

**STAGE 2 FEEDBACK: AMENDED SCHEME FOR THE ESTABLISHMENT OF
COMMUNITY COUNCILS IN ARGYLL AND BUTE**

1.0 EXECUTIVE SUMMARY

Stage 2 of the consultation on the Review of the Scheme for the Establishment of community councils in Argyll and Bute commenced on 8 December 2017 and concluded on 19 January 2018. This report invites the Council to consider a proposal received during the consultation phase to amend their final draft amended Scheme, and to agree on a final amended Scheme which it is suggested be implemented on 26 April 2018.

Appendix 1 to the report contains detail of 4 responses received, one of which proposes to alter the final draft amended Scheme by removing section 13. For the reasons set out in Appendix 1, it is recommended that the request to amend the final draft amended Scheme be rejected and that the documents contained at Appendix 2 be endorsed, from 26 April 2018 in order to coincide with community council elections, as the final amended Scheme.

In terms of the Local Government (Scotland) Act 1973, a decision to amend a scheme 'shall be by resolution passed by not less than two-thirds of the members voting thereon at a local authority meeting'.

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2.0 INTRODUCTION

- 2.1 Stage 2 of the consultation on the Review of the Scheme for the Establishment of Community Councils concluded on 19 January 2018 with 4 responses being received, one of which proposes an amendment. The Council, in terms of the Local Government (Scotland) Act 1973, must consider the proposed amendment to the final draft of the amended Scheme, alter, if required; and formally approve an amended Scheme.

3.0 RECOMMENDATIONS

That the Council:

- 3.1 notes the proposed amendment to remove section 13 from the draft final amended Scheme and, for the reasons set out in Appendix 1, agrees not to remove this section from the final amended Scheme; and
- 3.2 passes a resolution, by not less than two-thirds of the members voting thereon at this meeting, that the Scheme and associated documents attached at Appendix 2 be formally endorsed, as of 26 April 2018, as the final amended 4 year Scheme for the Establishment of Community Councils in Argyll and Bute.

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 process on an amended Scheme. The draft Scheme which was consulted on featured a process for applying sanctions, as recommended by the Minister for Local Government and Housing and endorsed by Council on 18 May 2017.
- 4.2 The Council approved a final draft amended Scheme at their meeting on 30 November 2017 and agreed at that time to enter into a 6 week consultation on the proposed final draft amended Scheme.
- 4.3 The second phase of consultation took place between 8 December 2017 and 19 January 2019. Four responses were received, the terms of which are outlined in Appendix 1 (together with commentary from Governance and Law). Only one of the responses received proposes alterations to the final draft amended Scheme and it is recommended that this proposal be rejected on the basis of the

feedback provided.

- 4.4 The final draft amended Scheme and associated documentation, which were subject of consultation at phase 2, and approved by Council on 30th November 2017, are attached as Appendix 2 to this report. Should the Council agree to reject proposal to amend section 13, it is recommended council that these documents be endorsed as the final amended Scheme, to come into effect on 26 April 2018 in order to coincide with the election date for community councils. In accordance with the legislative requirement, any resolution to pass an amended scheme must be passed by not less than two-thirds of the members voting thereon.
- 4.5 Should the amended Scheme not obtain the required support it would be necessary to run the elections on 26 April 2018 on the basis of the existing Scheme and consequently only those aged 18 or over would be eligible to stand for election.

5.0 CONCLUSION

- 5.1 There is only one proposed amendment to the Council's final draft amended Scheme. Council must consider the proposal and feedback; determine whether to alter its draft amended scheme in line with the proposal **or** endorse the documents at Appendix 2 as the final amended Scheme; and instruct officers to give notice of the date which the amended Scheme will take effect. It is suggested that this be 26 April 2018 to coincide with community council elections.

6.0 IMPLICATIONS

- 6.1 Policy – None, proposals are consistent with policy.
- 6.2 Financial –The cost of holding elections cannot fully be determined until it is established which elections will be contested. It is expected that these will be contained within the current elections budget.
- 6.3 Legal – The final scheme requires to be endorsed by 2/3rds of the members present and voting at the meeting to be passed. If not obtained, the existing scheme would continue to apply in terms of the 2018 elections.
- 6.4 HR – The election process will be carried out by existing staff and inaugural meetings will be conducted by Returning Officer staff during evenings so will be subject, where appropriate, to TOIL.
- 6.5 Equalities - None
- 6.6 Risk – Failure to obtain a 2/3rds majority in favour of an amended Scheme would mean that the existing scheme would continue to apply in terms of the 2018 elections.
- 6.7 Customer Service - None

Executive Director of Customer Services
Policy Leads - Councillors Currie and Colville
13 February 2017

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APPENDICES

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

Appendix 2 – Final Draft Amended Scheme and associated documents, as endorsed by Council on 30th November 2017.