

PROPOSAL TO REVIEW THE SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN ARGYLL AND BUTE: PHASE ONE FEEDBACK		Appendix 1
	Summary of Feedback	Comments (if any)
1.	As you know, I have been treasurer of Helensburgh Community Council for many years, having also previously been its chairman in the 1990s. I can see no good reason why the accounts cannot be submitted to one of the ordinary meetings of the Community Council, rather than just to the annual general meeting. After all, the quorum for the annual general meeting is the same as for an ordinary meeting. I feel that my proposal would make the conduct of Community Council affairs simpler without any negative consequences.	It is standard practice to submit annual accounts for any constituted group to the annual general meeting. This follows the existing National Model Scheme and would be expected to be included in any new version. This then ensures that anyone who has a particular interest in public spending, but not otherwise attend meetings on a regular basis, knows that accounts are scrutinised at the AGM. The proposal would remove this fixed annual date, would cause confusion for those who only attend the AGM to ensure due process is followed, and therefore is not recommended for inclusion in an amended version of the Scheme.
2.	My only concern is that if an AGM is to be carried out on-line that we have permission to submit the accounts at the meeting for approval by those who are present. As it stands, our accounts have not been scrutinised for 2 yrs by either the Council or formally by the community (though they have been presented and voted on by those attending the AGM on-line).	Providing the accounts are in some way available to the community (possibly included with the AGM agenda which should be displayed locally on a public noticeboard/displayed online or shared as a presentation at the online meeting) this would fulfil the requirement to make them available for public scrutiny. No change is necessary to the Scheme – community councils can put in place whichever of the options outlined about suit their own needs.
3.	We are in general content with the proposed changes. However in para 5 of the Best Practice Agreement, it suggests a minimum of one month for consultations. Many smaller CCs only meet every two months, and even here in	The minimum consultation period is one month but having looked at some of the recent consultations carried out, at least 50% of council led consultations lasted for 2 or more months.

	<p>Oban we don't meet in July or December. We would suggest that consultations should last at least two months.</p> <p>We note that you don't intend to look at boundary changes. We pointed out at the previous Review in 2017 that, particularly as Oban grows, our boundaries need revision.</p> <p>In particular the area to the south of the A85 at Dunbeg, ie the hill overlooking the village, should be within the boundary of Dunbeg CC. and to the south of Oban the whole of the Auction Mart area should be in Oban, not Kilmore.</p>	<p>However, there can be other factors which require a tighter response time and rather than extend the minimum timescale it would be preferable to encourage services, where possible, to have longer responses times.</p> <p>The question of boundaries between Dunbeg and Oban and Oban and Kilmore & Kilbride were raised in the 2018 review on the basis of planning concerns. At this time it was noted that a neighbouring community council putting forward a representation would be treated as a statutory consultee and therefore the council did not see the need to alter the existing boundaries. Kilmore Community Council (as they were known at the time) also commented that they supported the council view not to alter the existing boundary, citing that their surrounding community identify with its historic boundary and accordingly they did not wish this to change. With no case being made for the proposals suggested, it would be difficult to consult on the rationale for a boundary change but the suggestion, as proposed, can be included in the paperwork for the review which will allow those affected to forward a representation. Any representations received can then be fed back in when the final version of the amended Scheme is presented.</p>
4.	<p>Having considered the amendments to the Scheme for the Establishment of Community Councils in Argyll and Bute 2022, other than recommending a change of name of Strachur to "Strachur and District", which better reflects the wider area covered, we agree with all the proposed changes, including those affecting the Model Constitution and Standing Orders.</p> <p>We are also satisfied with the current Community Council boundaries and with the current administrative grant.</p>	<p>The name "Strachur and District" has been consulted on locally by Strachur Community Council, no objection has been received locally and therefore it is suggested that the name change be included in the 2nd stage proposals.</p>

5.	<p>I am concerned about issues relating to “casual vacancies” and co-options and publication of details of membership.</p> <p>My local community council website is frankly turgid ; there is no list of members ; minutes get posted erratically and unlike other community councils the details for attendance by Zoom have to be specifically requested rather than are posted.</p> <p>Would it be possible for A&BC to “host” details for meetings, membership & minutes?</p>	<p>There are currently no proposals for community councils being active online due to issues with connectivity throughout the council area.</p> <p>However community councils are required to post information about meetings locally on public noticeboards to keep communities informed. The council could put together a list of noticeboards used and display this on the community council webpage to signpost. Likewise, a list of members could also be included (noting the obligation on each community council to inform the council of any changes). Minutes are more problematic as the council generally receives these in draft format for the purposes of ensuring that the minimum number of meetings to access grants take place. The obligation is on each community council to retain their own signed minutes in perpetuity and make these available locally. It is recommended that no change is made to the Scheme but that staff explore options to signpost communities to membership lists and also to where to find relevant information locally, including agendas and minutes.</p>
6.	<p>change to remote and optionally hybrid meetings is supported for reasons of inclusiveness and accessibility</p>	<p>Noted. The provisions for remote and hybrid have been included in the new amended scheme and therefore no amendment is necessary.</p>
7.	<p>Despite informal advice from ABC that the views of different groups should be weighted (with local residents and businesses being the most important) it seems that approach is not used here. In some cases it has led to consultations that are less than transparent. Some believe it is done deliberately to skew the results in favour of business and against the view of the local resident population. No view is offered on this, it is simply an view which we have been made aware of.</p>	<p>Community councils are autonomous from the council, with the council providing the governance framework and support from a governance based perspective but they function independently and as such each community council is responsible for its own processes and decision making. We do give advice about representing majority views</p>

<p>The current clause 3.2 (page 3) of the Scheme of Establishment covers this</p> <p><i>“It is essential that these views are demonstrated to be representative of the community. Accordingly, the community council will have in place, in consultation with the local authority, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sections of the community.”</i></p> <p>Clearly this is designed to encourage gathering the widest possible range of views which is good, but it says nothing explicit about how to design consultations and interpret responses in cases where there may be competing views and there is a risk of local democracy being skewed. The Best Practice Agreement document is a bit vague on this. The National Standards document on which it is based is no better.</p> <p>We suggest that clause 3.2 of the Scheme (maybe other clauses too*) could be clarified – something like:</p> <p><i>“It is essential that these views are demonstrated to be representative of the community. Accordingly, the community council will have in place, in consultation with the local authority, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sections of the community. As broad a range of views as possible is the objective, but the community council’s primary accountability is to those who elect them so it should always approach informal soundings and more formal consultations with that in mind.”</i></p> <p>We suggest a new clause is added to the Best Practice Agreement under the section for Community Council Commitment / Community Engagement, after clause 2 (page 6). Something like</p> <p><i>When consulting with the community, as broad a range of views as possible is the objective. However, the community council’s primary accountability is to those who elect them, so to ensure transparency and balance any soundings, surveys and consultations should be approached with that in mind and the findings classified and weighted appropriately.”</i></p>	<p>and how surveys can be weighted but this is down to the decision maker to determine. There are no changes necessary to the Scheme to enable this. While it was anticipated that the new Model Scheme may well define “community” this document has still not been received and therefore the council could choose to amend section 3.2 of the Scheme per the suggestion. The suggested wording preserves the fact that “community” appears to be consistently applied throughout Scotland as being geographic communities (although as the author points out, there is currently no definition and therefore this is left open to interpretation). There is a concern that the wording proposed suggests only those over 16 can be represented as only those 16 and over will appear on the electoral register. This would contract the obligation on community councils specifically regarding youth involvement but the wording suggested could be tweaked to read “primary accountability is to those who elect them (or those under 16 who are resident within the catchment area of a primary and/or secondary school within the community council boundary) so it should always approach informal soundings and more formal consultations with that in mind.” This would be the recommended wording for the second phase of consultation.</p>
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