

**REQUEST TO CONSIDER SUSPENDING THE CONSTITUTION OF
GARELOCHHEAD COMMUNITY COUNCIL**

1.0 EXECUTIVE SUMMARY

Garelochhead Community Council became inquorate in June 2024 following a number of resignations at their AGM. This left them with 3 members from a maximum of 16, far below the 50% membership threshold a community requires to remain quorate.

A by-election to encourage further members of the community to come forward, took place later that year although there were no candidates. In view of this the decision was made that they would be placed in a dormant state until such time as there may be sufficient local interest that may lead to a sustainable community council being formed. Garelochhead Community Council remains dormant.

Officers have been advised that none of the bank signatories are members of the community council, and despite requests from the ex-treasurer (and the Council's Community Council Liaison Officer) encouraging the 3 remaining members to become signatories and custodians of the bank account, this has not been agreed to.

This report suggests a way forward that will ensure those funds remain available for any future community council serving the Garelochhead community and recommends that:

- 1 - the committee to agree to suspend the constitution of the currently dormant community council for the Garelochhead area to allow the bank account of the community council to revert to Argyll and Bute Council to be held pending any future community council identified to represent that community; and
- 2- agree that the Executive Director with responsibility for Legal and Regulatory Support, and the Head of Legal and Regulatory Support become signatories to enable them to serve as custodians of the bank account.

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2.0 INTRODUCTION

- 2.1 This report invites the Committee to consider suspending the constitution of Garelochhead Community Council, which is currently sitting in a dormant state, on the basis that none of the 3 current members have agreed to act as custodians of the community council's bank account resulting in there being no local signatories who are members of the community council.

3.0 RECOMMENDATIONS

That the Committee agree:

- 3.1 to suspend the constitution of the currently dormant community council for the Garelochhead area to allow the bank account of the community council to revert to Argyll and Bute Council to be held pending any future community council identified to represent that community; and
- 3.2 that the Executive Director with responsibility for Legal and Regulatory Support, and the Head of Legal and Regulatory Support become signatories to enable them to serve as custodians of the bank account.

4.0 DETAIL

- 4.1 Following their June 2024 AGM, Garelochhead Community Council advised of resignations that would drop them below the 50% membership threshold. Attempts to encourage the local community to stand in a by-election did not identify any candidates, and the view expressed from the community was that although the by-election had been widely discussed there was no current

interest, it being difficult to find people willing to take on these roles. As a result it was agreed that the community council be placed in a dormant state, with the 3 members remaining elected, pending there being sufficient local interest in place to form a sustainable community council. To date there has not been any interest expressed from the community in holding a further electoral process to get the community council back up and running

- 4.2 Since becoming dormant the ex-treasurer has been trying to encourage those remaining members to become signatories on the bank account as none of the current signatories were serving community councillors. Those requests were not responded to and the ex-treasurer reached out to the Community Council Liaison Officer (CCLO) to seek advice and assistance as to next steps. The CCLO also reached out to the three members to encourage them to become custodians of the account as this arrangement would allow the funds to be held locally and would see those 3 members in a position to authorise any new signatories required further down the line. Again, no response was received.
- 4.3 Legal advice was sought as to how the matter could be resolved given that the remaining members appear to be reluctant to hold the funds within the local community. The advice received was that there are two options which could be progressed, the first, to hold a further by-election in the hope that sufficient members may come forward which may allow the community council to become operational again. The second was to suspend the constitution of Garelochhead Community Council thereby disestablishing them formally. This would allow the council to then hold any funds and assets which remain until such time as a future Community Council is established. Community Councils are required to ensure that any bank accounts they hold will facilitate this. Confirmation has been received that upon the disestablishment of Garelochhead Community Council, the Bank of Scotland will accept transfer of the account over to the Council, subject to there being 2 signatories identified.
- 4.4 The CCLO reached out to the 3 remaining members setting out those options, pointing out that she had not received any expressions of interest from the community but asking whether locally there might be any discussions that may suggest otherwise. One member responded to this correspondence confirming that in his view there remained little interest in a further by-election within the village, suggesting that the second option to suspend the constitution would be an appropriate way forward.
- 4.4 In terms of funding held within the Garelochhead Community Council bank account, as of 1st September 2025 the bank balance was £3,051.11. The ex-treasurer has ensured that any outstanding payments have been cleared but has advised that there are ongoing monthly bank charges of £4.25 being deducted from the account.
- 4.5 If the recommendation to suspend the constitution is agreed, it is further recommended that the Executive Director and Head of Legal & Regulatory Support become the council's nominated signatories for the bank account.

5.0 CONCLUSION

5.1 With none of the current elected members willing to be an account signatory, and no known interest coming from the community for a further electoral process aimed at increasing membership, the remaining option to suspend the constitution of Garelochhead Community Council would be the recommended course of action. This would formally disestablish them allowing the funds being transferred to the Council to hold for any future community council serving the Garelochhead area.

6.0 IMPLICATIONS

- 6.1 Policy - The proposal to suspend the constitution is consistent with provisions within the local Scheme for the Establishment of Community Councils.
- 6.2 Financial – approximately £3000 would be held by the Council pending any community council being re-established for the Garelochhead area.
- 6.3 Legal – None.
- 6.4 HR - None
- 6.5 Customer Service - None
- 6.6 Risk – None, the community council is currently not functioning.
- 6.7 Climate Change - None
- 6.8 Fairer Scotland Duty - None
- 6.9 Equalities - protected characteristics - None
- 6.10 Consumer Duty – None, the community council is currently not functioning.
- 6.11 Island Communities – N/a
- 6.12 Children’s Rights and Wellbeing - None

Douglas Hendry

Executive Director with responsibility for Legal & Regulatory Support

Councillor William Sinclair - Policy Lead for Community Planning and Corporate Services

13 December 2025

For further information contact: Melissa Stewart, Democratic Services Manager, Kilmory, Lochgilphead – 01546 604331

APPENDICES – N/a