

PERTH AND KINROSS COUNCIL

28 February 2018

REVIEW OF THE SCHEME OF ESTABLISHMENT FOR COMMUNITY COUNCILS
IN PERTH AND KINROSS

Report by Head of Democratic Services

PURPOSE OF REPORT

This report seeks authority to undertake a review of the Scheme of Establishment of Community Councils in Perth and Kinross and sets out proposals on the context, process and timescale for the review.

1. BACKGROUND / MAIN ISSUES

- 1.1 The current [Scheme of Establishment for Community Councils](#) was adopted by the Council on 23 February 2011 (Report 11/72 and Article 110 refer) following public consultation. The Scheme provides a common minimum basic framework governing the creation and operation of community councils in Perth and Kinross. The Scheme allows a number of matters to be determined by local authorities, including community council areas and resourcing arrangements for community councils. The Council also approved [a model constitution](#) for a community council and [model standing orders for community council meetings. The Scheme, constitution and standing orders were](#) based on templates produced by Scottish Government but which in turn had been largely based on documents in wide use by Councils across Scotland.
- 1.2 The Council also agreed in February 2011 that community council elections should be held on a common day across Perth and Kinross and these have been held in November 2011 and November 2015. At the first meeting of a community council held after election day, it will agree to adopt a constitution and standing orders which will be based on the model documents.
- 1.3 It is now seven years since the Scheme and the model documents were adopted, and in addition to several issues which have been raised in relation to the language in the model documents (e.g. provisions re the co-option of members; the code of conduct for community councillors; procedures for handling complaints; funding arrangements), it is important to ensure that the arrangements for supporting the community councils meet their needs and those of the Council.
- 1.4 Historically, there have been anomalies between the boundaries of the community council areas and Ward boundaries. Whilst consideration has been given to aligning these boundaries previously, in some areas it has been recognised that the community council areas reflect local communities and the anomalies have been accepted. As a result of the [Fifth Statutory Review of Electoral Arrangements by the Local Government Boundary Commission for Scotland](#), which resulted in the introduction of revised boundaries for some Wards for the local government elections in May 2017, there are some

additional anomalies between the boundaries of community council areas and the new Ward boundaries. The existing overlaps and those resulting from the 2007 changes are set out in **Appendix 1** to this report.

- 1.5 The Council agreed in December 2015 ([Report 15/573](#) and [Article 755](#) refer) to establish 5 action partnerships under the auspices of community planning – namely Eastern Perthshire (Wards 1-3), Highland & Strathay (Wards 4-5), Strathearn & Strathallan (Wards 6-7), Kinross-shire, Almond & Earn (Wards 8-9) and Perth City (Wards 10-12). As the boundaries of the community council areas do not always match those of the Wards, consequently, community council areas do not always fit exactly into the action partnership areas. The community council areas within the action partnership areas are set out in **Appendix 2** to this report.
- 1.6 On 1 December 2017, the Perth and Kinross Community Planning Partnership Board agreed to a review of local decision-making in Perth and Kinross, and this was reported to Council on 20 December 2017 ([Report 17/419](#) refers). As members will be aware, [What Works Scotland](#) has begun work on this review, and it is hoped that the outputs from the review will help strengthen community empowerment and local democracy in Perth and Kinross. Community councils will continue to be part of the local democratic landscape and whilst they will be consulted as part of the research work by What Works Scotland, it is felt that the review proposed in this report will allow the community councils to have a dedicated opportunity to discuss their future role and support requirements.
- 1.7 On 7 December 2017, the Scottish Government and the Convention of Scottish Local Authorities (COSLA) announced a joint review of local governance (<http://www.cosla.gov.uk/news/2017/12/local-governance-review>), and this was reported to Council on 20 December 2017 ([Report 17/419](#) refers). It is understood that the first phase of this review will take place between April and June 2018, and again, whilst community councils are likely to be included in the joint review, it is felt that the review proposed in this report will provide an opportunity to inform community councils about the joint review.

2. PROPOSALS

- 2.1 As community empowerment continues to develop, the representative role of community councils will continue in that context and it is important that the Scheme and associated documents recognise and facilitate that role. In reviewing the Scheme and the documents, there will be a programme of consultation with elected members and community councils.
- 2.2 Initially, in order to clarify areas of concern with the adopted documentation and to seek views on the way forward for some of the issues identified in Paragraphs 1.4 and 1.5 above, it is proposed to hold a series of meetings during March 2018 with local elected members and representatives from each of the community councils, with the meetings based on each of the action partnership areas.

2.3 Following these meetings, there will be a further report to Council in June 2018 to advise on the consultation findings and suggested amendments to the Scheme and model documents.

2.4 Any amendments to the Scheme agreed by the Council will require further public consultation with a final report to Council in October 2018.

3. CONCLUSION AND RECOMMENDATIONS

3.1 This report seeks authority to undertake a review of the Scheme of Establishment for Community Councils for Perth and Kinross and proposes a way forward with the review.

3.2 It is recommended that the Council:-

- (i) authorises the Head of Democratic Services to undertake a review of the Scheme of Establishment for Community Councils for Perth and Kinross.
- (ii) notes the consultation process as outlined in paragraphs 2.1 to 2.4 and the timescales for reporting back to Council.

Author(s)

Name	Designation	Contact Details
Gillian Taylor	Head of Democratic Services	committee@pkc.gov.uk

Approved

Name	Designation	Date
Jim Valentine	Depute Chief Executive (Chief Operating Officer)	31 January 2018

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	None
Assessments	
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	None
Legal and Governance	Yes
Risk	None
Consultation	
Internal	None
External	None
Communication	
Communications Plan	None

1. Strategic Implications

Community Plan/Single Outcome Agreement

- 1.1 The proposals support the delivery of the priorities in the Perth and Kinross Community Plan/Single Outcome Agreement.

Corporate Plan

- 1.2 The proposals support the achievement of the priorities in the Council's Corporate Plan.

2. Resource Implications

Financial

- 2.1 There will be no additional financial implications arising directly from this report.

Workforce

- 2.2 N/A

Asset Management

2.3 N/A

3. Assessments

Equality Impact Assessment

3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties.

The proposals in this report have been considered under the Corporate Equalities Impact Assessment process (EqIA) and assessed as not relevant for the purposes of EqIA.

Legal and Governance

3.2 The Scheme for the Establishment of Community Councils, Model Constitution and Standing Orders adopted by Perth and Kinross Council on 23 February 2011 (Article 110/11 Report 11/72) were taken into account in preparing this report.

Risk

3.3 It is still too early to identify if there are any long term risks.

4. Consultation

Internal

4.1 No direct consultation has been undertaken in the preparation of this report.

External

4.2 No direct consultation has been undertaken in the preparation of this report.

5. Communication

5.1 Elected members and community councils will be advised of the proposals.

2. BACKGROUND PAPERS

None

3. APPENDICES

Appendix 1 - Proposed amendments to community council boundaries

Appendix 2 - Community Councils within Local Action Partnership Areas