

REPORT

To: CORPORATE SERVICES COMMITTEE		Subject: COMMUNITY COUNCIL SHORT-LIFE WORKING GROUP: RECOMMENDATIONS
From: HEAD OF CENTRAL SERVICES		
Date: 15 January 2013	Ref: JAF/IL	

1. Purpose of Report

1.1 The report advises the Committee of an invitation, received from the Scottish Government, to comment on principles and recommendations formulated by a short-life Community Council Working Group which was established by the Scottish Government to look at the operation of Community Councils in order to inform future policy development in this area and strengthen the role and relevance of Community Councils in their communities, and seeks homologation of action taken to submit a timeous response.

2. Background

2.1 The Scottish Government established a short-life Community Council Working Group to look at the operation of Community Councils with a view to informing future policy development and strengthening the role and relevance in their communities of Community Councils. That Working Group has formulated and agreed 8 principles and 15 specific recommendations. The Working Group has, in addition, identified four areas where no consensus within the Working Group could be reached. The 8 principles are detailed in Appendix 1 to this report and the 15 recommendations of the Working Group are detailed in Appendix 2. As comments were sought by 18 January, following consultation with the Convener comments, as detailed in this report, have been submitted.

3. Principles

3.1 The 8 principles are, generally, considered to be acceptable and appropriate subject to the observation that the implied criticism in principle 6 – that support structures to enable Community Councils to undertake wider roles within the community as a matter of course appear to be inconsistent over Scotland – fails to take account of the differing sizes and resource capabilities of individual local authorities. Given those differences, it would be expected that there could be differences in approach among the 32 Scottish Councils with regard to Community Councils.

3.2 The request was made, also, that the principles be ranked in order – and the order in which it is suggested they be prioritised is 3; 2; 7; 8; 4; 5; 1; and 6.

4. Recommendations

4.1 The 15 recommendations agreed by the Working Group are grouped under the following headings: (1) Value and Esteem of Community Councils; (2) Devolvment of Responsibility; (3) Working in Partnership; (4) Accountability; (5) Representation; (6) Training; (7) Support and Communication; (8) Individual Liability and (9) Contested Elections.

- 4.2 Grouped under the heading Value and Esteem of Community Councils are recommendations 1, 2 and 3. Recommendation 1 proposes that local authorities work in partnership with Community Councils to seek the views of communities – and, while full account requires to be taken of the role and responsibility of individual local authority members as duly elected community representatives, it is right that local authorities also work in partnership with Community Councils. There is, however, more difficulty in the remainder of this recommendation and, while full respect should be accorded to and account taken of views and recommendations of Community Councils, local authorities in taking decisions on public services and in matters of spatial planning require to take into account also all other relevant factors.
- 4.3 With regard to recommendation 2 it is considered appropriate that Community Councils be represented on and, thus, have the opportunity to play a significant role in community planning structures. It is, however, not considered appropriate that Community Councils be charged with identifying appropriate groups to represent specific community views for the purpose of community planning. It requires to be appreciated that community planning requires to take account of the views and interests of communities other than geographical based communities and it is considered that the identification of appropriate representatives of the range of community views should be undertaken from the full spectrum of information available to local authorities.
- 4.4 The third recommendation proposes that local authorities provide Community Councils with constructive feedback on the their representations and, while the merits of this are clear, it requires to be borne in mind that local authority resources are becoming increasingly scarce and that a requirement to provide feedback in each instance might not produce best value. It is accordingly suggested that each instance should be considered in its own merits subject always to any Community Council having the right to approach a local authority in any instance in which it is considered that feedback would be useful.
- 4.5 Under the heading of “Devolution of Responsibility” the recommendation is that local authorities work with Community Councils to explore areas of local authority work Community Councils could manage, deliver and influence and work together to agree parameters to allow this to happen. It is considered appropriate that local authority decisions be informed by the views of Community Councils – and, to that extent, that Community Councils have the opportunity to influence areas of local authority work. Having regard to the principles, however – and, in particular, the principle that the unique role of a Community Council is as a representative group rather than the provider of services – it is not considered that this recommendation is appropriate. There are instances in which local circumstances make it appropriate that Community Councils provide specific services – but there can be many other circumstances in which the burden of doing so would be debilitating rather than empowering. It is, accordingly, not considered appropriate to support recommendation 4 as a general recommendation.
- 4.6 Under the heading “Working in Partnership”, recommendation 5 proposes that local authorities work with their Community Councils to discuss, develop and mutually agree Community Councils’ expectations and role including that role when developing the Community Plan – and that these are publicly recorded. It is considered that this recommendation is appropriate – clarity of role and the identification of realistic expectations can only be positive factors in the relationship between Community Councils and local authorities.
- 4.7 Under the heading “Accountability” are two recommendations – that for the need of an enforceable model code of conduct for Community Councils and that for the requirement that each local authority appoint an officer with suitable seniority to ensure that Community Council work and working relationships is appropriately progressed at local authority level. It is considered that both recommendations are appropriate.

- 4.8 Under the heading “Representation” are three recommendations - recommendations 8, 9 and 10. No difficulty can be seen with recommendation 9 – that each local authority provide each Community Council with a demographic profile of the community. There is more difficulty, however, in appreciating the relevance of recommendation 8 which appears to relate to the links between local authorities and minority/equality/disability networks and local authorities’ equality obligations. It is, however, considered appropriate that Community Councils be aware of and be enabled themselves to establish links to minority/equality/disability networks and, with regard to recommendation 10, it is considered appropriate that Community Councils be encouraged and supported to engage with relevant organisations and groups in their local area to raise awareness of what they do and to seek a diverse range of views on issues.
- 4.9 Under the heading “Training” the sole recommendation – recommendation 11 – is considered appropriate.
- 4.10 Under the heading “Supporting Communication” are two recommendations – recommendation 12 relating to the provision of a national interactive portal providing a central information site on issues pertinent to Community Councils and recommendation 13 encouraging Community Councils to engage, communicate and network in a wide range of different ways. Both recommendations are considered appropriate.
- 4.11 Under the heading “Individual Liability” the recommendation confines itself to developing and sharing good practice across the country. It is considered here that the recommendation might go further and investigate the legal position of Community Councils and their members in relation to contract, property etc.
- 4.12 The final heading was “Contested Elections” – and recommendation 15 in that connection is considered appropriate.

5. **Areas Where No Consensus Was Reached**

- 5.1 The Working Group could reach no consensus on
- The decision of the Association of Scottish Community Councils to close
 - Whether there is a national desire for Community Councils to have control of specified local budgets
 - Whether there is a national desire for Community Councils to have tax raising powers similar to those of English Parish Councils
- and
- Whether the current legal definition on the general purpose of a Community Council remains fit for purpose.
- 5.2 It has not been identified that the decision of the Association of Scottish Community Councils to close has had any adverse effect in North Lanarkshire. Similarly no evidence has been identified that there is a national desire for Community Councils to have full control of specified local budgets or tax raising powers. With regard to the current legal definition of the general purpose of a Community Council, the recent consultation exercise on North Lanarkshire Council’s Scheme for Community Councils attracted no critical comment on the current definition.

6. **Recommendation**

- 6.1 It is recommended that the Committee note the consultation on the Community Council Working Group report and recommendations and homologate the action taken in submitting the foregoing comments.


Head of Central Services

Members seeking further information on the contents of this report are asked to contact John Fleming, Head of Central Services on Extension 2228.

Generally Agreed Principles

1. That the programme of work already undertaken including the Model Scheme; Code of Conduct; and Good Practice Guidance provide a robust foundation on which to build and develop.
2. That the diversity of Scotland's Community Councils, currently undertaking a variety of roles within communities and with different needs; priorities; and expectations must be recognised when developing policy.
3. That the unique role of a Community Council is that of a statutory community representative group and that this important key role should remain paramount and be utilised as matter of course by the wider public sector.
4. That fundamental to the relevance of Community Councils is that their place as the only statutory community representative is respected and validation given to the work that they undertake.
5. That under current legislation Community Councils are able to undertake wider roles within the community and it does not preclude many innovative, forward thinking Community Councils from expanding their horizons to meet the needs and aspirations of their communities.
6. That support structures to enable this to happen as a matter of course, however, appear to be inconsistent over Scotland.
7. That to impose legislative duties on Community Councils, which comprise of volunteers, may be counterproductive in that it may discourage wider involvement or force those already involved to leave as the role may become burdensome.
8. That any proposals which may require legislative change should be to remove barriers and challenges which may stifle involvement in or with Community Councils.

Specific Recommendations

1. That local authorities validate the work of Community Councils by working in partnership with them to seek the views of communities; giving them greater influence on decisions on public services which are demonstrated to be representative of the community view; and giving more weight to their representations in spatial planning.
2. That as a matter of course, through a suitable forum, Community Councils have a principal role in Community Planning Partnerships by identifying the most appropriate group to represent specific community views for the purpose of community planning.
3. That local authorities provide Community Councils with constructive feedback on how their representations are used, and if they are not used, the reason for this – for example in their representation of views in their statutory consultee role in planning and licensing.
4. That local authorities work with their Community Councils to explore areas of local authority work that they mutually agree Community Councils could manage; deliver; and influence, and work together to agree parameters to allow this to happen.
5. That local authorities work with their Community Councils to discuss, develop and mutually agree the expectations of Community Councils, including their role when developing the community plan, and that these are publicly recorded.
6. That the need for an enforceable Model Code of Conduct for Community Councillors, with an independent and simple enforcement and appeals mechanism is further explored.
7. That the expected role of a local authority in supporting its Community Councils, including the remit of the CCLO, is publicly available and that a local authority official with suitable seniority is identified to ensure that both the Community Council work and working relationship is appropriately progressed at local authority level.
8. That local authorities work in partnership with Equality champions/leads in health boards, police etc to promote and raise awareness of links to minority/equality/disability networks and research as well as relevant legal obligations so that Community Councils are supported and clear of their requirements and have the information to allow them to engage appropriately with all groups within their community.
9. That as far as possible, each local authority provide their Community Councils with a demographic profile of the community they represent to help them reach into their communities to deepen and broaden the information on community priorities which informs their work.
10. That Community Councils are encouraged and supported to engage with relevant organisations/groups in their local area to raise awareness of what they do and in an attempt to seek a more diverse range of views on issues.
11. That a national level induction pack is available to all Community Councillors, including model training modules relevant to Community Council activity and required training standards for delivery at local level, including a way to instil amongst Community Councils a sense of responsibility to undertake training.
12. That a national interactive portal providing a central information site offering and signposting support and guidance on issues pertinent to Community Councils be developed.

13. That Community Councils are encouraged and supported to engage, communicate and network in a wide range of different ways, including digitally and via various social networking mediums to enable them to embrace a wider community audience.

14. That good practice developed across the country is shared to support and strengthen Community Councillors' role as contributors to the design and delivery of public services/asset managers and to further minimise the risk of personal liability faced by Community Councillors.

15. That there is continued drive aimed at the community and Community Councils for contested Community Council elections.