

# WEST DUNBARTONSHIRE COUNCIL

## Report by the Executive Director of Corporate Services

Council: 24 February 2010

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**Subject: Review of Scheme for the Establishment of Community Councils**

### **1. Purpose**

**1.1** The purpose of this report is to consider arrangements for a review of the Scheme of Establishment of Community Councils and, in particular, the implications of adopting a Model Scheme prepared by the Scottish Government. This report has already been considered by the Community Participation Committee.

### **2. Background**

**2.1** In November 2005, the Scottish Executive published a discussion paper entitled "What can we do to help community councils fulfil their role?" This was the first step in the process of reviewing the community council system.

**2.2** The Scottish Executive set up a Working Group to produce a model community council scheme, to draft good practice guidance and to develop a Code of Conduct for Community Councillors. These documents were consulted upon from April to August 2008 and have now been finalised in the light of comments and representations received.

**2.3** The documents have been jointly endorsed by the Scottish Government, CoSLA and the Association of Scottish Community Councils, all of whom were represented on the Working Group. The Scottish Government is actively promoting adoption of the new documents by local authorities and community councils in order to achieve a consistency of operational arrangements throughout Scotland.

**2.4** The report was submitted to the Community Participation Committee on 16 December 2009. That committee agreed as follows:

- (1) to note that the views of the Community Council Forum should be sought;
- (2) to note that a report should be submitted to Council setting out a timetable for the review of the Scheme, on the basis of adoption of the Model Scheme, taking into account the implications for the next elections to the community councils; and
- (3) to note that the report should recommend to Council that a budget of £10,000 for 2010/11 be set for the review and such elections as may be required.

### **3. Main Issues**

#### **3.1 The Review Procedure**

- 3.1.1** Although West Dunbartonshire Council's Scheme of Establishment of Community Councils (the Scheme) has been reviewed in part on several occasions, a full review has not taken place since 2002.
- 3.1.2** West Dunbartonshire has 17 community councils in principle, although only 10 are currently operational.
- 3.1.3** The process for reviewing the Scheme is set out by statute, requires 4 Special Meetings of Council and 3 Consultation periods and will take about 9 months to complete. An illustrative timetable is contained as the Appendix to this report. This timetable assumes that the process will start in March 2010.
- 3.1.4** It is anticipated that the Special Meetings of Council, which are required by statute to be convened for the purpose of reviewing the Scheme, would be held directly before the normal Council meeting.
- 3.1.5** Once the scheme is agreed, the next step is to invite electors where there are no community councils to apply to establish them in their respective areas. Existing community councils will continue until the date of the next election.
- 3.1.6** The next community council elections for this area are due in October 2010, but there is no legal impediment to changing this date. It would not be appropriate to hold these elections in advance of the review being completed, so it is clear that the elections will have to be delayed into 2011. At the same time, care has to be taken to ensure that these elections do not conflict with the preparation time for the Scottish Parliament Elections which will be held on 5 May 2011. The timing of the elections should be further discussed with the Community Councils once the timetable for the review has been confirmed.

#### **3.2 Community Council Boundaries**

- 3.2.1** The Scheme for the Establishment of Community Councils sets their boundaries, which have been in place with minor amendments since 2002.
- 3.2.2** Council ward boundaries were reviewed for the local government elections of May 2007, which introduced large multi-member wards. As a result, the community council areas do not align with ward boundaries and a number of community council areas cross ward boundaries.
- 3.2.3** Boundary anomalies can be addressed as part of a review. However, the boundaries of the community councils were designed to fit communities. Altering the boundaries to comply with the ward boundaries could make the community council areas less representative of their local areas and make it more difficult for local people to engage with the community councils.
- 3.2.4** This matter was discussed by the Community Participation Committee, which agreed that the view of the Community Councils Forum be sought on the review, particularly in relation to boundaries.

**3.2.5** The Secretary of the Forum duly wrote to all active community councils inviting them to respond on whether there were any issues of significance in relation to boundaries in their respective areas. A deadline of 29 January 2010 was set to allow the report to come forward at this meeting.

**3.2.6** Responses were received from six community councils as follows:-

**Dumbarton East and Central** Community Council advised that they think it more beneficial to proceed with the review now and to deal with any boundary issues rising during the consultation process.

**Silverton and Overtoun** Community Council suggested an adjustment to the boundary with Dumbarton North Community Council but confirmed a preference to proceed with the review now, with any boundary issues being dealt with during as part of the consultation

**Bowling and Milton** Community Council confirmed that they are happy with the existing boundaries, although they expressed a concern that it had not previously been possible to adjust its boundaries to take in part of Dumbarton West Community Council's area when that Community Council fell.

**Parkhall and North Kilbowie** Community Council confirmed that they have no issues with their current boundaries which are inclusive of their community and clearly defined at natural boundary points.

**Balloch and Haldane** are happy to leave the boundaries as they are at present, although they suggest that a joint committee of elected members and community council representatives should be set up to make a recommendation on boundary issues.

**Kilmaronock Community Council** asked for clarification on the boundary to the south of their area by Blairquhomrie Muir and asked for more time to consider the issue further.

**3.2.7** The above submissions demonstrate that, while there are some issues about boundaries, there are no major areas of contention. In these circumstances, consideration should be given to whether the questions should be addressed now, before undertaking the consultation or, as two of the respondents suggest, dealt with as part of the consultation itself.

### **3.3** The Model Scheme of Establishment

**3.3.1** The Model Scheme seeks to achieve consistency for all Scottish Community Councils. It also seeks to modernise, and to make community councils more inclusive, particularly for young people.

**3.3.2** The most radical innovation proposed in the Model Scheme is the inclusion of 16 and 17 year olds in the electoral register, entitling them to vote and to stand as candidates. This is in keeping with developments in electoral practice and with government policy.

**3.3.3** The inclusion of younger people, particularly 16 year olds, poses certain administrative difficulties for the compilation of the electoral register. It may be possible to invest in an electronic solution as part of the Council's election system, or, this failing, it may be necessary to compile a separate register. Both solutions have financial and other resource implications for the Council.

**3.3.4** Other major differences relate to the arrangements for co-option, for interim elections and for associate members. These could lead to the holding of additional elections which would increase costs to the Council.

### **3.4** Code of Conduct for Community Councillors

A Model Code of Conduct for Community Councillors has been drawn up and this will also form part of the review.

### **3.5** Model Constitution

The first meeting of any community council must adopt a constitution, to be approved by the Council. Although the Model Constitution would be recommended, minor variations will be considered. This function is delegated to the Head of Legal and Administrative Services.

## **4. Personnel Issues**

**4.1** No additional staff will be recruited to conduct the review. However, its conduct will create resource issues in Legal, Administrative and Regulatory Services which could extend the review period and result in delays to other activities carried out by the section. The timing of a General Election and possibly also of a Referendum on Scottish Independence will have a bearing on staff resources and on the timing of elections to the new community councils. There are also specialist resource issues in relation to encouraging and supporting participation by young people in Community Councils.

## **5. Financial Implications**

**5.1** There are financial implications for the Council, but these cannot be accurately assessed at this stage. Four Public Notices are required, together with the special electoral registers and a publicity campaign to promote the new scheme and the setting up of new community councils in areas where none currently exist. Additional software and development costs will be required if the election system is amended to include 16 and 17 year olds. Finally, the election costs will depend on the number of polls held.

**5.2** The Community Participation Committee recommended that a sum of £10,000 be included as part of the 2010/11 budget for the implementation of a new Scheme and the conduct of elections. This recommendation was incorporated in the budget approved at the Special meeting of Council on 28 January 2010.

## **6. Risk Analysis**

**6.1** The Scottish Government is monitoring take-up of the model Scheme and related documents. Failure to review our Scheme in terms of the new model

will have negative reputational issues. Furthermore, it may damage the national perception of the operation of community councils in this area.

- 6.2** The number of active community councils has been declining since the last Scheme was implemented. If that Scheme is not reviewed and modernised, there is an increasing risk of further public disengagement with the institution of community councils in this area.

## **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. Members are asked to agree adoption of the model scheme in principle, subject to the statutory consultation arrangements.
- 8.2** Council is asked to note that the attached programme is for illustration only and that there may be slippage in the reporting timetable of the review period depending on the timing of major electoral events. There will be no amendment to the consultation periods, which are set by statute.
- 8.3** The consultation carried out on boundary issues after the Community Participation Committee has not identified any major problems. Since addressing the minor issues raised at this stage would delay the review, it is recommended that they be explored in more depth and considered during the first phase of the consultation. It is suggested that a meeting be arranged as part of that process to include elected members and representatives of the affected community councils with a view to reaching consensus on the issues raised. If it is not possible to reach a consensus, any disputed issues will be referred to Council when it considers the first phase of the review.
- 8.4** Members are asked to note that the length of the statutory consultation will inevitably delay the date of the next community council elections. It is suggested that a suitable alternative date be agreed, after discussion with the community councils, at the end of the second phase of the consultation.

**Joyce White**  
**Executive Director of Corporate Services**

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**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 of 25 June 2008 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.

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| <b>Date</b>   | <b>Event</b>              | <b>Description</b>  |
|---------------|---------------------------|---|
| 24 March 2010 | Special Council Meeting   | As part of a report on the current scheme, Council to consider a recommendation to amend the existing scheme  |
| By 1 April    | Publish public notice 1   | Give public notice of intention to amend Scheme. Consultation of 8 weeks, closing on 28 May 2010.   |
| 30 June       | Special Council Meeting   | Council to consider suggestions from the first consultation period and agree a draft amended scheme for consultation.                                       |
| By 9 July     | Publish Public Notice 2   | Give public notice of amended scheme. Consultation of 8 weeks closing 3 September   |
| 29 September  | Special Council Meeting   | Council to consider suggestions to draft amended scheme and agree a final draft amended scheme for consultation.  |
| By 8 October  | Publish Public Notice 3   | Give public notice of the Council's final draft amended scheme. Consultation of 4 weeks until 5 November.   |
| 24 November   | Special Council Meeting   | Council to consider suggestions to the final draft scheme and formally approve the amended scheme.  |
| By 3 December | Publish public Notice (4) | Give public notice of the Council's approved scheme and invite to electors to apply for establishment of new community councils where none is in existence. |