Significant Trading Operations and Trading Operations and the integration of Property Services client and contractor functions.

The Report included a draft interim structure at Appendix 1 which detailed the proposal to align Significant Trading Operations and Trading Operations to Heads of Service within the Technical Services Department and also sought to enable the closer alignment of client and contractor sections. This interim structure was considered to be the first step towards efficient management and accountability of service provision and the principle behind the structure was detailed in Appendix 2 to the Report.

Appendix 3 to the Report strategy outlined how these proposals would be communicated to affected employees and indicated work currently being done on areas of efficiency. However, there was considered to be crucial scope around process and productivity which could be pursued when the interim structure was implemented. Some of the initiatives being progressed were detailed in appendix 4 to the Report.

It was agreed to recommend that the Comhairle approve the interim structure detailed in Appendix 1 (Diagram F) to the Report, and authorise the Director of Technical Services, in consultation with the Chief Executive, to take all necessary steps to implement the structure.

It was agreed that the public including the press be excluded from the meeting during consideration of the following item on the grounds that exempt information as defined in Paragraph 1 of Schedule 7A to the Local Government (Scotland) Act 1973 namely information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder or former office holder, or applicant to become an office holder under, the Comhairle would be disclosed.

Department of Social and Community Services Management Structures M02.07 46*

The Director of Social and Community Services and Director of Development submitted a joint Report to review the management structure of the Department of Social and Community Services, in particular the Health and Consumer services section, and taking into consideration the lightly stringent financial constraints on the Comhairle, to recommend a leaner structure for the future. The Report indicated that in the current financial climate it was essential that every effort be made to ensure that management costs were kept to a minimum with front line services benefiting from any savings accrued.

The proposals in the Report had been the subject of consultation with affected departments, trade unions and staff. The Report stated that a further Report outlining proposals to restructure the Community Care, Criminal Justice and Leisure and Learning management arrangements would be brought to a future meeting of the Comhairle in early 2010.

It was agreed to recommend that:

- (1) the management structure for the department outlined in Appendix 1 be adopted with effect from 31 March 2010;**
- (2) the Consumer and Environmental Services Section, outlined in Appendix 2, be located within the Development Department;**
- (3) the Head of Service post detailed in the Report be disestablished with effect from 31 March 2010;**
- (4) the post of Trading Standards Officer be established on the basis of the job description at Appendix 3 to the Report, at a grade to be determined by the Chief Executive and that employee AB be matched to this post with effect from 31 March 2010;**
- (5) the post of Environmental Health Officer be established on the basis of the job description at Appendix 4 to the Report, at a grade to be determined by the Chief Executive and that employee CD be matched to this post with effect from 31 March 2010;**
- (6) the post of Environmental Health Officer be established on the basis of the job description at Appendix 5 to the Report, at a grade to be determined by the Chief Executive and that employee EF be matched to this post on attaining an appropriate qualification;**
- (7) the post of Consumer and Environmental Services Manager be established within Health and Consumer Services on the basis of the job description at Appendix 6 to the Report subject to the deletion of any reference to the proposed reporting line, at a grade to be determined by the Chief Executive's Department, with recruitment being restricted to the existing Team Leaders; and**
- (8) consequential amendments to other job descriptions be delegated to the Chief Executive in consultation with the Director of Social and Community Services and the Director of Development**

It was agreed that the public including the press be excluded from the meeting during consideration of the following item on the grounds that exempt information as defined in Paragraph 1 of Schedule 7A to the Local Government (Scotland) Act 1973 namely information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder or former office holder, or applicant to become an office holder under, the Comhairle would be disclosed.

Department of Finance and Corporate Resources M02.07

47* The Director of Finance and Corporate Resources submitted a Report to inform Members of a proposal to review the structure of the Department of Finance and Corporate Resources. The Report indicated that it was intended to consult with staff on the most appropriate management structure to enable the Department to deliver its business plan in support of the Comhairle's strategic objectives and that the key principles of the review would be to seek:

- (1) a reduction in the number of services within the department;
- (2) benefits from joined up working across the department;
- (3) a reduction in management costs, reflecting the expectation of a significant reduction in funding from 2011 onwards;
- (4) to support the implementation of the target operating model of the diagnostic pathway project particularly in relation to customer services and procurement; and
- (5) the most appropriate location for the delivery of the services

The Report stated that it was anticipated that proposals would be presented to the Comhairle in February 2010 following consideration of consultation responses.

It was agreed to recommend that the Comhairle agree that the Director of Finance and Corporate Resources consult with staff on the future management of the Finance and Corporate Resources Department on the basis of the principles set out in the Report and that recommendations be submitted to the next meeting of the Policy and Resources Committee.

PERFORMANCE MONITORING

Public Performance Reporting SS02

48 With reference to Items 33 and 34 of the Minute of Meeting of 5 November 2009 the Chief Executive submitted a Report to inform Members about the Comhairle's proposals for reporting its performance in 2009/10 to the public and to agree a mechanism for subsequent public performance reporting.

The Report indicated that local authorities had a duty in terms of the Local Government in Scotland Act 2003 to make appropriate arrangements to Report publicly their performance in delivering their functions and services. Since 2008 local authorities were also required to Report annually on their performance against the commitments outlined in their Single Outcome Agreements which enabled the Scottish Government to identify the contribution made by local objectives and outcomes to national outcomes. The Report stated that the Comhairle had been considering a range of cost effective options that would inform service users about its performance in 2009/10 financial year and that would reflect the Comhairle's achievements in terms of its strategic priorities and its commitments in the Single Outcome Agreement as well as the challenges it faced in the current economic climate. A draft Report was circulated to Members for comment and it was indicated that it was intended that when the Report was finalised its existence would be advertised. It was suggested that the finalised Report be available online and through the Communities Portal of the Interplan system and paper copies would also be available on request.

It was agreed to recommend that the Comhairle agree that the proposed approach set out in the Report form the basis of the Comhairle's future public performance reporting, and that it be delegated to the Chief Executive, in consultation with Corporate Management Team, to make final amendments to the Report taking account of any comments as to content and format made by Members at the meeting and any further comments made by 8 January 2010.

PERFORMANCE REVIEW

Reports Outstanding PR33.01.12 49 The Chief Executive submitted a Report detailing the Reports Outstanding arising from decisions of the committee.

It was agreed to recommend that the Comhairle note the Report.

URGENT ITEMS

The Chairman ruled in accordance with the provisions of section 50 (B) 4 of the Local Government (Scotland) Act 1973 as amended that the following two items be considered as a matter of urgency to enable progress to be made in relation to a single public authority and to approve the principle behind the Chief Executive's proposals to meet his department's efficiency targets.

Integrated Services: Single Public Authorities PR10 50 With reference to Item 36 of the Minute of Meeting of 30 April 2009 the Chief Executive submitted a Report to advise the Comhairle of current policy development work being conducted by the Centre for Scottish Public Policy regarding public sector integration in island communities. The Report indicated that the Comhairle had previously considered and affirmed the desirability of public sector reform and particularly progress towards a single public authority for the Outer Hebrides comprising public sector organisations. It was also proposed that authority be granted to the Chief Executive to develop this proposal of Orkney and Shetland councils and community planning partners.

It was agreed to recommend that the Comhairle:

- (1) note with approval the contents of the partnership proposal by the Centre for Scottish Public Policy regarding the establishment of single Public Authorities for Scotland's Islands communities; and**
- (2) authorise the Chief Executive to develop this proposal further, in consultation with Community Planning Partners and Orkney and Shetland Islands Councils through the Integrated Services Project Team.**

It was agreed that the public including the press be excluded from the meeting during consideration of the following item on the grounds that exempt information as defined in Paragraph 1 of Schedule 7A to the Local Government (Scotland) Act 1973 namely information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder or former office holder, or applicant to become an office holder under, the Comhairle would be disclosed.

Chief Executive Department: Management Structures MO2.07 51* The Chief Executive submitted a Report setting out proposals to amend the management structure within the Chief Executive's department.

It was agreed to recommend that the Comhairle note:

- (1) the retirement of the Head of Service within the Chief Executive's Department with effect from November 2010;**
- (2) that formal consultation would commence in January 2010 with affected postholders regarding the reallocation of the workload of that Section; and**
- (3) that the Chief Executive would submit a detailed Report on the management and financial implications to Policy and Resources Committee in April 2010.**