

EAST RENFREWSHIRE COUNCIL

26 April 2023

Report by Director of Business Operations and Partnerships

REVIEW OF COMMUNITY COUNCIL SCHEME OF ESTABLISHMENT

PURPOSE OF REPORT

1. The purpose of the report is to seek approval of a draft revised Community Council Scheme of Establishment and associated Community Councillor Complaints Procedure and to note the start of public consultation on both.

RECOMMENDATIONS

2. It is recommended that Council:-
 - (a) Approves for consultation, the draft revised Community Council Scheme of Establishment and associated Community Councillor Complaints Procedure; and
 - (b) Notes that public consultation will now take place with the results of the consultation being reported back to a future special meeting of the Council.

BACKGROUND

3. At the special meeting of the Council on 14 December 2022 it was agreed to open up the Community Council Scheme of Establishment for a limited review. The review agreed by Council related primarily to the section in the Scheme dealing with complaints, and the associated Code of Conduct.

REPORT

4. Since agreement was given to open the Scheme for review, officers have been working preparing revised draft documentation for consideration by the Council. Copies of the revised documentation are attached. As Members will be aware copies of the draft documentation were shared with Elected Members for initial views on the proposals. 1 comment was received resulting in a further minor change to clarify voting procedure at a community council meeting dealing with a complaint.
5. The main changes to the Scheme relate to the removal from the Scheme itself of the process for dealing with complaints and the creation of a new stand-alone Community Councillor Complaints Procedure. This has the benefit of meaning that any future changes to the complaints procedure will sit outside the lengthy and time-consuming process for making changes to the Scheme of Establishment. The Code of Conduct has also been reviewed and updated to bring it more into line with the Councillors' Code of Conduct.

6. The following paragraphs give a commentary on the proposed amendments (minor changes to dates etc have not been commented on).

- Section 5.3.4 This highlights that the complaints procedure no longer sits within the Scheme but is contained in the new Community Council Complaints Procedure.
- Section 5.7 As above
- Section 5.8 As above
- Section 5.9 Reference to European Parliament removed
- Section 5.10 As above
- Section 5.11 This highlights that the complaints procedure no longer sits within the Scheme but is contained in the new Community Council Complaints Procedure.
- Section 6.1.1 As above
- Section 12.2 New section to clarify the purpose of the Code of Conduct
- Section 12.3 Formerly 12.2, this clarifies that complaints will be dealt with in accordance with the Community Councillor Complaints Procedure.
- Sections 12.2.1 to 12.13 All sections removed from the Scheme and incorporated into the new Community Councillor Complaints Procedure.

Appendix 1 - Model Constitution

- Section 4.2 Clarifies that complaints will be dealt with in accordance with the Community Councillor Complaints Procedure.
- Section 11.4 Clarifies that community council meetings to deal with complaints against community councillors shall be held in private. This introduces consistency between community councils dealing with complaints and the Complaints Review Panel.
- Section 12.1 Clarifies public access to community council meetings.

Appendix 2 – Model Standing Orders

- No.6(a) Refers to secret ballots as contained in the Community Councillor Complaints Procedure.
- No.7 This is a new Standing Order introduced to set out the process for dealing with disruptive behaviour at a meeting, either by a community councillor or by a member of the public.

Appendix 3 – Code of Conduct for Community Councillors

- The Code has been reviewed and redrafted to bring it more into line with the Councillors' Code of Conduct. The review has included the amalgamation of some of the provisions (e.g. honesty and integrity), and also clarifies that the Code will only apply when a community councillor is acting or can be perceived to be acting in that capacity. Furthermore it introduces new provisions in relation to conduct at meetings, conduct in public and sections on bullying and harassment.

Community Councillor Complaints Procedure

- The complaints process as contained in the Scheme of Establishment has been removed and a new process has been drafted in the stand-alone complaints procedure.
- Amongst other things, the new process simplifies the complaints procedure; defines what constitutes a complaint and how it can be made and by whom; introduces time limits for the making of complaints; and clarifies the sanctions that can be imposed by both the community council and the Complaints Panel.

Next Steps

7. Subject to approval, public notice of the proposed amendments to the Scheme will be given and members of the public and community councils given the opportunity to comment. As the new Community Councillor Complaints Procedure contains information being removed from the Scheme copies of the new procedure will also be made available for comment.
8. 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 approved, or subject to further revision to take account of any of the representations received from either community councils or the public.
9. If the revised proposals are approved with no further changes the new version of the Scheme will be approved at that 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 further period of consultation the Scheme will be brought back to Council for approval. Appendix 1 provides a timetable outline.
10. It should be noted that any decision to open the Scheme for consultation needs a two thirds majority of those present and voting.

CONSULTATION

11. 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

12. It is recommended that Council:-
 - (a) Approves for consultation, the draft revised Community Council Scheme of Establishment and associated Community Councillor Complaints Procedure; and
 - (b) Notes that public consultation will now take place with the results of the consultation being reported back to a future special meeting of the Council.

REPORT AUTHOR

Vincent McCulloch, Community Council Liaison Officer

Annex 1 – Timetable for Review of Scheme of Establishment

Stage	Event	Duration
Publish Public Notice 28 April 2023	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 28 June 2023	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	
If original draft Scheme approved	Implement revised Scheme	After Council meeting
If proposed to further revise draft Scheme based on representations received	Publish public notice of the Council’s revised draft amended Scheme and invite representations.	8 weeks
Special Council Meeting 25 October 2023	Council to consider final version of draft Scheme taking account of any further representations received.	