

**The Highland Council  
No. 17 2020/2021**

Minutes of Meeting of the **Highland Council** held **REMOTELY** on **Thursday, 29 October 2020** at 10.35am.

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

**Present:**

Mr G Adam	Mrs D Mackay
Mr B Allan	Mr D Mackay
Mr R Balfour	Mr W MacKay
Mrs J Barclay	Mr G MacKenzie
Mr A Baxter	Mrs I MacKenzie
Mr B Boyd	Mr S Mackie
Mr R Bremner	Mr A Mackinnon
Mr I Brown	Ms A MacLean
Mr J Bruce	Mr C MacLeod
Mrs C Caddick	Mr D MacLeod
Mrs I Campbell	Mr D Macpherson
Miss J Campbell	Mr R MacWilliam
Mrs G Campbell-Sinclair	Mrs B McAllister
Mrs H Carmichael	Mr J McGillivray
Mr A Christie	Mr H Morrison
Mr I Cockburn	Mr C Munro
Mrs M Cockburn	Ms L Munro
Mrs M Davidson	Ms P Munro
Mr J Finlayson	Mrs M Paterson
Mr M Finlayson	Mr I Ramon
Mr C Fraser	Mr M Reiss
Mr L Fraser	Mr A Rhind
Mr R Gale	Mr D Rixson
Mr J Gordon	Mrs F Robertson
Mr K Gowans	Mrs T Robertson
Mr A Graham	Ms E Roddick
Mr J Gray	Mr K Rosie
Mrs P Hadley	Mr G Ross
Mr T Heggie	Mr P Saggars
Mr A Henderson	Mr A Sinclair
Mr A Jarvie	Ms N Sinclair
Ms E Knox	Mr C Smith
Mr B Lobban	Ms M Smith
Mr D Louden	Mr B Thompson
Mrs L MacDonald	Mrs C Wilson
Mr A MacInnes	

**In Attendance:**

Chief Executive	Executive Chief Officer, Infrastructure & Environment
Executive Chief Officer, Communities & Place	Executive Chief Officer, Performance &

Executive Chief Officer, Education & Governance  
Learning  
Executive Chief Officer, Health & Social Care  
Executive Chief Officer, Property & Housing  
Executive Chief Officer, Resources & Finance  
Executive Chief Officer, Economy

### **Mr B Lobban in the Chair**

Apologies for absence were intimated on behalf of \*\*

During the meeting, tribute was paid to the late Mr Neil Clark, a former Councillor and also a Community Councillor in the Fort William area.

In this regard, it was confirmed that Mr Clark would be an enormous loss to the area as he had worked extensively over many years for the good of the community in Fort William in particular and had been highly respected and well liked by all who knew him.

As such, he would be very much missed and the condolences of the Council were extended to his family.

## **2. Declarations of Interest Foillseachaidhean Com-pàirt**

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

Item 9 – Mr A Jarvie (Non-Financial)  
Item 9.1 – Mr B Lobban (Financial)  
Item 9.2 – Mr K Gowans (Financial)  
Item 9.2 – Mr T Heggie, Mr B Thompson and Ms L Munro (all Non-Financial),  
Item 9.3 – Mr B Lobban (Financial)  
Item 9.3 – Mr B Thompson (both Financial and Non-Financial)  
Item 11 – Mrs D Mackay and Mr A Christie (both Financial)  
Item 12 – Mrs D Mackay and Mr A Christie (both Financial)  
Item 13 – Mr A Christie (Financial)  
Item 13 – Mr T Heggie, Mr A Jarvie, Ms L Munro and Mr B Thompson (all Non-Financial)  
Item 14 – Ms M Smith (Financial)  
Item 16 – Mr R Bremner, Mr J Finlayson, Mr D Rixson, Mrs T Robertson and Ms M Smith (all Non-Financial)  
Item 16 – Mr G Adam, Mr R Bremner, Mrs C Caddick, Ms I Campbell, Miss J Campbell, Mr L Fraser, Mr R Gale, Mr J Gordon, Mr A Henderson, Mr D Loudon, Mr C Munro, Ms P Munro, Mrs I Mackenzie, Mr H Morrison, and Ms C Wilson (all Financial)

## **3. Confirmation of Minutes Daingneachadh a' Gheàrr-chunntais**

There had been submitted for confirmation as a correct record the Minutes of the Meeting of the Council held on 10/11 September 2020 – which were **APPROVED** – subject to the following –

Item 12 (Question Time): Page 19: Response to Question No. 18 – reference had been made to “responses received at the Council Meeting on 25 June that the Leader was happy to circulate monetary arrangements but did not have the information at the time”. In this regard, it was agreed that ‘Leader’ should be replaced with ‘Chief Executive’ in relation to this wording.

Item 4 (Minutes of Meetings of Committees): Page 7: Corporate Resources Committee – it was noted that amendments which had been requested in relation to the Minutes of the Meeting held on 20 August would be circulated to Committee Members at the next meeting on 11 November for approval.

It was also noted that in relation to the Minutes of Meeting of the Lochaber Area Committee held on 6 November 2019, the Head of Corporate Governance would contact Mr A Baxter to discuss an issue which had been previously raised concerning deletion of wording within that Minute.

Members also **APPROVED** the Minutes of the Special Meeting of the Council held on 1 October 2020 as circulated

#### **4. 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 the Volume which had been circulated separately.

In this regard, the Council **APPROVED** the Minutes of Meetings as circulated – subject to the following –

**Pensions Committee, 23 September** – it was agreed that apologies from Mr A Jarvie should be included in the Minutes of this meeting.

**Caithness Committee, 22 October -**

##### **\*Starred Item (i): Item 5: Notice of Motion**

‘Caithness Area Committee recognises the fundamental strategic importance of Wick John O’Groats Airport to the economy of the region and the energy, business and tourism sectors in particular.

Caithness Members confirm their full support for the Public Service Obligation and their commitment to working with stakeholders and partners to deliver this as a matter of urgency.

Caithness Area Committee further calls on Highland Council to identify

financial support to secure the onward sustainability of the Airport.’

In this regard, it was clarified at the meeting that the Council was being asked by the Local Committee to continue with its efforts in exploring the resource implications of a successful PSO bid. As such, it was understood that any future support would need to go through the usual process of scrutiny and democratic approval with a full business case being presented to either a Strategic Committee or the full Council. It was however requested that the process begin in earnest and with cognisance of the urgency of the situation.

During discussion, Members raised the following issues:-

- it had to be highlighted that Wick had had commercial services from its airport since the 1970s, with services connecting to Edinburgh and Aberdeen, and in its 50 years of operation the airport had been instrumental in supporting the economic growth of the region;
- the airport was also crucial to the local business and tourism sectors;
- travel times to the central belt of Scotland posed significant barriers to inward investment and business expansion and as such it was vital that the airport was maintained;
- Caithness Chamber of Commerce and other local stakeholders had taken early action in commissioning a detailed and independent feasibility study in 2019 which had subsequently been developed into a full business case by early 2020. In this regard, consideration of a dual route public service obligation (PSO) by the Scottish Government was sought, not least in order to protect local services to Edinburgh and Aberdeen;
- it was confirmed that a PSO would require an annual subsidy of £3m over four years but was projected to deliver £5.2m in economic benefit and up to approximately 46k passengers per year (by the fourth year) as well as being a catalyst for 400-600 local jobs;
- it was critical that the investment from the Scottish Government was secured and this had the unanimous support of all local stakeholders;
- there was a need to convey thanks to the Council Officers involved (and especially the Executive Chief Officer for Infrastructure & Environment) for their support to date, including attendance at stakeholder meetings and investigation of the PSO case and the Council’s role in delivering it;
- Transport Scotland had stressed that any PSO would have to be supported by the Council and other stakeholders;
- socio-economic recovery and reversing population decline were key priorities for the area and as such this Notice of Motion had unanimous cross-Party support in the area;
- collegiate working from MPs and MSPs in this respect was acknowledged and welcomed and as such it was essential to recognise that without a publicly funded PSO, neither flights nor jobs

- would be retained in the area;
- connectivity to and from the Highlands was crucial and as such this Notice of Motion sought to address market failure by expansive exploration of all future funding options; and
  - confirmation from the Leader of the Council at the meeting that she would write to the UK Government as soon as possible in relation to the issues which had been raised was warmly welcomed.

### **Decision**

Thereafter, and having received clarification at the meeting that the purpose of the Notice of Motion was to seek agreement for the continuation of efforts to explore the resource implications of a successful PSO bid, the Council **AGREED** the Notice of Motion as detailed.

### **\*Starred Item (ii): Item 7: Presentation – Simec Atlantis**

‘Caithness Area Committee recognises that the MeyGen project has positioned Caithness and Scotland as a world leader in the development and deployment of marine energy. The award winning and pioneering project has already produced more tidal stream power than anywhere else in the world, creating highly skilled jobs both direct and throughout the supply chain.

Caithness Members confirm their full support for the development of the project to realise its full potential in terms of tidal energy generating capacity and the establishment of the McCloud Data Centre creating an integrated subsea, terrestrial, data centre and renewables project to provide Scotland with world class digital infrastructure and the necessary tools to attract Hyperscale availability zone requirements.

Caithness Area Committee further calls on Highland Council to lobby the support of the UK Government for a 100MW minima for tidal energy in the next CFD auction round’.

During discussion, the huge potential of this non-controversial, established technology was highlighted and it was emphasised that the Meygen project had now already positioned Caithness (and Scotland) as a world leader in the development and deployment of marine energy.

In this regard, the potential future benefits for the whole of the Highland area were enormously significant. As such, it was important to recognise that the team from SIMEC Atlantic had made it very clear that they were extremely enthusiastic about working alongside the Council in realising these benefits.

It had therefore been unanimously agreed by the Caithness Area Committee that the Council should be asked to lobby the support of the UK Government for a 100MW minima for tidal energy in the next CFD auction round.

### **Decision**

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

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

There had been circulated Minutes of Meeting of the Valuation Joint Board held on 22 November 2019 (approved by the Board on 18 September which had been the first meeting held in 2020) which were **NOTED**.

**6. Climate Change Working Group  
Buidheann-Obrach Atharrachadh na Gnàth-shìde**

There had been circulated Minutes of Meeting of the Climate Change Working Group held on Thursday, 17 September 2020 which were **APPROVED**.

**7. Membership of Committees, etc  
Ballarachd Chomataidhean, msaa**

It was **NOTED** that Ms Maxine Smith, Mrs Pauline Munro and Mrs Liz MacDonald had confirmed that they were no longer part of the SNP Group. On that basis, Ms Smith now wished to be known as an 'Independent for Independence' and Mrs Munro and Mrs MacDonald wished to be Non-Aligned.

In this regard, it was also **NOTED** that membership of the Council was now as follows: -

Ind – 26/SNP- 18/Cons – 10/Lib Dem – 9/Labour – 3/Green –1/Sutherland Independent – 1/Real Independent- 1/Independent for Independence – 1/Non-Aligned – 3/Vacant - 1

The formula in respect of the number of places on Strategic Committees remained unchanged at 7/5/3/3.

The Council also **AGREED** the following changes:-

Audit & Scrutiny Committee – Dr I Cockburn to replace Mr D Louden  
Economy & Infrastructure Committee – Ms N Sinclair to replace Mrs M Davidson

Communities & Place Committee – Ms K Currie and Mr B Allan to replace Mrs L MacDonald and Mrs P Munro

Housing & Property Committee – Mr B Allan and Mr R Bremner to replace Ms M Smith and Mrs L MacDonald

Economy & Infrastructure Committee – Mr I Brown to replace Ms M Smith

Tourism Committee – Mr A MacInnes to replace Ms M Smith

Redesign Board – Mr B Boyd to replace Ms M Smith

Pension Board – Substitute Member – Mr A Henderson

Recovery Board – Mr A MacInnes to replace Mrs G Campbell-Sinclair

Tourism Committee – Ms M Smith to replace Mr B Lobban

**8. Question**  
**Time Àm Ceiste**

The following questions had been received by the Head of Corporate Governance –

**Declaration of Interest –**

(i) Mr A Baxter

To the Leader of the Council

‘What assurance can you give Elected Members, and the residents they represent, that the Highland Council will never again employ a consultant, or any other employee, on a salary or fee equivalent to £100,000 more than the £150,000 approximately (index linked equivalent) that is currently paid to the Prime Minister, the First Minister of Scotland or the Council's own Chief Executive?’

The response had been circulated.

In terms of a supplementary question, and in line with the original question, it was queried again as to whether the Leader would give a commitment in relation to future salaries to be paid within the Council.

In response, the Leader confirmed that she always did her level best to ensure that services in the Council were effectively managed for the good of Highland communities.

(ii) Mr A Baxter

To the Leader of the Council

‘What assurance can you give that in future any severance packages intended to be paid to exiting staff members from the Highland Council valued above £75,000 are first disclosed to all Elected Members of the Highland Council before they are published and printed in the publicly available annual accounts?’

The response had been circulated.

In terms of a supplementary question, and given that the last meeting of the Sub-Committee had been held on 28 August 2019 (and had lasted for 15 minutes) to deal with the arrangements that Members were now attempting to query in the Annual Accounts, clarification was sought on whether that was considered to be good governance.

In response, the Leader confirmed that she would discuss this with the

Chair of the Corporate Resources Committee.

(iii) Mr A Baxter

To the Leader of the Council

‘To which Ministers within the Scottish or UK Government have you written since the last meeting of the Council on 10th September 2020, when did you write and what was the topic of each correspondence?’

The response had been circulated.

In terms of a supplementary question, and given that such correspondence was sent with the authority vested in the Leader to represent the agreed policies of the Council, it was queried as to why a statement had been made to the ‘Inverness Courier’ indicating that the entire Council had confidence in a particular issue when that had not been discussed or determined in the Council Chamber.

In response, the Leader confirmed that it was her job to convey the democratic decisions of the Council and not the views of individual Members.

(iv) Mr A Baxter

To the Leader of the Council

‘In response to Councillor Mackie on 30th July, you stated that further enquiries would be made as to why the Council had not used the Furlough Scheme. Will you publish the details of the enquiries you made and the additional information you indicated would be provided to Members?’

The response had been circulated.

(There was no supplementary question).

(v) Mr A Baxter

To the Chair of the Corporate Resources Committee

‘What was the outcome of the discussion between you and the Chair and Vice-Chair of the Audit and Scrutiny Committee as outlined on Page 131 of the Council Minutes and when will this report come to Full Council for consideration?’

The response had been circulated.

(There was no supplementary question).

(vi) Mr A Baxter



To the Chair of the Corporate Resources Committee

‘How many staff have been employed through the Transformation Change Fund, how many in each grade band and what is the total employment cost to the Council?’

The response had been circulated.

(There was no supplementary question).

(vii) Mr A Baxter

To the Chair of the Corporate Resources Committee

‘When will Members receive the detailed information on severance payments to Senior Management detailed in the Annual Accounts as you promised at the meeting of your Committee on 20th August 2020?’

The response had been circulated.

In terms of a supplementary question, it was queried as to whether it was considered that confidential briefings were the most appropriate form of scrutiny and governance for such matters.

In response, the Chair of the Corporate Resources confirmed that he believed that this was the case.

(viii) Mr A Baxter

To the Leader of the Council

‘How many non-disclosure agreements have been entered into with staff recruitment agencies in each of the last five financial years and what is the total contract value relating to those agreements?’

The response had been circulated.

In terms of a supplementary question, it was queried as to why the Council could not publish the number of non-disclosure agreements which had been entered into and the total contract value as this would not include reference to individual members of staff.

In response, the Leader confirmed that this would be dependent on the numbers involved but that she could discuss this further with Mr Baxter if he so wished.

(ix) Mr D Macpherson

To the Chair of the Corporate Resources Committee

'At the September Full Council Meeting, I asked a question regarding the total number of staff employed by the Highland Council and I also asked for a breakdown of the number of employees by each Executive Chief Officer (E.C.O) department. You stated in your reply to my question that, "The E.C.O Service employee breakdown will follow". Do you have that breakdown in staffing numbers yet and can you share that information now with Elected Members? I also asked in my reply to you, "What is the ideal target number of Highland Council employees required to carry out all of the Council Services effectively?" As you were not in a position to answer that question on the day of the last Full Council meeting on September 10th, can you please answer that question today?'

The response had been circulated.

In terms of a supplementary question, it was queried again as to the ideal target number of Highland Council employees required to carry out all Council Services effectively, including a breakdown of staff numbers by each Executive Chief Officer.

In response, it was confirmed that this matter would be investigated and a response provided in due course.

(x) Mr D Macpherson

To the Leader of the Council

'Commitment to review the workings of all public CCTV under the executive powers or jurisdiction of Highland Council for Inverness and throughout the Highlands.

Can you please give a commitment that a full review will take place of the workings of all CCTV cameras and their recordings in Inverness and throughout other Highland towns to ensure that they are working correctly and are being maintained effectively, to give public confidence in preventing crime and helping Police Scotland Officers to solve crimes committed in these places.

And can you provide regular up-to-date information regarding the switch over from the obsolete analogue (black & white picture equipment), to the modern digital (colour picture equipment with zoom facilities), including those working and non- working of the CCTV cameras, to Elected Ward Members and can the review include the staffing levels and the times that the camera control rooms are being staffed and non-staffed in these locations, so that there can be no repeat of certain CCTV cameras being out of service with blackout spots for months and sometimes years on end, without local Ward Councillors being made aware of this concerning situation?'

The response had been circulated.

(There was no supplementary question).

(xi) Mr D Macpherson

To the Leader of the Council

'Regarding future Community Council Elections across Highland:

Can you give an assurance that your stated commitment and the Highland Council's stated commitment to 'Localism' is fully met. Allowing the several Community Councils in abeyance and all the many vacant Community Councillor posts to be effectively advertised, (including on lamppost posters and across the broad range of media and social media channels available today, as currently happens in other Scottish local authorities).

In so doing the Highland Council will be promoting and encouraging participation by the broadest cross-section of citizens, including a complete range of ages (from 16+ years) and all demographics of people in their communities, to participate in local decision making and thereby helping to better shape developments and improvements to their local areas, and only then will the Highland Council be able to demonstrate a genuine reinforcing of its stated desire for 'Localism' and to greater community participation in decisions affecting each community's local environment.'

The response had been circulated.

(There was no supplementary question).

(xii) Mr A Graham

To the Chair of the Economy and Infrastructure Committee

'In the 2019-20 financial year, how many Residents Permits, Residents Visitor Permits, Business Permits, and Business Visitor Permits were sold, what was the full annual charge for each of these, and what was the total income earned in the year?

- please provide information for each area e.g. Inverness , Lochaber etc'

The response had been circulated.

In terms of a supplementary question, assurance was sought that once Service Points had re-opened, residents would be able to renew their parking permits at those locations.

In response, it was confirmed that it was expected that normal service would be resumed when Service Points re-opened.

(xiii) Mr C Fraser

To the Chair of the Housing & Property Committee

'The Scottish Government are bringing in fire, heat, smoke and carbon monoxide alarm legislation in response to the Grenfell Tower disaster. By

February 2021, all homes in Scotland must have these alarms in their properties. What process is planned to make sure our social housing estate meets this new legislation?’

The response had been circulated.

In terms of a supplementary question, it was queried as to whether all tenants would receive written information on the new legislation in terms of what would be required.

In response, it was confirmed that the implementation date for the new legislation had now been moved to 2022 and as such there was adequate time to provide accurate and impartial information for tenants and the wider public and this would be undertaken by the Council, along with the Scottish Fire and Rescue Service. Also, the position would be monitored through the Housing and Property Committee.

(xiv) Ms E Roddick

To the Leader of the Council

‘Do you think it is appropriate that meetings about local resilience and third sector COVID response have gone ahead between yourself, Area Chairs and registered community groups without the knowledge and inclusion of other Councillors?’

The response had been circulated.

In terms of a supplementary question and given that communities expected Members to be present at such meetings, it was queried as to whether the Leader would commit to inviting all Members to such meetings in future.

In response, the Leader confirmed that she would review the matter with the Chair of the Communities & Place Committee and inform Ms Roddick thereafter.

(xv) Mr B Boyd

To the Leader of the Council

‘Can you please provide an up-to-date status of the project known as “The Gathering Place”, in Inverness, with particular reference to spend-to-date on the project, which budget is paying for it, what the anticipated final total spend on the project will be and the date for completion?’

The response had been circulated.

In terms of a supplementary question, and given that financial and other priorities had changed dramatically since ‘The Gathering Place’ Project had been initiated, it was queried as to whether the Leader would agree to

reduce further expenditure to the absolute minimum possible and re-assign any savings to current priorities.

In response, it was confirmed that the intention was to stay within budget for this project but that there had been delays which might have impacted on tenders received. In this regard, further information would be sought from the Project Manager and submitted to the Inverness City Arts Working Group in due course.

(xvi) Mr D Louden

To the Leader of the Council

You have been requested on a number of occasions at the Climate Change Panel to write to OFGEM to request a meeting to discuss a range of issues affecting the Highlands. Have you drafted and sent the letter to OFGEM and if not can you send one like this in the next four weeks?

The response had been circulated.

In terms of a supplementary question, it was queried as to whether the Opposition Spokesperson on Economy and Infrastructure could be in attendance when the meeting with OFGEM took place.

In response, it was confirmed that an invitation would be issued to the Opposition Spokesperson to attend this meeting and also to attend a pre-meeting in advance to discuss the questions/issues to be raised with OFGEM.

(xvii) Mr A Jarvie

To the Leader of the Council

'At the last Council meeting during the debate on the Depute Chief Executive post recruitment, you accused my Group of lacking respect. A point further reiterated by yourself on BBC Radio Scotland. Can I ask where the respect for Members was when this post was advertised without our knowledge?'

The response had been circulated.

In terms of a supplementary question, it was queried as to whether the Leader believed that it had been respectful to advertise the post without Members' knowledge and whether she stood by that decision.

In response, the Leader confirmed that the written response which had already been circulated covered this issue.

(xviii) Mr A Jarvie

To the Chair of the Education Committee

'At the City of Inverness Area Committee on 27 July, I asked for a copy of the ASN allocations by school and had not received it by the 30 September Education Committee when I asked again. I was latterly sent an email in which an Officer stated this couldn't currently be provided as the relevant Officers are on leave. Is this Council deliberately dodging the release of this information, or are the data systems and/or policy so ineffective that they hinder staff in doing their jobs or an Officer being on leave means that no one can get essential and basic information?'

The response had been circulated.

In terms of a supplementary question, it was queried as to how Officers had been able to decide on the policy and set the hours (during leave) but not to send the information to Members.

In response, it was confirmed that a copy of the allocations for ASG's had been sent to all Members on the previous day. It was also important to recognise that ASN and PSE allocations were needs based and as such had to vary and change almost on a weekly basis. Officers fully engaged with Schools and Members at all times and all opportunities were taken to issue information timeously.

(xix) Mr A Jarvie

To the Chair of the Corporate Resources Committee

'At the 30 July Full Council, all of the financial returns as submitted to CoSLA were agreed to be released but this information is still not forthcoming. What is the reason for this delay and just when will Members have that information?'

The response had been circulated.

In terms of a supplementary question, and on the basis that this had been agreed at the full Council meeting on 30 July, it was queried as to why the CoSLA returns were to be reported to a Sub-Committee (which could decide to meet in private) and not the full Council for the information of all Members.

In response, the Chair of the Corporate Resources Committee confirmed that this had been his decision. As such, the Resources Sub-Committee would meet on 26 November where this matter would be discussed.

## **9. Notices of Motion Brathan Gluasaid**

The following Notices of Motion had been received by the Head of Corporate Governance and subsequently selected for the agenda (in line

with the agreed process for selection).

**Declaration of Interest** – Mr B Lobban declared a financial interest in this item as a Director of Cairngorm Mountain Scotland Ltd and, having applied the test outlined in Paragraphs 5.2 and 5.3 of the Councillors' Code of Conduct, left the meeting during discussion.

**In his absence, one of the Vice Conveners (Mrs I Campbell) took the Chair.**

(i) Given the economic importance of Cairngorm Mountain to the economy of Aviemore and Badenoch & Strathspey and the wider Highlands, the Council welcomes and supports the decision by Scottish Government and HIE to fund the reconstruction of the funicular railway. This will provide a massive boost to the Highland economy and ensure the retention of a considerable number of very valuable jobs in the surrounding area.

During discussion, Members raised the following issues:-

- there was a need to emphasise the importance of the Cairngorm Funicular Railway to the area and to thank the Scottish Government for the considerable work in relation to funding the reconstruction (and Mr Fergus Ewing in particular in terms of his due diligence and lobbying) which had been greatly appreciated;
- snow sports played a huge part in Highland life and their contribution to the area could not be overstated;
- a large number of current and future local jobs were dependant on the railway and it was therefore hoped that the reconstruction could be completed as soon as possible;
- in relation to the importance to the local economy, there was a need for engineers and skilled workers on the railway and it was hoped that young people in the area would fill those positions as and when they became available;
- it would be true to say that the 'health' of the whole Spey Valley was affected by what happened on the mountain; and
- there had been limited snowfall in the area in recent years and it was therefore essential this now became a year round facility, perhaps involving schools where possible.

### **Decision**

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

**(At this point, Mr Lobban returned to the meeting).**

(ii) The Carnegie UK Trust has brought out a new report Making a Difference: Libraries, Lockdown and Looking Ahead. This report contains recommendations that we believe will be of interest and inspiration to us as we re-open many Highland libraries. The key points are:

- Public library services had a positive impact on those who engaged with

them during lockdown

- Public library staff made a valuable contribution to the Covid-19 response.
- Public library services have huge potential to support individuals and communities as they navigate the short, medium and long-term impacts of the Covid-19 pandemic. Public library services and their staff could have delivered much more - but faced barriers in doing so.

The report also has a section of suggested actions. Here are some –

- Strengthen status and voice in local authority structures, and value and invest in skilled and confident staff.
- Recognise the digital future is here and deliver a high-quality blended service.

We request that Council agrees that we draw High Life Highland's attention to the report and convene a cross-Chamber meeting to discuss libraries and their short and long-term future in Highland.

During discussion, Members raised the following issues:-

- a considerable amount of online work had been undertaken by libraries since the start of the pandemic and there was therefore a need to consider how a 'blended' service could perhaps be provided in future;
- there were very exciting examples of how libraries in other countries offered a considerable range of services and this could act as a template for the future of Highland libraries;
- it was imperative that any discussion of potential changes for libraries was undertaken in conjunction with High Life Highland from the outset and that this was on the basis of enhancing the services currently being provided;
- opportunities for external funding should be pursued wherever and whenever possible;
- future work involving all Members of the Council would be greatly appreciated and beneficial for all;
- it had to be recognised that libraries also offered locations for social interaction and this was extremely important and needed to be expanded where possible;
- in other countries, libraries were often viewed as 'community hubs' and this was an ideal situation which should be replicated in Highland;
- it would be important that any new arrangements and/or development of libraries was taken forward across the Highland area and not just in Inverness;
- it would be especially important in rural and remote areas to ensure that the mobile library service was maintained;
- consideration should be given to replacing current mobile vehicles with hydrogen buses or other low carbon vehicles;
- libraries were a vital part of the social and intellectual infrastructure



in the Highlands and this discussion was in no way a criticism of what was already provided but rather an aspiration of what could be achieved in addition in future;

- the contribution which libraries currently made in respect of child literacy and in closing the attainment gap had to be recognised and as such they represented a multi-purpose, multi-functioning 'platform for life';
- it was recognised that Highland Council was one of very few Councils not to have closed libraries and this had required a lot of work to be undertaken which was greatly appreciated;
- It had to be acknowledged that any significant change would require significant resource and partnership working would therefore be key to any future proposals. As such, working with High Life Highland at all stages and in all locations to establish what resources would be required was essential;
- in terms of the above, there was a need to highlight the excellent work which had been undertaken over recent months;
- there was an inter-generational aspect in any discussion of what was and could be provided by libraries and this had to be recognised;
- focusing on a school library service, involving tutor librarians, should be part of future work as this had been very successful in past years;
- school libraries needed additional investment now and were being held back from their full potential as a result of this not being provided;
- it was already accepted that libraries represented the best way to bridge the inequality gap through access to knowledge;
- in relation to the above, reference was made to the industrialist and philanthropist, Andrew Carnegie, who had reinforced the message that 'knowledge was the best way to give people a chance';
- the very clear statement of intent in relation to enhancing the services which libraries currently provided was warmly welcomed;
- consideration should be given to adapting current mobile library vehicles in order that they could provide a range of services for remote and rural areas in particular; and
- there was a need for Local Committees to continue this discussion and also to consider how currently owned Council buildings could be re-used in future.

### **Decision**

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

It was also **AGREED** that the Council should work with High Life Highland to ascertain what resources would be required to enable Highland Libraries to reach their potential.

(iii) This Council agrees there are clear and substantial long-standing inadequacies in the sick pay system, highlighted this year by the Covid-19

crisis. In particular there is a need to:

- Increase Statutory Sick Pay (SSP) from £95.85 per week to a fairer level e.g. the level of the Real Living Wage.
- Remove the waiting period ("waiting days") and make SSP available from the first day of sickness.
- Remove the eligibility requirement to have average earnings of £120 per week

This Council urges UK Government to review the sick pay system and reform it as a matter of urgency.

During discussion, Members raised the following issues:-

- it had to be highlighted that currently only one in four workers received statutory sick pay which meant that those who needed it most were very often excluded;
- as such, there was an urgent need to lobby the UK Government to review the current system and instigate reforms as necessary and it was hoped that this would have the support of all Members;
- the current pandemic had meant that those on low wages now often faced being forced into extreme poverty very quickly and this was not acceptable;
- the United Kingdom was now in the minority on this issue whereby the majority of other countries currently paid a higher level of statutory sick pay to employees;
- there was often a disproportionate impact on women as well as those on low pay and this had to be brought to the attention of both the UK and Scottish Governments;
- in terms of Covid-19, it was the case that those on the lowest pay just could not afford not go to work and this represented a significant risk during a pandemic;
- it was a misconception that statutory sick pay was issued by the UK Government when in fact the responsibility for payment lay with employers and it was known that it was not paid in all cases;
- it was suggested that the Council could perhaps check with its own suppliers as to what arrangements they had in place for their own employees; and
- there was a need for the UK Government to take responsibility for this issue in future and not just leave it to employers who were often not in position to meet the relevant costs.

### **Decision**

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

(iv) The statistics for our Council area clearly show the dependency residents are having on using the Coronavirus Job Retention Scheme (furlough), additionally the alarming and rapid increases in claims for universal credit throughout Highland make it very clear that we face a bleak

winter in Highland for many individuals and families. There are many challenges ahead that will have to be overcome.

Our economy has been devastated and whilst we have placed a lot of resources and time on aiding recovery, it will take time. The present furlough scheme ends on the last day of October. Whilst it is being replaced with the Job Support Scheme (JSS) this appears to be a much more complicated scheme for both employees and employers.

As a Council we will need using our own resources carefully ensuring that we can meet all the demands for our services and interventions whilst working closely with the public, 3rd sector and community partners as we face the continuing impact of the pandemic. We must all do our best to keep food on all tables, roofs over residents' heads and warmth in our citizens homes.

Council believes we must point out our situation to both UK and Scottish Government and ask them how they can help our communities through the and MPs together and outline the situation to them and we seek cross chamber support to write to both governments and to explain the challenges Highland face'.

During discussion, Members raised the following issues:-

- there had been a 200% increase in claimants for this scheme in some areas of the Highlands which was alarming and a real concern for the coming months;
- as such, it was considered that there was a need to arrange an early meeting of the relevant cross- Service Working Group to discuss the issues which needed to be raised as a matter of urgency with both the UK and Scottish Governments;
- it was feared that the poverty legacy, which involved debt and despair, was going to have long term consequences for the Highland area;
- there was specific concern in regard to the tourism sector which had been severely impacted in recent months;
- there was a degree of fatigue amongst volunteers and advice teams were now overloaded in relation to workload across the Highlands and this Motion was therefore focused on bringing together partners and agencies in the area to arrange and provide the help necessary for the coming months in particular;
- the winter period was going to bring severe and additional challenges and as such urgent action was required;
- it was considered that the Job Support Scheme would not meet the necessary requirements and that there was a need for much less bureaucracy than at present in the face of impending levels of unprecedented poverty;
- liaison with the Scottish Government in terms of the sharing of ideas and proposals was imperative; and
- it was therefore essential that a meeting of the relevant Working

Group was convened as soon as possible and it was suggested that this should be added as an additional element of the Notice of Motion.

### **Decision**

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

It was also **AGREED** that an early meeting of the relevant cross-Service Working Group should be arranged to take forward the issues which had been highlighted.

(It was noted that on this occasion there was no fifth Notice of Amendment to be considered as it had already been dealt with as Starred Item (ii) from the Caithness Committee at Agenda Item 4 earlier in the meeting).

## **10. Response to BT Consultation on Removal of Payphones**

There had been circulated Report No. HC/34/20 dated 11 October 2020 by the Executive Chief Officer, Communities and Place.

During discussion, Members raised the following issues: -

- there was considerable disappointment that this consultation had been received so soon after the previous consultation when a response had already been provided;
- it had already been highlighted that there were a number of local groups who had shown interest in adopting public payphones and this remained the case;
- most of all, it had already been confirmed that the number of calls made from public payphones in an area such as the Highlands should not be viewed as the most relevant factor. It was most definitely the case that most relevance had to be placed on the vital nature (and location) of the calls made when this was often in an emergency situation;
- many parts of the Highlands currently had very poor signal coverage and as such public payphones were often a very important 'lifeline' for remote communities and their retention was crucial;
- it had to be questioned as to whether the responses already submitted on this issue had largely been ignored in light of this new consultation;
- it was of extreme importance that Ofcom were alerted to this situation and took a stance on it;
- many local and public payphones were currently located alongside defibrillators which highlighted their importance;
- the vital links for emergency services in the Highlands (where response times were very often crucial) had to be recognised and maintained and they could be put at risk by any proposals for future removal of public payphones across the Highland area;

- there was also a need to take account of issues in relation to poverty and areas of multiple deprivation whereby many Highland residents (including elderly persons) did not and could not have access to mobile phones; and
- a strong and robust response had to be forwarded in response to this latest consultation, not least in regard to the very short term timescale within which previous comments had been submitted but appeared to have been ignored.

### **Decision**

The Council: -

- (i) **AGREED** to support and endorse the concerns raised regarding the timing and content of the consultation given the current global pandemic and that this consultation followed only 9 months after the conclusion of the previous one;
- (ii) **NOTED** that the Leader had written to Ofcom seeking redress; and
- (iii) **AGREED** the response to British Telecom's proposed removal of public payphones as set out at Appendix 1 to the report.

### **11. Revenue Budget – Update Report Ro-innleachd Buidseit**

There had been circulated Report No. HC/35/20 dated 15 October 2020 by the Executive Chief Officer, Resources and Finance.

During discussion, Members raised the following issues: -

- it was noted that the position remained uncertain in the months ahead and as such further modelling would be undertaken with a report submitted to the Corporate Resources Committee in November and thereafter a range of scenarios reported to the December Council meeting;
- there was a need to thank the Officers concerned for the work which had been undertaken on the report;
- it should be clarified that the Scottish Government had made it clear that Local Authorities were expected to take into consideration the contribution that their reserves could make to meet funding pressures. Also, that consideration should be given to additional resources available from capital receipts and the change in accounting arrangements for service concession arrangements before taking advantage of a loans fund repayment holiday;
- in relation to the Fraser of Allander report, which had provided a wider economic commentary, reference had been made within the Executive Summary to the uncertainty of the immediate outlook and the expectation that it would take years to rebuild the economy;
- proposed 'fiscal flexibilities' which were to be passed on by the Scottish Government to Local Authorities to help them through the Covid-19 situation were welcomed and it was hoped that they

would be continued in the future;

- the Scottish Government proposals in relation to capital grant funding being switched to revenue (or Councils borrowing to offset Covid-19 revenue costs), flexibility to use capital receipts to offset Covid-19 revenue costs and changed accounting arrangements in relation to PPP/PFI Schools were welcomed but there was a need to seek clarity on the allocation of funding in relation to the Income Support Scheme;
- there was also a need for further clarity in relation to the distribution of funding through the Barnett consequential;
- it was very disappointing that no further UK or Scottish Government announcements on future funding were expected prior to the end of the year and this would create further uncertainty;
- it had been stated in the report that any year end overspend would need to be funded through contingency funds, reserves or the use of funding flexibilities and further information was needed in this regard;
- it had to be recognised that the Scottish Government had to be held accountable for decisions made in relation to changed priorities for funding, specifically in regard to Local Government;
- it was expected that further detail on the current funding situation would be provided at the Corporate Resources Committee meeting on 11 November;
- it was noted that planning was underway to look ahead to the 2021/22 budget and as such the report had outlined some of the areas of key assumptions and scenario planning which it was intended to present to Members in December. However, if the intention was for all Members to be involved in this process, it had to be highlighted that time was of the essence as the end of the year was fast approaching;
- it would be important to provide a focus on short term damage across the Council, as well as implications for the medium and long term;
- there had been considerable replenishment of reserves and therefore it had to be expected that these could be spent where necessary in the coming weeks and months;
- the flexibility being offered to Local Authorities by the Scottish Government in terms of finance was welcomed, not least in light of the fact that this flexibility was not being replicated elsewhere across the UK;
- a clearer picture on future funding was expected when the half-year figures were made available for Members;
- it had to be acknowledged that the position across the Council had changed greatly as a result of Covid-19 in that much planned activity had now had to be paused/stopped across a range of issues;
- a second national lockdown could not be ruled out in light of the current number of rising cases of the virus nationwide and this would have to be planned for at a time when other issues, such as

Winter flu and the potential implications from Brexit, would also be the subject of consideration;

- it was considered that the Council was navigating well through the financial issues at present and the Officers concerned were thanked for the work being undertaken; and
- the practical help from the Finance Secretary had been extremely helpful and was warmly welcomed but there was a need for public announcements from the Scottish Government to also include specific detail in terms of clear messaging in future.

### **Decision**

The Council **NOTED** the terms of the report as circulated.

## **12. Highland Council Capital Plan 2018/19 to 2022/23 – Update Report**

There had been circulated Report No. HC/36/20 dated 15 October 2020 by the Executive Chief Officer, Resources and Finance.

During discussion, Members raised the following issues: -

- it was noted that updated and more detailed information would be provided for the Council meeting in December;
- there was a huge task ahead in terms of the delivery of projects across Services and as such there was a need for all Members of the Council to work together in the months ahead;
- there had been no mention of slippage within the report and it was hoped that detail on this issue could be submitted to the Corporate Resources Committee meeting in November;
- in terms of flood protection, it was feared that the mitigating measures in place were still not preventing some local flooding and it was hoped that this would be resolved as soon as possible and in advance of any new developments. It was also suggested that this issue should be audited in future, perhaps as part of the initial planning stage;
- there was a need for further and more detailed information in regard to the ELC expansion (1140 hours);
- thanks were conveyed to the Officers concerned with the North Coast Care Facility and in this respect it was clarified that (in relation to Paragraph 6.1 of the report) this related to the provision of eleven care beds with specialist nursing and living care and a separate win which would contain the opportunity for on-site supported living and housing accommodation which would provide more flexible support packages for adults of all ages living on the North Coast;
- it was noted that once an updated profile of expenditure linked to programme projects was available, work would be undertaken to model the impact of this expenditure on the annual loans charges budget and as such it was vital that such work was completed as soon as possible;

- in relation to the proposal that Members might wish to consider adopting an 'investment hierarchy' (with reference to climate, technology and demography in addition to the themes of net zero, inclusive growth and resilient and sustainable places), it was suggested that the detail around this proposal should perhaps be discussed in the first instance through Strategic Committees;
- clarification was needed in relation to the funding of the Early Learning and Childcare (ELC) programme;
- in terms of commitment to future projects, it was highlighted that Culloden Academy was currently over capacity and this was expected to continue so early action was needed. In this regard, and in noting that the Ward was greatly expanding, it was suggested that consideration should be given as to whether the siting of demountable units could help with the current situation at Culloden Academy and also other schools in the Highlands;
- this report should be viewed as 'good news' for the Highlands in terms of releasing expenditure and as such consideration would be given to re-phasing and modelling scenarios due to Covid-19, including (and in line with the Scottish Government Draft Infrastructure Investment Plan) the re-purposing of buildings wherever possible;
- as part of the move towards recovery, a further and more detailed programme would be issued in due course;
- in relation to the Scottish Government Draft Infrastructure Investment Plan, it was noted that the clear vision was to support and enable an inclusive net zero emissions economy (with three themes of enabling net zero emissions and environmental sustainability, driving inclusive economic growth and building resilient and sustainable places) and this was welcomed;
- a key issue in the development of the Council's capital strategy would be the need to reflect a planned approach to asset rationalisations in line with the Scottish Government's concept of capital maintenance and ensuring that assets were safe and fit for purpose. As such, the capital strategy would need to set a long-term strategic direction for how investment in assets was undertaken;
- it was noted that there were four tiers in the Scottish Government 'investment hierarchy' (determine future need, maximise use of existing assets, re-purpose and co-locate and replace or new build) and as such it was vital that the Council continued to pursue an effective asset management approach;
- there was need to continue lobbying the Scottish Government for future funding for schools and in this regard specific reference was made to the current situation pertaining to St Clements School in that progress had been expected for a number of years but was still awaited; and
- it was suggested that there was scope for improvement in the tendering process in relation to future school building programmes and that this should be considered and closely monitored.



## **Decision**

The Council:-

- (i) **APPROVED** the commitments to projects of £34.706m as outlined in Appendix 1 to the report;
- (ii) **NOTED** the Council's submission to the Scottish Government putting forward Broadford Primary School and Nairn Academy as the Council's bids for Phase 2 of the Learning Estate Improvement Programme as detailed in Appendix 3;
- (iii) **AGREED** that an Options Appraisal of the possible build solution for the North Coast Care Facility be taken to the Health & Social Care Committee meeting on 12 November with a recommendation sought which provided best value for money and an expedient timescale for delivery owing to the urgent requirement for the new facility and that the recommended solution be brought back to the Council on 17 December for approval. In this regard, clarified that (in relation to Paragraph, 6.1 of the report) this related to the provision of eleven care beds with specialist nursing and living care and a separate wing which would contain the opportunity for on-site supported living and housing accommodation providing more flexible support packages for adults of all ages living on the North Coast; and
- (iv) **NOTED** the updates provided on the current Capital Programme, Capital Strategy and the Scottish Government's Draft Infrastructure Investment Plan.

### **13. Annual Corporate Performance Report Aithris Choileanaidh Bhliadhnaidh**

There had been circulated Report No. HC/37/20 dated 13 October 2020 by the Chief Executive.

During discussion, Members raised the following issues: -

- the information contained within the report conveyed a steady improvement but there were still areas of concern and they would be closely monitored;
- it was envisaged that a revised Programme for the Administration would be brought to the next Council meeting in December;
- there was a need to accelerate some of the targets in the report, including carbon reduction, supporting people at home, addressing issues of welfare and poverty and the provision of broadband in certain areas of the Highlands;
- it was noted that discussion would be undertaken with Group Leaders in regard to support for local communities;
- it was suggested that the timescale for a report on Statutory Performance Indicators and the Local Government Benchmarking Framework should be brought forward to enable discussion of relevant issues at Strategic Committees;
- there had been areas of good performance, such as in street

lighting, but also areas where targets were not being met, such as the building of affordable new homes, and it was hoped that this could be improved;

- it appeared that recycling was decreasing year on year and this had to be remedied;
- in terms of the section entitled 'A Place to Thrive', it was very disappointing that in most cases the national averages were not being met;
- it would be extremely important to improve upon the situation in relation to the number of foster carers in the Highland area;
- it was also hoped that improvements in regard to the road condition network could be made in the near future;
- the statistics in relation to the decline in the number of pupils entering 'positive destinations' were very disappointing;
- there was a need to welcome the information on staff absences which represented an improving situation for the Council;
- in regard to the education statistics which had been provided, it was highlighted that there had been more recent information provided at the Strategic Committee level which confirmed an improving situation across a range of issues and this had been warmly welcomed;
- it was noted that it had not been possible to arrange a Citizens Panel in the current year, not least in light of the Covid-19 situation, but it was confirmed that it would be re-established when feasible;
- provision of 'dashboard' technology in future to allow 'live information' to be relayed to Members would be helpful;
- there was a need for further and more detailed information to be provided on the current number of foster carers and whether this had changed/improved in light of amendments to the fee structure. In this regard, thanks were conveyed to Mr A Baxter for the significant contribution which he had made over recent years in relation to this issue;
- information on the recruitment of an Education Consultant had been previously requested as part of an internal audit but this had yet to be received;
- the considerable work undertaken by Council Officers in terms of the receipt of Council Tax should be highlighted;
- the positive information in regard to recruitment of modern apprentices was welcomed;
- there was a need for more links to be made in relation to the issues reported through Strategic Committees and the full Council;
- in terms of future planning applications, it was suggested that there could be opportunities in future for additional income but that there required to be a focus on resourcing requirements within the Service in the first instance;
- a number of Head Teachers had undertaken presentations at recent Education Committee meetings and these had been very well received by all;
- the restoration work on Academy Street in Inverness was

welcomed and similar examples could be seen across the Highlands, including specific projects in the Caithness areas;

- there were many examples of positive work being undertaken across the school estate and these should be highlighted;
- Business Gateway had reported a huge increase in individuals across the Highlands registering new private companies and as such a detailed update on this for Members was needed; and
- there had been a reduction in the percentage of people who agreed that the Council 'listened' and this was concerning and had to be addressed in view of its importance for the Highland area.

### **Decision**

The Council: -

- (i) **NOTED** the progress being made with the delivery of the Corporate Plan for the period 1 April 2019 to 31 March 2020;
- (ii) **AGREED** that Service Plans should be refreshed for 2021/22;
- (iii) **AGREED** to await a further report on Statutory Performance Indicators and the Local Government Benchmarking Framework no later than March 2021; and
- (iv) **NOTED** that the Annual Performance & Attitudes Survey of the Citizens Panel had not been possible in the current year due to Covid-19.

#### **14. Recovery Action Plan: Phase 2 to end September 2020 – Update Report Bòrd Ath-shlànachaidh – Aithisg Urachaidh**

There had been circulated Report No. HC/38/20 dated 12 October 2020 by the Executive Chief Officer, Transformation.

In this regard, there had also been circulated Minutes of Meeting of the Recovery Board held on Wednesday, 7 October 2020 which were **APPROVED**.

During discussion, Members raised the following issues: -

- there was a need to convey thanks to Officers for all the work which had been involved in what was a very inclusive report;
- it was noted that a Seminar would be arranged by the Chief Executive in the coming weeks with a further update to the next Council meeting in December;
- there had been problems previously with the supply of Covid-19 related items but this had now improved. However, there was no room for complacency and as such the Council would continue to build stock resistance in the months ahead;
- it was envisaged that improvements would be made to the current PRMS system to allow 'real time' updates in relation to the Recovery Plan in future;
- the very successful re-opening of schools was welcomed but it was

highlighted that there were currently issues with the reactivation of the 20mph signs outside school buildings and this was a real concern for the darker weeks ahead. In response, it was agreed that this issue would be followed up with the relevant Council Services as a matter of urgency, not least in terms of the safety aspect for school pupils;

- an update was required in relation to the progress of the review of procurement services within the Council;
- the Brexit SWOT analysis was welcomed but there was some concern in relation to the very tight timescale in which this was to be undertaken;
- further information on the dates of forthcoming meetings of the Highland Economic Partnership would be helpful;
- in relation to the issue which had been raised in regard to the 20mph signs outside schools, it was suggested that consideration should be given as to whether there was an alternative and more robust form of technology which could be used in future; and
- it was noted that the proposal was now for 2 Vice Chairs to be appointed to the Recovery Board and a further update on this would be submitted to the next Council meeting in December.

### **Decision**

The Council **NOTED**: -

- (i) the latest progress of the Council's Recovery Action Plan to 30 September 2020;
- (ii) the associated implications and pressures on resources in the delivery of the resilience activity and the recovery programme;
- (iii) the latest update regarding PPE as requested by the Recovery Board on 7 October 2020;
- (iv) that 2 Vice-Chairs would now be appointed to the Recovery Board (1 Administration/1 Opposition); and
- (v) that a Brexit SWOT analysis would be undertaken by the Brexit Working Group and the outcome reported to the next Recovery Board meeting.

### **15. Redesign Board Update – Workforce Planning & Development**

There had been circulated Report No. HC/39/20 dated 12 October 2020 by the Executive Chief Officer, Resources and Finance.

In this regard, there had also been circulated Minutes of Meeting of the Redesign Board held on Thursday, 8 October 2020 which were **APPROVED**.

During discussion, thanks were conveyed to the Officers concerned for the work which had been undertaken and it was highlighted that considerable progress had been made over recent weeks.

It was also reiterated that all Members of the Council were able and encouraged to attend Board Meetings and Workshops.

### **Decision**

The Council **NOTED** the progress of the Workforce Planning & Development Project as detailed in the report.

## **16. Consultation on Short Term Lets – Licensing Scheme and Planning Control Area**

There had been circulated Report No. HC/40/20 dated 19 October 2020 by the Executive Chief Officer, Communities and Place.

During discussion, Members raised the following issues: -

- this was a hugely important issue for the Highland economy and as such the speed of the Council response was commended;
- the proposals represented considerable change and were currently causing some concern, most especially for self-catering facilities;
- there was also a need to establish the appropriate future resource which would be required by the Council in terms of new arrangements;
- the drawing up of control areas would be very controversial and it was not clear exactly what the anticipated benefits were in this regard;
- it was suggested that the current arrangements in relation to self-regulation worked well in the Highland area and that there was not a need for any additional level of bureaucracy;
- it was also felt that the Tourism Committee should perhaps monitor the proposals and that MSPs should also be consulted as and when necessary;
- it had to be highlighted that in areas such Badenoch & Strathspey, where tourism was the 'life blood' of the community, there were now a significant number of AirBnB establishments as opposed to permanent homes;
- it was clear to see how some 'conditions', such as being greeted on arrival, could be challenging;
- further information was needed on future protections in relation to vexatious complaints and also in regard to the specific planning and licensing regimes;
- clarification was also required on the future role of Local Committees, specifically in terms of area control;
- the impact of short-term lets on affordable housing also needed to be highlighted; and
- with specific reference to the implementation of planning control areas (which was to be the subject of a report to the Economy & Infrastructure Committee after the regulations were finalised), it

was suggested that consultation should be undertaken with Local Committees as well as the Housing & Property Committee.

### **Decision**

Members: -

- (i) **NOTED** that short-term lets had significant economic benefits to Highland communities but in some circumstances there could be negative impacts;
- (ii) **NOTED** the proposals would have significant resource implications for the Council and agreed that the costs of administering the scheme should be recovered in full through fees as permitted by the licensing scheme;
- (iii) **NOTED** that any costs incurred through the establishment of Control Areas under Planning legislation could not be recovered in this way and so would be additional;
- (iv) **AGREED** that the implementation of Planning Control areas should be the subject of a report to the Economy & Infrastructure Committee after the regulations were finalised and following consultation with the Housing & Property Committee and relevant Local Committees;
- (v) **AGREED** the setting of fees for the proposed licensing scheme should be the subject of a report to the Licensing Committee after the regulations were finalised; and
- (vi) **AGREED** to homologate the consultation response which had been submitted to meet the Scottish Government deadline of 16th October 2020.

### **17. Highland Council Whistleblowing Policy Poileasaidh Innsireachd Chomhairle na Gàidhealtachd**

There had been circulated Report No. HC/41/20 dated 13 October 2020 by the Corporate Audit and Performance Manager.

During discussion, Members raised the following issues: -

- whilst taking account of the terms of the report which had been circulated, it was still felt that an external provider/independent contractor could perhaps deliver a service which might be more acceptable to staff who wished to raise concerns. In this respect, reference was made to the current arrangements within Edinburgh City Council which seemed to work well for all concerned;
- further information was required in terms of the consultation which had been undertaken with Trade Unions;
- it was also queried as to how the opinions of staff (who were not members of Trade Unions) could be assessed;
- it would be helpful for Members to know which other Groups had been consulted in relation to the proposed new policy;
- there was concern in regard to recent media reports that any Council employee who spoke to the Press about workplace issues

- could be dismissed and this required to be clarified;
- it was very important that members of staff had a safe way to raise concerns and that they had confidence in this respect and it was not felt by some Members that this proposed policy achieved that aim;
  - as part of the discussion on this proposed policy, there was a need for the terms of the relevant Standing Order to be highlighted in relation to when dissent could be recorded;
  - there was a need to move away from the current policy and as such the proposals in the report represented a new neutral and fair policy for staff which would involve the Corporate Fraud Team who were used to dealing with confidential issues;
  - with reference to Staff Partnership Forum meetings, it was confirmed that representatives from a number of Trade Unions had supported the terms of the proposed policy;
  - it had to be noted that the proposed new policy would be reviewed after a six month period of time ;
  - the Council had always had a very good relationship with the Trade Unions and their opinions were respected, not least in relation to this new policy;
  - there was a need for further information in regard to exactly how many Trade Unions had been consulted, who they were and how many staff were Trade Union members across the Council;
  - it was the view of a number of Members that employees should be able to contact an independent contractor if they so wished in terms of the aspiration for transparency across the Council;
  - some Members had been contacted by staff who did not feel confident enough to come forward in light of the current arrangements for confidentiality and it was not felt that this new policy addressed that issue;
  - it would have been preferable if the Trade Union representatives who had been consulted (and who supported the proposed policy) had been in attendance at this meeting;
  - it should be recognised that any organisation could be damaged if staff were not enabled to raise legitimate concerns safely if and when they arose;
  - thanks should be conveyed to Officers for their work on this report and it had to be noted that there was full confidence in the Corporate Fraud Team in terms of taking this new policy forward;
  - it was highlighted that only Edinburgh City Council currently had an external contractor in place in this regard;
  - it should be clarified as to whether the Trade Unions had been specifically asked for their opinion on the employment of an external contractor in future as it was felt that in many cases employees might not be comfortable about contacting other employees in the same organisation to raise concerns;
  - this had been a reasoned and rational debate and it had to be recognised that there were cross-party concerns about the terms of this proposed new policy;

- there was a need to identify how staff members who were not in Trade Unions would be consulted; and
- if this new policy was to be adopted, it was essential that any review in the next six month period was very robust in order to address the issues which had been raised.

Thereafter, Mrs M Davidson, seconded by Mr A MacKinnon, **MOVED** the recommendations within the report.

As an **AMENDMENT**, Mr A Jarvie, seconded by Mr S Mackie, moved that this item should be deferred until a subsequent Council meeting following a specific consultation for this policy with staff and Trade Unions and for the report to contain details of responses, support and suggestions.

On a vote being taken, the **MOTION** received 45 votes and the **AMENDMENT** received 10 votes, with 8 abstentions, and the **MOTION** was therefore **CARRIED**, the votes having been cast as follows:-

**For the Motion:**

G Adam, B Allam, R Balfour, J Barclay, R Bremner, I Brown, C Caddick, B Campbell, J Campbell, H Carmichael, A Christie, I Cockburn, M Cockburn, M Davidson, J Finlayson, M Finlayson, C Fraser, L Fraser, R Gale, J Gordon, A Graham, J Gray, T Heggie, A Henderson, B Lobban, A MacInnes, Ms D Mackay, G MacKenzie, A Mackinnon, A MacLean, C MacLeod, B McAllister, H Morrison, C Munro, L Munro, M Paterson, M Reiss, D Rixson, F Robertson, T Robertson, K Rosie, G Ross, N Sinclair, B Thompson, and C Wilson.

**For the Amendment:**

A Baxter, B Boyd, J Bruce, P Hadley, A Jarvie, D Mackay, S Mackie, D Macpherson, P Saggars, and C Smith.

**Abstentions:**

G Campbell-Sinclair, K Currie, K Gowans, E Knox, D Louden, R MacWilliam, N McLean, and E Roddick.

The following Members (who had taken part in the vote) confirmed that they wished their dissent to be recorded:-

E Roddick (abstain), K Currie (abstain), E Knox (abstain), R MacWilliam (abstain), B Boyd, D Louden (abstain), K Gowans (abstain)

**Decision**

The Council: -

- (i) **NOTED** the revised Whistleblowing Policy as circulated;
- (ii) **APPROVED** the policy for immediate implementation;
- (iii) **APPROVED** the supplementary guidance note for staff (on raising concerns) for immediate implementation;



- (iv) **NOTED** the intention to provide an annual monitoring report to the Audit & Scrutiny Committee beginning June 2021; and
- (v) **NOTED** the intention to review the policy with Trade Unions and with Staff Forum input and to report this to the Audit & Scrutiny Committee in June 2021 along with any recommendations for change which would be scrutinised and recommended to the full Council for approval.

## **18. Timetable of Meetings for 2020/21 Clàr-ama Choinneamhan airson 2020**

The Council **AGREED** the Timetable of Meetings for 2021 as circulated and subject to the following –

Lochaber Committee – meeting date to be changed from 2 to 9 August 2021.

The Council also **AGREED** the following change to the current timetable – Gaelic Committee – meeting date to be changed from 21 October to 5 November 2020.

## **19. Church Representative – Education Committee**

It was noted that the Council was required, in terms of Section 31 of the Local Government etc (Scotland) Act 1994, to have a minimum of three Church representatives on the Education Committee, two of whom were to be appointed on direct nomination (by the Church of Scotland and the Roman Catholic Church) and the third involving discretionary procedures.

In this regard, and on the basis of the rota system previously agreed by the Council, Mr Ross Finlay had been nominated by the Free Church of Scotland as its representative to sit on the Committee.

The Council **NOTED** the nomination of Mr Ross Finlay by the Free Church of Scotland as its representative to sit on the Education Committee as detailed.

## **20. 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 10/11 September 2020 were available on the Council's Website.

The meeting ended at 6.30pm.