

PERTH AND KINROSS COUNCIL

27 FEBRUARY 2019

REVIEW OF THE SCHEME OF ESTABLISHMENT FOR COMMUNITY COUNCILS IN PERTH AND KINROSS - OUTCOME OF STATUTORY PUBLIC CONSULTATION EXERCISE

Report by Head of Culture and Communities Service (Report No. 19/67)

PURPOSE OF REPORT

This report updates members on the statutory public consultation exercise on the proposed amendments to the Scheme of Establishment of Community Councils and other associated documents. Information is also provided on requests to change some community council boundaries for the Perth and Kinross area.

The Council is asked to consider and approve the amendments to the documentation; and also to consider and conditionally approve the proposed boundary changes, subject to agreement from all other affected Community Councils.

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 Council also approved [a model constitution](#) for a community council and [model standing orders for community council meetings](#).
- 1.2 A report was submitted to Council on 7 March 2018 ([Report 18/72 and Article 119 refer](#)) to review the current Scheme. At its meeting on 20 June 2018, the Council agreed to extend the remit of the review to include a review of eligibility for Community Council Elections to ensure, in so far as legally possible, EU nationals can continue to participate in this important element of our democratic process.
- 1.3 The Council agreed on 3 October 2018 ([Report 18/324 and Article 586 refer](#)) to note the general issues and comments as set out in Appendix 1 to Report 18/324. The Council approved the suggested changes to the Scheme of Establishment for Community Councils for Perth and Kinross, as set out in Appendix 2 to Report 18/324 and noted the next steps would be a public consultation between 8 October 2018 and 3 December 2018, with a final report to Council in February 2019.

2. REVIEW PROCESS

- 2.1 The initial review commenced in April 2018 with an email to all community councils providing them with a link to [Report 18/72](#) and advising of the Council's decision to review the Scheme.

- 2.2 The public consultation commenced on 8 October 2018 with information on Perth and Kinross Council's community council webpage as well as on the Perth and Kinross Council's consultations page. Community councils were emailed a copy of Report 18/324 and invited to submit any further comments by 3 December 2018.

3. PROPOSALS

- 3.1 The Scheme (Appendix 1) has been changed, where deemed appropriate, to reflect the feedback received from the consultation process.
- 3.2 The key changes made to the Scheme (Appendix 1) include:
- Clearer explanation of draft minutes of meetings (paragraph 5.2 iii. Scheme)
 - Clearer explanation of membership levels of community councils (paragraph 6 i. Scheme)
 - Definition of members eligibility (paragraph 6 iii. Scheme)
 - Slight rewording of EU nationals paragraph (paragraph 6 v. Scheme)
 - Clearer wording of section 7.4.
 - Change of month of AGM from November to October (paragraph 13.2 Scheme), to ensure that the business of an outgoing community council can be dealt with prior to an election
 - Due to the change of month for the AGM, there is also a change to the financial year (paragraph 15.1 Scheme)
- 3.3 The model Constitution has also been amended to reflect the changes to the Scheme as outlined in 3.2.
- 3.4 A series of updated guidance notes will also be provided – including in relation to data protection, finances and dealing with complaints.
- 3.5 A request by Crieff Community Council to reduce their maximum membership level was received. The community council has had 3 by-elections in the past 18 months and they have found achieving the 13 members to be very difficult. It is proposed that the community council membership be reduced to maximum membership of 10, which should help to support a sustainable community council, with reasonable levels of representation.
- 3.6 Various boundary requests have been received. Some of these cannot be progressed at this stage as agreement is required from all affected community councils before this can happen. The Council is asked to approve these changes, in principle, subject to the other affected Community Councils confirming their approval:

- (i) Request by Cleish and Blairadam Community Council in relation to a change of boundary which affects both Fossoway Community Council and Kinross Community Council. Kinross Community Council has mixed views on this proposal and there has been no response from Fossoway Community Council.
- (ii) Proposal by Portmoak Community Council that Loch Leven, which currently falls within Kinross Community Council area, should be divided between the 3 community councils bordering it, Kinross Community Council, Milnathort Community Council and Portmoak Community Council. This would provide the community councils a clearer interest in the loch and be part of consultations undertaken by Scottish Natural Heritage and River Leven Trustees as to the management of the Loch. Milnathort Community Council agree with proposal but Kinross Community Council have not submitted a response.
- (iii) Proposal by Milnathort Community Council to transfer an area of Earn Community Council which falls over 2 electoral wards so that area within Ward 8 – Kinross-shire would transfer to Milnathort Community Council. This would allow residents attending community council meetings access to their local Kinross-shire elected members rather than those from Almond and Earn. Earn Community Council have not submitted a response.
- (iv) A request by a local elected member was received that the Bendochy Sub-Area of Coupar Angus and Bendochy Community Council be transferred to Blairgowrie and Rattray Community Council. Again this is a community council that falls over 2 electoral wards. Both community councils have submitted their agreement to this proposal and the Council is asked to approve this change
- (v) Request by Killiecrankie and Fincastle Community Council to include part of Rannoch and Tummel Community Council area into their own area. Area covers Foss and Tummel Bridge. As there is no established community council in the Rannoch and Tummel Community Council area, no representation can be sought. The Council is asked to approve this change.

3.9 Request by Milnathort Community Council to change the community council to Milnathort and Orwell Community Council to reflect the name of the historic Orwell parish that the community council area covers. No other representations have been received on this point and the Council is asked to approve this change.

4. NEXT STEPS

4.1 The proposed Scheme, Constitution, Standing Orders and Code of Conduct adopted by the Council to be rolled out to community councils immediately following the election in November 2019.

- 4.2 Guidance notes in relation to data protection, finances and dealing with complaints will be revised in line with the adopted Scheme and associated documents will be updated and distributed to community councils.
- 4.3 Council staff will continue to seek responses from the community councils affected by proposals in 3.8 and make the required changes should approval be forthcoming.

5. CONCLUSION AND RECOMMENDATIONS

- 5.1 This report advises on the final findings of the review of the Scheme of Establishment for Community Councils for Perth and Kinross. The report proposes to adopt a revised Scheme, Constitution, Standing Orders and Code of Conduct to be rolled out to community councils following elections in November 2019.
- 5.2 It is recommended that the Council:-
- (i) Adopts the Scheme of Establishment for Community Councils for Perth and Kinross as set out in Appendix 1 to this report.
 - (ii) Agree to the reduction in maximum membership level of Crieff Community Council.
 - (iii) Agree to proposed boundary changes subject to agreement by all community councils affected.
 - (iv) Agree to proposal by Killiecrankie and Fincastle Community Council to extend their boundary to include part of Rannoch and Tummel Community Council area.
 - (iv) Agree to change of name of Milnathort Community Council to Milnathort and Orwell Community Council.

Author(s)

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Approved

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Jim Valentine	Depute Chief Executive (Chief Operating Officer)	31 January 2019

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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 Not applicable.

Asset Management

- 2.3 Not applicable.

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.
- 3.2 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

- 3.3 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

- 3.4 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 Public consultation for 8 weeks.

5. Communication

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

2. BACKGROUND PAPERS

None

3. APPENDICES

Appendix 1 – Perth and Kinross Scheme of Establishment of Community Councils 2019-2023