

The Highland Council

Minutes of Meeting of the **Black Isle and Easter Ross Area Committee** held remotely on Monday 13 May 2024, at 10.30 am.

Present:

Ms S Atkin
Ms T Collier
Ms L Johnston
Mr D Louden

Ms M MacCallum
Ms P Munro
Ms M Ross
Ms M Smith

Participating Officials:

Mr P Tomalin, Community Development Manager
Mr M Rodgers, Chief Officer, Housing and Property
Ms S Murdoch, Common Good Fund Officer
Ms A Jansson, North Area Education Manager
Mr A Byrne, Principal Housing Officer – East Ross
Mr C Sharp, Repairs Manager (North)
Ms J MacLennan, Joint Democratic Services Manager
Ms G MacPherson, Committee Officer

Also in Attendance:

Mr S Freireich, Scottish Fire and Rescue Service
Mr J Thrower, Scottish Fire and Rescue Service

**An asterisk in the margin denotes a recommendation to the Council.
All decisions with no marking in the margin are delegated to Committee.**

Ms L Johnston in the Chair

Prior to the commencement of the formal business, and on behalf of the Council, the Chair lead tributes to Mr Alasdair Rhind who had recently passed away and extended deep condolences and sympathy to his family.

1. **Appointment of a Second Vice Chair Cur Cathraiche an Dreuchd**

The Committee **AGREED** to appoint Ms M Ross as a second Vice Chair of the Black Isle and Easter Ross Area Committee, noting that at the meeting on 22 January 2024, Ms L Johnston had been appointed as Chair, and Ms M MacCallum as Vice Chair.

2. **Apologies for Absence Leisgeulan**

Apologies were intimated for Ms M Nolan.

3. **Declarations of Interest/Transparency Statement Foillseachaidhean Com-pàirt/Aithris Fhollaiseachd**

There were no Declarations of Interest or Transparency Statements.

4. Fire – Area Performance Summary Report Smàladh – Geàrr Aithisg Coileanadh Sgìreil

There had been circulated Report No BIER/09/24 by the Local Senior Officer for Highland.

During discussion, the following issues were raised:

- ultra lightweight fire appliances were due to be received on a phased basis, and their delivery would be communicated to Members;
- the reduction in the number of unwanted call-outs was welcomed and the reasons for this were sought and provided;
- Mr Louden thanked retiring officers D MacLeod and A Duff for their long service;
- the importance of planning recruitment to align with officers retiring was emphasised;
- information was sought and provided on the age of the children attending fire skills courses, and the connection between providing courses for young people and future recruitment to the Scottish Fire and Rescue Service (SFRS) was highlighted. Attention was drawn to funding challenges for this type of activity and information was sought on whether they would be extended to youth groups;
- the SFRS's rapid response to call-outs was welcomed;
- the recent car wash fundraiser in Invergordon was praised, as was the SFRS attendance at similar events;
- a Doors Open Day at Invergordon Fire Station was scheduled for 25 May 2024 and Members would be invited;
- information was sought on the need for new risk assessments, with reference to changes to industrial activity, and increased housing, in the area. Attention was drawn to the ongoing responsibilities for risk assessments under the Operational Assurance Policy, and to community risk index modelling;
- attention was drawn to the SFRS Strategic Service Review Programme for which a consultation was underway and for which a link would be sent to Members;
- assurance was provided to address Members' concerns about SFRS cover in the area;
- information was sought and provided on the Rider Refine Programme, which was a Police-led one-day course aimed at improving the safety of motorcyclists on the roads;
- SFRS officers were congratulated on the high number of home fire safety visits that had been undertaken;
- the distress and trauma caused by attendance at road traffic accidents was acknowledged and assurance was sought and provided that officers were provided with appropriate debriefings and support; and
- the Chair planned to attend the James Braidwood Commemoration Service in Fortrose on 23 June 2024.

The Committee thanked the SFRS officers for their attendance, **NOTED** the Area Performance Report, and **AGREED** the link to the SFRS Strategic Service Review Programme consultation would be emailed to the Committee and shared with Corporate Communications.

5. Invergordon Common Good Fund – consultation on the proposal to sell the bust of Sir John Gordon
Maoin Math Coitcheann Inbhir Ghòrdain – co-chomhairleachadh mun mholadh gus iomhaigh-bràghad Sir Iain Ghòrdain a reic

There had been circulated Report No BIER/10/24 by the Executive Chief Officer (Communities and Place), and the Acting Executive Chief Officer (Performance and Governance).

Following a summary of the report, Members raised the following issues:

- the good response to the consultation was welcomed, however Members reported that Invergordon Community Council had expressed concern that there had been insufficient responses to the consultation, with specific reference to their requests for a drop-in facility, and that information be delivered to homes. An issue with this approach was that it was necessary to verify the identity of each respondent. There was no legal or statutory requirement to hold a public meeting and, even if there had been one, any representations would have been required in writing. Clarity was provided on the information provided to the community council who had been encouraged to disseminate it further;
- a summary of how the Common Good Fund was established, operated, and monitored was requested and provided, including how the Fund came to own the Bust, and the financial and statutory responsibilities that would control how the capital receipt from the possible sale of the Bust could be used;
- some reservations were expressed at the prospect of disposing of the Bust, and it was hoped it would at least remain on display in Scotland. Given the low responses to the consultation and the lack of funds the community council had to publicise the consultation, seeking a second opinion might be beneficial to maintain the public's trust;
- it was thought that many people felt the Bust should remain in Scotland, either in an Edinburgh or Invergordon Museum, should insurance be possible. However, it was also suggested that the Bust being given to a museum for less than the market value would not benefit the people of Invergordon. Attention was drawn to the offer from an anonymous buyer that had been received through Sothebys and, although it was suggested that they would receive a commission on any sale, the Executive Chief Officer, Housing and Property, referred to paragraph 4.3 of the report which stated that Sotheby's would not deduct any commission from the sale price if the offer was accepted. He drew attention to paragraph 4.6 of the report which informed of the problems with displaying the Bust in Invergordon due to insurance requirements that could not be met, and reminded Members there was no minimum threshold with regard to response rates for consultations. The liabilities in relation to property ownership were also highlighted;

- in relation to calls for a second opinion on how to sell the bust, it was queried who a second opinion would be obtained from;
- the need for a business case to decide on an investment strategy for any capital receipt from a sale was referenced, as was the importance of generating an ongoing income from the capital sum;
- it was suggested the consultation response was positive when compared to average returns for similar surveys, and nearly 80% of the responses were in favour of a sale. A summary was provided of the publicity given to the consultation;
- the Bust was an historic asset, but one that nobody had seen for many years and, while it would be nice to see it in a museum, the receipt of £2.5 million for the Invergordon Common Good Fund was more important. The Bust was not well enough known to generate a reasonable income from tourists paying to view it, and many would be happy to view a high-quality replica, and to know the story behind the replica;
- it was disappointing that some of the recording from the Area Committee meeting in October 2023 was missing and reference was made to requests that had been made for in-person consultations. Reference was also made to the need for proper consultation on asset valuing to facilitate an informed decision and ensure transparency. If more information had been available on how the Bust would be sold and what would happen to the payment for it, the community might have found the decision on whether to sell it easier to make. In this regard a second consultation with face-to-face meetings was suggested. However, it was pointed out that the report provided detailed information on the sale process, the pros and cons of a public versus a private sale, and the triggering of the Waverley criteria;
- Members were reminded that the decision on the sale rested with the full Council;
- information was sought and provided on a potential buyer paying to loan the Bust for an extended period of time, however given the complexities around this scenario, it was unlikely to be viable;
- tribute was paid to the community council for their interest in the matter; and
- the value of the funds that could be raised from the sale of the Bust to the people of Invergordon was emphasised, although it was also pointed out that it would be disappointing for such an historic artefact to disappear behind the closed doors of a private collector.

Following further summary of the points made, Ms L Johnston, seconded by Ms M Smith, **MOVED** to propose the recommendations as detailed in the report with the following additional clause, provided by Mr D Loudon, to be added before iv.(d):-

That a re-sale clause be inserted stating if the bust is re-sold for a sum in excess of the sale price that 20% of the increase will be payable to Invergordon Common Good Fund.

As an **AMENDMENT**, Ms S Atkin, seconded by Ms T Collier, moved that in addition to the insertion of a resale clause, the Highland Council elicit a second opinion to strengthen public trust in the process.

On a vote being taken, the **MOTION** received 5 votes and the **AMENDMENT** received 3 votes, with no abstentions, and the **MOTION** was therefore **CARRIED**, the votes having been cast as follows:-

For the Motion:

Ms L Johnston, Mr D Louden, Ms P Munro, Ms M Ross, Ms M Smith

For the Amendment:

Ms S Atkin, Ms T Collier, Ms MM MacCallum

The Committee:

- i. **NOTED** the outcome of the consultation process undertaken as contained in the analysis at Appendix 1;
- ii. **APPROVED** the responses to the representations received within the consultation period for publication on the Council's website as contained in the document at Appendix 2;
- iii. **NOTED consider and balance** the representations received together with the responsibilities for the Invergordon Common Good fund; and
- iv. following consideration of the representations received and best interests of the Invergordon Common Good Fund:
 - a) **AGREED** to recommend to full Council that the proposal to dispose of the bust of Sir John Gordon by sale should go ahead (see paragraph 5.3 of the report);
 - * b) **AGREED** that the disposal should proceed by way of private sale (see paragraph 5.4 of the report);
 - c) **AGREED** that a museum quality replica be commissioned (see paragraph 6.1 of the report);
 - d) **AGREED** that, if the bust is re-sold for a sum in excess of the sale price that 20% of the increase will be payable to Invergordon Common Good Fund; and
 - e) **NOTED** that, if approval is recommended, it will be necessary to seek Sheriff Court consent because the bust is considered to be inalienable.

POST-MEETING NOTE

On 27 June 2024, the full Council **AGREED** to remove recommendation iv.d, above, as it was legally unenforceable.

**6. Housing Performance Report
Aithisg Coileanaidh Taigheadais**

There had been circulated Report No BIER/11/24 by Executive Chief Officer, Housing and Property.

During discussion, Members raised the following issues:

- in relation to the recent announcement of £80million of funding for housing from the Scottish Government, it was queried how much of this would be likely to come to Highland, noting that Highland usually received around 4%

of national funding. It was also asked whether this funding could be used to purchase houses on the open market, rather than building new homes, and whether it could be used to tackle the backlog of void repairs, which could impact positively on the housing waiting list. A comprehensive response was provided, highlighting the importance of best value and the differences between capital and revenue funding, as well as some of the challenges around tackling void properties, some of which require significant investment;

- the Executive Chief Officer, Housing and Property, and the Repairs Manager (North) were thanked for their work and wished well for the future, as both were leaving the Council;
- clarity was sought and provided on whether an inherited tenancy could be considered as a void, which it would not, and any queries about specific incidences could be dealt with offline;
- it was suggested that, given the extent of the housing waiting list, there might be potential tenants willing to take on a property that was not fully up to standard, and it was queried whether policy could be amended to facilitate this. A summary of current policy was provided, including decorative standards, and attention was drawn to the minimum statutory standards the Council was obligated to adhere to;
- it was queried whether more rent arrears notices had been issued following legal changes, and it was pointed out that although the rent arrear figures were problematic, the compassionate approach to rent arrears was endorsed; and
- information was sought and provided on action that could be taken when tenants behaved in an anti-social manner, with information provided on breach of tenancy, enforcement and eviction action, including the multi-dimensional complexities around these issues, such as the need for action to be reasonable and proportionate. Police, social work and mental health services were involved when necessary.

The Committee **NOTED** the information provided on housing performance in the period 1 April 2023 – 31 March 2024.

**7. Associated School Group – Invergordon and Alness
Buidheann Sgoiltean Co-cheangailte – Inbhir Ghòrdain agus Alanais**

Items 7a and 7b were presented and debated simultaneously.

**7a. Alness Academy Associated School Group Attainment Overview
Foir-shealladh Buileachaidh Buidheann Sgoiltean Co-cheangailte
Acadamaidh Alanais, and**

**7b. Invergordon Academy Associated School Group Attainment Overview
Foir-shealladh Buileachaidh Buidheann Sgoiltean Co-cheangailte
Acadamaidh Inbhir Ghòrdain**

There had been circulated Reports No BIER/12/24 and BIER/13/24 by the Executive Chief Officer, Education & Learning

During discussion, Members raised the following issues:

- the new Headteachers of both academies were having a positive impact on the schools, and the work of the primary school Headteachers was praised, including their proactive work across the ASGs. It was hoped more Headteachers would be able to attend ward meetings;
- it was suggested that more detailed data was required to facilitate scrutiny for the Members and the public. Particular reference was made to the importance of adequate detail in relation to the achievement of national qualifications, including by subject, to facilitate scrutiny off issues relating to pupils and school leavers. It was thought the SQA would have this level of data. It was also suggested that the term 'positive destinations' was not sufficiently precise, noting that Highland performed less well than the Scottish average for higher and further education, but better for school leavers going straight into employment. This suggested that some young people in Highland were not achieving their full potential. A summary was provided of the data that was presented to the Scottish Government;
- in relation to the Alness ASG, exclusion and absence rates were higher which was a challenge. Attainment levels were praised, with particular reference to improvements at Kiltearn and Obsdale Primary Schools. Although there were challenges in the senior phase, it was welcomed that 40% of pupils at Alness Academy in 2022-23 had gone on to Further Education;
- in relation to the Invergordon ASG, Park Primary school was praised for its successes, and exclusion levels were lower at Invergordon Academy;
- assurance was sought and provided that areas of best practice were shared across schools, and a summary was provided of the work undertaken by Collaborative Leads in this regard, as well as spotlight events for Headteachers and HMI reports; and
- the Chair wished all pupils well in their exams.

The Committee **NOTED** the content of the reports.

8. **Ward Discretionary Awards** **Duaisean fo Ùghdarras Uàird**

There had been circulated and was **NOTED** details of the Discretionary Budget applications that have been approved.

9. **Minutes** **Geàrr-chunntas**

There had been circulated and was **NOTED** Minutes of Meeting of the Black Isle and Easter Ross Area Committee held on 22 January 2024, which had been approved by the Council on 14 March 2024.

The meeting ended at 2.25pm.