

Community Council Review 2018					
Note of all responses from Community Councils - Phase 2					
Community Council	Document / Area	Location / Identifier	Proposed Amendment	Rationale / comments	Feedback
Dunoon CC	Scheme	13	To remove Section 13 from the final approved amended Scheme	<p>At a meeting held on 8th January 2018 Dunoon Community Council unanimously resolved to oppose the proposed new "Scheme for the Establishment of Community Councils in Argyll and Bute 2018". Our principal objection is to Section 13 - Complaints Against Community Councils. Firstly, we would point out that no such procedures have previously existed in the 45 years in which Community Councils have been in existence. We are unaware of any serious incidents of misconduct by Community Councils in the Argyll and Bute Area during this period. The grounds for complaint include breaches of the Code of Conduct for Community Council Members. This Code is couched in highly subjective terms, phrases such as "respect" and "leadership" are used throughout. In addition, there is heavy emphasis in all governing documents of the duty of the Community Council to ascertain the opinions of the local community. Clearly, complaints could be made on any of those grounds which were merely attempts to suppress the views of the public as represented by the Community Council. The Community Council has a statutory duty to ascertain and reflect such public views. It is therefore unacceptable that a Procedure should exist which places Community Councils and Community Councillors at a disadvantage in so doing. It would appear totally wrong that a Community Council or individual Councillor could be punished</p>	<p>Community Council have been required to adopt a process for dealing with complaints since 2009 when it was included in the National Model Scheme and adopted in terms of the local Scheme and adopted locally. The proposals to progress this towards a sanctioning process came by request of the Minister for Local Government and Housing in a letter dated 19 January 2017 to each local authority. The letter requested that when reviewing their local schemes, consideration be given to introducing a robust complaints procedure and sanctions. This was on the basis that the Minister considered that "With the increasing emphasis on community empowerment it strikes me that it is important community councils and community councillors should be accountable for their actions and that there is an appropriate system of redress for complaints." While community councils and councillors are voluntary, most volunteers will require to adhere to certain standards and are accountable should they fail to meet those, either by disciplinary action or by dismissal from the body with which they are associated/engaged by. Community councillors, as elected representatives</p>

<p>Dunoon CC (continued)</p>				<p>for expressing views which an individual member of the public could express with impunity. Of particular concern is the possibility that the Complainant would be Argyll and Bute Council itself or an individual acting on their behalf. Public opinion might be highly adverse to some policy of the Council or its implementation thereof. The Council might therefore be resentful that the Community Council had, as it is legally bound, reflected public opinion. As this would involve the whole Community Council the complaint, as detailed in Section 13, would be considered by the Conduct Review Panel. This Panel would be established by A&BC Community Council Liaison Officer. It's composition as detailed in Section 13.8 " A Panel shall consist of 3 elected members of A&BC's Regulatory Cohort plus two members of Community Councils within the Argyll and Bute Council Area to which the complaint does not relate. The Panel will have a quorum of three. Only Panel members present for all meetings in relation to a complaint can vote on the decision on that complaint". Therefore in a complaint against the Community Council raised by Argyll and Bute Council, Argyll and Bute Council would in effect be acting as both Judge and Jury. This would represent a flagrant breach of natural justice. This is especially serious as amongst the punishments concerned could be the abolition of the Community Council which was accused. It is also noted that Section 13 does not provide any details as to how the Panel would function. Would the accused be present at the Panel Hearing and be able to make submissions or to be legally</p>	<p>have a governance framework to comply with and, in the same way that other democratically appointed representatives are held to account where they fail to uphold the code of conduct applicable to them, it is quite right that where there is a considered breach then there is a mechanism to pursue this. In the comment regarding a complaint made to suppress views of the community, it is a requirement that robust measures are in place to gauge views. Whether the views are obtained through a meeting, a ballot, a questionnaire, or other method of engagement, it is not be unreasonable to expect the outcome to be contained within a minuted decision. It is therefore difficult to uphold a complaint that a community council are not representative if there is a form of evidence to back up their position. Indeed, in the example given that community councillors are disadvantaged from expressing a view, the code is clear on this. Community councillors may offer personal opinions but in doing so must make the explicit distinction between the expression of your personal views and opinions from any views or statement made about or on behalf of the community council. The concerns expressed as regards the council, or an individual acting on behalf of the council in taking forward a complaint against a community council would not arise. It would be a breach of the legal principle</p>
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Dunoon CC (continued)				<p>represented for that purpose? Would they be entitled to cross-examine witnesses or those that have accused them? Again, this would appear to be a further breach of natural justice. It is also noted that no Right of Appeal is mentioned. Obviously there would be a common law right to judicial review although for the accused this would be an expensive and prolonged process. Even if such provisions were never applied we feel that their very existence would serve to impair the willingness of Community Councils to reflect the views of the community if those views were thought likely to upset the Local Authority and it would also discourage people from becoming Community Council members in the first place. In considering all of the above it should be remembered that Community Councils have no statutory power, do not normally employ people, operate on a very restricted budget and that unlike Local Authority Councillors, Community Councillors are unpaid. It is therefore difficult to see why such draconian provisions are required.</p>	<p>about fairness and the council would not be in a position to pursue a complaint as they cannot promote their own interests when handling others' affairs. Nor would there be an intention to prevent a CC from expressing critical views about the Council, if those views are the views of the community. Proposals in regard to the specific operation of a Complaints Review Panel are not yet know, this would preempt a decision of the council and will only be worked up if a decision to include a sanctioning process in the final scheme has been made. Any arrangements put in place will be consistent with the law. Providing community councils do reflect the views of their communities and uphold the principles of the code of conduct and terms of the standing orders then they have nothing to fear in terms of the proposals suggested. The role of the Council's CCLO will continue to be to support and guide community councils in terms of the governance framework.</p>
Kilmore CC	n/a	n/a	n/a	<p>The Kilmore Community Council supports the A&B Council recommendation that the boundary remains unchanged for the following reasons:</p> <ul style="list-style-type: none"> • Kilmore Community Council and surrounding community identify with its historic boundary. • The residents of Lerags are concerned about any movement of the boundary towards their Glen which may remove the community council as a statutory consultee. • Any boundary changes will result in the loss of some 	

Kilmore CC (continued)	n/a	n/a	n/a	<p>of the more diverse nature of the area. E.g. the industrial areas.</p> <ul style="list-style-type: none"> • Kilmore Community Council believes it would be able to embrace any changing nature of the area brought about by developments within the local development plan. • Possible developments within the current boundary to include more residential areas would enhance our community and make it more viable and vibrant. E.g. a larger residential and industrial area would expand the potential pool of expertise from which the community council could draw from for the benefits of all. • Kilmore Community Council has a good relationship with the industrial sites within its boundary and has worked with Moleigh facility to resolve issues. • Kilmore Community Council feels able to represent its area as an effective statutory consultee and would work closely with neighbouring community councils. <p>In summary, Kilmore Community Council opposes any changes to its boundary which will be perceived as detrimental to the community and a potential loss for community development.</p>	It is not proposed that any boundary changes are made in the final amended Scheme
Convener of Bute CC	Scheme	n/a	n/a	<p>The Convener reviewed the documents in full, conveyed her thanks to the council for the feedback provided at stage one of the consultation and was pleased to note the proposals for the sanctioning of community councils/councillors were still included, commenting that in her opinion these were to be welcomed.</p>	n/a
Strachur CC	Scheme	n/a	n/a	<p>no comments to make other than to express our approval of the lowering of the age threshold for CC membership to 16</p>	n/a