WHAT CAN WE DO TO HELP COMMUNITY COUNCILS FULFIL THEIR ROLE?

A DISCUSSION PAPER BY
THE SCOTTISH EXECUTIVE
October 2005

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Introduction

Role of Community Councils

1.   Community councils form the most local tier of statutory representation in Scotland. They were created by the Local Government (Scotland) Act 1973 and are intended to bridge the gap between local authorities and local communities and to help to make local authorities and other public bodies aware of the opinions, needs and preferences of the communities that they represent.   The 1973 Act required local authorities to introduce community council schemes for their area and gave them a fairly large degree of freedom to tailor their scheme to the particular circumstances of their area.   There are currently around 1,200 community councils in Scotland, though because community councils only exist where volunteers are prepared to represent their community in this way, some areas are not currently covered by a community council.

2.   The primary purpose of community councils is to ascertain and express the views of the community which they represent.   In addition to their primary role, many community councils involve themselves in a wide range of other activities including fundraising; organising civic and charitable events; maintenance of footpaths and cycle ways; and the provision and maintenance of flower beds and hanging baskets; etc.

3.   Ministers are committed to ensuring that local communities are consulted on and are able to influence decisions and policies of local authorities and other public bodies, such as police forces and NHS Boards, which affect their area. This extends both to the development of their area and the way in which services are delivered to them. It is very much in line with Scottish Ministers' statutory duty to promote and encourage Community Planning as the key over-arching framework to improve the planning and provision of services.   Community Planning promotes the involvement of communities in the decision making process on local services such as health, education and transport.   Citizen engagement can make a real difference to the quality and responsiveness of services in their area and community councils can play a pivotal role in this regard.

The Review Process

4.   This is not a consultation paper, rather it is the first stage in the process of reviewing the current community councils system by seeking views and feedback on a number of matters relating to the activities of community councils, their effectiveness and their role as the most local tier of democratically elected representation in Scotland. This paper is only one part of that process.   Scottish Ministers and officials will be engaging with Local Authorities; representatives of community councils; other public bodies etc over the coming months in order to develop our thinking on this. The aim is to harness good practice and identify obstacles and areas of weakness which prevent community councils from being fully effective.

5.   Community councils are democratically elected and accountable representatives of their community.   Ministers regard community councils main role to be to ascertain and co-ordinate the opinions of their local community in order to ensure that decision-making statutory bodies, such as local authorities, are fully informed of the opinions and preferences of individual communities. As such, the focus of this review is very much on what steps can be taken to support community councils in their role as representative bodies for their area,

and what can be done to improve their operational effectiveness. One possible outcome from the review is that Scottish Ministers will need to consider whether there is any requirement to modernise the current legislative requirements governing Community Councils. The forthcoming Discussion Paper on the Scottish Executive's Public Service Reform Agenda will also inform Ministers thinking in this regard. However, at this time Ministers do not envisage that the role and remit of community councils will change fundamentally and are clear that they will not be given significant new statutory powers or responsibilities such as the revenue raising powers available to Parish Councils in England and Wales.

6.   This paper does not propose specific changes to the system and operation of community councils in Scotland, rather it seeks views and comments on a range of issues which the Executive considers to be key to the effective operation of community councils. These include: the effectiveness of legislation which provides for the establishment of community councils schemes; the content and detail of the current community council schemes; the rules governing community council elections; ensuring that community councils are genuinely representative of the communities they represent; their interface with the local authority decision-making process; funding and support including the provision of training; whether there is a need for a code of conduct for community councillors; and the process for engaging in national issues.

7.   Some of the questions are aimed principally at community councils, while others are more relevant to local authorities, and many could be answered from either perspective. We leave it to consultees to decide which questions they wish to respond to. Comments from other interested parties are also welcome either on the questions and issues raised in this paper or of a more general nature which could include experiences of working with or being consulted by community councils.

8.   You are invited to comment on the questions and issues raised in this paper and in doing so it would be helpful if you could refer in your response to the relevant chapter and question numbers and forward them **no later than 28th February 2006** to:

Community Councils Review
Scottish Executive
Finance & Central Services Department
Public Service Reform Group: Local Governance & Licensing Division
Area 3-H (South)
Victoria Quay
Edinburgh
EH6 6QQ

Responses can also be faxed to 0131 244 7058 or sent by email to:- Communitycouncils@scotland.gsi.gov.uk

Further copies of this discussion paper are available from the Review Team by phoning 0131 244 0885 or via the Scottish Executive website www.scotland.gov.uk under 'consultations'. Any general enquiries on the paper can be made to Alex Gibson on 0131 244 7042.

Please note that all responses submitted will be made available to the public unless confidentiality is requested by the writer.

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CHAPTER 1 – THE LEGISLATIVE FRAMEWORK

The Legislation Governing Community Councils

1.   The current legislative framework governing community councils is largely contained in the Local Government (Scotland) Act 1973, supplemented by the Local Government etc (Scotland) Act 1994. The 1973 Act sets out the purpose of a community council as being primarily that of a local representative body, whilst allowing community councils scope to become involved in other activities at their discretion. The legislation further requires that all local authorities should have in place a community council scheme for its area, and sets out some of the provisions that must be contained in the schemes. Provision is also made as to the procedure to be followed if a local authority wishes to amend or replace its existing community council scheme. The 1994 Act essentially provided for the continuation of the community council schemes following the replacement of District and Regional authorities with single-tier local authorities in 1996.

2.   There is a view that the existing legislation does not adequately define the purpose and role of community councils. The 1973 Act states that " In addition to any other purpose which a community council may pursue, the general purpose of a community council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable." The words "in addition to any other purpose which a community council may pursue" may be the source of the difficulty, but it is simply intended to enable the members of a community council to become involved in other local projects within the 'umbrella' of the community council without having to set up a separate body in order to do so.

Q 1.1 Is the current definition of the purpose of community councils appropriate? If not, how should it be changed and why?

3.   Views would also be appreciated on whether the current legislation regarding the establishment and amendment of community council schemes requires to be amended in any way. For example, is the current legislative requirement that any amendments to a community council scheme requires to be approved by a meeting of the local authority convened specifically for this purpose necessary? Are the consultation arrangements for introducing an amended community council's scheme appropriate? Is there a need to amend the legislation so as to more explicitly state the level of detail that should be contained in a community council scheme with regard to, for example, election arrangements?

Q 1.2 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?

Community Council Schemes

4.   Section 52(2) of the 1973 Act sets out what must be contained in local authorities' community councils schemes: A map showing the boundaries of the proposed areas of community councils, and the boundary of any area where the local authority consider a community council unnecessary; where a local authority consider a community council

unnecessary for any area, a statement of reasons; provisions relating to elections or other voting arrangements, the composition, meetings, financing and accounts of community councils; and provisions concerning procedures for exchanging information on matters of mutual interest. In addition to this, a community council scheme may contain any other details which a local authority see fit to include.

5.   The legislation does not specify the level of detail required in the scheme on matters such as meetings, composition or electoral arrangements of community councils. Nor is the scheme required to include any provisions relating to how a community council keeps its own community informed of its business, or the arrangements so the sususpension or disqualification of any community councillor who is considered to have brought the community council into disrepute. Local authorities, as administrators of community council schemes, retain the freedom to determine largely for themselves the content and nature of their schemes. However, we are aware that situations have arisen where people have complained about the actions of either a community council or the local authority on a matter on which the scheme remains silent. Examples of this include whether community council meetings may be held in private and what steps a local authority has to take to publicise community council elections. There may therefore be a case either for amending the legislation so as state more explicitly what should be contained in a community council scheme or alternatively, for guidance to be issued by the Executive. This could be drawn up referring to best practice from local authorities and act as a template which local authorities could vary according to local circumstances and priorities.

Q 1.3 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?

Q 1.4 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?

Community Council Boundaries and their Interface with Local Authority Boundaries: Working Arrangements

6.   The means by which local authorities determine the boundaries for community councils varies considerably from one area to another, and may take account of existing 'natural communities', natural geographical features and the boundaries of the burgh or landward councils which existed prior to their abolition in 1975. However, we are aware that many community council boundaries are drawn up with reference to the ward boundaries used to elect councillors in local government elections. To date, this has enabled a councillor or councillors to be clearly identified as representing a particular community council area. Many councillors take a particular interest in their community council, and frequently attend community council meetings. Some concerns have been expressed that, following the introduction of multi-member wards for the local government elections in 2007, this link between an individual community council and a particular councillor could be diminished. While acknowledging that this might impact on the relationship between a community council, councillors and the local authority, it should be noted that under the present electoral system, community councils can cover two or more council wards. Likewise, there are councillors whose ward covers two or more community council areas. It is unlikely that all 3 or 4 councillors in a multi-member ward would be able to attend all the community council

meetings in their ward. In the circumstances, it may be that discussions will be required between community councils, councillors and the local authority to determine what arrangements, if any, need to be in place regarding relations between Councillors and Community Councillors in their ward.

Q 1.5 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?

Public Liability

7.   The Executive is aware that some concerns have been expressed by both local authorities and community councils about lack of clarity in the legislation as to the "legal status" of community councils and the view that potentially this could leave community councillors personally liable for the actions of a community council. Community councils are essentially voluntary statutory bodies with certain rights and powers to act as community councils. They are empowered by legislation, for example, to object to applications to sell alcohol and to be consulted on planning applications. Local authorities can also make loans to community councils. In the above cases any obligations clearly lie with the community council as a collective body and there are no potential liabilities on individual members. A community council can also seek judicial review in the name of the community council. Given that community councils do not generally own property, undertake large capital projects or provide public services or goods, it could be argued that there is in fact little risk of them being sued or incurring significant financial liabilities. However, should such action ever be taken, it would arguably be possible for this to be taken against an individual member as opposed to the organisation. Consequently consideration is being given as to whether there is a need for legislation which makes it clear that a community council has a corporate legal status that is separate from its members. It should however be noted in the event that such a provision is introduced this does not mean that individual members or office-holders would be immune from personal liability if, for example, they exceeded their statutory or delegated powers or breached criminal law.

Q 1.6 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?

Q 1.7 Any general comments on the issues raised in this Chapter would be welcomed.

CHAPTER 2 - COMMUNITY COUNCILS THAT REPRESENT THE WHOLE COMMUNITY: THE ELECTORAL PROCESS & DIVERSITY

Community Council Elections

1.   Community councils' legitimacy as representatives of their community derives in a large part from the fact that, unlike other local community groups, they are elected by the community. Therefore, if community councils are to be viewed by the local authority as genuinely representative of their area, it is important that elections are carried out in an open, transparent and fair manner and that the whole community has the opportunity to participate in the elections. If this is not the case, then inevitably, the local authority and others may question whether the community council represents more than the views and opinions of its own members.

2.   Community council elections are carried out according to the provisions laid down in local authorities' community council schemes. The current legislation gives local authorities freedom to specify whatever electoral arrangements they consider appropriate and a number of different procedures are used for community councils elections e.g. some are carried out by the community council themselves, others are undertaken entirely by the local authority or organised by the community council under the auspices of the Local Authority appointed Returning Officer.

Q 2.1 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?

Q 2.2 Do you think local authorities should be required to monitor and or oversee community council elections, or do you take the view that this should be the responsibility of individual community councils?

3.   The 1973 Act does not specify how frequently community council elections should be carried out and community council terms of office can vary from one year to four years. Longer terms of office may provide the community council with greater stability as community councillors will have time to build up a working relationship with the local authority and with their community. Less frequent elections would also reduce administrative costs associated with community councils. Conversely, people who would be reluctant to stand to be elected as a community councillor for a four-year term might be prepared to put themselves forward to stand for a one-year term.

Q 2.3 How frequently are community council elections held in your area?

Q 2.4 Should the duration between elections be prescribed? If yes, what should this period be?

Q 2.5 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?

Increasing Voter Turnout

4.   Elections may be carried out by ballot (with or without the issue of polling cards), postal vote or by a show of hands at a public meeting. Some community council schemes specify the method (or methods) which may be used for community council elections while others state only that the election shall be carried out in a manner to be determined by the local authority. Voting systems also vary. While most use 'first past the post', there have been examples of community council elections being carried out using single transferable vote.

5.   The report of the Commission on Local Government and the Scottish Parliament (the McIntosh Report), which was published in 1999, considered in general terms the community council system in Scotland and recommended that local authorities take steps to improve electoral arrangements for community councils, taking into account examples of good practice including the use of postal ballots and electronic voting. Improvements to the electoral system for community councils may have a cost implication for local authorities and there is no suggestion that local authorities be required to replicate the procedures for council elections at community council elections. However, it is worth noting that the McIntosh Report found evidence that experiments with postal voting had shown it was possible "at reasonable cost to increase turnout at community council elections significantly and even dramatically" (The McIntosh Report can be found online at http://www.scotland.gov.uk/deleted/library/documents-w10/clg-00.htm). Feedback from local authorities and community councils who have experimented with these voting systems, specifically on whether they improved voter turnout, would be useful in determining whether they provide value for money.

Q 2.6 By what method are community council elections held in your area?

Q 2.7 What steps has your local authority taken to implement the McIntosh Report recommendation to improve electoral arrangements for community councils?

Q 2.8 If appropriate, to what extent did these changes increase voter turn-out? (Any facts and figures on turnout rates would be helpful).

Q 2.9 Notwithstanding the recommendations of the McIntosh Report, what lessons can be learned from previous elections in seeking to improve voter turn-out?

6.   Information gathered by the Association of Scottish Community Councils (ASCC) in its 2004 survey of community councils indicated that often, community councillors are returned unopposed without the need for elections, and that it can sometimes be difficult to fill all the posts on community councils. The reasons for this will vary but one explanation may be that there is a lack of awareness of community council elections in the community in which they are taking place. Ensuring that elections are well publicised would help to encourage more, and a wider range, of people to come forward as candidates at community council elections. Accepting the difficulties in mail drops to all households, alternatives include advertisements or articles in the local press, and newsletters and poster displays in council-run facilities such as libraries or leisure centres. The use of pre-election publicity would serve not only to encourage people to stand as community councillors, but also to make the community at large more aware of the elections, and thus more likely to vote. We

would welcome feedback on experiences with publicising community council elections, and how effective this has proved to be.

Q 2.10 What can be done, either by community councils or local authorities, to encourage more people to put themselves forward to stand as community councillors?

Q 2.11 What is done in your area to publicise community council elections and how effective has such publicity been?

Q 2.12 We would also welcome any other general comments you have on community council elections.

The Composition of Community Councils: Diversity

7.   Improving the elections process is not the only means by which community councils and local authorities can take steps to help ensure that community council membership is reflective of the whole community they represent. Many community council schemes make provision for community councils to co-opt members of organisations who represent particular sections of the community who might not otherwise be represented on the community council. The groups will vary according to the particular concerns or interests of that local community, and any apparent mismatch between the background and profile of the elected community councillors and the background of the people they represent. These might include tenants groups, housing associations, conservation groups and associations, groups representing the young, senior citizens, minority ethnics, people with disabilities and people from varied social backgrounds.

8.   The McIntosh Report highlighted the way in which community councils can co-opt members as a means of widening access to community councils for sectors of society which are perhaps traditionally under-represented. For example, survey work undertaken by the Association of Scottish Community Councils in 2004 showed that the average (median) age of community councillors in Scotland is 55 and that people under the age of 26 are particularly poorly represented on community councils. The McIntosh report specifically recommended that community councils give consideration as to how they can do more to involve younger people in their work. One way might be to co-opt members of youth groups onto the community council, or alternatively, ask local schools to nominate representatives. Co-option is also a means of securing people for a finite period. This can be useful when a community council has identified a skills or knowledge gap for a particular piece of work.

Q 2.13 Does your local authority's community council scheme provide for co-option?

Q 2.14 If co-option is allowed, to what extent have community councils embraced this and where they have, how successful has it been?

Q 2.15 How effective is co-option as a means of widening access to people who might not otherwise become involved in their Community Council?

Q 2.16 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.

Q 2.17 What steps have community councils taken to implement the recommendation contained in the McIntosh Report that Community Councils do more to involve young people and how successful have such efforts been?

Q 2.18 General comments on issues raised in this Chapter would also be welcomed.

CHAPTER 3 - GETTING THE MESSAGE ACROSS – HOW COMMUNITY COUNCILS INTERACT WITH THEIR LOCAL COMMUNITY, LOCAL AUTHORITY AND OTHER STAKEHOLDERS

Determining the Views of the Community

1.   Encouraging greater participation in community council elections and ensuring that a community council's make-up accurately reflects the complexion of the broader community can help to ensure that it is genuinely representative of that community. However, it may not in itself guarantee that the community council will always share the views of the wider community when responding to a consultation or request for views. For example, in relation to a planning application or the decision to open or close a library or sports centre. It is important, if local authorities and others are to give credence to the input of community councils, that they have in place effective means of ascertaining the view of their community on the matter on which they are being consulted. If no such process exists, those in a position to take decisions might suspect that the views being expressed by the community council could be quite different from those of the community they represent.

2.   Some of the steps which community councils can take to help them better establish public opinion before responding to information requests include ensuring that community council meetings are well advertised and open to the public; using internet/email to enable local people to communicate their views to community councillors without having to attend the meeting in person; and consulting with other community groups active in the area. What suits one community council might not suit another, for example, what is high priority issues for one might not be an issue for another. As such, community councils need to develop systems to suit their own individual needs and those of the people they represent and be innovative in the way they do this. Networking with other community councils in the locality and beyond is a useful way to identify new and alternative ways of working.

Being Pro-active

3.   Community councils can be both reactive and proactive and this often calls for flexibility both in terms of how and who they consult. While they need to be alert and responsive to the needs and diversity of their community they also need to avoid raising issues which are not in the best interests of their community as a whole.

Q 3.1   What methods do community councils use establish the views of the community they represent?

Q 3.2   To what extent can local authorities and other public bodies determine whether the views expressed by community councils are genuinely representative?

Q 3.3   Do you have any other general comments about how community councils can ensure that they accurately represent the views of their communities?

Stakeholder Engagement

Community Councils and Local Authorities

4.   To enable community councils to effectively represent their local area on community matters and to provide feedback to local authorities, other public bodies and utility companies etc, it is important that the processes are in place to enable them to do so. Community councils rely largely on the hard work of volunteers who will inevitably have only limited time to devote to community council business. They may not be in a position to provide a response or feedback on every issue which might potentially affect in some way the lives of the people living in their area. Any attempt to do so would be likely to prevent them from being able to focus effectively on those matters which are of most concern to their community.

5.   Local authorities have a particularly important role to play here. Not only will many of the issues which concern community councils fall within their remit, but they are also ultimately responsible for overseeing the community council system in their area. They have a statutory duty to specify in their community council schemes the arrangements for developing procedures for the exchange of information between local authorities and community councils on items of interest. In practice, this is likely to involve a dialogue between community councils and local authorities as to the sorts of issues which are of particular interest to the community. Both sides should aim to ensure that community councils are consulted on matters of considerable concern to the community, whilst not risking 'consultation overload' with the community council unable to cope with the sheer volume of requests for information.

Q 3.4   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?

Q 3.5   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?

6.   Equally important however, is that community councils are, where possible, provided with adequate time in which to respond to consultation papers and requests for information. Community councils may only meet every two months and as such they may need more time to respond to consultations not least as they rely on volunteers many of whom will have limited time to devote to the work of their Community Council. Where it is practical, it might be helpful to allow community councils to respond via telephone or email rather than in writing.

7.   Earlier studies of community councils have shown that community councils sometimes suspect or take the view that their comments are being ignored or are undervalued. In view of this, every effort should be made to ensure that community councils, and stakeholders generally, are kept informed of the outcome of matters on which they have been consulted. This may help to build relations between the community council and local authorities and is perhaps particularly important where the local authority decides to take a significantly different decision from that favoured by the community council. These

principles of course apply in all stakeholder engagement and not solely those which involve community councils.

Q 3.6 Are community councils suffering from consultation overload and if so, what can be done to reduce the burden on them?

Q 3.7 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.

8.   There are various statutory powers which specify that community councils must be consulted e.g. local authorities have a statutory duty under the Town & Country Planning (General Development Procedure) (Scotland) Amendment Order 1996 to consult community councils on planning applications affecting their area; Section 15(1) of the Local Government in Scotland Act 2003 requires local authorities to consult and co-operate with community bodies as appropriate in the Community Planning process; and under the terms of the Licensing (Scotland) Bill, which was introduced in Parliament earlier this year, it is proposed that local authorities will be obliged to notify the local community council of all liquor licence applications made within their area.

9.   The ASCC survey highlighted a number of other areas of local authority business in which community councils take an active interest, including litter, dog fouling, road maintenance, road safety and local environmental improvements. This raises the question of whether there should be any other areas of local authority business where there should be a "non statutory" obligation to consult with community councils.

Note There are of course issues around consultation overload and timelines for comment which need to be taken into account here. For example, there are statutory timelines for comments on licensing applications which in some instances are 4 weeks.

Q 3.8 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?

Community Councils and Other Bodies

10.   Local authorities are not the only bodies who take decisions which can impact on the lives of local communities. The Scottish Executive and other Government Departments, the Scottish Parliament, NHS Boards, Police Forces etc all provide services and or take decisions which affect local communities. Decisions locally or nationally on matters such as removal of telephone boxes, local post offices and banking services may also attract community councils' interest. It is likely that that links with some of these bodies may not be as formalised or as effective as those with local authorities. We would be interested to hear from community councils who have engaged in such issues.

Q 3.9 What bodies, besides local authorities, do community councils engage with on issues of local concern? Is this engagement direct or via the local authority?

Q 3.10 If appropriate, how effective has this engagement been and have there been any obstacles which have had to be overcome?

11.   Reflecting the Executive's commitment to devolve decisions about public services to a local level, Community Planning provides a forum which brings together representatives of local authorities and other public, private and voluntary sector bodies to work together. The means by which Community Planning Partnerships engage with communities should reflect particular local circumstances. This may include establishing more localised or neighbourhood Community Planning structures to feed into the Community Planning process: the engagement of communities is likely to be most effective at this level. We are aware that a number of local authorities encourage community councils to participate in neighbourhood-level Community Planning, and this may provide a means by which community councils can engage effectively and conveniently alongside other community bodies with the various Community Planning partners on issues of local concern. For example, this could allow community councils to raise concerns about GP services with the NHS, or crime and anti-social behaviour with the police.

Q 3.11 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.?

Q 3.12 Any general comments on this Chapter would be welcome.

CHAPTER 4 - FUNDING, SUPPORT AND TRAINING

Funding and Support

1.   The legislative framework under which community council schemes are established gives local authorities the freedom to determine for themselves the appropriate level of funding and support for community councils in their area, and the methodology for distributing that funding. Local authorities generally provide community councils with an administrative grant to cover running costs such as postage, telephone and travel costs, photocopying and printing costs. The exact level of funding available to community councils varies from one local authority to another and between different community councils in the same local authority area. Many local authorities use the population of the community council area as a means of determining the level of grant available given that consultation and publicity costs, for instance, will be higher in an area with a larger population.

Q 4.1 What methodology is used to determine funding for community councils in your area?

2.   The level of direct financial support required by a community council might also depend on the extent to which support services and facilities are available to them. Some local authorities make a 'resource centre' available to their community councils, with access to facilities like photocopiers, computers and printers for the production of publicity material and newsletters. Where the provision of a dedicated resource centre is not practical, either on policy or financial grounds, or access to it is not viable on say grounds of distance, an alternative might be to make arrangements for community councils to use equipment at local council offices or libraries. It is worth noting that the McIntosh Report placed great emphasis on the fact that support services provided to community councils can be as important as any administrative grant in helping them to function effectively.

Q 4.2 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.

Q 4.3 Does the level of funding and/ or lack of support services impact on your ability to carry out your functions? If yes, please explain.

Q 4.4 In addition to direct local authority funding, what, if any, support services are available to community councils in your area?

Q 4.5 Do you have any other general comments about the funding and support provided to your community council?

Training

3.   Effective, strong community councils require community councillors who are clear about the role and purpose of a community council and what is expected of them personally as a community councillor. A Community Councillor does not necessarily require an expert knowledge of the machinery of local government or the intricacies of the planning or licensing systems but they do need to be aware of their role as representatives of their

community. It cannot be taken for granted that all community councillors will necessarily have the relevant skills and knowledge before being elected and it is therefore important that, where necessary, they are provided with appropriate information, advice and training to carry out their role effectively. Additionally, in order to operate effectively, the community council itself needs to ensure that they have sufficient community councillors who have the skills and knowledge amongst other things to conduct a meeting; manage the finances; provide written responses in a clear and concise manner on the range of topics on which they are consulted or opt to engage on.

4.   Training and support can be provided in different ways. A local authority might decide to run an 'open day' or induction course for new community councillors and refresher courses and/or modules on specific subjects for all its community councillors. Others may opt to provide an information pack, aimed either at community councillors in general or at people carrying out specific roles such as the Chairperson or Treasurer. An Information Sheet outlining the role and expectations of Community Councils and its members is a useful tool and can also serve as promotional material for prospective new members. The provision of a 'point of contact' within the local authority who is able to answer community councils' queries is equally valuable. The results of the ASCC's 2004 survey highlighted that a number of community councillors would appreciate training on specific areas in which community councils become frequently involved, including planning, community planning, building control and legislation relating to local authorities. Such training need not necessarily be provided by the local authority but could instead be provided by an outside training provider. For example, Planning Aid Scotland volunteers have provided training for community councils on planning issues.

Q 4.6   What training/advice is provided to new community councillors and Community Councils generally?

Q 4.7   Do community councillors feel they have adequate knowledge, skills and training to carry out their function? If not, please elaborate.

Q 4.8   What do you think is the minimum training/advice required by community councillors?

Q 4.9   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?

Q 4.10 How do we capture good practice at community council level? Is there a role here for the ASCC?

Q 4.11 Any general comments on this Chapter would be welcome.

CHAPTER 5 – CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

A Code of Conduct for Community Councillors

1.   The Ethical Standards in Public Life etc (Scotland) Act 2000 introduced a new ethical standards framework for members of devolved public bodies and councillors in Scotland. The framework requires councillors to adhere to a statutory Code of Conduct and established a Standards Commission for Scotland, responsible for conducting hearings into alleged breaches of the Codes and provides for sanctions against anyone found to be breaching the Codes, ranging from censure or suspension from meetings to disqualification for up to 5 years. The Councillors' Code of Conduct was produced by COSLA and it is applicable to all elected council members in Scottish local authorities. The Councillors' Code covers: Declaration and registration of interests; Gifts and hospitality; Conduct in chamber or committee meetings; Responsibilities to the Council as a member of the public; Use of council facilities; Lobbying and access to councillors and; Taking decisions on individual planning applications.

2.   It is important that community councils are seen to be transparent and accountable to the people they represent, and that there should be no suggestion that community councillors are using their position to further their own private interests ahead of those of the community. Nor should community councillors be allowed to bring their council into disrepute through grossly inappropriate or even offensive comments or actions. A number of local authorities have included within their community council schemes a version of the Councillors' Code of Conduct to community councillors. Clearly, community councillors' roles differ from those of councillors and aspects of the code relating to, for example, use of council facilities, do not apply to community councillors. Nonetheless, many aspects of the code, such as that relating to the declaration of interests and conduct in meetings, are relevant to the role of community councillors.

3.   A code of conduct for community councillors would help to make clear the standards of behaviour which are expected of community councillors in terms of impartially representing their community. Section 32 of the 2000 Act permits Ministers to impose a Code of Conduct on such Scottish public authorities as they may determine, and this could be used to impose a code of conduct on members of community councils if it was considered appropriate to do so. The imposition of a code of conduct on community councils might be considered by some to be unnecessary and could possibly deter people from becoming community councillors. However, there is little doubt that such a code would help to clarify what is, and is not, appropriate conduct for a community councillor and ensure consistency throughout Scotland. As indicated above, any such code would be less onerous than the code currently in place for councillors and any complaint would *not* be subject to investigation or hearing by the Standards Commission for Scotland. It would instead be for the local authority and the community council to look into any alleged breach and take whatever action they considered appropriate.

Q 5.1 Are Community Councillors in your local authority area covered by a code of conduct? If yes, please outline briefly how it operates or provide a copy.

Q 5.2 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 in the Scottish Executive drawing up a model framework?

Q 5.3   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.

Q 5.4   Any general comments on this Chapter would be welcome.

CHAPTER 6 – NATIONAL ISSUES FOR A NATIONAL ASSOCIATION?

1.   Generally speaking, community councils' work focuses on local rather than national matters. However, national issues will on occasion have a direct bearing on the work of community councils. For example, community councils may recently have taken an interest in such matters as the changes made to the legislative framework governing planning and the (liquor) licensing bill. Reserved legislation, such as the Disability Discrimination Act 1995 and the Race Relations (Amendment) Act 2000 also impact upon the work of community councils.

2.   Community councils have a national representative body, the ASCC and around 55% of community councils are members of it. Given that there are a number of national issues which affect community councils, and that it may not always be practical for individual community councils to involve themselves in such debates, arguably these might more appropriately be dealt with by the ASCC. But what of the network groups which also appear to be in place. What is their role?

Q 6.1   Should matters of national interest be pursued by a national association such as the ASCC rather than individual Community Councils?

Q 6.2   Could community council network groups have a role to play in this regard?

3.   The Scottish Executive provides a proportion of the ASCC's core funding and we are separately reviewing their role, purpose and operational arrangements including interface with local authorities and community councils. In doing so, we would welcome the views of consultees on a number of issues.

Q 6.3   What do you regard the role and function of the ASCC to be?

Q 6.4   If appropriate, what is the nature of your contact with the ASCC? (It would be useful to get both the community council and local authority perspective on this)

Q 6.5   Is your community council a member of the ASCC? If not, why not?

Q 6.6   If a member of the ASCC, what benefits do you derive from that membership?

Q 6.7   Any thoughts on what the ASCC could do to improve membership levels?

Q 6 8   Any general comments on this Chapter would be welcome.

CHAPTER 7 - SUMMARY OF QUESTIONS

Questions reflected in Chapter 1:

Q 1.1   Is the current definition of the purpose of community councils appropriate? If not, how should it be changed and why?

Q 1.2   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?

Q 1.3   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?

Q 1.4   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.

Q 1.5   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?

Q 1.6   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?

Q 1.7   Any general comments on the issues raised here would be welcomed.

Questions reflected in Chapter 2:

Q 2.1   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?

Q 2.2   Do you think local authorities should be required to monitor and or oversee community council elections, or do you take the view that this should be the responsibility of individual community councils?

Q 2.3   How frequently are community council elections held in your area?

Q 2.4   Should the duration between elections be prescribed? If yes, what should this period be?

Q 2.5   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?

Q 2.6   By what method are community council elections held in your area?

Q 2.7 What steps has your local authority taken to implement the McIntosh Report recommendation to improve electoral arrangements for community councils?

Q 2.8 If appropriate, to what extent did these changes increase voter turn-out? (Any facts and figures on turnout rates would be helpful).

Q 2.9 Notwithstanding the recommendations of the McIntosh Report, what lessons can be learned from previous elections in seeking to improve voter turn-out?

Q 2.10 What can be done, either by community councils or local authorities, to encourage more people to put themselves forward to stand as community councillors?

Q 2.11 What is done in your area to publicise community council elections and how effective has such publicity been?

Q 2.12 We would also welcome any other general comments you have on community council elections.

Q 2.13 Does your local authority's community council scheme provide for co-option?

Q 2.14 If co-option is allowed, to what extent have community councils embraced this and where they have, how successful has it been?

Q 2.15 How effective is co-option as a means of widening access to people who might not otherwise become involved in their Community Council?

Q 2.16 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.

Q 2.17 What steps have community councils taken to implement the recommendation contained in the McIntosh Report that Community Councils do more to involve young people and how successful have such efforts been?

Q 2.18 General comments on issues raised in this Chapter would also be welcomed.

Questions reflected in Chapter 3:

Q 3.1 What methods do community councils use establish the views of the community they represent?

Q 3.2 To what extent can local authorities and other public bodies determine whether the views expressed by community councils are genuinely representative?

Q 3.3 Do you have any other general comments about how community councils can ensure that they accurately represent the views of their communities?

Q 3.4 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?

Q 3.5 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?

Q 3.6 Are community councils suffering from consultation overload and if so, what can be done to reduce the burden on them?

Q 3.7 Has you 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.

Q 3.8 Views would be welcomed on whether there are any areas of activity e.g. 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?

Q 3.9 What bodies, besides local authorities, do community councils engage with on issues of local concern? Is this engagement direct or via the local authority?

Q 3.10 If appropriate, how effective has this engagement been and have there been any obstacles which have had to be overcome?

Q 3.11 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.?

Q 3. 12 Any general comments on this Chapter would be welcome.

Questions reflected in Chapter 4:

Q 4.1 What methodology is used to determine funding for community councils in your area?

Q 4.2 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.

Q 4.3 Does the level of funding and or lack of support services impact on your ability to carry out your functions? If yes, please explain.

Q 4.4 In addition to direct local authority funding, what, if any, support services are available to community councils in your area?

Q 4.5 Do you have any other general comments about the funding and support provided to your community council?

Q 4.6 What training/advice is provided to new community councillors and Community Councils generally?

Q 4.7   Do community councillors feel they have adequate knowledge, skills and training to carry out their function? If not, please elaborate.

Q 4.8   What do you think is the minimum training/advice required by community councillors?

Q 4.9   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?

Q 4.10 How do we capture good practice at community council level? Is there a role here for the ASCC?

Q 4.11 Any general comments on this Chapter would be welcome.

Questions reflected in Chapter 5:

Q 5.1   Are Community Councillors in your local authority area covered by a code of conduct? If yes, please outline briefly how it operates or provide a copy.

Q 5.2   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 in the Scottish Executive drawing up a model framework?

Q 5.3   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.

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Q 6.1   Should matters of national interest be pursued by a national association such as the ASCC rather than individual Community Councils? Please explain.

Q 6.2   Could community council network groups have a role to play in this regard?

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Q 6.7   Any thoughts on what the ASCC could do to improve membership levels?

Q 6.8   Any general comments on this Chapter would be welcome.

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