
Report To:	Policy and Resources Committee	Date:	20 September 2022
Report By:	Head of Legal and Democratic Services	Report No:	LS/71/22
Contact Officer:	Peter MacDonald	Contact No:	01427 712618
Subject:	Community Council Update		

1.0 PURPOSE AND SUMMARY

- 1.1 For Decision For Information/Noting

The purpose of this report is to update the Committee on the actions and proposed actions of Officers in relation to Community Councils, having regard to the impact on them of the Covid-19 pandemic, all as set out in the body of the report; and in addition, to seek the approval of the Committee of the application of a transitional period in relation to requirements for holding of meetings and membership numbers as set out in the body of the report.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that the Committee notes the update and proposals set out in the body of the report; and
- 2.2 It is recommended that the Committee approves the application of a transitional period in relation to requirements of the Scheme of Establishment of Community Councils as set out in paragraph 4.5 of the report, and that until the next regular Community Council elections in 2023.
- 2.3 It is recommended that the Committee remits to the Head of Legal and Democratic Services to bring a report to a special meeting of the Inverclyde Council recommending commencement of a formal review of the Council's Scheme of Establishment of Community Councils.

Iain Strachan
Head of Legal and Democratic Services

3.0 BACKGROUND AND CONTEXT

3.1 The Scheme for the Establishment of Community Councils in Inverclyde (the Scheme) was adopted by the Council on 14 April 2011. Amongst other things, it sets out:

- the Community Council areas in Inverclyde;
- the governance and election framework in which the Community Councils operate; and
- that the Council may provide an Administrative Grant to Community Councils, at such level as it may from time to time be determined.

3.2 At elections in 2019, Community Councils were established in 7 of the 11 Community Council Areas, namely:

- Gourock;
- Greenock South West;
- Greenock West and Cardwell Bay;
- Inverkip and Wemyss Bay;
- Kilmacolm (including Quarriers Village);
- Larkfied, Braeside and Branchton; and
- Port Glasgow West.

Community Councils were not established for the remaining 4 areas, namely:

- Greenock Central;
- Greenock East;
- Holefarm and Cowdenknowes; and
- Port Glasgow East.

3.3 The likely impact of the Covid-19 pandemic on Community Councils was recognised by officers, and the Corporate Management Team (CMT) decided on 7 April 2020 (as noted by the Policy and Resources Executive Sub-Committee on 21 April 2020) that Officers would not seek to enforce restrictions on minimum numbers of members and/or meetings provided for in the Scheme, and that meetings of Community Councils by video conference would be permitted.

3.4 Covid-19 and the practical and legal restrictions that came with it, have impacted on the activities of the Community Councils. This impact has varied from Community Council to Community Council:

- re meetings:
 - some have not been meeting formally;
 - some have been meeting and continue to meet virtually using the usual online platforms, and
 - some had been meeting virtually and have now returned to in person meetings;
- re annual grants, a number of them have not provided the necessary annual documentation to claim same; and
- re membership, some have lost members, impacting their ability to operate.

3.5 Officers in Legal and Democratic Services and in Community Learning and Development (CLD) have been in regular contact with the Community Councils throughout the period of Covid-19. Those officers are liaising regarding the ongoing support and capacity building referred to in paragraph 4.1 below. The rationale for undertaking a planned and systematic needs assessment is in response to the challenges and impact of Covid-19. This is required to ensure that Community Councils receive the correct level of support and are prepared for the next Community Council elections in 2023.

3.6 It is apparent from the feedback received from the Community Councils that whilst some have returned to regular meetings (be that in person or online) others have varying levels of activity. Community Councils faced similar challenges to many community organisations in response to Covid-19 such as :

- access to suitable digital equipment;
- access to secure digital platforms to host meetings;

- confidence with digital skills; and
- low interest to develop digital skills due to demographics.

3.7 The Committee should note that support for Community Councils is provided by Officers in both Legal and Democratic Services (LDS) and in CLD. The Community Council Liaison Officer role sits formally with LDS, as does: responsibility for providing advice and support in relation to the Scheme and the Funding Scheme; administering Community Council Grants and Community Council elections; and maintaining and publishing Council records of membership. Officers in Community, Learning and Development also have an important front line role as part of their broader work in community engagement and support for community groups, in day to day advice, support and capacity building. There is also a degree of overlap in the work with Community Councils and with Locality Planning, undertaken through CLD's service.

4.0 PROPOSALS

4.1 Support and Capacity Building

Officers in CLD will continue to engage with the established Community Councils to identify areas where support, assistance or training is required, with a particular focus on:

- facilitating the continuation or re-establishment of regular meetings, be they virtual or in person;
- ensuring that all necessary information including verified annual accounts is provided by them to allow release of grants;
- assisting them in building interest in and recruiting for the Community Councils, taking cognisance of the 2023 elections; and
- seeking views on any matters the Community Councils would wish addressed in any future review of the Scheme.

4.2 Governance Requirements - Transitional Period

The Scheme provides for dissolution of a Community Council where, for a period of 3 consecutive prescribed meeting dates:

- that Community Council fail to hold a meeting;
- the membership of that Community Council fall below the prescribed minimum in terms of the Scheme.

Further to paragraph 3.3 above, Community Councils were advised that no steps would be taken during the pandemic to dissolve a Community Council for either of these reasons. Officers consider it appropriate to continue this approach until the next Community Council Elections.

4.3 The Scheme provides that an interim election should be held if the elected membership of a Community Council falls below half the maximum number of members. As elections are due in September 2023, and to give Community Councils the opportunity to recruit and build interest in those elections, it is the view of Officers that no steps should be taken to enforce this provision prior to those elections.

4.4 Co-Option of members is a useful recruitment tool to build interest and participation in Community Councils. The Scheme provides that the maximum number of Co-Opted Members is 1/3 of the number of Elected Members, and that an interim election should be held should that limit be exceeded. This limit has a sound basis in ensuring the Community Councils are democratically representative, however it is the view of Officers that waiving this restriction for the period to the next round of elections would assist in both in stimulating current activity of the Community Councils and in recruitment for those elections.

- 4.5 Therefore, taking account of the impact of Covid-19 and relative restrictions, and the fact Inverclyde wide Community Council elections are due in 2023, it is recommended that a transitional period apply until the holding of those elections, during which the Council:
- (a) will not take steps to dissolve a Community Council where for 3 consecutive prescribed meeting dates, the Community Council fail to hold a meeting or should the Community Council's membership fall below the Scheme minimum;
 - (b) will not take steps to hold an interim election should the number of elected members on a Community Council fall below 1/2 the maximum membership permitted in the Scheme or the number of Co-Opted Members exceed 1/3 of the number of Elected Members; and
 - (c) will not take steps to enforce the restriction on the number of Co-Opted members a Community Council can have (provided that the total membership does not exceed the maximum).

4.6 **Meetings**

The Scheme is silent on what form Community Council meetings should take, and advice to Community Councils has throughout the Covid-19 period been that meetings held via online video conferencing services are competent.

- 4.7 The position remains that meetings held on such basis are competent. Whilst in person meetings can provide greater public access and are in principle to be encouraged for Community Councils, having regard to the individual needs and concerns of Community Councils and the prevailing public health position, meetings on a remote or hybrid basis will not be discouraged. CLD Officers will work with Community Councils who are not yet meeting, where help or support is sought in relation to either in person or remote meetings.

4.8 **Elections**

As referred to variously in the body of the report, the regular 4 year cycle Community Council Elections across Inverclyde are due to take place in 2023. At these elections, contests will be held for any Community Council area where there is currently an established Community Council, and any of the other areas where a written request is received from 20 or more electors in that area that an election be held. They are scheduled to take place in September 2023, although that could be subject to change should a conflicting electoral event emerge. A report with a more detail on the elections will be brought to the Committee/full Council nearer the time.

4.9 **Review of the Scheme of Establishment of Community Councils.**

The Council is required from time to time to review the Scheme in terms of Section 53 of the Local Government (Scotland) Act 1973, and it is the view of Officers that, having last reviewed the Scheme in 2011, a review process should be undertaken once again. The review can take in any aspects of the Scheme, including but not limited to specific provisions of the Scheme, the number of Community Councils and the extent of Community Council areas. A formal decision to commence such a review is a matter reserved to the full Council, and needs to be a decision by resolution of 2/3 majority at a special meeting convened for that purpose.

- 4.10 As an initial step in that process, Officers in CLD will seek views of the Community Councils on any matters in relation to the Scheme that they feel should be addressed in any review. Following that discussion and subject to the approval of the recommendations in this report, Officers intend to bring a report to a special meeting of the Council to initiate that process.

- 4.11 The time it will take to conduct such a review process varies from review to review and Council to Council. Public consultation is required at various stages in this process, and it is anticipated by the level of feedback received and the nature and extent of any changes that are ultimately proposed will impact on those timescales. The Scottish Government guidance on this process (referred to in the background papers) suggests an indicative period of 10 months. A guide

timetable for a notional review produced as part of that guidance is included at Appendix 1. This gives more detail on the steps involved and the consultation requirements.

5.0 IMPLICATIONS

5.1 The table below shows whether risks and implications apply if the recommendation(s) is(are) agreed:

SUBJECT	YES	NO	N/A
Financial	X		
Legal/Risk	X		
Human Resources		X	
Strategic (LOIP/Corporate Plan)	X		
Equalities & Fairer Scotland Duty			X
Children & Young People's Rights & Wellbeing			X
Environmental & Sustainability			X
Data Protection			X

5.2 Finance

The recommendations in this report are contained within existing budgets.

5.3 Legal/Risk

The Scheme places requirements on the Community Councils re membership and holding of meetings. In light of the Covid-19 and related restrictions it is appropriate that some temporary modifications be made to these requirements.

The Council is required to administer Community Council elections in terms of the Scheme.

The Council is required from time to time to review the Scheme in terms of Section 53 of the Local Government (Scotland) Act 1973, and where the Council considers it appropriate to do so, amend the Scheme having regard to changing circumstances and any representations made to it. Amendments to the Scheme do require to follow the statutory process set out at that Section. Decisions to either review or to amend the Scheme require to be passed by a resolution of not less than 2/3 majority at a special meeting of the Council convened for this purpose.

5.4 Human Resources

None.

5.5 Strategic

Community Councils are aligned to ward areas and are intrinsic in the delivery of communication and engagement and locality planning groups. This is the platform for engagement and consultation for the LOIP, Locality plans and Community Planning Partnership.

6.0 CONSULTATION

6.1 The Interim Director, Finance & Corporate Governance, the Head of Culture, Communities & Educational Resources have been consulted on the terms of this report.

6.2 The Corporate Management team have approved the terms of this report.

6.3 Councillor Cassidy, as Community Council Champion, has been consulted on the terms of this report.

7.0 **BACKGROUND PAPERS**

7.1 Scottish Government “Good practice guidance for Local Authorities and Community Councils” published 7 October 2009 - <https://www.gov.scot/publications/local-authorities-and-community-councils-good-practice-guidance/>

Appendix 1 – Guide Timetable for a Review of a Council’s Scheme for the Establishment of Community Councils

This table is taken from the Scottish Government document “Good practice guidance for Local Authorities and Community Councils”. As indicated in the body of the report, this timeline will vary depending in level of community response and any changes ultimately proposed.

<u>DATE</u>	<u>EVENT</u>	<u>DESCRIPTION</u>
1. Month 0	Special Council Meeting. Both areas and composition and draft Amended Scheme and associated documentation.	As part of a report on the current scheme, of community councils, Council to consider a recommendation to amend the existing scheme and make a new scheme for the establishment of community councils.
2. Month 0	(2) Publish Public Notice. Areas/Composition.	Give public notice of the Council’s intention to amend the existing scheme and make a new scheme for the establishment of community councils. Period of 8 weeks from February to April.
3. Month 3	Special Council Meeting. Areas/Composition.	Council to consider suggestions from the first consultation period and agree a draft amended scheme for consultation.
4. Month 3	(3) Publish Public Notice. Draft Amended Scheme and associated documentation.	Give public notice of the Council’s draft amended Scheme. Period of 8 weeks from May to July.
5. Month 6	Special Council Meeting Draft Amended Scheme and associated documentation.	Council to consider suggestions to the draft amended scheme and agree a final draft amended scheme for consultation.
6. Month 6	(4) Publish Public Notice. Both.	Give public notice of the Council’s final draft amended scheme for the establishment of community councils. Period of 4 weeks from August to September
7. Month 10	Special Council Meeting. Both.	Council to consider suggestions to the final draft amended scheme; alter if

<u>DATE</u>	<u>EVENT</u>	<u>DESCRIPTION</u>
		required; and formally approve the amended scheme.
8. Month 11	<p>(5) Publish Public Notice.</p> <p>Establishment Process/Notice for currently non-established community council areas.</p>	Give public notice of the Council's amended scheme; and invitation to electors to apply for establishment (where there is no community council currently in existence).