

WEST DUNBARTONSHIRE COUNCIL

Report by the Executive Director of Corporate Services

Special Council: 30 March 2011

Subject: Review of Scheme for the Establishment of Community Councils

1. Purpose

- 1.1** The purpose of this report is to inform the Council of the final outcome of the third consultation on the Review of the Scheme for the Establishment of Community Councils.

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 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 were 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** At its meeting on 27 October 2010, the Council considered the responses received in respect of the first consultation period and agreed a final draft amended scheme for consultation. The second consultation period of 8 weeks closed on 31 December 2010 and only one response was received from Balloch and Haldane Community Council in respect of the written description of its boundary and that of the Alexandria Community Council boundary.
- 2.6** At its meeting on 26 January 2011, the Council agreed to approve changes to the written descriptions of the boundaries of the Balloch and Haldane Community Council and Alexandria Community Council, subject to a further consultation period of 4 weeks, which concluded on 4 March 2011.
- 2.7** The next stage is to consider any responses received in respect of the final consultation, agree the final scheme for the Establishment for Community Councils and determine when to implement the scheme, and if necessary, hold community council elections.

3. Main Issues

- 3.1** One response has been received from a member of the public in respect of the final amendments to the Scheme i.e. the changes to the written descriptions of the Balloch and Haldane Community Council and Alexandria Community Councils' boundaries.. It has been suggested that the undernoted changes be made to the proposed wording of the written description of the Balloch and Haldane Community Council boundary:

Replace the words "along the A811 to Ballochmyle" with "along the A811 to Ballagan" and replace the words "then northwards on the Boturich Road to the northern boundary of Balloch Park; then following the northern boundary of said park to shoreline of Loch Lomond to the point of commencement" with "then following the boundary of Balloch park as far as the Balloch Burn and then westwards to the shoreline of Loch Lomond to the point of commencement".

- 3.2** It should be noted that while the first change simply proposes a small amendment to the wording, the second change would mean a change to the existing boundary line between Kilmarnock Community Council and Balloch and Haldane Community Council.

- 3.3** The Secretary of the Balloch and Haldane Community Council has been consulted on the proposed changes and has made the following comments:

The Community Council was happy with the previous wording, as agreed by Council on 26 January 2011, but he is not opposed to the first proposed change in wording as it is minor and adds clarity to the description. However, as the second change involves a change to the boundary line and his Community Council has previously indicated that it was happy with the boundary then he could not support this change. In addition, he has commented that if the Council was minded to change the boundary then he would not support the change suggested but would prefer that the community council boundaries would match the original boundary line between Bonhill Parish and Kilmarnock Parish. In addition, to the above, Kilmarnock Community Council, at its meeting on 15 September 2010, agreed unanimously that the existing boundary should not be changed. Given that both community councils affected by the proposed boundary change have agreed that their respective boundaries should not change, then it is recommended that the Council does not change the boundary at this late stage in the consultation process (strictly speaking proposed changes to the boundaries should have been submitted as part of the first consultation process).

- 3.4** The Council is therefore asked to consider these amendments and give final approval to the Scheme. Thereafter the Council will need to determine a date for implementation of the revised Scheme. This date would normally coincide with the timetable for community elections as all community councils would be constituted under the new terms of the revised Scheme and would be required to adopt the revised constitution and code of conduct.

- 3.5** At present there are 17 designated community councils within the West Dunbartonshire Council area. Since 7 of our potential community councils are not operative, it is suggested that the Council attempts, as part of the election process, to encourage local communities to set up community councils in these areas. It is therefore recommended that the election timetable be extended to include a requisition period which will be accompanied by a publicity campaign to encourage community participation.
- 3.6** The nomination process will commence shortly after the close of the requisition period. Where there are sufficient numbers of nominations received to form a community council, the new community council will be constituted under the terms of the Revised Scheme. Where there are more candidates than places available on the community council then it will be necessary to hold an election to determine which of the candidates will serve on the community council. Where there are fewer than 50% of the required number of candidates to form the community council then the community council cannot be formed.
- 3.7** The Council is therefore asked to consider when would be the best time to initiate the requisition and nomination process. There are some issues which the Council might wish to consider when deciding on the proposed timetable. Firstly, in order to avoid public confusion, the community council elections should be timed to avoid clashing with other elections which may be taking place on or around that time. In addition, it is important to note that the key staff normally involved in the administration of community council elections are the same staff who would be involved in administering other elections. Finally, in order to maximise public participation it is recommended that the Council should try to avoid holding elections during the summer holiday period as public participation in the elections could be dramatically reduced.
- 3.8** Given that the combined UK Referendum and Scottish Parliamentary elections will be held on 5 May 2011 and that there is a possible local government by-election in June 2011, it is suggested that the nomination process should commence in August with a view to holding elections, if any, in October (see attached timetable shown as Appendix 2). In the meantime, it is proposed that the existing Community Councils will continue to operate as normal up until midnight of the close of nominations or up until midnight of the day of the poll (if any).
- 3.9** It is also proposed that if any Requisitions to form a new Community Council are received prior to timescales shown within this timetable then the Requisition should be processed without delay and the nomination process undertaken under the statutory timescales. If sufficient numbers of nominations are received to form a community council but not enough to prompt an election, then the new community council would be constituted under the Revised Scheme. However, it is recommended that if an election is required then the election should be held at the same time as others, as detailed on the attached timetable.

4. People Implications

- 4.1 As stated above, community council elections should be timed to avoid overloading the workload of key election staff.

5. Financial Implications

- 5.1 There is a small sum of money available to fund the administration of community councils which might not be sufficient to cover the costs of publicity and the administration of community council elections, if any are required. Accordingly, any overspend would need to be funded from the Council's reserves.

6. Risk Analysis

- 6.1 Implementation of the Scheme reduces the reputational risk to the Council which otherwise would prevail if the Council were to decide to 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.

8. Conclusions and Recommendations

- 8.1 Given that there has been no other comments received on the Revised Scheme, the Council is asked:-

- (a) to approve the Revised Scheme for the Establishment of Community Councils, as detailed in the Appendix to this report, subject to the undernoted amendments:-

With respect to the written description of the boundary for Balloch and Haldane Community Council, replace the words "*along the A811 to Ballochmyle*" with "*along the A811 to Ballagan*";

- (b) to approve the extended timetable for community council nominations and elections as shown on the attached timetable (Appendix 2 refers);
- (c) to agree that, in the interim, existing Community Councils should continue to operate as normal up until the close of nominations;

- (d) to agree that if any Requisitions to form a new Community Council are received prior to timescales shown within the attached timetable (Appendix 2 refers) then the Requisition should be processed without delay and the nomination process undertaken under the statutory timescales. If sufficient numbers of nominations are received to form a community council but not enough to prompt an election, then the new community council would be constituted under the Revised Scheme. However, if an election is required then the election should be held at the same time as others, as detailed on the attached timetable.

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Date: 7 March 2011

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Background papers: Reports by the Executive Director of Corporate Services to the Meetings of Council on 24 February 2010, 24 March 2010, 7 October 2010 and 26 January 2011.

Letter from member of the public residing in Balloch.

Appendices:

- (I) 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.
- (II) Proposed timetable for Community Council nominations and elections in 2011.

Wards Affected: All.