

**The Highland Council
No. 4 2016/2017**

Minutes of Meeting of the Highland Council held in the Council Chamber, Council Headquarters, Glenurquhart Road, Inverness on Thursday, 27 October 2016 at 10.35am.

**1. Calling of the Roll and Apologies for Absence
A' Gairm a' Chlàir agus Leisgeulan**

Present:

Dr D Alston	Mrs L MacDonald
Mr R Balfour	Mr J McGillivray
Mrs J Barclay	Mrs D MacKay
Mr A Baxter	Mr D Mackay
Mr I Brown	Mr W MacKay
Mrs I Campbell	Mr G MacKenzie
Miss J Campbell	Mr A Mackinnon
Mrs H Carmichael	Ms A MacLean
Mr A Christie	Mr T MacLennan
Mr B Clark	Mr K MacLeod
Dr I Cockburn	Mrs B McAllister
Mrs G Coghill	Mrs I McCallum
Mr J Crawford	Mr D Millar
Mrs M Davidson	Mr H Morrison
Dr J Davis	Ms L Munro
Mr N Donald	Mr B Murphy
Ms J Douglas	Mr F Parr
Mr A Duffy	Mrs M Paterson
Mr G Farlow	Mr T Prag
Mr B Fernie	Mr M Rattray
Mr M Finlayson	Mr M Reiss
Mr C Fraser	Mr I Renwick
Mr H Fraser	Mr A Rhind
Mr L Fraser	Mr G Rimell
Mr S Fuller	Mrs F Robertson
Mr J Gordon	Mrs T Robertson
Mr K Gowans	Mr G Ross
Mr A Graham	Mr R Saxon
Mr J Gray	Dr A Sinclair
Mr M Green	Mrs G Sinclair
Mr R Greene	Mrs J Slater
Mr A Henderson	Ms M Smith
Mr D Kerr	Ms K Stephen
Mr R Laird	Mr J Stone
Mr B Lobban	Mr B Thompson
Mrs L MacDonald	Mr H Wood

In Attendance:

Chief Executive	Director of Finance
Depute Chief Executive/Director of Corporate Development	Director of Community Services
Director of Development & Infrastructure	

Mrs I McCallum in the Chair

Apologies for absence were intimated on behalf of Mr D Bremner, Mrs C Caddick, Mr D Fallows, Mr B Gormley, Mr G Phillips, Mr J Rosie, Ms G Ross and Mrs C Wilson.

Preliminaries

Prior to the commencement of the formal business, it was **AGREED** to extend Mr J Rosie's absence from Council business for health reasons until the next meeting of the Caithness Committee.

The Convener, on behalf of the Council, also welcomed Mrs J Slater back after a period of absence.

2. Declarations of Interest Foillseachaidhean Com-pàirt

The Council **NOTED** the following declarations of interest:-

Item 3 – Ms J Douglas, Mr T Prag, Mr R Saxon (all non-financial) and Mr K Gowans (financial)

Item 9 – Ms J Douglas, Mr K Gowans, Mr M Green, Mr F Parr (all non-financial) and Mr K Gowans (financial)

Item 10 – Ms J Douglas, Mr K Gowans, Mr M Green, Mr F Parr (all non-financial) and Mr K Gowans (financial)

Item 11 – Ms J Douglas, Mr K Gowans, Mr M Green (all non-financial) and Mr K Gowans (financial)

Item 13(b) – Ms J Douglas, Mr K Gowans, Mr M Green, Mr F Parr, Mrs A MacLean (all non-financial) and Mr K Gowans (financial)

Item 17 – Ms J Douglas, Mr K Gowans, Mr M Green, Mr F Parr (all non-financial) and Mr K Gowans (financial)

3. Presentation – University of the Highlands & Islands (UHI) Taisbeanadh – Oilthigh na Gàidhealtachd is nan Eilean (UHI)

Declarations of Interest

The following Members declared non-financial interests in this item but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that their interests did not preclude them from taking part in the discussion:-

Ms J Douglas – Board Member of Inverness College/UHI

Mr T Prag – Honorary Fellow of UHI and Member of UHI Foundation

Mr R Saxon – Committee Member of UHI Foundation

Mr K Gowans declared a financial interest in this item as an employee of Inverness College/UHI but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.

Professor Clive Mulholland, UHI, was in attendance at the meeting and undertook a presentation in relation to the University of the Highlands & Islands which focused on the Highland economy and the drive to keep young people in Highland.

During discussion, Members raised the following issues:-

- good broadband and 4G/5G connection were essential in terms of the ambition for an app economy;
- Inverness was a 'magnet' city and UHI was vital to attracting people to the area which in turn benefited both the City and Region;
- an indication of the impact of Brexit on the UHI was sought and received;
- thanks were expressed for the inspiring presentation, particularly with regard to remote, rural and sparsely populated areas;
- the Highland Theological College in Dingwall was one of the first academic partners of the UHI and had an international reputation with students attending from all over the world and some staying in the Highlands following education;
- the UHI's vision for rural health care was welcomed and partnership working was vital to take it forward;
- the recent Audit Scotland report that shifted the balance of care out of hospitals and into communities was welcomed and the UHI was best placed to lead this by helping to 'grow your own' professionals;
- institutions in Highland needed a collective vision to improve workforce planning;
- there was a need to attract people to work in the region particularly in relation to integrated child services in remote areas;
- the UHI needed to be at the forefront of planning and delivering on ensuring that the tourist industry and the Highlands as a cultural destination was sustainable;
- an update was sought, and received, on the progress of the development of sports facilities for the UHI and local community at the UHI campus;
- the real challenge was how the UHI, NHS Highland and Highland Council collectively managed change and dealt with implementation of detail as well as strategy particularly when introducing digital projects in the future;
- there were more incidents of multiple sclerosis in Highland than in any other part of the UK and it was suggested that medical research and statistical analysis be undertaken to establish the cause and reasons for it being geographically linked;
- the new UHI campus was a world-class facility, an inspiring place to work and learn and also a well-used community facility and people were encouraged to visit; and
- there was to be an Open Day at Inverness College on Saturday, 1 November and everyone was welcome to attend.

Decision

Having thanked Professor Clive Mulholland for his attendance at the meeting, the Council **NOTED** the terms of the presentation as detailed.

Notice of Amendment – Education, Children & Adult Services Committee/Requisition for Special Council meeting

At this point in the meeting, the Convener confirmed that a Notice of Amendment had been received that morning (signed by 17 Members of the Council) in respect of the decision taken by the Education, Children & Adult Services (ECAS) Committee in relation to funding for Third Sector culture and leisure services. In this regard, it had been requested that a Special Meeting of the ECAS Committee should be held as

soon as possible to reconsider this matter and that comprehensive paperwork should be made available to complete the process with appropriate evaluation criteria.

It was also confirmed that a Requisition (signed by 27 Members of the Council) calling for a Special Meeting of the Council to be arranged to consider the Notice of Amendment had also been received.

It was **AGREED** that the necessary arrangements should be made and Members advised accordingly.

4. Membership of the Council Ballrachd na Comhairle

It was **NOTED** that, following the By-Election held on Thursday, 6 October 2016, Mrs Trish Robertson, Meru, Nairn Road, Ardersier IV2 7SE had been elected as a Member of Ward 18 (Culloden & Ardersier).

5. Confirmation of Minutes Daingneachadh a' Gheàrr-chunntais

There had been submitted for confirmation as a correct record the Minutes of Meeting of the Council held on 8 September 2016 and of the Special Meeting held on 9 September 2016 as contained in the Volume which has been circulated separately – which were **APPROVED**.

6. Minutes of Meetings of Committees Geàrr-chunntasan Choinneamhan Chomataidhean

There had been submitted for confirmation as correct records, for information as regards delegated business and for approval as appropriate, the Minutes of Meetings of Committees contained in Volume circulated separately as undernoted:-

Badenoch & Strathspey Area Committee, 6 September
Nairnshire Committee, 21 September
Pensions Committee & Pensions Board, 22 September
Communities and Partnerships Committee, 28 September
Audit & Scrutiny Committee, 29 September
Isle of Skye and Raasay Committee, 3 October
Lochaber Committee, 19 October

The Minutes, having been moved and seconded were, except as undernoted, **APPROVED** – matters arising having been dealt with as follows:-

Lochaber Committee, 19 October

***Starred Item: Item 3: PP. 1-3: Developing Local Priorities for Lochaber**

The Council **AGREED** to express support for community land ownership in Lochaber and the current efforts of the community to acquire land in the area.

***Starred Item: Item 7: PP.6-7: Winter Maintenance Plan for 2016/17**

The Council **AGREED** that the Community Services Committee should undertake a full review pertaining to the parity of route prioritisation across Highland for winter maintenance taking particular regard of the nature of the geographical layout of some parts of the Highlands.

**7. Highland and Western Isles Valuation Joint Board
Co-Bhòrd Luachaidh na Gàidhealtachd is nan Eilean Siar**

There had been circulated for information Minutes of Meeting of the Valuation Joint Board held on 10 June 2016 which were **NOTED**.

**8. Membership of Committees, Sub Committees, etc
Ballrachd air Comataidhean, msaa**

It was **NOTED** that, following the By-Election for Ward 18, the political make-up of the Council was now as follows:-

Independent – 32/SNP – 19/Liberal Democrat – 13 /Labour – 7/Highland Alliance – 6/Non Aligned - 3

It was also **NOTED** that the formula in respect of the number of places on Strategic Committees remained as 9/5/4/2/2.

The following changes to Committee places as submitted by the Liberal Democrat Group were **AGREED** –

Community Services Committee - Mrs T Robertson to replace Dr D Alston
Communities & Partnerships Committee - Mrs T Robertson to replace Mr J Stone

**9. Question Time
Àm Ceiste**

Declarations of Interest

Ms J Douglas, Mr K Gowans, Mr M Green and Mr F Parr declared non-financial interests in this item as Directors of High Life Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that their interests did not preclude them from taking part in the discussion.

Mr K Gowans also declared a financial interest in this item on the basis that his wife was an employee of High Life Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.

The following Questions had been received by the Depute Chief Executive/
Director of Corporate Development in terms of Standing Order 42 –

(i) Mrs L MacDonald

To the Leader of the Council

“As concern has been raised at Parent Council meetings about the re-design of janitorial, cleaning and catering staff in our schools, could you confirm that the Re-design Board will be following the principles of the Community Empowerment Bill, meaning that school staff and parents will be given an opportunity to feed their views into the process?”

The response had been circulated.

There was no supplementary question.

(ii) Ms M Smith

To the Chair of the Community Services Committee

“Please provide the figures in terms of numbers and cost of each collection, separated into areas for fly tipping retrievals by the Council where people have dumped rubbish on Council land, as well as comparatively, the amount of Bulky Uplifts collections across Highland for the past 3 years?”

The response had been circulated.

There was no supplementary question.

(iii) Mrs G Sinclair

To the Chair of the Resources Committee

“Can you tell me how much it would cost for the Council to settle all of its current outstanding claims and those likely to come forward in the near future with regard to Equal Pay?”

The response had been circulated.

In terms of a supplementary question, Mrs Sinclair queried as to whether it was in the spirit of an equal pay claim, from a woman who was likely to be on a lower pay grade, to try and negotiate the lowest possible settlement she would accept in order to save Council funds.

In response, the Chair of the Resources Committee confirmed that, although he did not have the particulars of any specific case, in any negotiation the aim from both sides was to get the best possible settlement.

(iv) Mr A Christie

To the Chair of the Community Services Committee

“Could you state, on a Ward by Ward basis, how many people are on the Highland Housing Register Waiting List, the total number of applicants on the Waiting list, the number of Council homes in each Ward and the number of allocations made in each Ward in the last financial year?”

The response had been circulated.

In terms of a supplementary question, Mr Christie queried as to what reassurances could be given to those in overcrowded accommodation or who were homeless that the Council was making real progress in finding solutions to their housing needs.

In response, the Chair of the Community Services Committee confirmed that the Council was trying its best to address this situation with some very innovative ideas which were coming forward, particularly from the Head of Development & Regeneration and his team.

(v) Mr A Christie

To the Chair of the Resources Committee

“What information can you make available to the Council with regard to Council Contractors, Key Partners e.g. High Life Highland, Inverness Leisure, Eden Court Theatre and other Organisations holding a Service Level Agreement or Service Delivery Contract with the Council, paying their staff the Living Wage or their policies and use of Zero Hours Contracts?”

The response had been circulated.

In terms of a supplementary question, Mr Christie queried as to whether, in light of the fact that the Council was committed to the Scottish Living Wage and did not use zero hours contracts, a survey could be initiated of the Council’s chief partners as listed in order to obtain information on their working practices.

In response, the Chair of the Resources Committee confirmed the position in relation to High Life Highland and Eden Court. Also, that information in this regard was contained within Service Level Agreements which were in place with some of the organisations which had been listed but that he would need specific details of any particular instances where this needed to be followed up.

(vi) Mr A Christie

To the Chair of the Education, Children & Adult Services Committee

“At the last Council meeting, you informed me that there were approximately 60 vacancies, which are detailed below, in key roles within the Family Teams impacting vulnerable individuals and families. Please can you update me on a vacancy by vacancy basis as to the progress made to recruit to these critical positions and whether any new vacancies can be added to the listing?”

Family Team (South) (Full Time) -

Inverness Central, Badenoch & Strathspey – Community Children’s Worker (0.09), Children’s Services Worker (0.20), Health Visitor (0.60), Community Early Years Practitioner (0.60) and Community Early Years Practitioner (0.09)

Inverness West – Practice Lead – Early Years (0.40), Social Worker (1.00), Children’s Services Worker (0.14), Health Visitor (0.60), Health Visitor (0.40), School Nurse (0.80) and School Nurse (0.26)

Inverness East and Nairnshire - Social Worker (0.20), Social Worker (1.00), Community Children’s Worker (0.20), Children’s Services Worker (1.00), Children’s Services Worker (0.26), School Nurse (1.00), School Nurse (1.00) and Community Early Years Practitioner (0.10).

Health & Disability – Senior Community Children’s Worker (0.50), Children’s Services Worker (1.00) and Children’s Services Worker (0.50)

Inverness, Badenoch & Strathspey C&F Support Workers – Care & Protection Support Worker (1.00) and Care & Protection Support Worker (2.65).

Family Team (Mid) (Full Time) -

Mid Ross – Social Worker (0.50), Health Visitor (0.80), School Nurse (0.64) and Children’s Services Worker (0.20).

East Ross – Practice Lead – Early Years (1.00), Social Worker (0.50), Social Worker (1.00), Social Worker (0.50), School Nurse (0.90), Staff Nurse (0.50), Community Early Years Practitioner (0.50) and Community Early Years Practitioner (0.50).

Children’s Disability Team (N&W) – Disability Support Worker (0.11).

Family Team (West) (Full Time) –

Skye & West Ross – Social Worker (0.40), Health Visitor (0.50), School Nurse (0.28), Community Early Years Practitioner (0.70), Children’s Services Worker (0.10) and Children’s Services Worker (0.30).

Lochaber – Health Visitor (0.50), Health Visitor (0.30), Community Early Years Practitioner (0.06), Support Worker – Disability (0.50) and Care & Protection Support Worker (0.09).

Family Team (North) (Full Time) -

Caithness – Practice Lead – Care & Protection (1.00), Social Worker (0.04), Social Worker (0.50), Children’s Services Worker (0.80), Children’s Services Worker (0.07), School Nurse (0.02), Health Visitor (1.00), Care & Protection Support Worker (0.47) and Support Worker (0.30).

Sutherland – Social Worker (1.00), Support Worker – Disability (0.50) and Care & Protection Support Worker (0.50).

The response had been circulated.

In terms of a supplementary question, Mr Christie queried as to what assurances could be given to those people waiting for intervention and services from health visitors, school nurses, etc that progress was being made to recruit to vacancies.

In response, the Chair of the Education, Children & Adult Services (ECAS) Committee confirmed that reassurances had been given by the Director of Care & Learning at the ECAS meeting on the previous day that all efforts were being taken to maintain the standard of service which was expected from the Council.

(vii) Mr A Graham

To the Leader of the Council

“With regard to Inverness and Highland City-Region Deal commitments to major infrastructure delivery, can you provide full details of the current position regarding the much needed provision of grade separation of the Longman Interchange and the date by which this is expected to progress?”

The response had been circulated.

In terms of a supplementary question, Mr Graham queried, in view of the large amount of land in the vicinity of the Longman Interchange which belonged to the Inverness Common Good Fund, as to what steps were being taken to safeguard the

Inverness Common Good Fund's interests in that area and also what steps were being taken to ensure that Common Good Fund land was being opened up for commercial development.

In response, the Leader of the Council confirmed that she would clarify the position as requested with Finance Officers to ensure that the interests of the Inverness Common Good Fund were being safeguarded.

10. Notices of Motion Brathan Glusaid

Declarations of Interest

Ms J Douglas, Mr K Gowans, Mr M Green and Mr F Parr declared non-financial interests in this item as Directors of High Life Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that their interests did not preclude them from taking part in the discussion.

Mr K Gowans also declared a financial interest in this item on the basis that his wife was an employee of High Life Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.

The following Notices of Motion had been received in accordance with Standing Order 10.1 –

(i) "Highland Council makes representation as a matter of urgency to British Telecom to raise concerns about the method of superfast broadband delivery in rural areas, making the case that it is essential that improvements to the fibre network, including more cabinets, are given the highest priority.

The cabinets currently being installed by Openreach only permit connection to fibre-optic broadband from homes within a very close vicinity and access is extremely limited by our geography and topography.

The Highland Council calls on BT and Openreach to engage with us in order to demonstrate that they are improving their performance and to provide details of how many additional engineers and other staff they will deploy in the Highland Council area in order to provide the super-fast broadband connections across Highland.

Signed: Mrs L MacDonald Mr S Fuller Mr G Farlow

During discussion, Members raised the following issues:-

- this was an issue of real concern as access to broadband was now an essential part of most people's lives, including businesses across the Highlands, and currently it was noted that there were many areas within Wards 18 and 19 with no viable provision at present;
- certain areas, although classed as being rural, were by no means remote and the expectation would therefore be that they could expect a satisfactory service but this was certainly not the case at present;
- it was therefore essential that the network was upgraded to an acceptable standard as soon as possible with appropriate investment across the area to fully meet the needs of communities;

- this should also be considered as a matter of equality and as such representation should be made at all levels of Government as well as to the relevant agencies;
- some rural areas had been affected to such an extent that Community Councils within those locations had given up with trying to get a response from the agencies concerned and this was not acceptable;
- there were currently massive 'not spots' across the Highland area and it had to be highlighted that many were close to the City Centre;
- it would be helpful if the issue could be raised at the meeting of the Convention of the Highlands & Islands which was due to take place in the following week and at which Ofcom would be in attendance as well as with the Scottish Government;
- a map which detailed the current coverage across the Highlands would be helpful if this could be provided;
- the involvement of both the Scottish Government and Highlands & Enterprise would be essential if this issue was to be resolved; and
- in addition to the concerns which had been raised in relation to superfast broadband delivery, it had to be noted that the telecommunication service as a whole across the Highland area was often of a very poor standard in certain areas and this had an effect not only on households and businesses but also on tourism which was essential to the local economy.

Decision

The Council **AGREED** the Notice of Motion as detailed.

(ii) "That this Council expresses its strong concern about the unsatisfactory progress of fibre broadband rollout in some areas of the Highlands as well as the quality of broadband service being received in many cases and, as high speed broadband is an important service for householders and critical for many Highland businesses, will seek an urgent meeting with the UK Government, Scottish Government, Highlands & Islands Enterprise and British Telecom/Openreach to look for solutions to the problems being experienced".

Signed: Mr A Graham Ms P Robertson Ms A MacLean Mr T Prag Mr J Stone
Dr J Davis

During discussion, Members raised the following issues:-

- the provision of broadband was the framework on which communication was built and as such there was widespread frustration and anger across the Highland area in terms of the expectation which had been built up but not delivered by British Telecom;
- there had to be account taken of new homes being built in the area and there was perhaps a role in this regard for the Development & Infrastructure Service at an early stage in the process whereby the provision of reliable broadband could be confirmed;
- the benefits of superfast broadband to an area had already been highlighted and it was reiterated that this was essential for the economic prosperity of the Highlands, both now and in the future;
- there was a need for urgent meetings to be arranged with both the UK and Scottish Governments and also Highlands & Islands Enterprise at an early date;
- investigation should be undertaken into whether it was possible to link the provision of broadband with the cables used for existing windfarms in the area

as this had been highlighted as an option in recent European Directives. In this regard, it was suggested that there might also be an element of community benefit which could also be obtained;

- there were significant problems being incurred by businesses in some areas through the lack of provision of reliable broadband and this had to be addressed;
- it would be helpful if clear and concise local information could be provided for users across the Highland area as this was critical in terms of communication of issues as and when they arose; and
- there was a need to involve MSP's in this issue, most especially in terms of an overall review of the detail and delivery of the current contract across the Highlands.

Decision

The Council **AGREED** the Notice of Motion as detailed.

(iii) "As we approach the point where 50% of Highlanders will soon be over the age of 45, we need to consider the fact that the likelihood of a heart attack is increasing for us. It is therefore vital that we have the correct life-saving equipment on premises where we employ large numbers of people, as well as in all areas across Highland, including rural areas.

Some businesses are taking steps to introduce Defibrillators into the workplace, as well as some communities fund-raising to place them in their locales. Whilst Highland Council has taken steps to place Defibrillators in some schools and a few of its offices, there are none in the HQ building.

Council agrees to install a Defibrillator in its HQ offices immediately and look at how it can assist in rolling out these machines to other locations across the Highlands".

Signed: Ms M Smith Mr I Brown Mr K Gowans

During discussion, Members raised the following issues:-

- the provision of Defibrillators in as many buildings as possible was a very important issue and the Council had to take the lead on this issue in view of the potential to save lives;
- Defibrillators, which cost approximately £1k, were easy to use with instructions supplied and training given and it was of vital importance that they were located in as many buildings with public access across the Highlands as possible;
- there was a need to work with the Scottish Ambulance Service wherever possible and not least in terms of providing a mapping of locations where Defibrillators were provided;
- the Care & Learning Service already worked closely with the 'Lucky to be Here' charity in regard to the installation of Defibrillators in as many Schools as possible with appropriate training for staff and pupils;
- it would therefore be helpful if discussion could be undertaken with this charity in terms of arranging a future presentation to a meeting of the Education, Children & Adult Services Committee; and
- consideration should also be given to the cost of providing Defibrillators in the long term which would include issues such as training and upkeep in order to explore all options for future funding wherever possible.

Decision

The Council **AGREED** the Notice of Motion as detailed.

(iv) "Tourism is one of the main economic drivers in the Highlands and yet most visitor attractions do not open beyond 5pm. Compared to Edinburgh, Glasgow and London, the Highlands is not moving forward with the trend to offer tourists what they want, which is the freedom to visit attractions in the evening, as well as daytime. We must move with the times if we want to continue attracting an increasing number of visitors to our region.

Council calls upon Visit Scotland, HIE, High Life Highland and their partners to enter into urgent talks to find a way to encourage businesses to extend their opening hours, including evenings and weekends and peak local holiday periods, across all Highland in all locations".

Signed: Ms M Smith Mr K Gowans

During discussion, Members raised the following issues:-

- there was a need to engage with the agencies which had been listed in the Motion in order to discuss and consider suggestions as to how to enhance the tourism experience for visitors to the Highlands;
- this discussion could be continued at the forthcoming Planning, Development & Infrastructure Committee meeting at which a report would be considered on the subject of tourism, including the retention and development of world class events in the area;
- tourism was a very important part of the local economy and as such every opportunity should be taken to encourage spend wherever possible in the area;
- it was felt that weekend provision could be improved, including through longer opening hours for visitor attractions;
- there was also a need for increased publicity for attractions in the area and in terms of highlighting the uniqueness of the Highlands in comparison with other parts of the United Kingdom;
- whilst agreeing with the principle of the Motion, it could be expanded to focus on all issues which affected tourism (and not just opening hours), such as the road network and the limited opportunities for coach parties to spend any significant amount of time in the area due to the imposition of time restrictions by tour operators;
- the promotion of the Scottish Government Small Business Incentive Scheme could perhaps also be considered in terms of encouraging local businesses to expand their opening hours;
- it should be recognised that local businesses generally knew their most appropriate opening and closing times and many also had to be aware of not going over their VAT thresholds;
- there was a need to firstly create the demand which would then enable local businesses to stay open for longer;
- ensuring the provision of suitable levels of accommodation in the area was also a significant issue in terms of attracting more people to the area;
- lunchtime opening hours also needed to be included in future considerations in this regard; and
- whilst focusing on visitor attractions, it had to be recognised that it was often the location of the Highlands and the associated scenery which drew people to the area.

Decision

The Council **AGREED** the Notice of Motion as detailed.

(v) "The Council notes that, currently, legislation enables personal care to be provided free for people in Scotland aged over 65, provided they are assessed as needing it. In the spirit of fairness and equality and to ensure that vulnerable people are not going without assistance and help, we resolve the following action is taken by the Highland Council:-

The Council commends the campaign by Mrs Amanda Kopel - "Frank's Law" - to request that the Scottish Government extends free personal care to anyone under the age of 65 who requires such care for their dementia, motor neurone disease, Parkinson's, multiple sclerosis, cancer, progressive supranuclear palsy (or any other degenerative brain disease).

The Council therefore instructs the Chief Executive to write to the First Minister requesting her to consider the introduction of a "Frank's Law" so that free personal care is extended to under 65s as set out above".

Signed: Mr A Christie Mr H Wood Mr J Stone Ms A MacLean Mr K MacLeod

During discussion, Members raised the following issues:-

- this was an enabling Motion which had been put forward to support the campaign by Mrs Amanda Kopel and it was hoped that all Members of the Council would support it;
- there were many other factors which affected people who became seriously ill, including those related to housing issues, diet, employment, etc and it was essential that this was recognised;
- there was a need to provide a safety net for those persons under the age of 65 who were affected by serious illness but currently not eligible for personal care because of their age;
- most of all, there was a need to ensure that dignity was maintained for those people who needed help and assistance;
- whilst supporting the principle of the Motion, there was also a need to take account of other conditions which had not been included as part of the current campaign; and
- it should be highlighted that social care was currently available for those persons aged under 65 who required it but that it was an assessed service which differed according to personal circumstances.

Decision

The Council **AGREED** the Notice of Motion as detailed.

(vi) "The Highland Council believes that local taxes raised locally should stay locally and this is in accordance with the European Charter of Local Self-Government.

The Highland Council calls on the SNP Scottish Government to ensure that the full amount (£5m) of Council Tax multiplier will stay in Highland for Highland Education and will not be redistributed to other Local Authority areas.

We also require that none of the £5m is removed from our Local Government grant settlement".

Signed: Mrs M Davidson Mrs H Carmichael

During discussion, Members raised the following issues:-

- the terms of the Notice of Motion had been framed in the hope of gaining unanimous support across the Chamber so that assurances could be sought from the Scottish Government that the full amount of the Council Tax multiplier that the Council received would stay in Highland for Highland education and would not be redistributed elsewhere;
- the current proposal to apply the Council Tax multiplier across Bands E-H was not considered to be fair or acceptable as it would impact most severely on those persons who were 'asset rich but cash poor' and it was suggested that there were more appropriate ways which could have been used to raise additional funds, such as raising the level of Income Tax;
- decisions on the setting and spending of local taxation had to lie with Local Authorities and attempts to control this at a national level had to be resisted;
- in terms of closing the attainment gap in education at a local level, it was essential that the full amount of the Council Tax multiplier stayed within Highland;
- the Leader of the Council was shortly to meet with other Highlands & Islands Leaders and it would be helpful if this issue could be discussed at that meeting in order to gain support;
- it would also be of the highest importance for the Leader to write to the Minister for Finance to gain assurances in terms of the proposals for distribution of the Council Tax multiplier;
- there could be no argument for raising taxes within the Highlands and then redistributing part of those taxes to other areas of Scotland;
- the principles of local democracy and accountability around taxation were enshrined within Articles 4 and 9 of the European Charter of Self-Government and emphasised the need for decisions to be made locally;
- it had to be acknowledged in any future discussions that the first duty of Highland Councillors was to Highland children;
- in terms of the current Council Tax system, it had been widely recognised across Scotland that a better solution needed to be found for the raising of taxes but the current proposals did not appear to improve the situation at a local level and therefore needed to be re-considered at a national level;
- the fundamental issue was that the responsibility for raising and spending local taxes should stay at a local as opposed to national level;
- it was essential that, if the full amount of the Council Tax multiplier was retained at a local level, it should be spent on closing the attainment gap within Schools with a focus on the Associated School Groups which were most in need;
- it would be helpful if a report in this regard could be submitted to the next meeting of the Education, Children & Adult Services Committee in order that Members could discuss the various issues involved in more detail; and
- the unanimous agreement of all Members across the Council for the terms of this Motion was welcomed and it was hoped that this could be replicated across all other Councils within Scotland in order to open up this matter for further discussion with the Scottish Government.

Decision

The Council **AGREED** the Notice of Motion as detailed.

It was also **AGREED** that the full amount of the Council Tax multiplier that the Council received would be spent on closing the attainment gap within Schools with a focus on the Associated School Groups which were most in need.

It was further **AGREED** that a report in this regard would be submitted to the next meeting of the Education, Children & Adult Services Committee.

(vii) “The Highland Council asks the Scottish Government to help Highland and other Local Authorities to set a recommended level of community benefit for Offshore Wind Developments.

In addition, because of the anticipated rental income for Crown Estates of £56m from the Beatrice Offshore Wind Development, we ask for rapid progress to be made to agree a position on the devolution of Crown Estate Incomes to Scotland and beyond to Local Authority level”.

Signed: Mrs M Davidson Mrs H Carmichael

During discussion, Members raised the following issues:-

- it was extremely important that discussion was undertaken at an early date with the Scottish Government in terms of seeking help for the setting of an appropriate level of community benefit for offshore wind developments as it was clear from a number of examples that this was not currently the case;
- the visual impact of offshore wind developments were significant in many cases and as such there should be a related and appropriate level of community benefit in place for areas which were often in great need of such investment;
- there was also a clear need for rapid progress to be made in terms of the devolution of Crown Estate incomes to a local level as again this was not happening at present;
- on a related issue, there was real concern in relation to the possible loss of the Highlands & Islands Enterprise (HIE) Local Board and it was suggested that this should be raised with the Ministers concerned at the earliest opportunity in order to seek assurances that this was not the case; and
- it was also suggested that a detailed report on the current position in regard to the HIE Local Board should be presented to the Planning, Development & Infrastructure Committee in the following week to allow further consideration of the position at that time.

Decision

The Council **AGREED** the Notice of Motion as detailed – together with the following statement –

“That the Council is very concerned at the proposals emerging from the Scottish Government regarding the structure of Enterprise Agencies in Scotland and, whilst welcoming the retention of Highlands & Islands Enterprise, regards the loss of an autonomous Local Board a serious mistake. As such, the Council urges the Scottish Government to reconsider and asks for a meeting with the Ministers concerned (Mr Fergus Ewing and Mr Keith Brown) at the earliest opportunity”.

It was further **AGREED** that a report in this regard should be submitted to the next Planning, Development & Infrastructure Committee Meeting on Wednesday, 2 November as an additional item of business.

11. **Pre-Budget Statement**
Buidseat Teach-a-steach

Declarations of Interest

Ms J Douglas, Mr K Gowans and Mr M Green declared non-financial interests in this item as Directors of High Life Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that their interests did not preclude them from taking part in the discussion.

Mr K Gowans also declared a financial interest in this item on the basis that his wife was an employee of High Life Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.

There had been circulated Report No. HC/42/16 dated 17 October 2016 by the Director of Finance which provided an update on the current budget position, outlined the financial impact of various modelling assumptions, assessed the options for a Council Tax increase for 2017/18 and highlighted the impact of Scottish Government policy decisions.

In this regard, and with specific reference to the current financial environment, it was confirmed that the Scottish Government had advised of a delay in its own Spending Review in order to await the results of the UK Government's Autumn Statement which would be published on 23 November. It had also been indicated that, due to the uncertainty over tax and grant funding, only a one year budget would be announced for 2017/18 on 15 December and all Councils would receive notification of their grant on the same day.

As such, this degree of uncertainty was unprecedented and further the Scottish Government had indicated that its policy priorities were to provide a cash uplift in excess of inflation to support the NHS, to support and maintain Police numbers, to support and increase funding to devolved Social Security powers and to maintain the basic rate of tax allowance. All of these factors suggested that the funding available for Local Government would continue to be pressured and further real cash reductions in grant could be anticipated. In addition, it was expected that the Scottish Government would continue to require Councils to maintain teacher numbers which would ring fence a significant proportion of the Council's overall budget.

It was therefore envisaged that Local Government could expect a grant settlement in line with the settlement for 2015/16 which would equate to a further 4% reduction in cash terms. This was expected to continue over the next few years and as such options would need to be considered for reducing and/or stopping services to reflect the real impact of these grant reductions.

Further detailed information was also provided on the potential impact on Council Services, Scenario Planning, the Revenue Budget and the proposed Council Tax Multiplier.

During discussion, Members raised the following issues:-

- this was a very serious financial situation in that the Council was facing having to made savings of between 10-20% over the coming years and as such discussions were ongoing with all Directors as to where these savings might

be achieved across their respective Services;

- it had to be recognised that the Council would be in the position of having to make some very difficult decisions in the next few months following consideration of significant reductions in services which were currently provided and also ceasing some services altogether;
- wherever possible, consideration would be given to adopting a more commercial approach to the provision of services in future;
- the Opposition Groups within the Council would be invited to become involved in the forthcoming budget deliberations and it was hoped that such an offer would be accepted by all in order to achieve the best possible outcome for people across the Highlands;
- whilst the work being undertaken by the Redesign Board would be very useful in terms of focusing on outcomes, it was unlikely to be able to deliver savings in the current year;
- there was a need for clarity on the Administration's budget proposals at an early date, including reference to the Council Tax in future years, the detail of both protected services and those services which might cease, the definition of a 'commercial approach' to the provision of services in the future and alternative proposals to be put forward if (as had been stated in the report) it was considered that the traditional method of budgeting and planning was no longer appropriate for the current time;
- in terms of the financial risks and possible implications, there was a need for further information to be provided in relation to the added uncertainty within financial markets due to Brexit, the possible impact of an increase in the rate of inflation and the proposals for the rebuilding of reserves to an appropriate level;
- the current reductions in funding to Local Authorities, combined with the severity of austerity measures, was having a real impact on the most vulnerable people in society and this was alarming;
- in terms of future proposals, it was noted that the Administration was likely to continue with a 3% increase in Council Tax year on year and that proposals had already been considered in terms of reducing and ceasing certain services but these were still at an early stage in the budget process and would be further discussed in due course;
- there was concern that this had already been a long meeting and it was late in the day to be discussing issues as important as this and as such it was suggested that there should be appropriate ordering of future agendas to avoid this situation being repeated in the coming months;
- the current proposals for how the Council Tax would be increased, including the proposed multiplier, were not considered to be fair and acceptable;
- there had to be a recognition that the services which many communities across the Highlands had highlighted as being most important were not currently on the list of those to be protected. There was therefore a real need to involve Community Councils wherever possible in future budget discussions;
- there should also be engagement with young people across the area where decisions being made were likely to affect them and this could be achieved by attendance at future Youth Forum meetings;
- it was envisaged that the budget proposals from the Administration would be available within the next few weeks and all Opposition Groups were encourage to become involved at that time in order to be able to set a budget at the full Council meeting in February 2017 which could be agreed by all for the good of the Highlands; and
- there was considerable concern that those persons with properties in the Council Tax E - H bands and also low income households would be severely

affected by the new Council Tax proposals and there was therefore a need to provide information (within Council Tax billing letters) in regard to the qualification criteria for the Council Tax Reduction Scheme in order to promote uptake at this very difficult time.

Decision

The Council **NOTED**:-

- i. the financial risks highlighted in the report and the implications of the level of uncertainty around the extent of grant cuts;
- ii. the options for a Council Tax increase of up to 3%; and
- iii. the implications arising from the Scottish Government's proposed changes to the Council Tax multiplier as outlined in Section 4 of the report.

12. Annual Audit Report and Accounts Aithisg agus Cunntasan Sgrùdaidh Bliadhnail

There had been circulated Report No. HC/43/16 dated 17 October 2016 by the Director of Finance which set out the External Audit Report on the 2015/16 Audit.

In this regard, the Auditor's Report and the Management Commentary (Appendices 1 and 2) which were approved by the Audit & Scrutiny Committee on 29 September 2016 had been circulated separately.

With reference to the report, and in commending the staff involved for the improved layout of the Management Commentary, it was noted that the unaudited accounts which had been presented to the Council in June had reported a surplus for the year of £6.394m but after completion this figure had changed by £0.801m to an actual surplus of £5.593m. In this respect, Appendix 3 detailed the main changes which had been predominantly as a result of information which had come to light after the submission of the unaudited accounts.

Decision

The Council **NOTED** that the Auditor's Report had been approved by the Audit & Scrutiny Committee at the meeting on 29 September and the agreed actions as detailed.

13. Redesign of the Highland Council Ath-dhealbhadh Chomhairle na Gàidhealtachd

(i) Update of Redesign Board Activity

There had been circulated Report No. HC/44/16 dated 19 October 2016 by the Chief Executive which confirmed that the decisions made by the Council in September were being implemented by the Redesign Board with reviews beginning for the redesign of the Council.

The report also advised of other Board activity since the last Council meeting.

In this regard, there had also been circulated Minutes of Meeting of the Redesign Board held on 30 August which had been approved by the Board.

During discussion, it was stressed that the work of the Redesign Board was likely to become very much more difficult in the coming weeks and months in view of the

budgetary context in which it was being undertaken. In this regard, specific reference was made to the engagement of the public in redesign which was to be developed as part of the reviews and it was highlighted that it was of vital importance that the public were supported in understanding the very serious nature of the current financial situation.

Decision

The Council **NOTED** the progress with implementing the decisions made by the Council on reviews for redesign and in hosting the event with community bodies, partners and Government on 11 November 2016.

(ii) Future Management of Catering, Cleaning and Facilities Management/Janitorial Services

Declarations of Interest

Ms J Douglas, Mr K Gowans, Mr M Green and Mr F Parr declared non-financial interests in this item as Directors of High Life Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that their interests did not preclude them from taking part in the discussion.

Mr K Gowans also declared a financial interest in this item on the basis that his wife was an employee of High Life Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.

Ms A MacLean declared a non-financial interest in this item on the basis that family members were employees of the Catering Service but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, concluded that her interest did not preclude her from taking part in the discussion.

There had been circulated Report No. HC/45/16 dated 18 October 2016 by the Director of Care & Learning which summarised the recommendation of the Redesign Board with regard to the future management of Catering, Cleaning, Facilities Management and Janitorial Services which was referred to the Council for decision.

In this regard, the Minutes of the Meeting held on 18 October had also been circulated – together with the report and background papers which had been considered at the meeting.

During discussion, the work undertaken by the Board in relation to this very difficult and complex issue was commended in terms of now bringing forward a recommendation to the Council for final decision.

Decision

The Council **AGREED** the recommendation of the Redesign Board for the transfer of Catering, Cleaning, Facilities Management and Janitorial Services to the Development & Infrastructure Service with effect from April 2017.

14. **Citizens Panel 2016 – Performance and Attitudes Survey** **Suirbhidh Coileanadh Poblach 2016**

There had been circulated Report No. HC/46/16 dated 17 October 2016 by the Chief Executive which presented the results from the Annual Performance and Attitudes Survey of the Citizens Panel 2016.

During discussion, Members raised the following issues:-

- in terms of declining performance, and specifically road repairs and pot holes, it had to be highlighted that these statistics had been compiled before the introduction of jet-patching which had been very successful;
- also, and in relation to street lighting, the decrease in the satisfaction level had to be balanced against the requests from communities across the Highlands for 'dark skies';
- the issues highlighted by the public as being the most important to them had included road repairs, winter road maintenance, refuse collection and public parks/other open spaces and it was essential that these services were continued to the same standard wherever possible in the future;
- this was a very useful report in terms of the statistics which had been provided but there was disappointment at the relatively low response rate;
- the use of online services and the new set of questions around involving and developing communities were welcomed;
- it had to be recognised that there could well be a negative impact on future survey results in terms of the current budgetary situation which faced the Council;
- the improved performance in relation to the provision of housing information and advice was welcomed;
- it would be helpful if Members, and particularly rural Members, could be provided with information on the additional work which had been commissioned to analyse the results of the survey from a rural perspective, particularly in view of the fact that the findings would be used to inform future service and policy direction; and
- in recognising both improved and declining performance, the Council had a huge responsibility to listen and respond to the needs of local communities as and when they were identified.

Decision

The Council **NOTED** the key findings of the feedback from survey.

The Council also **AGREED** the follow up action to communicate the results as set out in Paragraph 3.1 and to await further analysis and reports as outlined in Paragraph 4.3 of the report.

15. **Internal Audit Review – Renewable Heat Incentive Scheme** **Ath-bhreithneachadh In-sgrudaidh**

There had been circulated Report No. HC/47/16 dated 17 October 2016 by the Director of Finance which provided an update on concerns expressed by Members at the Audit & Scrutiny Committee meeting on 29 September and a subsequent meeting of a Member Group on 10 October to clarify the remit for this report. In this regard, the report only covered issues which could be discussed in public at this time and therefore focused on budget preparation and monitoring detail.

During a summary of the report, the Director of Finance confirmed that the Service had set itself overly ambitious budget targets to avoid further cuts in services and whilst the original professional judgement regarding the level of income achievable had been realistic, the timescale in which this could be achieved had proved to be over ambitious. However, improvement had now been put in place and it was considered that, in terms of governance, this situation should not happen again.

As such, key recommendations included budget targets being reviewed regularly with any material variations and concerns being reported to Members, budget submissions being realistic and capable of being delivered within the timescale set, financial reports being submitted to every Committee cycle, Services being able to evidence and substantiate data provided to the Finance Service for budget and accounting purposes, the Finance Service adopting a risk based approach to budget monitoring and all material variances requiring to be reported to Committee and not being offset in any way.

During discussion, Members raised the following issues:-

- it was noted that the private report which had been submitted to the Audit & Scrutiny Committee on this issue had been leaked to the Press and this was extremely regrettable, particularly in view of the fact that the Council was currently engaged in a legal dispute with the former contractor;
- it had to be highlighted that the current process and procedures had been given a reasonable assurance by Internal Audit and that the issues of concern related to an earlier period. In this regard, the issues of concern were now being addressed and would continue to be monitored;
- it appeared that the issues of concern had begun at the time of a change of procedures within the Council whereby responsibilities for this matter had been transferred between Services and Committees and this had to be taken account of to avoid any repetition in future. In this respect, it was acknowledged that there was now a collective apology from the Executive Leadership Team within the Council and not just from the Finance and Development & Infrastructure Services as had previously been stated;
- there was a need to thank the Chair of the Audit & Scrutiny Committee for taking this matter forward and for arranging a further meeting for Members to discuss the remit for the report which had been presented to this meeting;
- it was imperative that Members of the Council could have confidence in the budget information coming forward from Officers and, in view of the difficult budgetary decisions which would have to be made in the coming months, it was essential that all budget recommendations were clearly evidenced with supporting documentation in each case;
- there was a need to improve financial monitoring in certain instances and it was important that this was monitored in the future; and
- whilst acknowledging the specific circumstances around this issue, Members had to be aware that, in the current and very challenging financial climate, there would be occasions when the Council as a whole would need to find innovative solutions which would involve the setting of ambitious financial targets with a degree of risk in each case but wherever possible this would be closely monitored and regular reports provided as necessary.

Decision

The Council **NOTED** the issues raised in the report as circulated.

16. **Code of Corporate Governance 2016/17**
Còd airson Riaghladh Corporra 2016/17

There had been circulated Report No. HC/48/16 dated 14 October 2016 by the Depute Chief Executive/Director of Corporate Development which provided an update on progress with delivering the Local Code of Corporate Governance for 2015/16 and presented the proposed Code for 2016/17 for approval.

Decision

The Council **NOTED** the progress on delivering the 2015/16 Code of Corporate Governance and **APPROVED** the 2016/17 Code of Corporate Governance as circulated – subject to the following amendment:-

Principle 3 – Para 3.5 – Develop and maintain shared values including leadership values for both the organisation and staff reflecting public expectations and communicating these with Members, staff, the community and partners – values in place and being promoted through the redesign process – Chief Executive – change target date from ‘complete’ to ‘March 2017’.

17. **Scheme of Delegation and Administration to Strategic Committees and Sub Committees and to Officers**
Ràon Ùghdarrais agus Rianachd gu Comataidhean Ro-innleachdail agus Fo-chomataidhean agus gu Oifigearan

Declarations of Interest

Ms J Douglas, Mr K Gowans, Mr M Green and Mr F Parr declared non-financial interests in this item as Directors of High Life Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, concluded that their interests did not preclude them from taking part in the discussion.

Mr K Gowans also declared a financial interest in this item on the basis that his wife was an employee of High Life Highland but, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors’ Code of Conduct, concluded that his interest did not preclude him from taking part in the discussion.

As agreed at the last meeting, there had been circulated Report No. HC/49/16 dated 17 October 2016 by the Depute Chief Executive/Director of Corporate Development which outlined amendments to the Scheme of Delegation and Administration to Strategic Committees and Sub Committees and to Officers and provided further information as requested in relation to the reasons for the proposed amendments in each case.

Decision

The Council **AGREED** the proposed amendments to the Scheme of Delegation as detailed on the basis that an amended copy would be circulated to all Members in due course.

**18. Timetable of Meetings
Clàr-ama Choinneamhan**

(i) Timetable of Meetings for 2017

As agreed at the last meeting of the Council, there had been circulated amended Draft Timetable of Meetings for 2017 which took account of the issues raised by Members at that meeting.

Decision

The Council **AGREED** the proposed dates for meetings up to and including April 2017 and also **AGREED IN PRINCIPLE** the proposed dates for meetings for the remainder of 2017 on the basis that they would be submitted to the new Council for formal approval in May 2017.

(ii) Special Meeting of the Community Services Committee

Decision

The Council **AGREED** that a Special Meeting of the Community Services Committee should be scheduled for Wednesday, 7 December 2016 at 2.00pm in order to allow consideration of the Transport Programme.

**19. Deeds Executed
Sgrìobhainnean Lagha a Bhuilicheadh**

It was **NOTED** that a list of deeds and other documents executed on behalf of the Council since the meeting held on 8 September 2016 were available in the Members' Library and on the Council's Website.

**20. Exclusion of the Public
Às-dùnadh a' Phobail**

The Council **RESOLVED** that, under Section 50A(4) of the Local Government (Scotland) Act 1973, the public should be excluded from the meeting for the following item on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 6 of Part 1 of Schedule 7A of the Act.

**21. Proposed Civic Recognition
Moladh airson Aithneachadh Catharra**

There had been circulated to Members only Report No. HC/50/16 dated 27 September 2016 by the Depute Chief Executive/Director of Corporate Development which invited Members to consider conferring the Freedom of Beaully and the Glens.

Decision

The Council **AGREED** the recommendation as detailed.

The meeting ended at 4.40pm.