
Report To:	Inverclyde Council	Date:	1 December 2022
Report By:	Corporate Director Education, Communities & Organisational Development and Head of Legal & Democratic Services	Report No:	LS/106/22
Contact Officer:	Peter MacDonald and Tony McEwan	Contact No:	01475 712618 01475 712828
Subject:	Review of the Scheme for the Establishment of Community Councils in Inverclyde		

1.0 PURPOSE AND SUMMARY

1.1 For Decision For Information/Noting

1.2 The purpose of this report is to seek a formal resolution of the Inverclyde Council to review the Scheme for the Establishment of Community Councils in Inverclyde.

2.0 RECOMMENDATIONS

2.1 It is recommended that the Inverclyde Council resolves to formally commence a review of the Scheme for the Establishment of Community Councils in Inverclyde.

Iain Strachan
Head of Legal & Democratic Services

Ruth Binks
**Corporate Director Education,
Communities & Organisational
Development**

3.0 BACKGROUND AND CONTEXT

- 3.1 The current Scheme for the Establishment of Community Councils in Inverclyde (the Scheme) was adopted by the Inverclyde Council on 14 April 2011. The Council is required from time to time to review the Scheme in terms of Section 53 of the Local Government (Scotland) Act 1973 (the Act), having regard to changing circumstances and to any representations made to them. A decision to formally commence such a review process must be by resolution passed by not less than two-thirds of the members voting thereon at a Council meeting specially convened for the purpose.
- 3.2 Officers confirmed in a report to the 20 September 2022 meeting of the Policy and Resources Committee their view that it is appropriate that a review be conducted at this time. At the meeting, the Committee remitted to the Head of Legal and Democratic Services to bring this report to a special meeting of the Council, recommending a formal review be commenced.
- 3.3 A review of the Scheme will consider both the current Community Council areas and the terms of the Scheme itself which, amongst other things, contains provisions on:
- maximum and minimum memberships;
 - co-option and limits on co-option;
 - minimum meeting requirements;
 - elections; and
 - model Standing Orders and Constitution.

It would not be appropriate to make recommendations on possible changes to the Scheme at this time as consultations with both the Community Councils and the communities in general have not been completed. There will be a further report to the Council in due course with such recommendations.

- 3.4 Inverclyde Council Communities Team arranged a facilitated workshop on 16 November with the current members of the Community Councils. This workshop provided feedback and training to establish local training needs, support and assistance to help create a pathway for new Community Council members.
- 3.5 A digital consultation completed on 28 November 2022 which provides a baseline of the format of meetings in the future, recruitment of new members and support to ensure annual accounts are verified and provided to allow release of grants.
- 3.6 The Scottish Government have produced Good Practice Guidance which covers, the process for such a review, and officers will take account of this guidance. The guidance is available on the Scottish Government Website at <https://www.gov.scot/policies/community-empowerment/community-councils/>. This guidance also contains a model scheme on which the current Inverclyde Scheme, and a number of other Council's schemes, are based. Officers understand that a review of this model scheme may be under consideration, however as no concrete timeline has as yet been produced for such a review, and having regard to the period since the last review of the Inverclyde Council Scheme and the desire to stimulate interest in those parts of Inverclyde that do not at this time have an established Community Council, it is therefore the view of officers that a review should proceed at this time.

4.0 PROPOSALS

- 4.1 If the recommendations in this report are approved, Officers will commence a formal review process. An indicative timeline, taken from the Best Practice Guidance referred to above, is included in appendix 1. This should be seen as indicative only, as the time taken for review will

vary from case to case depending on, among other things, the level of consultation responses received, and the nature of any changes required.

- 4.2 Elections for Community Councils are due in September 2023, and it is hoped to complete a review that time. If that is not possible, or if the September 2023 date clashes with other electoral events, then a report will be brought to the Policy and Resources Committee nearer the time with recommendations regarding the election process.
- 4.3 As a first step, a formal notice will be published indicating the intention to amend the existing Scheme and make a new Scheme for the establishment of Community Councils and inviting public comment on the areas and composition of Community Councils. The consultation period here is a minimum of 8 weeks.
- 4.4 In addition to the facilitated workshop and the digital consultation, it is proposed that population profiles should be undertaken to establish the number and demographics of the current Community Council boundary areas.
- 4.5 In addition to feedback received in the consultations and workshop set out above, officers will also have regard to existing locality planning arrangements in Inverclyde.
- 4.6 On completion of the consultation, the population profile and the workshop development session, a further report will be brought to the Council with recommendations on any changes proposed in relation to areas and composition.

5.0 IMPLICATIONS

- 5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO	N/A
Financial			X
Legal/Risk	X		
Human Resources			X
Strategic (LOIP/Corporate Plan)	X		
Equalities & Fairer Scotland Duty			X
Children & Young People's Rights & Wellbeing			X
Environmental & Sustainability			X
Data Protection			X

5.2 Finance

Any costs arising from the recommendations in this report will be contained within existing budgets.

5.3 Legal/Risk

In terms of Section 53 of the Local Government (Scotland) Act 1973:

- the Council is from time to time required to review the Scheme;
- a decision to review the Scheme must be by resolution passed by not less than two-thirds of the members voting thereon at a Council meeting specially convened for the purpose;
- should the Council in due course consider the Scheme needs amended, it must give public notice of its proposals, inviting any Community Council concerned and the public to make representations on same; and

- in reaching a decision on any amendment to the Scheme, the Council must consider the terms of any such representations received.

5.4 Human Resources

None.

5.5 Strategic

The Inverclyde Local Improvement Outcome Plan encompasses the Community Empowerment (Scotland) Act 2015 and the Inverclyde Community Learning and Development 3 year plan has Community Empowerment as a key strategic priority. Supporting and engaging Community Councils is key to achieving this priority. The Community Empowerment (Scotland) Act 2015 gave rights to community bodies and duties to public sector authorities, and as the most local tier of statutory representation in Scotland, Community Councils bridge the gap between local authorities and communities and help to make those authorities aware of the opinions and needs of the communities they represent.

6.0 CONSULTATION

- 6.1 The Corporate Management Team have been consulted on the terms of this report.
- 6.2 The proposals set out in the body of this report have been discussed with the Community Council Champion.

7.0 BACKGROUND PAPERS

- 7.1 Scottish Government Model Scheme and Good Practice Guidance - <https://www.gov.scot/policies/community-empowerment/community-councils/>

Appendix 1 – Guide Timetable for a Review of a Council’s Scheme for the Establishment of Community Councils

This table is taken from the Scottish Government document “Good practice guidance for Local Authorities and Community Councils”. As indicated in the body of the report, this timeline will vary depending in level of community response and any changes ultimately proposed.

<u>DATE</u>	<u>EVENT</u>	<u>DESCRIPTION</u>
1. Month 0	Special Council Meeting. Both areas and composition and draft Amended Scheme and associated documentation.	As part of a report on the current Scheme of Community Councils, Council to consider a recommendation to amend the existing Scheme and make a new Scheme for the Establishment of Community Councils.
2. Month 0	(2) Publish Public Notice. Areas/Composition.	Give public notice of the Council’s intention to amend the existing Scheme and make a new Scheme for the Establishment of Community Councils. Period of 8 weeks
3. Month 3	Special Council Meeting. Areas/Composition.	Council to consider suggestions from the first consultation period and agree a Draft Amended Scheme for consultation.
4. Month 3	(3) Publish Public Notice. Draft Amended Scheme and associated documentation.	Give public notice of the Council’s Draft Amended Scheme. Period of 8 weeks.
5. Month 6	Special Council Meeting Draft Amended Scheme and associated documentation.	Council to consider suggestions to the Draft Amended Scheme and agree a final Draft Amended Scheme for consultation.
6. Month 6	(4) Publish Public Notice. Both.	Give public notice of the Council’s final Draft Amended Scheme for the establishment of Community Councils. Period of 4 weeks.

7. Month 10	Special Council Meeting. Both.	Council to consider suggestions to the final Draft Amended Scheme; alter if required; and formally approve the Amended Scheme.
8. Month 11	(5) Publish Public Notice. Establishment Process/Notice for currently non-established Community Council areas.	Give public notice of the Council's Amended Scheme; and invitation to electors to apply for establishment (where there is no Community Council currently in existence).