

**PROPOSAL TO REVIEW THE SCHEME FOR THE ESTABLISHMENT OF
COMMUNITY COUNCILS IN ARGYLL AND BUTE**

1.0 EXECUTIVE SUMMARY

The purpose of this report is to advise on revised timescales for the anticipated new National Model Scheme of Community Councils (National Scheme) and the impact these now have on the decision of the Council on 30 September to conduct a full review of the Scheme prior to community council elections taking place on 20 October 2022.

While the new National Model Scheme was initially expected to be available in December 2021, the revised timescales indicate this will be presented to Scottish Ministers by late January 2022. As a result, the first sight that officers will have of the document will not be until the end of February, and even then this may still be in draft format. Given this latest position it is recommended that Council give approval to go out to review based on the timetable at Appendix 1 of this report, and the proposals to revise the current version of our local Scheme for the Establishment of Community Councils (local Scheme) as at Appendix 2 of this report.

There is no legal requirement to frame a local Scheme based on the National Scheme but there would be benefit in this, particularly as the existing model document has not been reviewed since it came into effect in 2009, while our own local Scheme has undergone 2 full periodic reviews since then. In terms of the timetable suggested it is likely that a second stage consultation could reflect on the provisions of the new National Scheme.

In law, the decision to commence a review must be determined at a local authority meeting specially convened for the purpose with notice of the object. Any agreement to go out to review must also be by resolution passed by not less than two-thirds of the members voting thereon.

There are no financial implications for the council at this stage as there is no proposal to alter the existing grant levels or for commitment of any other expenditure.

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2.0 INTRODUCTION

- 2.1 This report updates the Council on revised timescales for receipt of the new National Model Scheme for the Establishment of Community Councils (National Scheme) and on the basis of updated position, seeks authorisation of the Council to progress with a more detailed review of the existing Scheme for Establishment of community councils in Argyll and Bute (local Scheme) based on the revised timetable outlined within Appendix 1.

3.0 RECOMMENDATIONS

- 3.1 That the Council agrees to commence a phase one consultation based on proposals to review the current Scheme for the Establishment of Community Councils in Argyll and Bute and that this is taken forward in accordance with the timescales and documents contained within Appendices 1 to 4 of this report.

4.0 DETAIL

- 4.1 When considering proposals for provision of remote and/or hybrid meetings within the current Scheme on 30 September 2021, the Council also agreed in principle that a more detailed review of the Scheme for the Establishment of Community Councils in Argyll and Bute would commence when the New National Model Scheme, which had been anticipated at the end of December, was received. This timescale has since been revised and the Improvement Service, who are working

with the Scottish Government, COSLA and other stakeholders, have advised that the intention is that the new National Scheme will be presented to Ministers in late January 2022. They have indicated that they hope to provide a copy of this (in either approved or draft format) at the next Community Council Liaison Officer meeting. Indications are that this will be held in late February although no date has yet been proposed.

- 4.2 While officers had anticipated being in a position to use this to frame our next local Scheme, there is no legal or other requirement that a local authority should base a local Scheme on the National Model Scheme. There would, however, be clear benefits in terms of a more consistent, national based approach to community council governance and the current, as well as previous versions of the local Scheme, have all been closely aligned to the 2009 model National Scheme. Prior to this there was no such model Scheme, the framing of a Scheme was a matter for each local authority to determine, subject to provisions in the Local Government (Scotland) Act 1973.
- 4.3 With the need to conduct a full review prior to adopting either an amended or new Scheme, there would insufficient time to await the new National Scheme and adhere to required timescales of a review process against an election date of 20 October 2022. On this basis it is recommended that a first phase of consultation takes place based on proposals to revise the existing local Scheme in accordance with appendices 2 to 4 of this report. Similar to the recent review to include provision for remote meetings within the current scheme, the consultation will be open to all and will be promoted directly with community councils, and to the wider public, via the council website and social media channels. Unless there are further slips in the timescales for the new Model Scheme it should be possible to review content of this document and consider including any provisions into the phase 2 consultation. A full timetable, taking account of the relevant law and recommended best practice that will underpin the review is attached as Appendix 1 to this report.
- 4.4 In terms of the proposed revisions within the appendices to this report, these do not seek to amend existing boundaries, composition of community council membership or grant levels. The changes seek to tighten up on rules for co-opting members; allowing a period of absence; timing of resignations; setting of a fixed financial year to tie into the preparation of annual accounts, and their approval at an AGM; and consistency of election rules and membership requirements. Changes to the Best Practice Guidance are to provide sound governance arrangements as more groups and organisations move towards online banking.
- 4.5 In accordance with the legal requirements, a decision of the local authority to review 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.

5.0 CONCLUSION

5.1 The attached documents set out a clear process for the consultation phases required in terms of the Local Government (Scotland) Act 1973. The Council are invited to endorse the consultation documents, noting the requirements for a majority of at least 2/3 to support the proposal for review, which will form phase one of a public consultation to commence on 25 February 2022.

6.0 IMPLICATIONS

6.1 Policy - None

6.2 Financial - There is no proposal at this stage to increase the level of grant awarded to community councils although it is feasible that this will be requested as part of the consultation responses received.

6.3 Legal – Proposals are consistent with the Local Government Act (Scotland) Act 1973

6.4 HR – None, the review will be conducted from within existing staff resource.

6.5 Fairer Scotland Duty:

6.5.1 Equalities - protected characteristics - None

6.5.2 Socio-economic Duty - None

6.5.3 Islands - None

6.6 Climate Change - None

6.7 Risk - None

6.8 Customer Service - None

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APPENDICES

Appendix 1 – Timetable for Review

Appendix 2 – Proposed Revised Scheme for the Establishment of Community Councils in Argyll and Bute

Appendix 3 – Proposed Revised Best Practice Guidance for Community Councils in Argyll and Bute

Appendix 4 – Boundary Maps

Appendix 5 – Grant Levels