

**TEMPORARY DEPARTURE FROM SCHEME FOR ESTABLISHMENT OF
COMMUNITY COUNCILS IN LIGHT OF COVID-19 PANDEMIC**

1.0 INTRODUCTION

- 1.1 The Council agreed a revised Scheme for the establishment of Community Councils which came into effect in April 2018. The Scheme sets out arrangements for meetings including frequency and Annual General Meetings, administration and office bearer periods office as well as consultation requirements which are impacted on by the national guidance and legislation in relation to the Covid-19 Pandemic. The Business Continuity Committee is therefore asked to agree a temporary departure from the Scheme to facilitate Community Council's in continuing to fulfil the important role of representing and supporting local communities at this time.

2.0 RECOMMENDATIONS

- 2.1 The Committee is asked to agree
- a) a temporary departure from the Scheme for the Establishment of Community Councils within Argyll and Bute as outlined at 3.1 in relation to Annual General Meetings, Meetings, Decision Making, and Membership.
 - b) that such departures will be kept under review and any requirement for further or revised measures will be subject to a further report to members.

3.0 DETAIL

- 3.1 The Council agreed a revised Scheme for the Establishment of Community Councils which came into effect in April 2018. The Scheme set out the arrangements for the operation and administration of Community Councils in line with legislation and national model frameworks. Given the current legislation and nation guidance on responding to the global Covid-19 pandemic there are a number of arrangements within the Scheme which cannot be adhered to at this time and therefore a temporary departure is proposed to enable to support

Community Council's in fulfilling their representative role. The proposed departures are as follows:

3.1.1 **Annual General Meetings (AGMs)**

Currently all community councils require to hold their AGMs prior to the end of June in each year for the purpose of receiving and considering the Convener's annual report, the submission and approval of the independently examined annual statement of accounts, the appointment of office-bearers and to set the annual meeting programme.

AGMs are linked to release of the administrative and discretionary grants that the council pay out. If AGM meetings cannot be held before the end of June then community councils will not be in a position to claim their grant money for financial year 2020/21.

Proposal:

- a. 2020 AGMs may take place at any time before 31 December 2020. Where government restrictions are still in place that prohibits meeting before the end of the year, that the 2020 AGM may be postponed and combined with 2021 AGMs.
- b. Administration and discretionary grants for financial year 2020/21 be released as soon as possible after 1 April 2020 (where meeting paperwork is up to date) or where paperwork is not up to date, as soon as the paperwork is brought up to date.
- c. Officer bearers who have held the same positions for 8 or more years are permitted to carry on in post until the next AGM is held, without specific approval of the council, to provide continuity to communities.

3.1.2 **Meetings**

Community Councils are expected to hold a minimum of 6 ordinary meetings each year where the electorate is above 600 or a minimum of 4 ordinary meetings of the community council where the electorate is 600 or less. Many of our community councils, in light of government advice, have understandably ceased holding their public meetings.

Proposal

That the minimum number of meetings per annum be lifted for 2020, on the understanding that regular patterns of meetings will recommence when current government restrictions on public gatherings are lifted.

3.1.3 **Decision Making**

Community councils are statutory bodies and need to reflect the views of their communities rather than their own personal views. For this reason they are required to have in place robust methods to engage with their communities. In terms of accountability they are required to hold meetings in public to discuss

issues affecting their communities with there being relatively few reasons to hold meetings in private session. While public meetings and gatherings are affected by government measures in relation to Covid-19 there may be matters requiring urgent response from community councils such as in response to planning applications. Where the method of engagement is through digital means such as email, website or social media then these views can continue to be sought.

Proposal

Where measures are in place to consult with communities, and there is an urgent need to conduct business, virtual meetings or consensus reached by email will permit a representative response to be submitted. Where it is impractical to have consultation conducted in such a way, community councils may discuss through virtual means or seek consensus by email but should be clear when submitting these responses that the views reflected are from their own members, having been unable to conduct wider community engagement while following government advice. There would be an expectation that record keeping of all decisions reached be kept and forwarded to the Community Council Liaison Officer and local ward members.

3.1.4 Membership

Prior to measures being put in place to restrict movement the Returning Officer had agreed a timetable for the 2020 interim elections however in light of subsequent restrictions on social distancing, the interim by-elections were postponed. The current Scheme outlines maximum membership levels are linked to electorate and also specifies arrangements for co-option in the event of membership vacancies. Co-option is on the basis of full voting rights, to a maximum of one third of the total membership of the community council, for a maximum of 2 years, or until the interim by-election, whichever occurs later.

Proposal

Where vacancies exist on a community council, the 1/3 rule regarding the maximum number of co-opted members be extended to permit up to ½ of members to be co-opted. This should allow community councils to manage their own vacancies up until when the postponed by-election can be re-scheduled.

4.0 CONCLUSION

This report seeks agreement to a temporary departure from the Scheme for the Establishment of Community Councils within Argyll and Bute to facilitate Community Council's in continuing to fulfil the important role of representing and supporting local communities at this time.

5.0 IMPLICATIONS

- 5.1 Policy - This is in keeping with the Council's commitment to manage its response to the Covid-19 pandemic in supporting the people and communities of Argyll and Bute and in adhering to national guidance.
- 5.2 Financial – none
- 5.3 Legal -. Community Councils are Statutory Bodies.
- 5.4 HR –None.
- 5.5 Fairer Scotland Duty:
 - 5.5.1 Equalities - protected characteristics – None
 - 5.5.2 Socio-economic Duty - None
 - 5.5.3 Islands - None
- 5.6. Risk – addresses risk associated with ensuring community resilience.
- 5.7 Customer Service – None

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