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**ARGYLL AND BUTE COUNCIL**

**POLICY & RESOURCES  
COMMITTEE**

**CUSTOMER SERVICES**

**11 AUGUST 2022**

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**FINAL PROPOSED AMENDED SCHEME FOR THE ESTABLISHMENT OF  
COMMUNITY COUNCILS IN ARGYLL AND BUTE – 2022/26**

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**1.0 EXECUTIVE SUMMARY**

Following agreement of the Council on 19 May 2022, a second phase of public consultation was carried out between 20 May 2022 and 15 July 2022 on additional proposals to amend the existing Scheme for the Establishment of Community Councils in Argyll and Bute, in accordance with section 53(1) of the Local Government (Scotland) Act 1973.

The Committee are invited to consider the feedback and commentary received in response to the phase 2 consultation (see Appendix 1) and agree the final amended version of the Scheme for the Establishment of Community Councils in Argyll and Bute for the next 4 year term (2022/26) and associated documents.

There is a legal requirement that a decision to amend a Scheme for the Establishment of Community Councils “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 called separately.

If the recommendation is approved it will be necessary to give a four week period of notice to the public of the final amended Scheme. Where there are further comments received during the period of notice it may be beneficial to delegate consideration of those responses, and a delegation for that is included in the recommendations. If further amendments are considered necessary, the Committee may wish a further report to be brought to the Council meeting on 29 September 2022 but otherwise, the amended Scheme should take effect from 20 October 2022 to coincide with the elections taking place on that date.

As with the phase one consultation, there are no implications for the council in terms of the suggested amendments as proposals to amend are consistent with the legal requirements to review an existing Scheme.

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**2.0 INTRODUCTION**

2.1 This report invites the Policy and Resources Committee to consider the feedback received following the recent 8-week public consultation to amend the current Scheme for the Establishment in Argyll and Bute (“the Scheme”) and invites the Committee to approve the Scheme attached at Appendix 4, as amended over the course of the 2 stage public consultation in line with Appendices 1, 2 & 3.

**3.0 RECOMMENDATIONS**

It is recommended that the Policy and Resources Committee consider the feedback received at Appendix 1 and agrees to:

- 3.1 approve the final proposed amended Scheme for the Establishment of Community Councils in Argyll and Bute for the term 2022/26; the amended Best Practice Guidance 2022/26; the boundaries for the community councils for term 2022/26; and the administration grant levels for 2022/26 (as set out in Appendices 4-7);
- 3.2 instruct officers to give the requisite 4 week period of notice of the newly amended Scheme; and
- 3.3 delegate consideration of any feedback received during the 4 week period referred to at recommendation 3.2 to the Executive Director with responsibility for Legal and Regulatory Support, in consultation with the Depute Policy Lead - Community Planning and Corporate Services. Subject to there being no material changes proposed from the feedback received, the newly amended

Scheme will come into effect as of 20 October 2022 to coincide with community council elections taking place on that date.

#### **4.0 DETAIL**

- 4.1 Phase two of the public consultation process was carried out between 20 May and 15 July 2022 on proposals which took account of representations received during the first phase of consultation (see Appendices 2 & 3). During this phase of consultation 5 responses were received regarding the revised proposed amendments to the Scheme. These are summarised in Appendix 1, together with feedback as to whether or not suggestions could or should be progressed.
- 4.2 While it had been intended that the ongoing review of the National Scheme for the Establishment of Community Councils could form part of the second stage proposals to amend our local Scheme, subsequent information was received indicating that the Scottish Government would not be making significant changes to the document at this time but that they will consider introducing legislative changes depending on the conclusions of the ongoing Local Governance Review. It is unclear what these changes may be and therefore also unclear whether the passing of legislation will impact upon local arrangements for community councils. At this point in the review this is something to be aware of but with the need to hold community council elections in 2022, the recommendation is that the Committee should conclude the review and implement an amended Scheme to coincide with the elections for the next 4 year term.
- 4.3 The Committee should note that while there are proposed amendments to the Scheme and Best Practice Guidance, the boundaries and administration grant levels remain unchanged. In terms of grant support, in addition to the administration grant, the council also pays a 10p per elector discretionary grant top up payment. This fund is separate from the current review but the budget line is available for the current financial year.

#### **5.0 CONCLUSION**

- 5.1 Having considered all feedback received during two phases of public consultation, the final proposed amended Scheme has been prepared and is submitted for approval along with the Best Practice Agreement, Boundaries for community councils (noting that these remain consistent with the boundaries from the last term 2018-22) and the administration grant levels (which also remain unchanged since 2018). If approved, a final 4 week period of notice requires to be given before they can take effect and it is suggested that the actual date of for these to take effect is agreed as being 20 October 2022, to link into the date of the associated elections.

#### **6.0 IMPLICATIONS**

- 6.1 Policy - None

- 6.2 Financial – None, grant levels tied to the Scheme remain unaltered.
- 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

**Douglas Hendry**

**Executive Director with responsibility for Community Council Governance**

18 July 2022

**For further information contact:** David Logan, Head of Legal & Regulatory Support, Kilmory, Lochgilphead – 01546 604322

## **APPENDICES**

Appendix 1 – Phase two Feedback

Appendix 2 – Summary of proposed amendments following phase one consultation (Scheme)

Appendix 3 – Summary of proposed amendments following phase one consultation (Best Practice Agreement)

Appendix 4 – Proposed final amended Scheme for the Establishment of Community Councils in Argyll & Bute

Appendix 5 – Proposed final amended Best Practice Agreement

Appendix 6 – Existing/proposed boundaries

Appendix 7 – Existing/proposed administration grant payments