

	Summary of Feedback	Comments (if any)
1.	No Comment or observations to make (Taynuilt CC)	n/a
2.	<p>Helensburgh Community Council are happy to support the proposed changes, with one exception.</p> <p>The exception mentioned above is with regard to the administrative grant proposals. We note that the size of grant is determined by the number in the electorate, and are disappointed to see that a new and higher tier of grant for community councils with an electorate in excess of 10,001 has not been introduced. This would of course be of benefit to Helensburgh, and we note once again that per head of population Helensburgh Community Council continues to receive by far the lowest grant of any Community Council in Argyll & Bute.</p> <p>Although it was not part of the consultation, I should like to reiterate the point which I have made to you previously, namely that I can see no good reason why a Community Council's annual accounts can only be approved at an AGM and not at an ordinary meeting, particularly as the requirements for a quorum are the same for both types of meeting.</p> <p>I trust that these points will be considered</p>	<p>Without additional budget provision, an increase in the grant allocations cannot be accommodated. In terms of the scope to review the overall grant levels, the council pays (separate to the basic administration grant) a discretionary 10p per elector top up grant. The allocation of this was determined by political decision. If there is a political will to revisit how the discretionary fund is allocated then this can be taken forward outwith the review process.</p> <p>In regard to the second point, a response was provided at phase one explaining that the purpose was more about public awareness that accounts are traditionally approved at AGMs. Members of the public will often make effort to attend this once yearly meeting and it is therefore right to reserve the ability to scrutinise allocation of public funds. No changes are therefore recommended.</p>
3.	Amended proposals were discussed and supported by Strachur Community Council at their meeting on 15th June.	N/a
4.	<p>Page 3, Paragraph 3 “The Role and Responsibilities of Community Councils”</p> <p>Paragraph 3.2 Add an additional sentence - “As broad a range of views as possible is the objective, but the community council’s primary accountability is to those who elect them (or those under 16 who are</p>	There is no objection to the term “the electorate” being used rather “those who elect them”. In suggesting this, the author makes the point that this may place a duty on community councillors to prioritise the views

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.”

Phase 2 Proposed Amendments to the Argyll and Bute Best Practice Agreement

Summary of Proposed Amendments Page 6

Add an additional clause after paragraph 2 “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 (or those under 16 who are resident within the catchment area of a primary and/or secondary school within the community council boundary) 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. “

1. The phrase “those who elect them “ is rather clumsy and could be interpreted loosely as recommending a form of bias towards those who may support any one councillor rather than promoting a councillor’s broader duty to represent the views of the whole community. Subject to my comments below, if this amendment prioritising the views of the electorate over other community interest groups is progressed, I recommend a change from “*those who elect them* “to “*the electorate*“.
2. The amendments implicitly, if not explicitly, place a duty on community councillors to prioritise the views of the electorate over other groups within the local community. This will have consequences for how community councils operate. Community is referenced in other relevant examples of legislation and guidance as follows;

of the electorate over other groups, which is suggested is at odds with the role to represent the community and may lead to views being excluded. It is not considered that by highlighting a primary accountability to electors it would provide a mandate to ignore or dismiss other views as the Scheme needs to be taken in its entirety. What it adds is a reassurance that community councils can adhere to Scottish Government Guidance that community councils “need to secure the most positive results for the greatest number of local people” but also to “base their position on the views of or benefit to the majority”. We are fully aware of the restrictions on use of the edited (full) register but point out that the open register is available for public inspection. That said it is not suggested that this need form part of work on community engagement, more appropriately it would be open to community councils to ask the question as to the basis for the response, offering options such as resident, business owner etc. Training on community engagement is offered routinely during the term of community councils and the council also offer community engagement toolkits to help obtain views. On the point about the Best Practice Guidance, no objection is made to removing reference to weighing.

- | | | |
|--|--|--|
| | <p>a. The statutory purposes of community councils established under the Model Scheme are set out in Section 51 (2) of the Local Government (Scotland) Act 1973, as follows: "In addition to any other purpose which a community council may pursue, the general purpose of a community council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable".</p> <p>b. The Scottish Government guidance on the establishment of community councils states
"Community councils have a duty under statute to represent the views of their local community. It is vital therefore, that they reflect the broad spectrum of opinion and interests of all sections of the community."</p> <p>c. The duties of an Argyll and Bute Council (ABC) councillor include: "representing and meeting with the residents and interest groups within their ward and dealing with issues that they raise. In addition, councillors may attend <i>community council meetings and serve on forums through which local issues can be discussed between elected members, council officers and the wider community.</i>"</p> | |
|--|--|--|

An amendment to the effect that their "**primary accountability** is to those who elect them" narrows the definition from its use elsewhere and will, for example, allow community councillors to exclude the views of local businesses from any consultations if they so choose. While a broad range of views may be the

	<p>objective, this is now subject to a clear primary qualification criteria.</p> <p>3. Notwithstanding ABC are the sponsors of the model scheme and the amendments proposed, no guidance or discussion has been proffered in the draft for the need for the amendment nor how community councillors are enabled to identify this cohort [the “electorate”] within the wider community of respondents to a consultation. Regarding the latter, the natural answer would be by reference to the full or public electoral register. However the electoral commission web pages state in clear terms that the permitted use of the full register by community councils is limited in law to:</p> <p><i>A “community councillor, or a person employed or otherwise assisting a community council who has a copy of the full register [may supply a copy of it, or disclose or] make use of information contained in it for:</i></p> <p><i>the purpose of establishing whether a person is entitled to attend or participate in a meeting of the community council;</i></p> <p><i>for electoral purposes in relation to that council”</i></p> <p>[Source https://www.electoralcommission.org.uk/running-electoral-registration-scotland/access-and-supply-electoral-register-and-other-associated-documentation/restrictions-use-full-register]</p> <p>Should the amendment be progressed and for the benefit of local community councillors, I would recommend;</p> <p>1. ABC law officers deliver a legal opinion, on which community councillors may depend, stating whether or not the electoral register can be used for the purposes of identifying the status of each respondent to a community consultation. If, in law, it may not be so used, ABC must offer a solution as to how</p>	
--	---	--

	<p>community councillors can determine who is, or is not, part of the “electorate” in order that they may be seen to be complying with their duties under the model code, as proposed to be amended.</p> <p>ABC issue best practise guidance on what may or not be “appropriate” in the context of classification and weighting. If ABC is neither qualified or in a position to offer guidance on what may or may not be appropriate in various circumstances, this explicit requirement should be delete therefore and the amendment of “best practise” end at “with that in mind”, leaving community councils free to determine the appropriate actions for each consultation.</p> <p>(What is community councillors deem “appropriate” is always likely to be challenged by those of the community whose views are in the minority in any consultation, thus what is “appropriate” should be left to the community councils to determine at their sole discretion. It is the members of that council who are accountable to their electorate and this power to determine should be explicit in the best practise agreement.)</p>	
5.	<p>Having read through the proposed change to the recommendation for engagement with the local community (para 3.2) this will hopefully avoid the circumstances in December 2021 where a Community Council clearly did not act as a voice for the local area. Although in part what was due to 2 members not adhering to the Objectivity section of the Code of Conduct for Community Councillors.</p> <p>The lack of freely available minutes also begs the question who within Argyll and Bute Council is keeping an eye on adherence to the Best Practice guidelines and what enforcement action can be taken. Complaints are covered, as is dissolution, but not adherence?</p>	<p>Obligations in the Scheme are that community councils should send copies of their draft minutes to the council within 20 days of the meeting taking place (as well as displaying these on a local noticeboard). Where community councils do not adhere to this there is existing provision to withhold their administration grant until records are brought up to date. In terms of accessibility of previous minutes, it is the responsibility of the community council to retain signed copies of minutes in perpetuity.</p>