WEST DUNBARTONSHIRE COUNCIL

Report by the Director of Corporate Services

Meeting of the Community Participation Committee
15 February 2006

Subject: What Can We Do to Help Community Councils Fulfil their Role? A Discussion Paper by the Scottish Executive

1. Purpose

The purpose of this report is to introduce the Discussion Paper by the Scottish Executive – "What can we do to help Community Councils fulfil their role?"

2. Background

2.1 This discussion paper was issued in November 2005 and was circulated by the Scottish Executive to local Councils and to Community Councils throughout Scotland. This is the first stage in the process of reviewing the current Community Council system. This exercise will involve Scottish Ministers and Officers engaging with Councils, public bodies and Community Councils over the next few months. It recognises that Community Councils are the most local tier of democratically elected representation in Scotland and seeks to identify ways of increasing their effectiveness.

2.2 The focus of the review is to establish what steps can be taken to support Community Councils as representative bodies for their local areas. While the results of this and subsequent discussion papers will be used to establish whether the relevant legislation should be changed, it is not expected that the role and remit of Community Councils will change fundamentally as a result.

3. Main Issues

3.1 The discussion paper contains 6 chapters each of which contains a number of questions. These questions are listed together at the end of the document. Responses are to be submitted no later than 28 February 2006. A copy of the document is attached as Appendix 1 to this report.

3.2 Issues raised in the document relate to the legislation covering Community Councils; the electoral process; the composition of community councils with regard to diversity of membership; relationships between Community Councils and other bodies; funding, support and training; a code of conduct for Community Councillors and finally, national issues for the ASCC, the national representative body of Community Councils.

3.3 Although a number of the questions can be answered by both local authorities and Community Councils from their individual perspectives, a number of the questions can only be answered by the Community Councils themselves.

3.4 A draft response to the questions is submitted as Appendix 2 to this report. It is intended that this response will be submitted to Council for approval at its meeting on 22 February.

3.5 The Community Participation Committee, for its part, is invited to make comments on the major issues raised in the document. Those comments will be submitted to Council for consideration together with the draft response.

3.6 For the discussion paper to be successful in its aims, it is essential that Community Councils also respond to the document, both individually and through their forums and associations. Community Councils and the local Community Council Forum should be encouraged to do this.

3.7 The covering letter sent to all Local Authorities seeks guidance on how best to address the issue of contacting as many councils and community councils as possible and suggests that meetings of groupings of councils and community councils may be possible.

4. Recommendations

It is recommended as follows:-

a) that the Community Participation Committee welcome the discussion paper and consider the issues raised within it;

b) that the draft response be submitted to the Council meeting on 22nd February together with any comments made by this Committee;

c) that the Director of Corporate Services write to the Community Councils Forum and to individual Community Councils reminding them of the closing date for comments on the paper and encouraging them to respond; and

d) that the Scottish Executive be advised that the Council would willingly participate in a meeting with other councils and community councils if this was arranged.

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Director of Corporate Services

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What can we do to help community councils fulfil their role?

Response to Discussion Paper by Scottish Executive.

Chapter 1

Q1.1 ***Is the current definition of the purpose of community councils appropriate? If not, how should it be changed and why?***

The definition in the 1973 Act is generally appropriate, although the phrase "In addition to any other purpose which a community council may pursue" requires clearer definition. Consideration could be given to creating a concise "vision" for community councils in Plain English, backed up by a more detailed description of purpose and entitlements.

Q1.2 ***Is there a need to amend the legislative provisions relating to the adoption and amendment of community council schemes? If so, what changes are required and why?***

It should be possible to make minor amendments by way of a shortened procedure. For major changes – such as amendments to boundaries, formal decision by the Council and public consultation continues to be essential.

Q1.3 ***Is there a need to ensure greater consistency between local authorities' community council schemes? If so, why and what elements do you think should be common to all community council schemes?***

It is not possible to respond to this question without an in-depth knowledge of all local authorities' schemes.

Q1.4 ***If you have answered "yes" to the above question, could this be achieved by issuing guidance or drawing up a "model community council scheme" or would this best be dealt with by amending the legislation?***

A model scheme would be helpful for guidance, but it need not be compulsory.

Q1.5 ***Do you foresee the introduction of multi-member wards for local government in 2007 having an impact on the working relationship between community councils and local authority councillors? If so, what measures might be appropriate to ensure a constructive and effective relationship in the new multi-member wards?***

The introduction of multi-member wards will involve considerable organisational change for local authorities and is also bound to impact on community councils. Boundaries may be a major issue in some areas. Some community council boundaries may straddle parts of two or even

three wards and, as a result, be represented by 9 to 12 councillors. An examination of the proposed wards for West Dunbartonshire Council has revealed that, of seventeen community council areas, only five fall within a single electoral ward. It will be more difficult for community councils to form effective relationships with larger numbers of elected members.

Q1.6 ***Is there a need to provide community councils with a corporate legal status that clearly distinguishes it from the members or are the current arrangements which have been in place for almost 30 years working satisfactorily.***

We have not experienced difficulties in this area.

Q1.7 ***Any general comments on the issues raised here would be welcomed.***

Nothing to add

Chapter 2

Q2.1 ***How are elections carried out in your area? Do you think the process works well? If not, what changes would you wish to see made?***

There has only been one poll for a community council election in the lifetime of West Dunbartonshire Council. That poll was carried out by post and worked satisfactorily. Primarily, polls have not been required because the number of vacancies has exceeded the number of nominations and sadly, in some cases, the number of nominations has been insufficient to keep the community council afloat.

The postal poll worked reasonably well. Nomination forms are distributed and processed at Area Registration Offices in the various communities.

Q2.2 ***Do you think local authorities should be required to monitor and oversee community council elections, or do you take the view that this should be the responsibility of individual community councils?***

It is the practice of this council to carry out the elections for community councils, not simply to monitor and oversee these elections.

Q2.3 ***How frequently are community council elections held in your area?***

In this area, elections are held every four years, but specifically timed NOT to fall in major election years.

Q2.4 ***Should the duration between elections be prescribed? If yes, what should this period be?***

This may depend on local preferences, but it has to be remembered that elections involve considerable disruption for the community councils and have resource issues. In recent years, there has been evidence of voter

fatigue. It is therefore in the interests of democracy not to hold elections too frequently. Four yearly is the best frequency.

Q2.5 ***Are community council elections in a local authority area generally held on the same date? If not, do you think there would be any benefit in doing so?***

Community council elections in this area are normally held in the second week of October for all functioning community councils. This allows the elections to be served by a single, council wide publicity campaign. The only exception would be where a defunct community council was restarted and the elections were of necessity arranged at a different time.

Q2.6 ***By what method are community council elections held in your area?***

By all postal ballot.

Q2.7 ***What steps has your local authority taken to implement the McIntosh Report recommendation to improve electoral arrangements for community councils?***

By approving postal voting for community council elections.

Q2.8 ***If appropriate, to what extent did these changes increase voter turn-out? (Any facts and figures on turnout rates would be helpful).***

There has only been one poll in the life of this Council, so there is no true comparator. We have no percentage figures for community council elections in Dumbarton pre 1996. Under Clydebank District Council, the turnout in the last community council elections in 1993 varied from 6% to 15%. Turnout in our postal poll for a Dumbarton Community Council in 1999 was 26%. This would seem to indicate a better response to a postal poll.

Q2.9 ***Notwithstanding the recommendations of the McIntosh Report, what lessons can be learned from previous elections in seeking to improve voter turn out?***

Voter apathy is increasing for all kinds of elections and community council elections may seem of minor importance to voters, unless there is an important local issue current at the time of the poll. By making voting easier – i.e. by sending out the votes by post, it is more likely that voters will make the effort to return their ballot paper. Even so, the turnout rate is poor. Turnout rate could be improved if local electors were more aware of the value and importance of community councils. A national awareness programme might help boost the profile and visibility of community councils and in turn improve turnout rates for their elections.

Q2.10 ***What can be done, either by community councils or local authorities, to encourage more people to put themselves forward to stand as community councillors?***

It is increasingly difficult for community councils and local authorities to encourage more people to stand for election as community councillors. This is a social issue which reflect current lifestyles and priorities as much as anything else. Local authorities can publicise the elections as widely as possible. Community councillors, by maintaining a high public profile for their organisation, can make it more attractive to local residents. It has to be noted, however, that some existing community councillors will automatically be in competition with new candidates and that this can put them in a difficult position for canvassing new support.
Again, a national campaign to publicise community councils might make membership more interesting to the public.

Q2.11 ***What is done in your area to publicise community council elections and how effective has such publicity been?***

For our last community council elections in October 2002, we ran a poster campaign, publicised the elections on our web page, printed fliers for libraries and supermarkets, advertised on local radio and ran a helpline for interested enquirers. Notwithstanding this considerable effort, a number of community councils still failed to re-form. Subsequently we rescheduled the nomination process in these areas and ran local public meetings to attract new candidates. This met with some success, but there is no doubt that it is considerable reluctance on the part of the public to put themselves forward for election to community councils..

Q2.12 ***We would also welcome any other comments you have on community council elections.***

Nothing further to add.

Q2.13 ***Does your local authority's community council scheme provide for co-option?***

Yes - up to one third of the maximum elected membership of each community council may be nominated from special interest groups and voluntary forums, provided they live in the community council area, are on the electoral roll for the area and are the only person representing their group on the community council. They are not entitled to hold office but are entitled to vote at all ordinary meetings of the community council, except those affecting the constitution of the community council.

Also when a casual vacancy occurs in the elected membership, a community council will be entitled to co-opt any person qualified as a candidate for election as a member of the community council and they shall serve as an elected member for the duration of time remaining of the

person they are replacing. In co-opting a member to fill a casual vacancy the community council will advertise the vacancy, invite nominations and have regard to the list of unsuccessful candidates at the most recent elections for that community council.

Q2.14 ***If co-option is allowed, to what extent have community councils embraced this and where they have, how successful has it been?***

We are aware that some community councils have used co-option for a variety of reasons – to keep numbers up and keep the community council operating or to attract community councillors with specific expertise. Community councils themselves will have to comment on how successful this has been.

Q2.15 ***How effective is co-option as a means of widening access to people who might not otherwise become involved in their community council?***

The Council has not considered this issue. Community Councils may wish to comment.

Q2.16 ***Have you any experience of using co-option as means of harnessing specific knowledge or expertise on either a long term basis or for a specific task? If yes, please elaborate?***

For community council response.

Q2.17 ***What steps have community councils taken to implement the recommendations contained in the McIntosh Report that Community Councils do more to involve young people and how successful have such efforts been?***

The Council has not considered this issue. Community Councils may wish to comment.

Q2.18 ***General comments on issues raised in this Chapter would also be welcomed.***

Nothing further to add.

Chapter 3

Q3.1 ***What methods do community councils use to establish the views of the community they represent?***

It is known that different community councils use different techniques to establish the views of their local communities. Some leaflet local households, others have websites, all network locally to a greater or lesser extent. Many community councillors are also active members of other groupings in their communities, such as tenants' and residents' groups,

seniors groups and local neighbourhood groups. They bring knowledge and views from a wide range of sources.

However, we do recognise that this can be an area of difficulty for some community councils and, like local Councils, their efforts are constrained by resources, both human and financial.

Q3.2 ***To what extent can local authorities and other public bodies determine whether the views expressed by community councils are genuinely representative?***

It is very difficult to determine the representative nature of views expressed, without monitoring levels of consultation in communities and we do not have the resources to do this. The principle of working through minutes with recorded decisions helps to confirm some accountability for views expressed and stances taken. Community Councils are in the same position as other representative groupings such as tenants' and residents' groups, youth forums and seniors forums, in that some groups manage the process more effectively than others.

Q3.3 ***Do you have any other general comments about how community councils can ensure that they accurately represent the views of their communities?***

Community Councils can publicise their meetings and the types of local issues which they are involved in – inviting members of the community to become involved and express their views. Electronic communication such as websites, can help in the communication process. For smaller Councils such as ours, there are limited resources to support these processes.

Q3.4 ***Other than where there is a statutory duty to do so, how do community councils and local authorities decide which issues community councils should be consulted on or indeed be involved in the decision making process?***

This Council has a Community Participation Committee on which community representatives, including 2representatives of the WDCCF Forum, serve alongside local authority councillors. (See Q3.6 below.) The Council is pro-active in terms of consultation.

Q3.5 ***Do community councils feel that local authorities provide them with adequate opportunity to comment on matters affecting their area?. If not, did they raise this with their local authority and what was the outcome?***

For community council response.

Q3.6 ***Are community councils suffering from consultation overload and, if so, what can be done to reduce the burden on them?***

Community Councillors are key stakeholders in many consultation exercises.

The West Dunbartonshire Community Council Forum (WDCCF) receives administrative support from West Dunbartonshire Council. The Forum has two places on the Council's Community Participation Committee (CPC) – a key mechanism for involving the community in decision-making. Many relevant consultations are taken to this committee for comment and community representatives are given appropriate information and opportunity for questions to help them respond. The CPC features on the agenda for the WDCCF meetings, to which all community councillors are invited. The Council also provides a Resource Centre with computer equipment for the WDCCF, which individual community councils may use.

It is recognised that community councils may find responding to lengthy or complex consultations particularly onerous in terms of time and resources. Nonetheless, their views are highly relevant on many consultation issues, and it is right that they should continue to have the opportunity to make their views known. Local community council forums should be able to assist in this regard as WDCCF does.

When involving representative bodies like community councils in consultations, it is important to give adequate time for them to prepare a response and recognise that they need time to process issues through their regular meetings.

Q3.7 ***Has your local authority any systems or processes in place to assist community councils to respond to fairly immediate requests for information/consultation papers e.g. oral requests for information? If so, please briefly outline what these are?***

Community Councillors can contact the liaison officer, or individual council departments if they need information. Although the Community Participation Committee considers certain consultations and the WDCCF is represented on it (see 3.6 above), this mechanism is subject to committee timetables and can lack the necessary flexibility for providing an immediate response to a consultation which requires an urgent reply.

Q3.8 ***Views would be welcomed on whether there are any areas of activity – e.g.all licensing applications – whereby local authorities should be obliged to consult Community Councils? If yes, should these be formally specified or is this best left to local authorities to determine in consultation with their community councils?***

It is our view that this is best left to determine in consultation between councils and their local community councils.

Q3.9 ***What bodies, besides local authorities, do community councils engage with on issues of local concern? Is this engagement direct or via the local authority?***

We are aware that community councils engage with a range of bodies including the police and NHS boards. Some of this engagement is direct and some through participation by the WDCCF in the Community Participation Committee and the Community Planning Process. See Q 3.11 below.

Q3.10 ***If appropriate, how effective has this engagement been and have there been any obstacles which have had to be overcome?***

For community council response.

Q3.11 ***Are community councils involved in the Community Planning process in your area? Is engagement in the Community Planning process an effective means by which community councils can engage with bodies such as the police, the NHS, etc?***

The WDCCF also has representatives on the Community Planning Board. The Board has 50% community representation from a range of groups and 50% from partner agencies including West Dunbartonshire Council, NHS, JobCentre Plus, Scottish Enterprise Dunbartonshire, Police, Fire Service, Private Sector, Voluntary Sector and Communities Scotland. In this way, WDCCF can raise local and national issues directly with partner agencies.

Q3.12 ***Any general comments on this chapter would be welcome.***

Nothing further to add.

Chapter 4

Q4.1 ***What methodology is used to determine funding for community councils in your area?***

Community councils are granted a lump sum, plus a per capita element. In addition, community councils can seek additional funding for special projects or to run properties.

Q4.2 ***What funding does your community council receive from the local authority and does the level of funding/support require you to meet any of your day to day running costs by other means? If yes, please outline how these costs are met.***

For response by community councils.

Q4.3 ***Does the level of funding and or lack of support services impact on your ability to carry out your functions? If yes, please explain.***

For response by community councils.

Q4.4 ***In addition to direct local authority funding, what, if any, support services are available to community councils in your area?***

The Community Councils Forum exists to support local community councils. It is funded by grant aid from the local authority.

Q4.5 ***Do you have any other general comments about the funding and support provided to your community council?***

For response by community councils.

Q4.6 ***What training/advice is provided to new community councillors and Community Councils generally?***

Procedural and general advice is available. We surveyed councils to see what training they required and, as a result, we provided financial training for treasurers and other office bearers. Other training provided in the past has included planning application procedures for objections.

Q4.7 ***Do community councillors feel they have adequate knowledge, skills and training to carry out their function? If not, please elaborate.***

For response by community councils.

Q4.8 ***What do you think is the minimum training/advice required by community councillors?***

They should get training or information sessions on:-

Council structures and decision-making processes (this has been provided for all the community representatives and substitutes on the Community Planning Committee, including WDCCF representatives).

Community Planning – structures and decision-making (induction has been provided for the community representatives on the Community Planning Board, including the WDCCF

representatives).

Training open to all community group members in the area. This is provided in West Dunbartonshire through a multi-agency approach (Inspire).

It might also be useful to provide some basic training on publicity/marketing. It has to be recognised that there are resource issues for Councils in the provision of customised training for community councillors.

Q4.9 ***Is there a point of contact for community councils within your local authority who is able to provide advice, support and guidance? If so, how helpful is this service?***

There is a liaison post of Administrative Assistant. A significant part of this officer's remit is to act as a contact point for community councils and to provides advice and guidance. The post was created in response to demand from WDCCF

Q4.10 ***How do we capture good practice at community council level? Is there a role here for the ASCC?***

There may be an advisory role for the ASCC. It does have a role in promoting networking/sharing good practice, which could be developed. It might also be useful for a central body to co-ordinate training on generic issues of interest to all community councils. This could be provided through ASCC if resources were made available, as smaller councils have difficulties resourcing specific, customised training.

Q4.11 ***Any general comments on this Chapter would be welcome.***

The level of support which local authorities can provide for community councils is increasingly restricted by a lack of resources, both in terms of personnel and in finance. Development support would have to come from existing community development staff in the same way as for other community groups. Councils would require significant additional resources to provide high level support and customised training for community councillors.

Chapter 5

Q5.1 ***Are community councillors in your local authority covered by a code of conduct? If yes, please outline briefly how it operates or provide a copy?***

There is not a code of conduct at this time.

Q5.2 ***Is there a need for a Scotland-wide statutory Code of Conduct for Community Councillors, or do you think this should be left to the discretion of individual local authorities? If the latter, would there be benefits to the Scottish Executive drawing up a model framework?***

Certain problem issues might have been avoided if there was a code of conduct. However, it must be recognised that community councillors are volunteers and it is important that a code of conduct should be used to make their lives easier rather than more difficult. Consideration would also have to be given as to who would monitor and enforce the code. This would be a resource issue for the monitoring body. A model framework would be helpful, but it should not be compulsory.

Q5.3 ***If you consider that there should be a statutory code, are you content that any breaches be investigated by the local authority and/or community council as opposed to the Standards Commission? If not, please give your reasons?***

Exposing Community Councils to investigation by the Standards Commission could discourage community members from participating in their community council. It would not be appropriate to refer standards issues to the Commission.

Q5.4 ***Any general comments on this Chapter would be welcome.***

Nothing further to add.

Chapter 6

Q6.1 ***Should matters of national interest be pursued by a national association rather than individual Community Councils? Please explain.***

There is a role for both local community councils and a national organisation in this regard. Matters of national interest can also have local impact and local views on these issues should receive due weight.

Q6.2 ***Could community council network groups have a role to play in this regard?***

Yes, but not to the exclusion of the expression of local views by individual community councils as issues of representativeness arise.

Q6.3 ***What do you regard the role and function of the ASCC to be?***

To offer a central resource to community councils in terms of sharing best practice and offering training.

Q6.4 ***If appropriate, what is the nature of your contact with the ASCC? (It would be useful to get both the community council and the local authority perspective on this).***

As a local authority, we have had minimal contact with the ASCC. A representative of ASCC took part with us in a training session for community councillors after the McIntosh report. The ASCC could be developed as a central resource for community councils, but it is up to the community councils to decide on the usefulness and desirability of that resource.]

Q6.5 ***Is your community council a member of the ASCC? If not, why not?***

For response by community councils.

Q6.6 ***If a member of the ASCC, what benefits do you derive from that membership?***

For response by community councils.

Q6.7 ***Any thoughts on what the ASCC could do to improve membership levels?***

By finding out what community councils need from it and catering for that need.

Q6.8 ***Any general comments on this Chapter would be welcome.***

Nothing further to add.