

Perth And Kinross Council

6 December 2023

REVIEW OF SCHEME OF ESTABLISHMENT FOR COMMUNITY COUNCILS

Report by Head of Culture and Communities Service

(Report No. 23/343)

1. PURPOSE

- 1.1 This report updates members on the statutory review of the Scheme of Establishment of Community Councils in Perth and Kinross and asks Council to approve an amended Scheme, to be implemented from 1 January 2024 and to run until 2028.

2. RECOMMENDATIONS

- 2.1 It is recommended that Council: -

- adopts the Scheme of Establishment for Community Councils for Perth and Kinross as set out in Appendix 1 to this report and
- agrees that it be implemented from 1 January 2024.
- agree to review the Scheme of Establishment in 2028

3. STRUCTURE OF REPORT

- 3.1 This report is structured over the following sections:

- Section 4: Background/Main Issues
- Section 5: Proposals
- Section 6: Consultation Response
- Section 7: Conclusion
- Appendices

4. BACKGROUND / MAIN ISSUES

- 4.1 The Local Government (Scotland) Act 1973 makes provision for the establishment of Community Councils and local authorities have specific statutory duties to undertake as a result. One of these duties is to develop a Scheme of Establishment, which sets out the rules and guidance for the establishment and running of Community Councils in the local authority area.
- 4.2 The current [Scheme of Establishment for Community Councils](#), encompassing a template constitution and standing orders for Community Council meetings was adopted by the Council on 27 February 2019 ([Report 19/67](#) and [Article 116](#) refer). In approving this report, Council also agreed to a further review of the Scheme of Establishment in 2023.

- 4.3 Officers prepared a refreshed draft Scheme of Establishment which was placed on the Council's Consultation Hub for a period of 8 weeks from 30 June until 25 August 2023. The consultation was open to anyone with an interest. Community Councils and elected members were emailed a link to the consultation, encouraging them to respond and share as they saw fit.

5. PROPOSALS

- 5.1 The changes to the Scheme of Establishment proposed by officers are summarised below:

Scheme Reference	Change	Reasoning
Section 3	Removal of the ability for current and future Community Councils to create and add sub-areas. Existing Community Councils with established sub-areas can continue as they are.	Sub-areas can be an additional barrier to participation and cause some confusion at election time. Candidates, proposers and seconders have to show on the electoral register for the sub-area and not the Community Council area as a whole. Community Councils can have sub-areas that are never represented, but have people willing to join the Community Council in other sub-areas where there are no vacancies
Section 4.3	Insertion of section detailing items not the responsibility of Perth and Kinross Council	Section added for clarity. These items have never been the responsibility of the Council; however officers are often asked to take action related to them.
Section 6	Decrease of maximum membership as a whole from 15 to 13	Currently this change will only affect one Community Council and will reduce the threshold for it establishing in future.
Section 7.2 ii	Inclusion of 16/17 year olds as eligible candidates and voters for Community Council elections.	This already takes place but was not detailed within the Scheme.
Section 7.3 i	Removal of Proposer and Seconder on election nomination forms and co-option nomination forms and replace with a witness only. This is in line with local authority elections.	Seeking to make standing for Community Council elections more straightforward. This is in line with the requirements for standing for local authority elections. The witness still has to reside and show on the electoral register for the Community Council area or sub-area.

Scheme Reference	Change	Reasoning
Section 7.7 ii	Wording on the number of permitted co-opted members	Seeking to provided clearer wording on this specific point
Section 13.5	Insertion of new section on Virtual/Hybrid meetings	Reflecting the move towards virtual or hybrid meetings which Community Councils have taken on since 2020.
Section 15.2	Clearer wording on Annual Accounts	Wording made clearer to reflect that these annual accounts are for administrative grant money only, provided by Perth and Kinross Council and not for showing other funding/grants that a Community Council may hold. This will help officers determine the level of any additional administrative grant required each year.
Section 15(c) of Constitution	Additional wording on online banking	This is to reflect the current times that Community Councils are increasingly moving towards online banking.

6. CONSULTATION RESPONSE

- 6.1 Feedback received on the consultation largely supported the changes proposed in Section 5.
- 6.2 In addition to the consultation responses in relation to the recommended changes from officers, Community Council feedback included two further suggestions for additional changes, which officers support. These are summarised below.

Scheme Reference	Issue	Proposal
Section 13.2 Section 12 Constitution	It is not always feasible to hold the AGM in month of October, as some Community Council meetings are scheduled in advance and do not fall into this timescale	Amend wording of this paragraph to “held in the month of October each year, or as soon as practicable thereafter, in line with Community Council scheduled meeting dates”

Scheme Reference	Issue	Proposal
Section 8 Constitution	The 6 month hiatus on filling of vacancies by co-option after full elections can prevent Community Councils from recruiting new members and can require additional by-elections as a result	Reduce the current 6 month hiatus on filling of vacancies by co-option after full elections to 3 months. Some form of hiatus is preferred in order to ensure that the full elections every three years remain a focus for the democratic process.

6.3 The Scheme consultation also allows Community Councils to request changes to their membership and boundaries. On this occasion, the consultation has resulted in two boundary changes, summarised below:

- Muthill and Tullibardine CC requested a change to their boundary, moving the Tullibardine subarea into Auchterarder & District Community Council and renaming the remaining area as Muthill Community Council. This was accepted by Auchterarder & District Community Council and has come into force.
- Earn Community Council requested to merge two of their subareas, Craigend and Aberdalgie. This was approved and has come into force.

6.4 The amended Scheme, Constitution, Standing Orders and Code of Conduct, including the proposed changes is available at Appendix 1. It is recommended that Council approve the use of the amended Scheme, effective from 1 January 2024.

7. CONCLUSION

7.1 The Scheme of Establishment and associated documents set out the process through which Community Councils are established and thereafter supported to undertake their role. The Local Government (Scotland) Act 1973 requires the Scheme to be reviewed on occasion and Council had previously agreed to a review in 2023.

7.2 This report sets out the proposed amendments to the Scheme, Constitution, Standing Orders and Code of Conduct and recommends that Council approve their adoption and implementation from 1 January 2024 to 2028 and to implement another review of the Scheme in 2028.

Authors

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APPENDICES

- Appendix 1 – Scheme of Establishment for Community Councils in Perth and Kinross 2024-2028

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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 This report supports all of the priorities within the Community Plan 2022-27.

Corporate Plan

1.2 This report supports the objectives within the draft new Corporate Plan.

2. Resource Implications

Financial

2.1 N/A.

Workforce

2.2 N/A.

Asset Management (land, property, IT)

2.3 N/A.

3. Assessments

Equality Impact Assessment

3.1 N/A.

Sustainability

3.2 N/A.

Legal and Governance

3.3 The Scheme of Establishment for Community Councils, template Constitution and Standing Orders adopted by Perth and Kinross Council 27 February 2019 (Report 19/67 and Article 116) were taken into account in preparing this report.

Risk

3.4 N/A.

4. Consultation

Internal

4.1 No direct consultation has been undertaken in 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.