

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Council
<b>DATE</b>	23 August 2023
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Review of Community Council Governance
<b>REPORT NUMBER</b>	COM/23/231
<b>DIRECTOR</b>	Gale Beattie
<b>CHIEF OFFICER</b>	Jenni Lawson and Vikki Cuthbert
<b>REPORT AUTHOR</b>	Karen Finch
<b>TERMS OF REFERENCE</b>	19

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### 1. PURPOSE OF REPORT

- 1.1 To present the Revised Scheme for the Establishment of Community Councils including boundary changes for some Community Council areas and to seek approval for the documents to be issued for public consultation.

### 2. RECOMMENDATION(S)

That Council:-

- 2.1 note the revisions to the Scheme and guidance documents as set out in Appendices 2 and 3;
- 2.2 note that Danestone and Woodside and Hilton Community Council's support the boundary change outlined at 3.4 and shown in the map at Appendix 4;
- 2.3 note the proposed boundary changes for Community Councils as outlined in Appendix 5;
- 2.4 instruct the Chief Officer - Governance to issue a public notice inviting members of the public to comment on the Scheme and associated documents;
- 2.5 note that a report providing the outcome of the public consultation and requesting approval of the amended Scheme and boundaries will be submitted to Council in December 2023.

### 3. CURRENT SITUATION

#### **Boundary Proposals**

- 3.1 A review of Community Council boundaries has been undertaken to ascertain whether the existing boundaries reflect, appropriately, the circumstances, needs and wishes of local communities having regard to changing

circumstances involving housing and industrial development within the city and any resulting change in population in certain areas.

- 3.2 Some of the boundary proposals have been made to take into account the current Local Government Ward boundaries. These are amendments which eliminate an area being within a separate ward.
- 3.3 The Community Councils which have proposed boundary changes have been consulted, the responses are being collated and where possible are included in Appendix 4, others are still to be provided and will be included in the report in December 2023.

The information and maps relating to the boundary proposals is contained within appendix 4.

- 3.4 During the informal consultation period, Danestone Community Council and Woodside and Hilton Community Council agreed to the boundary proposal to transfer Hutcheon Low, the Persley walled garden and the Southbank housing development at Persley into the Danestone Community Council boundary, as shown at Appendix 3.
- 3.5 Where there is not consensus between Community Councils on the boundary proposals, they will be issued for public consultation to seek their views before the proposals are further amended. Where there is a strong public view on the proposals these will be incorporated and presented to Council in December 2023.

### **Review of the Scheme for the Establishment of Community Councils**

- 3.6 Prior to the elections for Community Councils, the Scheme for the Establishment of Community Councils requires to be reviewed to ensure that it is still fit for purpose and supports the operation of Community Councils. The next elections for Community Councils are due in October 2024.
- 3.7 The Scheme and associated guidance documents have been updated to provide a clearer structure to assist Community Councils in undertaking their role and responsibilities.
- 3.8 New guidance documents have been introduced, these include:
  - Guidance 4 – Exchange of Information Code of Good Practice, this document is intended to help ensure that the Council and Community Councils exchange information, explanations and guidance in a way that will be beneficial for the whole community.
  - Guidance 6 – Unacceptable Behaviour, this document provides Community Councils with mechanisms to deal with aggressive, abusive behaviour and those who puts excessive demands on the Community Council or any of its members.
  - Guidance 8 – Supported Status, this document aims to support Community Councils who may have membership falling below the minimum number or where they are not complying with the requirements of the Scheme. Having a mechanism in place to address these issues rather than automatically

dissolving the Community Council will provide a supportive role to enable them to improve and to fulfil their responsibilities.

- 3.9 Two documents from the original suite of documents have been amended significantly and presented as new documents, these include:
- Guidance 5 - Code of Conduct, this document has been developed in line with the key principles of behaviour expected from Community Councillors and emphasises and protects the important work done by Community Councils.
  - Guidance 7 - Complaints Procedure, the original complaints procedure presented some challenges that were not foreseen at the time of approval. The new procedure has been re-written to take into account feedback from those that had cause to use it and provides a clearer process for dealing with complaints.

### **Consultation**

- 3.10 The Local Government etc. (Scotland) Act 1994 and the Local Government (Scotland) Act 1973 both have provision for amending the Scheme and states that any proposals are required to be issued for public consultation. The Good Practice Guide issued by the Scottish Government indicates that two periods of 8 weeks consultation are required with a further 4 weeks period of notification.
- 3.11 Community Councils have been issued with the Scheme and associated guidance documents. Those Community Councils where there are boundary proposals have been issued with a written description and maps to highlight the changes.
- 3.12 To assist Elected Members, Community Councillors and members of the public, drop in sessions will be arranged in the Town House and at other venues in the areas where there are boundary proposals to enable them to view the maps on a larger scale and to discuss the proposed changes in the Scheme for the Establishment of Community Councils. Having these sessions will encourage further dialogue with all interested parties to inform the development of the final proposals.

## **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications from the report.

## **5. LEGAL IMPLICATIONS**

- 5.1 Section 22 of the Local Government etc. (Scotland) Act 1994 outlines the process for amending the Local Authority Scheme for the Establishment of Community Councils. This section requires that the Council consult the public on proposed changes to the Scheme.

## 6. ENVIRONMENTAL IMPLICATIONS

- 6.1 There are no direct environmental implications arising from the recommendations of this report.

## 7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H)  *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
<b>Strategic Risk</b>	No significant risks identified			
<b>Compliance</b>	Non compliance with the Local Government (Scotland) Act 1973 and 1994 may result in legal challenge.	To minimise the risk, the Scheme and associated guidance to be issued for public consultation as outlined in the legislation.	L	Yes
<b>Operational</b>	Weak governance for Community Councils, may lead to them not being established.	Regular scrutiny will be undertaken to monitor the effectiveness of the new governance documents.	L	Yes
<b>Financial</b>	No significant risks identified			
<b>Reputational</b>	Community Councils not being established or not operating within the Scheme may lead to the Council facing challenge from the public	Working with Community Councils to support them in their roles, to improve relationships and reduce the risk of negative public opinion.	L	Yes
<b>Environment / Climate</b>	No significant risks identified			

## 8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2023-2024</u>	
	<b>Impact of Report</b>
<b>Aberdeen City Council Policy Statement</b>  <u><a href="#">Working in Partnership for Aberdeen</a></u>	<p>The proposals within this report support the delivery of the following aspects of the policy statement:-</p> <p>Work to strengthen the city's network of community councils and, over time as they acquire greater democratic legitimacy, give them a greater role in Aberdeen's governance.</p> <p>The revised governance documents provides an improved structure for Community Councils to enable them to fulfil their roles and responsibilities, which should strengthen their own capabilities and working towards a full network of skilled volunteers achieving the best outcome for their communities.</p>

## 9. IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Integrated Impact Assessment</b>	Stage 1 completed. Full impact assessment not required
<b>Data Protection Impact Assessment</b>	Not required
<b>Other</b>	None

## 10. BACKGROUND PAPERS

- 10.1 2018 Aberdeen City Council Scheme for the Establishment of Community Councils
- 10.2 Scheme for the Establishment of Community Councils including Complaints Procedures for other Local Authorities
- 10.3 Model Scheme for the Establishment of Community Councils – Scottish Government

## 11. APPENDICES

- 11.1 Appendix 1 - Governance Review Reporting Timetable
- 11.2 Appendix 2 - Revised Scheme for the Establishment of Community Councils

- 11.3 Appendix 3 - Guidance documents
- 11.4 Appendix 4 - Boundary for Danestone Community Council
- 11.5 Appendix 5 - Boundary Proposals

## 12. REPORT AUTHOR CONTACT DETAILS

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