

REVIEW OF THE SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

1.0 EXECUTIVE SUMMARY

The report sets out the feedback received from the first phase of consultation on an amended Scheme for the Establishment of Community Councils. This follows on from the agreement of the Policy and Resources Committee, on 17 August 2017, to commence a consultation and endorsing the timescales for the review period, and also the previous agreement of Council on 18 May 2017 that the new Scheme should contain provisions to apply sanctions to any community council or community councillor found to be in breach of the Code of Conduct.

The feedback received is largely minor although 2 boundary changes have been suggested by one community council. Commentary from the Governance and Law Service has been prepared in response to the feedback which either recommends inclusion into the draft amended Scheme for the Establishment of Community Councils, or suggests why the matters raised would be inappropriate to progress. This has been collated into a spreadsheet attached as Appendix 1. Appendix 2 contains specific recommendations for the Council to consider in framing the amended Scheme.

There are 2 suggestions made in terms of progressing the review. The first (Option 1) is that the recommendations contained at Appendix 2 are approved and as the matters suggested for progression are of a minor nature, the Council may wish to proceed to give notice of a final draft Scheme, omitting a second stage consultation (although noting that a period of public notice, with time to raise objections, is required). Alternatively, the Council may wish to consider Option 2 to proceed with a second stage consultation (between 8th December and 2nd February 2018, in accordance with the approved timescale). This would result in feedback from Stage 2 being presented to Council in the form of a final draft Scheme in February 2018 and thereafter, public notice with a further period of time for feedback also being required.

Eleven community councils contributed their views on the proposals, with evidence from minutes so far received of a further 12 having discussed the matter and supporting the proposals. This represents a return rate of 41% although we have many community councils who meet quarterly and who are likely to have distributed the consultation to their members with an invitation to feedback any views either directly to the Council or via an office-bearer who would collate any responses and submit these.

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2.0 INTRODUCTION

- 2.1 Stage one of the consultation on the Review of the Scheme for the Establishment of Community Councils concluded on 19 October 2017. The feedback received is included as Appendix One to this report with commentary provided from Governance and Law as to which matters ought to be included in a draft amended Scheme. Appendix 2 contains specific recommendations for consideration.

3.0 RECOMMENDATIONS

- 3.1 To note the feedback received during phase one of the consultation and resolve to either:
- (a) Progress the review to a second stage consultation based on the suggested amendments contained within Appendix one, and summarised in Appendix 2; noting that the process outlined at recommendation (b) will still require to be followed, with a minimum period of 4 weeks' notice being given at the appropriate time; or
 - (b) Agree with the recommendations outlined in Appendix 2 and on the basis that these are minor amendments, instruct the Executive Director of Customer Services to give public notice of the amendments to the initial proposals, inviting further representations to be submitted within a 6 week period which will take account of the holiday period.
- 3.2 Should recommendation 3.1(b) be the favoured option, it is recommended that where there are no proposed amendments to the final draft scheme by the end of the period of notice, the Council will consider this to be the approved Scheme for 2018-2022 and will delegate authority to the Executive Director of Customer Services to give notice of the new Scheme with an implementation date of 26 April 2018 which will coincide with the election date outlined in the consultation timetable.

4.0 DETAIL

4.1 The first phase of consultation took place between 24 August and 19 October 2017 following approval from the Policy and Resources Committee on 17 August 2017 to commence a consultation on a new Scheme. The draft Scheme also featured a process for applying sanctions per the Council decision of 18 May 2017. Feedback received during this consultative period is attached at Appendix one to this report together with commentary from Governance and Law and evidence suggests that a further 12 community councils discussed the proposals and offered no objection or suggested revisions. This represents a response rate of 41%.

4.2 While a number of minor issues have been proposed, two boundary changes have been suggested by Oban Community Council. Feedback on the boundary proposals are contained within Appendix one but to summarise the proposals are to:

Alter the existing boundary between Oban and Kilmore Community Councils to move Oban Auction Mart within the Oban CC boundary;

and

Alter the boundary between Oban, Dunbeg and Connel Community Councils to include an area which is subject to planning permission in principle entirely into the Dunbeg Community Council boundary.

4.3 Not all suggestions are recommended for progression, irrespective of this, feedback has been provided by the Governance and Law Service. This feedback will also be published on the review page of the Council's website.

4.4 The Council should consider the feedback at Appendix one, and the recommendations on the amendments suggested as part of the review at Appendix 2, before resolving how to progress the review.

5.0 CONCLUSION

5.1 The first phase of consultation raises some boundary review requests but otherwise picks up some minor proposals to the amended Scheme. Depending on which of the recommendations at Appendix 2 the Council wishes to progress, it may be possible to go straight out with a final draft Scheme. This would involve giving public notice of amended proposals and a period for any comments or concerns to be raised and reported back to Council. It is suggested that this be a period of 6 weeks to take account of the holiday period.

5.2 A second option would be to carry out a second stage of consultation over a period of 8 weeks, in accordance with the previously agreed

timetable. The feedback would then be incorporated into a final draft Scheme for adoption in February 2018. A further period of notice would require to be given of the final draft Scheme of at least 4 weeks.

6.0 IMPLICATIONS

- 6.1 Policy - None
- 6.2 Financial - None
- 6.3 Legal - None
- 6.4 HR - None
- 6.5 Equalities - None
- 6.6 Risk - None
- 6.7 Customer Service - None

Executive Director of Customer Services
Policy Leads - Councillors Currie and Colville
30 October 2017

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APPENDICES

Appendix 1 – Consultation feedback including commentary from the Governance and Law Service

Appendix 2 – Summary of recommendations