

PERTH AND KINROSS COUNCIL

3 OCTOBER 2018

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

Report by Head of Democratic Services (Report No. 18/324)

PURPOSE OF REPORT

This report seeks to update members on the initial findings from consultation with community councils on the review of the Scheme of Establishment of Community Councils (the Scheme) in Perth and Kinross. The report also outlines suggested amendments to the current Scheme.

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 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.
- 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 As community empowerment continues to develop, the representative role of community councils will continue in that context and it is important that the [Scheme of Establishment for Community Councils](#) and associated documents recognise and facilitate that role.
- 1.5 The Council agreed 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.

- 1.6 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 2017 changes were set out in [Appendix 1 to Report 18/72](#).
- 1.7 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 & Strathtay (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 were set out in [Appendix 2 to Report 18/72](#).
- 1.8 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). [What Works Scotland](#) undertook this review, and the outputs from the review were reported to the Council on 20 June 2018 ([Report 18/214](#) refers) Whilst the Council noted the content of the report from What Works Scotland and to respond to the Community Planning Partnership in respect of the development of an action plan as set out in Report 18/214, the Council also agreed to recommend to the Community Planning Partnership to formally consider dividing the larger Local Action Partnerships into smaller areas if they wish to do so. This was agreed by the Community Planning Partnership Board at its meeting on 14 September 2018.
- 1.9 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). Strand 1 of the review – Community Decision-making - commenced in May 2018 and Strand 2 – Public Service Governance - commenced in June 2018 – both Strands are open until 30 November 2018. All community groups and public service organisations have the opportunity contribute to the review which is intended to inform a programme of changes to governance arrangements, perhaps through the development of a Local Democracy Bill late in the term of the current Scottish Parliament. It is possible that the outputs of the review could have an impact on the future of Community Councils.

- 1.10 [What Works Scotland](#) and the [Scottish Community Development Centre](#) are collaborating on a review of community councils in Scotland. The review was expected to conclude in the summer of 2018 and to feed in to the Local Governance Review.
- 1.11 [The Improvement Service](#) is also involved in a project to support Community Councils across Scotland including the Scottish Community Councils website - www.communitycouncils.scot/ The project is funded by the Scottish Government.
- 1.12 Community councils will continue to be part of the local democratic landscape and, it was felt that reviewing the Scheme at this time would allow Community Councils to have a dedicated opportunity to discuss their future role, and support requirements.

2. REVIEW PROCESS

- 2.1 The 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 Although 5 meetings with community councils and local members were arranged from April to June 2018, only 3 of these meetings took place - in Highland and Strathclyde on 30 April 2018; in Kinross-shire, Almond and Earn on 7 June 2018; and in Strathclyde and Strathclyde on 12 June 2018. The meetings in Eastern Perthshire on 5 June 2018 and Perth on 14 June 2018 did not take place due to the low numbers of people indicating in advance that they would attend. Notwithstanding that these meetings did not take place, community councils and local members have had the opportunity to raise issues as part of the review.
- 2.3 A wide range of issues have been raised by community councils – some of which are not specifically referred to in the Scheme. A summary of these issues has been circulated to elected members and to community councils and is contained at Appendix 1 to this report.
- 2.4 The issues raised in relation to the Scheme have been addressed within a draft revised Scheme which is contained at Appendix 2 to this report.
- 2.5 Key amongst the issues raised which are not specifically referred to in the Scheme was the Council's position on charging for the use of Council premises to hold community council meetings. Following the most recent review of charging for community campuses and schools, community councils continue to be entitled to a reduced fee for lets. However, a further review of charges will be undertaken as part of the forthcoming revenue budget process.
- 2.6 Also, some community councils expressed concern that they are no longer able to use schools for their evening meetings due to janitorial arrangements and associated security / access requirements. Although, it is recognised that

the school in a specific location may not be available on the preferred date, it is likely that a school would be available in the locality. Accordingly, community councils should clarify the arrangements in their locality with Education and Children's Services.

- 2.7 Although not raised as part this consultation exercise, the ability of community councils to be able to pay travel expenses to members to either attend regular meetings or one-off events has been raised many times in the past. If a community council agrees to pay travel expenses, this is regarded as part of the costs of the running of the community council and should be met from the administration grant.
- 2.8 It should be noted that the action partnerships referred to at Paragraph 1.8 above require to meet the costs of meeting room hire and travel expenses from their core budget.

3. PROPOSALS

- 3.1 The draft Scheme reflects the issues raised by community councils and also includes additional paragraphs to assist community councils in dealing with certain circumstances – these have been highlighted in the document.
- 3.2 The main changes to the Scheme are to:
- Make provision to ensure that EU nationals can continue to be members of community councils pending Brexit legislation (Paragraph 6 v)
 - Reduce the term of office for community councillors from 4 to 3 years (Paragraph 7.1 ii)
 - Provide clearer guidance on resignations (Paragraph 9)
 - Strengthen the section on equalities to address accessibility issues for community council meetings (Paragraph 10)
 - Strengthen the disqualification period to 6 consecutive meetings where the community council meets monthly or 3 consecutive meetings where the community council meets every 2 or 3 months (Paragraph 12)
 - Make provision for the AGM to take place in November each year except in an election year when the AGM may be later (Paragraph 13)
 - Change the financial year to 1 October to 30 September each year (Paragraph 15)
 - Introduce maximum and minimum numbers to help explain membership levels (Schedule to the Scheme)
- 3.3 The following documents are included as appendices to the Scheme:-
- Model Constitution
 - Model Standing Orders
 - Community Councillors' Code of Conduct
- 3.4 A series of updated guidance notes will also be provided – including in relation to data protection, finance and dealing with complaints.

4. NEXT STEPS

- 4.1 Any amendments to the Scheme agreed by the Council will require to be the subject of a public consultation between 8 October 2018 and 3 December 2018 with a final report to Council in February 2019.

5. CONCLUSION AND RECOMMENDATIONS

- 5.1 This report advises on the initial findings of the review of the Scheme of Establishment for Community Councils for Perth and Kinross and proposes amendments to the Scheme to be taken forward as the next stage of the review.
- 5.2 It is recommended that the Council:-
- (i) Notes the the general issues and the comments set out in Appendix 1 to this report
 - (ii) Considers the suggested changes to the Scheme of Establishment for Community Councils for Perth and Kinross as set out in Appendix 2 to this report
 - (iii) Notes that the next steps will be a public consultation between 8 October 2018 and 3 December 2018 with a final report to Council in February 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 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 Consultation meetings have taken place with a number of community councils and all community councils have been asked to forward any suggested amendments to the scheme to the community councils/elections team.

5. Communication

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

2. BACKGROUND PAPERS

None

3. APPENDICES

Appendix 1 – All issues raised during consultation

Appendix 2 – Draft Perth and Kinross Scheme of Establishment of Community Councils 2019-2023