Report to Clackmannanshire Council

Date: 10 March, 2011

Subject: New Scheme of Establishment for Community Councils

Report by: Head of Strategy & Customer Services

1.0 Purpose
1.1. The purpose of this report is to obtain approval to prepare a new Scheme for the Establishment of Community Councils.

2.0 Recommendations
2.1. It is recommended that the Council agrees to:

   a) give public notice of its intention to revoke the existing Scheme for the Establishment of Community Councils;

   b) prepare a new Scheme for the Establishment of Community Councils in accordance with Section 22 of the Local Government Scotland Act 1994.

3.0 Background
3.1 Clackmannanshire Council has a statutory duty to draw up a Scheme for the Establishment of Community Councils to ensure that community councils have a framework within which to exist and operate.

3.2 Clackmannanshire Council’s current Scheme was drawn up in 1998 and has not been revised since that time. Although the Scheme has generally proven to be effective, a recent review highlighted some aspects of the document which could be updated and clarified.

3.3 As well as local imperatives to review the document, recommendations emerging from a recent national review of community councils has highlighted some amendments which could also be usefully made to our scheme.

4.0 Consultation Process
4.1 There is a statutory process which must be followed to revoke a Scheme for the Establishment of Community Councils and put in place a new one. This is set out in the table overleaf.
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<tr>
<th>Step</th>
<th>Action</th>
<th>Provisional Timeline</th>
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<tr>
<td>1</td>
<td>As part of a report on the current scheme, Council to consider a recommendation to revoke the existing scheme and make a new scheme for the establishment of community councils.</td>
<td><em>March 10</em></td>
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<td>2</td>
<td>Council gives public notice of intention to revoke existing Scheme and a statutory 8-week public consultation inviting the public to make suggestions as to the areas and composition of the community councils.</td>
<td><em>March 16</em></td>
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<td>3</td>
<td>8 week consultation period</td>
<td><em>March 16 - May 4</em></td>
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<td>4</td>
<td>Council considers a report on the outcome of the consultation exercise on the composition of the community councils and additionally, the contents of a proposed new Scheme.</td>
<td><em>June 30</em></td>
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<td>5</td>
<td>Upon approval of the report, a second Public Notice is published giving notice of an 8-week consultation period for any representations to be made on the provisions of the proposed new Scheme.</td>
<td><em>July 6 - 31 August</em></td>
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<td>6</td>
<td>Council considers a report on the contents of a proposed new Scheme and its adoption.</td>
<td><em>September 29</em></td>
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<td>7</td>
<td>Upon approval of the report, a third Public Notice is published giving notice of a 4-week consultation period for any final representations to be made on the draft Scheme.</td>
<td><em>October 5 - Nov 2</em></td>
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<td>8</td>
<td>A Council meeting considers final representations and agrees the new establishment process for community councils under its new arrangements.</td>
<td><em>15 December</em></td>
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<td>9</td>
<td>A fourth Public Notice is published intimating the publication of the Scheme in its adopted form and an invitation to electors in areas where there may be no community council to apply for the establishment of a community council in that area.</td>
<td><em>December 21</em></td>
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4.2 As well as being a statutory requirement, public consultation on a revised Scheme also provides an opportunity to highlight the role of community councils in their communities and to raise awareness of the possibility of establishing community councils in areas where none currently exist.

4.3 Pre-consultation with community councils has taken place via the Joint Community Councils' Forum and there is support for the existing Scheme to be reviewed. Through these discussions, we are aware of a range of proposed amendments which are likely to come forward. As part of the discussions, council officers have also worked with the Forum to discuss revisions to other (non-statutory) governance documents including a model constitution and model standing orders for community councils in Clacks and a protocol for the working relationship between the Council and the community councils in its area.
5.0 Conclusions

5.1 Revision of the Scheme will allow amendments which will bring it up-to-date with a range of current circumstances. Approval of this report will allow the review process to begin. A proposed new Scheme will be brought before Council in June, 2011, with formal adoption in December, 2011, further to an extensive consultation process.

6.0 Sustainability Implications

6.1 None

7.0 Resource Implications

7.1 Financial Details - none directly from this report

7.2 Staffing - none directly from this report

8.0 Exempt Reports

8.1 Is this report exempt? No

9.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) Our Priorities 2008 - 2011 (Please tick ☒)

The area has a positive image and attracts people and businesses ☐
Our communities are more cohesive and inclusive ☐
People are better skilled, trained and ready for learning and employment ☐
Our communities are safer ☒

Vulnerable people and families are supported ☐
Substance misuse and its effects are reduced ☐
Health is improving and health inequalities are reducing ☐
The environment is protected and enhanced for all ☐
The Council is effective, efficient and recognised for excellence ☒

10.0 Equalities Impact

10.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations? Yes

11.0 Legality

11.1 In adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes - the statutory basis for establishing community councils is set out in Sections 51 to 55 of the Local Government
(Scotland) Act 1973. This is supplemented by Section 22 of the Local Government etc. (Scotland) Act 1994. Legal Services have been consulted on the process.

12.0 Appendices

12.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

None

13.0 Background Papers

13.1 Existing Scheme for the Establishment of Community Councils

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<th>Author(s)</th>
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<tr>
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<td>Nikki Bridle</td>
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