

## REPORT

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| To: CORPORATE SERVICES COMMITTEE |            | Subject: SCOTTISH GOVERNMENT CONSULTATION ON COMMUNITY COUNCILS |  |
| From: HEAD OF CENTRAL SERVICES   |            |   |  |
| Date: 17 July 2008               | Ref: TG/RM |   |  |

1. **Purpose of Report**

The purpose of this report is to advise Members of the response submitted on behalf of the Council to the Scottish Government Consultation on aspects of the operation of Community Councils.

2. **Background**

2.1. At a meeting of the Corporate Services Committee on 15 May 2008 consideration was given to a report advising of the receipt of a consultation paper on certain operational matters pertaining to Community Councils and, in particular, to a model draft Scheme of Establishment for Community Councils and to a draft Code of Conduct for Community Councillors.

2.2. Given that the date of the next meeting of this Committee was after the deadline for submission of comments to the consultation, it was agreed that authority be delegated to the Head of Central Services, following consultation with the Convener, to submit a response to the consultation paper.

2.3. As a consequence of this consultation paper it was also agreed at that time to defer the Council's proposed quadrennial elections for Community Councils later this year.

3. **Proposal**

In response to the questions posed in the consultation paper, and following consultation with the Convener, a copy of the response submitted to the Scottish Government is appended as an Appendix to this report.

4. **Corporate Considerations**

There are no adverse financial, legal or property corporate implications arising from this report.

5. **Recommendation**

That the Committee note the submission of the response to the Scottish Government consultation on the draft model Scheme for Establishment of Community Councils and on a draft Code of Conduct for Community Councillors as detailed in the Appendix to this report.

  
Head of Central Services

Should any Member require further information please contact Tom Gaffney on Ext. 2342.

## CONSULTATION ON DRAFT MODEL SCHEME FOR COMMUNITY COUNCILS

In response to the Consultation Paper on the Model Scheme for Community Councils and the Draft Code of Conduct for Community Councillors I would comment as follows:-

Question 1 – Agree

Question 2 – Agree with the introduction of a framework for the creation and operation of Community Councils, however the matter of support should be left to individual Local authorities to determine.

Question 3 – Satisfied

From inception of Community Councils in 1975 there has been no periodic review of the framework arrangements regulating their operation in Scotland. The continued applicability of the core arrangements requires to be tested, where necessary updated, and made consistent to reflect political, societal and demographic changes in Scotland over the past 30 or so years.

Question 4 – Neither difficult nor easy.

The ability of Community Councils to “connect” with their communities is influenced by the commitment, background and expertise of their members. It must be remembered that Community Councils are voluntary, part-time organisations whose ability to accurately reflect all sections of their community will be influenced by available time, financial and logistical constraints. Community Councils should take all reasonable steps to reflect the comments and opinions of communities, however to require this to be “essential” to their operation is not practicable.

Question 5 – Satisfied

The adoption of a Model Constitution is welcomed. It supports a consistency of approach that will supplement properly structured and regulated Community Councils. However, there should be scope for minor variation to reflect local circumstances.

Question 6 -- Agree

Question 7 – This is a matter which is kept under review by the Local Authority.

Question 8 – This is a matter which is kept under review by the Local Authority.

Question 9 – Disagree

Unlike Community Council boundaries, Local authority ward boundaries do not always reflect the often unique nature of settlements and communities. Since the inception of the larger multi-member wards there have been a few problems where Community Council boundaries cross over local authority constituencies, however in the circumstances this is considered to be the lesser of two evils.

Question 10 – The membership of Community Councils should be determined by local authorities and be dependent upon local circumstances and be capable of review to reflect democratic changes.

Question 11 – Local Authority

Question 12 – Yes

Question 13 – Option 3

Question 14 -- Option 1

Question 15 – Strongly oppose

The "first past the post" method of election is considered to be the most appropriate system of operation for Community Councils for reasons of expediency and simplicity. The complexity of calculation, the time and cost involved does not make STV practicable in these circumstances.

Question 16(a) – secret postal ballot – strongly oppose

To apply the absent voter process for Community Council elections would require personal identifiers for all electors, rather than the current arrangements whereby only those who select to vote by post require to register for such a facility.

Question 16(b) – common election day – support

It is considered that the identification of a common day for Community Council elections throughout Scotland would focus attention on elections and might encourage greater participation and public coverage.

Question 17 – Not exceeding 50%

Question 18 – Agree

Question 19

The North Lanarkshire Council Scheme for Community Councils when last reviewed specifically incorporated a requirement to encourage representation from young persons of not less than 16 years of age, subject to those persons not exceeding 25% of the total number of persons co-opted.

Question 20 – Yes

Question 21

A quorum of one third from the elected membership should be the required minimum for meetings to be held.

For Annual General Meetings the month of October is proposed as this is most likely to coincide with the quadrennial election month and at which the appointment of office bearers is normally made.

Question 22 – Agree

Question 23 – No comment

Question 24 – Oppose

The imposition of standards, such as those imported by the Ethical Standards legislation for members of Local Authorities, is appropriate in cases in which there are significant executive powers, particularly in the holding of significant budgets, but it is not appropriate in such cases as Community Councils where the budgetary responsibility is relatively very small and the role is, principally, advisory. From that it follows that there is no question of enforcement of standards and it is not necessary to identify a body to enforce standards etc. It should, however, be left to individual Community Councils to monitor and police their own standing orders regarding the conduct of meetings etc.

Question 25 – See answer to Q. 24

Question 26 – See answer to Q. 24

Question 27 – See answer to Q. 24

Question 28 – See answer to Q. 24

Question 29 -- See answer to Q.24

Question 30 -- See answer to Q. 24