

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Corporate Services

Special Council: 27 October 2010

Subject: Review of Scheme for the Establishment of Community Councils

1. Purpose

- 1.1** The purpose of this report is to progress the review of the Scheme for the Establishment of Community Councils as agreed by the Council at its meeting on 24 February 2010 and to request the Council to consider proposed amendments to the scheme.

2. Background

- 2.1** The Scottish Government has produced a model scheme of establishment for community councils supported by other model documentation which it wishes to promote for adoption throughout Scotland.
- 2.2** At its meeting on 24 February 2010, the Council noted the statutory framework and the indicative timetable for the review of the scheme.
- 2.3** At its meeting on 24 March 2010, the Council agreed to adopt the model scheme (see Appendix) in principle, together with the Code of Conduct for Community Councillors, subject to the statutory consultation arrangements, and noted that the outcome of the consultation would be submitted to a future meeting for further review.
- 2.4** The first phase of the consultation concluded on 28 May 2010 and a number of responses have been received from Community Councils in respect of the Model Constitution (Appendix 2 to the Scheme) and the proposed boundaries (Appendix 5 to the Scheme).
- 2.5** Members are asked to note that the original indicative timetable has slipped. However, this will not affect the timescales for the statutory consultation periods at each stage of the review. The next stage of the process is for public notice to be given of the "amended scheme" with a further consultation period of 8 weeks. Thereafter a report will be presented to a further Special Meeting of Council for consideration.

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3. Main Issues

Boundary Issues

- 3.1 Silverton and Overton Community Council has requested that Garshake Terrace, Garshake Avenue, Hillfoot Avenue and that part of Whiteford Avenue immediately to the west of Hillfoot Avenue, should be deleted from the Silverton and Overton Community Council boundary and included in the Dumbarton North Community Council boundary. Dumbarton North Community Council has been notified of the proposals and to date no comments have been received.
- 3.2 The Secretary of Kilmaronock Community Council indicated earlier in the year that the Community Council might wish to change its boundary. However, at a meeting of the Community Council on 16 September 2010, the consensus was that the Kilmaronock Community Council boundaries should not change and should remain as at present.

Model Constitution

- 3.3 Parkhall and North Kilbowie Community Council has made the undernoted comments in respect of the Model Constitution:-

Page 16:

11(e) we do not believe there will be any benefit in sending draft minutes before they are ratified. Unapproved minutes are meaningless and could be misleading). Our community council will not be adopting any such condition. And this should be removed from the draft.

Page 18:

14 (d) we believe should read "A statement of accounts for the last financial year should be..."

*(i) **Independently audited by a professional person deemed appropriate by the community council (e.g. The Financial Support Officer of West Dunbartonshire CVS).***

Or

*(ii) **Independently examined by two examiners appointed by the community council, who are not members of that community council.***

The accounts shall be submitted to an Annual General meeting of the community council and shall be available for inspection on application to the secretary.

*Could you also ensure the name of our community council is changed in the establishment documents to "**Parkhall, North Kilbowie and Central Community Council**" as this is how we are known.*

3.4 With regard to the comments made in respect of the early circulation of draft minutes (Page 16 of the Draft Scheme refers), it is now common practice that draft minutes be circulated in advance of being approved. Indeed, this is the practice which this Council and others currently follow. It enables members of the public to see what issues the community council have been discussing relatively quickly and also means that they would have the opportunity to ask questions/make comments about the issue in advance of the next community council meeting. It is also beneficial for the Council's Community Council Liaison Officer to have early sight of minutes as there could be issues within the minutes which require immediate attention or action by the officer which could be dealt with without delay. For these reasons it is suggested that the scheme should not be amended to include this proposed change.

3.5 The Council's Internal Audit Section was consulted on the issue of the examination of accounts and has made the following comments on the proposed amendments:-

The suggestion at (i) is not an improvement as it seeks to restrict the examiners to a vague category of people. Many people have different views on who is a professional person and given an example is not a good idea as it suggests that this person would examine accounts as part of their job. Suggestion (ii) on the other hand may improve the statement as arranging a time and location with the secretary is more positive than 'available for inspection at a convenient location'.

3.6 It is therefore suggested that the scheme should be amended to include the suggestion at (ii) above but not (i).

3.7 Finally, the Community Council has requested that its name be changed and this be reflected in the scheme. In recent years the Community Council has been known as "Parkhall, North Kilbowie and Central Community Council" albeit its official title is "Parkhall and North Kilbowie Community Council". Given that this change appears to be non-controversial it is suggested that this would be an appropriate time to change the name of the Community Council.

4. People Implications

4.1 There are no adverse personnel issues associated with this report.

5. Financial Implications

5.1 At this stage, the costs to the Council of the Review relate to the advertising costs for the statutory notices which will be met from within the existing Community Council budgets.

6. Risk Analysis

6.1 Implementation of the scheme reduces the reputational risk to the Council which otherwise would continue to operate a scheme which is inconsistent with the new model preferred by the Scottish Government.

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 majority of responses received from Community Councils indicate that on the whole they are happy with the proposed scheme. The proposed boundary change appears to be logical and has not attracted any opposition from the neighbouring Community Council. Some of the suggestions submitted by Parkhall and North Kilbowie Community Council have merit and deserve consideration.

- 8.2** It is therefore recommended:-

- (a) that the scheme be amended to include:-

- (i) the proposed boundary change by Silverton and Overtoun Community Council, as detailed in paragraph 3.1 of the report;
- (ii) that Paragraph 14 (d) of the Model Constitution be amended to read as follows:

“A statement of accounts for the last financial year should be independently examined by two examiners appointed by the COMMUNITY COUNCIL, who are not members of that COMMUNITY COUNCIL. The accounts shall be submitted to an Annual General meeting of the community council and shall be available for inspection on application to the secretary.”

- (iii) the change of name of Parkhall and North Kilbowie Community Council to ‘Parkhall, North Kilbowie and Central Community Council’;
- (b) that officers should amend the scheme to reflect the above changes and thereafter publish the amended scheme for consultation in accordance with the statutory consultation process; and
- (c) that, following the second phase of the consultation, a report be submitted to Council to consider suggestions received on the amended scheme.

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Executive Director of Corporate Services

Date: 1 October 2010

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Background papers: Reports by the Executive Director of Corporate Services to the Meetings of Council on 24 February 2010 and 24 March 2010.

Appendix: Revised Draft Scheme of Establishment, includes 5 appendices, as follows:-

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

Wards Affected: All.