

EAST RENFREWSHIRE COUNCIL14 December 2022Report by Director of Business Operations and PartnershipsREVIEW OF COMMUNITY COUNCIL SCHEME OF ESTABLISHMENT**PURPOSE OF REPORT**

1. The purpose of the report is to seek approval to commence a review of part of the Community Council Scheme of Establishment relating to the complaints procedure and Code of Conduct.

**RECOMMENDATIONS**

2. It is recommended that Council:-
- (a) agree that the part of the Community Council Scheme of Establishment relating to the complaints procedure and Code of Conduct be opened for review; and
  - (b) note the process to be followed for the review of the Scheme, including the need for further meetings of the Council.

**BACKGROUND**

3. The current Scheme of Establishment for Community Councils was approved in 2015. The Scheme contains the following provision, which reflects Section 53 of the Local Government (Scotland) Act 1973, which is the legal basis for amending schemes:-

*Having regard to changing circumstances and to any representations made to them, East Renfrewshire Council shall from time to time review this Scheme and, where they consider that the Scheme ought to be amended (for example, to revise the boundaries of a community council area), they shall give public notice of the proposal to amend the Scheme, and invite representations on the proposed amendment(s) from any affected community councils and the public.*

4. Since the introduction of the new scheme community councils have, in general, operated satisfactorily, notwithstanding the challenges of operating during the pandemic. However there have been a number of areas where practical experience has demonstrated that the Scheme in its current form could be improved. These have included challenges around membership vacancies due to the provisions around neighbourhoods and an extremely complicated complaints procedure. More generally, the scheme was designed to be legally robust in the event it was subject to judicial challenge. As a consequence the scheme is difficult to read and more complex than would have been preferred.

5. Any decision to review the Scheme must be made by a resolution of the Council, passed by not less than two-thirds of the elected members voting, at a meeting specially convened for the purpose of deciding if the Scheme should be opened for review,

6. Conducting a full review will require significant officer time and resource. In view of this it is proposed that any review at present be limited to a review on the section of the Scheme relating to the handling of complaints and the Code of Conduct. Of all the parts of the Scheme that could benefit from review these are the areas that requires to be addressed as a matter of priority. Other elements of the Scheme, including steps to make the Scheme more readable and user friendly overall could be reviewed at a later date.

7. If the Council agree that the Scheme should be opened for review on this basis officers will prepare a revised version of the Scheme. As part of the preparation of the initial revised Scheme the views of Elected Members will be sought. The revised version will be brought back to a future special meeting for approval. Thereafter consultation on the proposed revised Scheme will take place with community councils and the public.

8. Public notice of the proposed amendments to the Scheme will be given and members of the public given the opportunity to comment. Copies of the revised Scheme will also be provided to community councils.

9. Following the consultation, a further special meeting of the Council will be convened to decide whether to amend the Scheme in accordance with the revised proposals as originally approved, or subject to further revision to take account of any of the representations received from either community councils or the public.

10. If the revised proposals are approved with no further changes the new version of the Scheme will be approved at this stage and no further consultation will be required. In the event the Council agree to further revisions to the Scheme to take account of any of the representations received, a further period of consultation will be required. . After this second period of consultation the Scheme will be brought back to Council for approval. Appendix 1 provides a timetable outline.

11. It should be noted that any decision to open the Scheme needs a two thirds majority of those present and voting.

## **CONSULTATION**

12. As outlined above in order to comply with the statutory requirements in relation to the amendment of the Scheme, consultation will take place with the public and specifically with community councils.

## **RECOMMENDATIONS**

13. It is recommended that Council:-

- (a) agree that the part of the Community Council Scheme of Establishment relating to the complaints procedure and the Code of Conduct be opened for review; and
- (b) note the process to be followed for the review of the Scheme, including the need for further meetings of the Council.

## **REPORT AUTHOR**

Eamonn Daly, Democratic Services Manager

## Annex 1 – Timetable for Review of Scheme of Establishment

Stage	Event	Duration
Special Council Meeting	Agree to open the Scheme for review	14 December 2022
	Officers prepare revised draft Scheme including seeking initial views from Elected Members	Dependent on time required to consult with Elected Members and prepare draft revised Scheme.
Special Council Meeting	Approve draft revised Scheme for public consultation	TBC
Publish Public Notice	Give public notice of the Council's proposals to revise the Scheme in accordance with the approved draft and invite the public and community councils to comment on the draft Scheme.	8 weeks.
Special Council Meeting	Council to consider public submissions and agree to either approve the original draft Scheme as proposed or to approve the amended Scheme subject to further amendment to take account of representations received	TBC
<b>If original draft Scheme approved</b>	Implement revised Scheme	After Council meeting
<b>If proposed to further revise draft Scheme based on representations received</b>	Publish public notice of the Council's revised draft amended Scheme and invite representations.	4 weeks
Special Council Meeting	Council to consider final version of draft Scheme taking account of any further representations received	TBC

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