

**PROPOSAL TO AMEND THE SCHEME FOR THE ESTABLISHMENT OF
COMMUNITY COUNCILS IN ARGYLL & BUTE UNDER SECTION 53(1) OF THE
LOCAL GOVERNMENT (SCOTLAND) ACT 1973 AND PROPOSED
ARRANGEMENTS FOR COMMUNITY COUNCIL ELECTIONS IN 2022**

1.0 EXECUTIVE SUMMARY

This report seeks the agreement of the council in regard to amending the existing Scheme for the Establishment of Community Councils in Argyll and Bute by commencing an 8 week public consultation on a proposal for meetings to take place on a remote or hybrid basis (currently permitted in terms of a temporary arrangement agreed in May 2020 and further extended in February 2021).

In addition, it also seeks agreement for holding community council full elections in the Autumn of 2022, and an in principal agreement to hold a further, more detailed review, on the wider Scheme commencing in 2022 which would coincide with the introduction of a New National Model Scheme, as well the holding of the 2022 elections.

There is a legal requirement that a decision to review (and subsequently amend) a Scheme “shall be by resolution passed by not less than two-thirds of the members voting thereon at a local authority meeting specially convened for the purpose with notice of the object”. Most commonly the specially convened meeting would coincide with an existing meeting date but be called separately. The report sets out the anticipated dates that those special meetings might be required.

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2.0 INTRODUCTION

- 2.1 This report seeks approval by Council to:
- (a) Commence a review of the Scheme for the Establishment of Community Councils in Argyll and Bute in terms of S53(1) of the Local Government (Scotland) Act 1973 to incorporate provision for community council to meet by remote means, or on a hybrid basis.
 - (b) set a timetable for elections to community councils in the Autumn of 2022 (see Appendix 1); and
 - (c) agree in principal to conduct a further, more detailed, review of the local Scheme for the Establishment when the new National Model Scheme is introduced.

3.0 RECOMMENDATIONS

It is recommended that Council agree:

- 3.1 to launch an 8 week public consultation on a proposed amendment to the 2018 local Scheme for the Establishment of Community Councils 2018 to incorporate an alternative option for community councils to choose to meet remotely, or by a combination of remote and face to face, with any meetings held being open to the public, as in accordance with existing provisions within the local Scheme;
- 3.2 that the existing temporary departure regarding holding remote meetings continue until the outcome of the consultation can be considered by a specially convened meeting the Policy and Resources Committee on 9 December 2021.

- 3.3 to endorse the timetable for next year's community council elections, as set out in Appendix 1; and
- 3.4 in principle to conduct a more detailed review of the local Scheme when the new National Scheme is launched, noting that the anticipated timescales for this work to conclude would most likely see proposals coming before a specially convened Policy and Resources Committee on 17 February 2022.

4.0 DETAIL

- 4.1 Restrictions are changing with regards to the numbers of persons permitted to gather in public places. This will provide opportunities for community councils who have not been able to meet remotely since restrictions came into effect in March 2020 being able to resume their normal meeting schedules and hold their 2021 AGMs. However, an impact of this relaxation would be that the temporary measures put in place to allow community councils to hold meetings remotely should cease and meetings would require to be held in person, in accordance with the local Scheme.
- 4.2 While there remains some uncertainty going forward it would be advisable to consult with community councils, and the public, about putting in place a more permanent arrangement to allow for the continuation of remote meetings, or the possibility of hybrid meetings, where desirable. This will future proof the current Scheme for the Establishment of Community Councils should there be a need to reintroduce measures which restrict the number of in person public gatherings. It is also expected to be in line with the anticipated new National Model Scheme for the Establishment of Community Councils that is currently subject of reviewed.
- 4.3 It is suggested that the focus of review be restricted to the proposal to allow remote or hybrid meeting arrangements, in addition to the provision within the Scheme for face to face meetings. All meetings, however they are held, would require to be open to the public.
- 4.4 In terms of National Engagement Standards, a period of consultation on a proposed amendment to an adopted Scheme should not be less than 8 weeks. If approved, this would see the consultation taking place between 1 October and 26 November 2021. On this basis it is suggested that any feedback from the review be presented to a specially convened Policy and Resource Committee on 9 December 2021 (to comply with the legal requirement for a proposal to amend a Scheme being considered at a meeting specially convened for the purpose with notice of the object), and that the temporary departure relating to holding remote meetings continues until a decision on the proposed amendment.

- 4.5 While a Local Authority legally only requires to conduct a review of its Local Scheme for the Establishment of Community Councils from time to time, there is a requirement to conduct full community council elections in Argyll and Bute every 4 years. A timetable which avoids the Local Government Elections on 5 May 2022 is attached at Appendix 1 and it is recommended that the Council approve the timetable.
- 4.6 Although it is not a legal requirement to amend a Scheme prior to holding elections, in line with previous process followed, it is further recommended that to coincide with the potential for elections in October 2022, a full review of the wider Scheme be undertaken which would seek approval to revoke and replace the 2018 version of the Scheme with an amended version. With work ongoing to modernise the National Model Scheme it would seem appropriate to await this document prior to reviewing our local arrangements. The most recent indication is that this would be expected in December 2021. On this basis it would be anticipated that the earliest opportunity to bring forward proposals to amend the Scheme would be at the Policy and Resources Committee scheduled for 17 February 2022, or Council on 24 February 2022. Again, any proposals would need to be considered at a local authority meeting specially convened for the purpose with notice of the object.
- 4.7 An indicative timetable for the review process would be as follows:
- 17/24 February 2022** – Report seeking approval to amend the local Scheme for the Establishment of Community Councils in Argyll and Bute is presented.
- 8 week consultation period commences no later than **25 February 2022**
Consultation period closes **22 April 2022**
- Report on phase one consultation to be brought to the first meeting of the new council – **May 2022 (tbc)**
- Phase 2 consultation commences not later than **3 June 2022**
8 week consultation period closes **29 July 2022**
- Final proposals to Committee **August 2022/September 2022 (not later than 22 September 2022)**
- 4 week public notice provided with an implementation date of **20 October 2022**

5.0 CONCLUSION

- 5.1 There is a need to future proof the existing local Scheme for the Establishment of Community Councils against the possibility of future restrictions having to be reintroduced on public gatherings in light of the ongoing pandemic and a consultation to this effect is necessary prior to making a permanent amendment to the existing scheme. This course of action is recommended to Council.

- 5.2 There is a further requirement to hold full community council elections in 2022. A timetable with an election date of 20 October 2022 is recommended to Council for endorsement.
- 5.3 Prior to those elections taking place, a more detailed review of local arrangement for the Establishment of Community Councils in Argyll and Bute should take place. With the National Model Scheme currently being reviewed, the suggestion is that this review be held off until the new Model Scheme is introduced. This is anticipated later this year but in line with committee schedules and the potential for delay, a further report will be brought forward in February 2022, on the basis of the timescales outlined in paragraph 4.7 of this report.

6.0 IMPLICATIONS

- 6.1 Policy - None, all proposals are consistent with policy
- 6.2 Financial - Mainly within budget although any contested elections would require to be conducted by postal voting, which would have an associated cost. It is not possible to indicate the costs likely to be incurred, these will be dependent on the size of the electorate of the community councils involved.
- 6.3 Legal - Proposals to amend and the process for this is consistent with the provisions contained in the Local Government (Scotland) Act 1973
- 6.4 HR – Suggested consultations and elections will be conducted from within existing staff resources
- 6.5 Fairer Scotland Duty:
 - 6.5.1 Equalities - protected characteristics – There is a lower age of 16 for candidates, this is consistent with other electoral events in Scotland.
 - 6.5.2 Socio-economic Duty – Elections will be promoted both by the council and locally by community councils
 - 6.5.3 Islands - None
- 6.6 Risk – There is a chance that the National review does not complete in time. Options will be considered where this looks likely.
- 6.7 Customer Service - None

Executive Director with responsibility for Community Councils

Policy Lead for Communities – Councillor Mary-Jean Devon

8 July 2021

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APPENDICES

Appendix 1 – Suggested Timetable for Community Council Elections 2022