

## REPORT

To: CORPORATE SERVICES COMMITTEE		Subject: NORTH LANARKSHIRE COUNCIL SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS - CONSULTATION EXERCISE
From: HEAD OF CENTRAL SERVICES		
Date: 27 July 2010	Ref: TG/EH	

### 1. Purpose of Report

The purpose of this report is to (1) advise the Committee of the arrangements that have been undertaken in relation to the consultation exercise associated with the review of the North Lanarkshire Council Scheme for Community Councils; (2) bring to the Committees attention details of the submissions that have been received, and (3) make recommendations in light of those submissions.

### 2. Background

2.1. At a meeting of the Corporate Services Committee on 21 May 2009 consideration was given to a report advising Members of the publication by the Scottish Government, Cosla and the Association of Scottish Community Councils, of a model Scheme for Community Councils together with associated documents and a Code of Conduct for Community Councillors, copies of which were attached as a series of Appendices to the report.

2.2. It was noted that to a considerable extent the new proposals reflected the arrangements which were already in place in the existing Scheme, however there were a number of areas which could supplement the North Lanarkshire Scheme, and it was agreed that these should be incorporated into the draft Scheme for the purposes of the consultation exercise.

2.3. The Committee agreed that public notice should be given of the proposals contained in the Draft North Lanarkshire Scheme for Community Councils and that comments be invited from the public, Community Councils, elected Members and other interested parties.

### 3. North Lanarkshire Council Draft Scheme for Community Councils – Summary of Submissions

#### 3.1. Councillor Paul Welsh

Councillor Welsh suggests that a condition be included in the scheme prohibiting an individual who has been discharged as being a bankrupt from serving on a Community Council.

He has also indicated concerns over the ability of any one family grouping or their friends and associates, being able to establish a Community Council and possibly to dominate membership.

**Comment:** With regard to incorporating a condition into the Scheme prohibiting a discharged bankrupt from participating in a Community Council, difficulties may be encountered in prohibiting individuals who have been

the subject of this form of action from participating in this type of public activity.

The current Scheme requires any candidate for appointment to a Community Council to be on the current electoral register for the area and does not impose any restriction or control on family, friends, neighbours etc. from participation on a Community Council. At present there are numerous instances where family, friends, neighbours etc. participate in the activities of their local Community Council and it is considered impractical to develop guidelines to control such a situation, even if it were considered desirable to do so.

### 3.2. **Bellshill Community Council**

Bellshill Community Council have suggested that it should be compulsory for local Councillors, MPs, MSPs and MEPs to attend meetings of Community Councils.

Furthermore as Community Councils comprise of volunteers they submit that it is impractical in many instances to produce and circulate to all members a minute of a meeting within seven days and suggest that this should be extended to 14 days.

**Comment:** Given the time constraints and other commitments on elected Members, MPs, MSPs and MEPs who may have numerous Community Councils in their constituencies, it is not considered feasible, nor is it within the power of the Council, to compulsorily require them to attend each and every Community Council meeting in their area.

With regard to the proposal that the period for the production and the circulation of Community Council minutes be extended to 14 days it is considered that this proposal is constructive and is worthy of support.

### 3.3. **Chryston Community Council**

Chryston Community Council have suggested that only local authority Councillors should receive agendas, notices and minutes of meetings and this practice should be not extend to MPs, MSPs and MEPs as this is considered an unnecessary expense.

The Community Council also indicate that they anticipate difficulty in producing and circulating minutes of meetings within seven days as their members are volunteers and have other commitments on their time.

The Community Council have also advised that it supports the proposal that will enable Community Councils to amend their Constitution, subject to subsequent consideration by and approval of North Lanarkshire Council.

**Comment:** In the interests of democracy, fairness and the sharing of information the proposal to exclude MPs, MSPs and MEPs from the requirement to receive agendas, notices and minutes of Community Council meetings is not supported. Furthermore the costs associated with this are already included in the grant aid provided by this Council.

As indicated previously the proposal to extend the period for circulating minutes of meetings beyond the seven days stated in the draft scheme is considered worthy of support.

The Community Council's comments in relation to the arrangements for alterations to the individual Constitution of a Community Council are noted.

#### 3.4. **Kilsyth Community Council**

The Community Council suggest that Community Council boundaries should incorporate their surrounding area so as to ensure that all areas are covered.

With regard to the arrangements for dissolution of a Community Council they suggest that only those monies that have been provided by North Lanarkshire Council should revert to it.

In relation to draft Model Constitution the Community Council has suggested an addition to paragraph 3.2 that "agents or relevant individuals" be included among the bodies to whom the Community Council can express its views.

Paragraph 14.3 of the draft Constitution relates to the authorised signatories who may sign cheques on behalf of the Community Council and requires them to be "office bearers", the Community Council propose that this be altered to "would normally be office bearers".

**Comment:** The North Lanarkshire Scheme extends to all parts of North Lanarkshire and accordingly any hinterland, wherever it may lie, will be included within the boundary of one Community Council or another.

With regard to the inclusion of "agents or relevant individuals", at paragraph 3.2 of the Draft Constitution, this paragraph relates to the general objectives of a Community Council and should not be interpreted as a restriction on the persons to whom a Community Council can make contact or express views and therefore no change is needed. .

At present where a Community Council is dissolved, all assets, financial or otherwise, minute and account books, financial records etc. are returned to the local authority. At present this Council provides an annual financial grant to each Community Council and, by and large, this forms the main source of income for the majority of Community Councils. Accordingly there could practical difficulties in distinguishing between assets which have been funded by the local authority and assets from other sources. In the circumstances it is proposed that the status quo be retained.

With regard to the widening of the scope from whom Community Council signatories could be drawn from it is considered that this responsibility should remain amongst the duly appointed office-bearers of the Community Council and this is consistent with other responsibilities that are normally associated with these offices.

#### 3.5. **Moodiesburn Community Council**

Moodiesburn Community Council have suggested that with regard to the arrangements for the dissolution of a Community Council that only those assets which can be identified as has been given by the local authority should be returned to it and that other assets donated by the community or from other sources should be dispensed with by the Community Council at its last meeting.

**Comment:** As stated above at present where a Community Council is dissolved all assets, minute books, account books and records etc. are returned to the local authority and for reasons previously stated no change is proposed

### 3.6. **Newmains and District Community Council**

Newmains and District Community Council sought clarification as to the level of quorum for Community Council meetings and whether this applied to elected Members only or to all members, including co-opted or associate members.

The Community Council also sought clarification as to the number of associate members that could be appointed to the Council in terms of the new proposals.

With regard to the number of co-opted members, the Community Council suggests that paragraph 7.9 of the draft Scheme be amended in order to make clear that the number of co-opted members should not exceed a third of the total membership.

**Comment:** The Community Council have been advised that the level of quorum relates only to the elected membership of the Community Council and not to total membership.

The appointment of any associate members by a Community Council are in addition to the membership figures quoted in Appendix 2 of the draft scheme and while there is no fixed upper limit on the number of such members, it is expected that this would be proportionate to the actual membership of the Community Council. It may be the case that the appointment of an associate member may be for the duration of a Community Council, ie. four years or, alternatively, a Community Council may decide that any appointment may be for a shorter period in order to address a particular issue which has arisen.

With regard to the suggested amendment to paragraph 7.9 with regard to the ratio of co-opted members to total membership this is considered worthy of support.

### 3.7. **Salsburgh Community Council**

Salsburgh Community Council have submitted a detailed response which incorporates comments and poses a number of questions in relation to the Draft Scheme.

The Community Council enquire who, in cases of breach of the Code of Conduct for Community Councillors, will take action against the Member and what actions will be adopted in such cases.

With regard to arrangements for holding the Annual General Meeting and the submission of an annual report and financial accounts to this Authority by a particular date, the Community Council identifies a number of problems in complying with this and ask what action will be taken against a Community Council who fail to comply with this.

With regard to the requirement to send to local authority Councillors, MPs, MSPs and MEPs copies of agendas, notices and minutes etc., the Community Council enquires who will fund the expense associated with this.

Currently Community Councils are required to make available in public libraries and other public buildings copies of minutes of meetings and the Community Council enquire whether this is necessary, given that North Lanarkshire Council publishes on its website copies of Community Council minutes.

The Community Council seek clarification on the nature of representations which can be made to the local authority or other public and private agencies on matters for which they are responsible or are of local interest.

In relation to the Draft Code of Conduct for Community Councillors the Community Council point out that there may be instances where a conflict of interest might arise due to Community Council member involvement on other groups or organisations and point out that any conflict may not be apparent to Community Council members.

They also point out that North Lanarkshire Council, and other public bodies, detail publicly all appointments of elected Members in the form of a public record and enquire whether Community Council members' appointment or involvement to other bodies should be minuted and whether this should occur at the first meeting after an AGM with subsequent additions/alterations being reported to the Community Council and being duly minuted.

The Community Council also submit that as their members are volunteers and have other commitments it might not be possible to meet the requirement to produce and circulate a minute of a meeting within seven days and enquire whether any action will be taken against any Community Council who fail to comply with this.

**Comment:** In relation to the content of the Code of Conduct for Community Councillors it is proposed that the draft Code, as detailed in Appendix 3 of the consultation document, be adopted by Community Councils and that upon appointment to a Community Council, either as an elected member of a co-opted member, a Community Councillor be asked to affirm that they agree to abide by its contents. With regard to the arrangements for monitoring conduct, the hearing of submissions and appeals and the possible imposition of sanctions, it is considered that this should be done by the individual Community Council having regard to all of the local facts and circumstances.

The arrangements for holding AGMs etc are identical to the ones that have existed from the inception of the original North Lanarkshire Scheme and no insurmountable difficulties have been experienced hitherto. No sanctions have been considered necessary as there have been no issues thus far however should a Community Council fail to comply with the terms of the Scheme the matter may require to be reported to the Council for appropriate action.

With regard to the comments relating to the circulation of Minutes, Notices etc. to Local Authority Councillors and elected representatives, the proposals contained in the draft scheme reflect the current arrangements and no change is proposed. The costs associated with the circulation of Minutes etc. are included in the grant that is provided by the Council.

In relation to those organisations to whom representations can be made by Community Councils, it is considered that the objectives of Community Council as detailed in the Scheme and Constitution deals with this and therefore no change is required.

The comments relative to the Code of Conduct and the necessity for a Public Record/Register of Interests are salient, however it is considered that the arrangements for this should be left to each Community Council to consider and implement having regard to all local facts and circumstances.

In relation to the proposal to circulate Minutes within 7 days of a meeting, as indicated previously the comments are considered worthy of support.

### 3.8. **Sunnyside Community Council**

Sunnyside Community Council have requested that their Council be renamed to Central Coatbridge Community Council as in their opinion this would better reflect the area they represent.

**Comment:** The current Community Council name is the one that was designated by the former Monklands District Council but the Committee are invited to give consideration to this request.

### 3.9. **Townhead Community Council**

The Community Council enquire who will initiate action under the Code of Conduct for Community Councils and whether there will be a right of appeal against decisions.

With regard to the arrangements for dissolution, the Community Council consider that all assets provided by North Lanarkshire Council should be returned to it, however for assets provided from other sources, these should be donated by the Community Council to like minded charitable bodies and that an asset register be established which identifies sources of assets/funds for this purpose.

**Comment:** In relation to the content of the Code of Conduct for Community Councillors and its application, as indicated previously it is proposed that individual Community Councils will apply the code having regard to all the facts and circumstances

With regard to the arrangements for dissolution and the retention of assets, as indicated above, it is recommended that these should be returned to the Council.

### 3.10. **Village Community Council**

The Community Council refer to paragraph 2.2 of the draft scheme and seek clarification as to the “recognised consultative mechanisms” by which Community Councils are required to validate their views and to devise strategies to secure greater involvement by all sectors of the community.

With regard to paragraph 3.2 of the Scheme, in so far as it relates to the Code of Conduct for Community Councillors and the possible suspension for failure to abide by it, the Community Council seek clarification on who decides upon suspension and whether there is any duration of such a suspension.

With regard to arrangements for quadrennial elections the Community Council seeks clarification of when in the fourth year these are likely to be held.

**Comment:** In relation to the arrangements for Community Council consultation with their communities it is proposed that each Community Council should develop their own arrangements having regard to their own circumstances.

With regard to the application of the Code of Conduct, as indicated above, it is proposed that each Community Council would apply its own standard having regard to the individual facts and circumstances.

With regard to the arrangements for the quadrennial elections it is proposed to retain the current wording so as to provide some discretion to the Returning Officer to make the necessary arrangements.

### 3.11. Individual Representation

A submission has been received from an individual querying the arrangements by which Community Councils encourage new members to participate in their business and suggesting that a condition should be included in the Scheme requiring a Community Council to increase awareness of its activities in order to encourage participation of its community. Furthermore it is suggested that an officer of North Lanarkshire Council should attend all Community Council meetings to ensure that rules are being adhered to and minutes recorded accurately. Furthermore it is proposed that Community Councils should have e-mail addresses for easy communication for those unable to attend meetings and Community Councils should be made aware they must uphold Data Protection legislation and be aware of how it applies. In addition it is suggested that Community Council members should only be able to serve a fixed number of terms as a Community Councillor or as an Officer Bearer.

**Comment:** With regard to community participation and awareness of Community Council affairs, paragraph 2.2 of the draft Scheme emphasises the necessity for Community Councils to put in place consultative mechanisms to secure the engagement of all sectors of the Community.

In relation to the suggestion that an Officer of NLC attend all Community Council meetings, it is considered that this would be an unnecessary intrusion into the affairs of these autonomous statutory bodies. At present this Council provides a professional support service to Community Council and hitherto there have no requests from Community Councils for this arrangement to be altered.

With regard to the proposal that Community Councils should have e-mail addresses and abide by Data Protection requirements, this in the main already exists and a considerable degree of communication is carried out via this medium

In relation to imposing a requirement on Community Councils that Office – Bearers serve for a number of fixed terms, it is considered that this is best left to individual Community Councils to determine.

## 4. Corporate Considerations

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

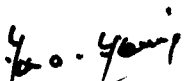
## 5. Recommendations

5.1. The Committee are asked to agree:-

- that the period for the production and the circulation of Community Council minutes be extended to 14 days;
- that the draft Code of Conduct for Community Councillors, as detailed in Appendix 3 of the consultation document, be adopted by Community Councils and that upon appointment to a Community Council, either as an elected member or a co-opted member, a Community Councillor be asked to affirm that they agree to abide by its contents. With regard to the arrangements for monitoring conduct, the hearing of submissions and appeals and the possible imposition of sanctions, that this be done by individual Community Councils having regard to all of the local facts and circumstances;
- to paragraph 7.9 of the proposed Scheme relating to co-opted members be amended to clarify that the ratio applies to the total membership of the Community Council, and
- that the request to change the name of Sunnyside Community Council to Central Coatbridge Community Council be noted and consideration be given to that request;

5.2. That the content of the report be otherwise approved, and

5.3. That in terms of the statutory arrangements for adoption of the North Lanarkshire Scheme for Community Councils, that the revised Scheme, as duly amended, be advertised and comments sought on the proposed Scheme prior to final adoption.

  
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Should any Member require further information please contact Tom Gaffney on 01698 302342