

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Corporate Services

Council: 24 March 2010

Subject: Review of Scheme for the Establishment of Community Councils

1. Purpose

1.1 The purpose of this report is to progress the review of the Scheme for the Establishment of Community Councils as agreed by the Council at its meeting on 24 February.

2. Background

2.1 The Scottish Government has produced a model scheme of establishment for community councils supported by other model documentation which it wishes to promote for adoption throughout Scotland.

2.2 At its last meeting, Council noted the statutory framework and the indicative timetable for the review.

2.3 This report starts the first phase of the statutory review period.

3. Main Issues

3.1 The Revised Draft Scheme for the Establishment of Community Councils has a number of separate supporting documents, as follows:-

- 1 Code of Conduct for Community Councillors
- 2 Model Constitution
- 3 Model Standing Orders
- 4 List of designated Community Councils
- 5 Description of Community Council boundaries

3.2 To initiate the review process, the Council requires to approve the Scheme of Establishment and the Code of Conduct for Community Councillors, subject to statutory consultation.

3.3 By statute, the consultation must be advertised in the local press. The notice will also be displayed in main council offices and libraries and on the Council's website. Copies of the revised draft scheme will be issued to community councils, together with maps of their respective areas.

3.4 This consultation will last for 8 weeks, concluding on 28 May 2010 after which a report will be submitted to a further Special Meeting of Council giving details of all representations received and seeking approval of the scheme in which any resulting amendments will have been incorporated.

- 3.5** It is recognised that issues have already been raised in relation to the community council boundaries and that further issues may arise as part of the consultation. The resolution of these issues may affect the population levels of the community councils, which in turn could affect their maximum membership levels and their grants (assessed on the basis of a fixed sum plus a per capital contribution). These figures cannot therefore be finalised until all the amendments have been agreed for implementation.
- 3.6** The issue of boundaries will be discussed with affected community councils and the Community Councils Forum.
- 3.7** Although the Scheme contains Model Standing Orders and a Model Constitution, these will require adoption by the individual community councils after their first elections. There is scope for the community councils to amend these to suit local circumstances, subject to approval by the Head of Legal, Administrative and Regulatory Services.

4. Personnel Issues

- 4.1** This phase of the process involves no personnel issues, although there will be workload issues in finalising the next report to Council, depending on the date of the forthcoming General Election.

5. Financial Implications

- 5.1** At this stage, the cost to the Council of the Review is purely the advertising costs for the statutory notices. This can be met from within the existing Community Council budget for 2009-10

6. Risk Analysis

- 6.1** Implementation of the scheme reduces the reputational risk to the Council which otherwise would continue to operate a scheme which is inconsistent with the new mode preferred by the Scottish Government.
- 6.2** Although there is a risk of slippage in the indicative timetable for the review, resulting from the uncertainty around the timing of the General Election, the duration of the consultation periods will be strictly observed, so there will be no risk to compliance with the statutory framework for the review.

7. Equalities Impact

- 7.1** The model scheme identifies the need to encourage young people and other under-represented groups to participate in community council meetings and to ensure equality of opportunity in the way the community council carries out its functions. The review will take account of this objective.

8. Conclusions and Recommendations

- 8.1** The introduction of a model scheme will achieve consistency across Scotland. It is understood that most, if not all, local authorities are working towards the introduction of this Scheme.

- 8.2** Members are asked to agree adoption of the model scheme in principle, together with the Code of Conduct for Community Councillors, subject to the statutory consultation arrangements and to note that the outcome of the consultation will be submitted to a future meeting for further review.

Joyce White
Executive Director of Corporate Services
Date: 12 March 2010

Wards Affected: All wards

Background Papers:

Local Government (Scotland) Act 1973 as amended
<http://www.scotland.gov.uk/Topics/Government/local-government/CommunityCouncils/LocalGovScotlandAct1973>

Scottish Executive discussion paper "What can we do to help community councils fulfil their role?" <http://www.scotland.gov.uk/Publications/2005/10/31132008/20088>

Scottish Government Consultation on Community Councils, June 2008
<http://www.scotland.gov.uk/Publications/2008/04/30093619/1>

Reports by the Executive Director of Corporate Services to the Community Participation Committee of 18 June 2008 and to the Council Meetings of 25 June 2008 and 24 February 2010 and minutes thereof

Scottish Government website article – new model Scheme of establishment for community councils and new code of conduct for community councillors
<http://www.scotland.gov.uk/Topics/Government/local-government/CommunityCouncils>

Letter dated 13 January 2010 from the Secretary of Dumbarton East and Central Community Council

Email dated 15 January 2010 from the Secretary of Silverton and Overtoun Community Council

Letter dated 20 January 2010 from the Chair and Secretary of Bowling and Milton Community Council

Email dated 29 January from the Secretary of Parkhall and North Kilbowie Community Council

Email dated 1 February 2010 from the Secretary of Balloch and Haldane Community Council

Email dated 4 February 2010 from the Secretary of Kilmarnock Community Council.

Officer to Contact:

Anne Laird, Manager of Administrative Services, Council Offices, Garshake Road, Dumbarton Tel 01389 737514 or e-mail: anne.laird@west-dunbarton.gov.uk