

ABERDEEN CITY COUNCIL

COMMITTEE	Special Council
DATE	11 December 2017
REPORT TITLE	Review of Community Council Governance
REPORT NUMBER	CG/17/135
DIRECTOR	Fraser Bell
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1. PURPOSE OF REPORT:-

To present the Revised Scheme for the Establishment of Community Councils including boundary changes for various Community Councils and to seek approval for the documents to be issued for public consultation.

2. RECOMMENDATION(S)

That the Council:

- 2.1 note the revisions to the Scheme and associated documents as set out in Appendix 1;
- 2.2 note the proposed boundary and name changes for Community Councils as outlined in Appendices 2 and 3;
- 2.3 note the preferred boundary option between Bucksburn and Newhills and Dyce and Stoneywood Community Councils as outlined in Appendices 2 and 3;
- 2.4 approve the issue of a public notice inviting members of the public to comment on the Scheme and associated documents;
- 2.5 grant delegated powers to the Head of Legal and Democratic Services to make minor amendments to the Constitution and also to amend the population figures on an annual basis; and
- 2.6 note that a report providing the outcome of the public consultation and requesting approval of the amended Scheme and boundaries will be submitted to a Special Meeting of Council in March 2018.

3. BACKGROUND/MAIN ISSUES

Boundary Proposals

- 3.1 An extensive 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 boundaries have been amended to take into account the current Local Government Ward boundaries. These are minor amendments which eliminate a small area being within a separate ward.
- 3.3 The Community Council area with the most extensive proposals is the City Centre. In September 2013, the City Centre Community Council was established and they raised concerns relating to their boundary as currently it contains one side of Union Street. The proposal that has been put forward largely follows the Aberdeen Business Improvement District area. Proposals had been presented to the Finance, Policy and Resources Committee in February 2014 however no further action was taken at that time.
- 3.4 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 March 2018.
- 3.5 The information relating to the boundary proposals is contained within appendix 2. The maps associated with the proposals will be issued separately due to the size of the files.

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 2018.
- 3.7 The Scheme and associated documents have been updated to provide a clearer structure to assist Community Councils in undertaking their duties.
- 3.8 Community Councils currently receive an annual administrative grant from the Council to enable them to fulfil their duties. The annual grant is currently based on a formula of £500 basic grant and then 11p per elector. In 2014, The Electoral Registration and Administration Act 2013 was enacted which changed the process for registering to vote to Individual Electoral Registration. Since the introduction of this the number of students who register to vote during their studying has reduced significantly in areas with a high student population. To ensure that the distribution of funds is fairer, a new formula for calculating annual grants has been proposed. The proposed formula is a basic grant of £600 and then 7p per head of population. The

population figures are based on the current data zones and matching those as close as possible to the Community Council areas.

- 3.9 The population figures will require to be updated on an annual basis to enable the calculation of the grant, therefore the area descriptions section within the Scheme will require to be amended on a regular basis. Community Councils are allowed to make minor amendments to the constitution to fit with local arrangements. The amended constitution requires approval from the Council. It is proposed that delegated powers are granted to the Head of Legal and Democratic Services to make these amendments.
- 3.10 The Local Government (Scotland) Act 1973 has 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.

Complaints Procedure

- 3.10 Over recent years the number of complaints received in relation to individual Community Councillors or the decisions made by Community Councils has increased. At present there is not a process in place to deal with complaints relating to Community Councils.
- 3.11 The purpose of the Complaints Procedure is to enable Community Councils to manage complaints in a fair and consistent manner. It is proposed that the Community Council Liaison Officer will monitor the nature of the complaints to identify any trends that could be addressed by training.
- 3.12 The Minister for Local Government and Housing wrote to all Local Authorities in January 2017 requesting that when they were reviewing their Scheme, that they consider implementing a robust complaints procedure.
- 3.13 The Complaints Procedure and Guidance for Community Councils is contained within the Scheme for the Establishment of Community Councils at Appendix 2.

Consultation

- 3.1.4 To assist Elected Members, Community Councillors and members of the public, drop in sessions will be arranged in the Town House 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 The cost of advertising the proposed revised Scheme in the local Press can be met from within the existing approved Community Council Advertising

budget therefore there would be no additional financial implications for the Council.

- 4.2 In 2014, The Electoral Registration and Administration Act 2013 was enacted which changed the process for registering to vote to Individual Electoral Registration, which has resulted in a reduction in the number of students registered to vote at an address in Aberdeen during the term of their studies. This has resulted in a significant reduction in funding for those Community Councils with a high student population. If the grant formula is not amended then some Community Councils will face a continued reduction in funding which would reduce the functionality of the work of the Community Council.
- 4.3 The formula for calculating Community Council grants has been amended to ensure the distribution of funds is fairer and based on the Head of Population rather than the Electoral figures. The projected figures for the 2018/19 grant allocation can be met from within the Community Council Grants budget therefore there would be no additional financial implications for the Council. The details of the changes are outlined in section 3.8 above.

5. LEGAL IMPLICATIONS

- 5.1 The Local Government (Scotland) Act 1994 (section 22) outlines the process for amending the Local Authority Scheme for the Establishment of Community Councils. If the recommendation at 2.3 is not approved, the Council will fail in its statutory duty.

6. MANAGEMENT OF RISK

Financial

- 6.1 Community Councils are required to undertake a variety of tasks including communicating with their communities. The annual grant that the Council provides enables them to fulfil their duties. If the grant was to be removed or the revised formula not implemented, Community Councils would not be able to operate resulting in local communities not being engaged or able to contribute effectively to local decision making.

Customer / citizen

- 6.2 The Council are required to consult members of the public on any major proposal that would affect the operation of Community Councils in Aberdeen. If the proposal is not advertised this may have a negative impact on the working relationship between the Council and the Community Councils which in turn would affect the citizens of Aberdeen. To actively seek the communities' comments on the proposal would be beneficial to the Council to enable their engagement and participation in the democratic process.

Legal

- 6.3 To ensure the Council complies with the provisions within the Local Government (Scotland) Act 1994 (section 22), the Council are required to

consult with the public on amendments to the Scheme therefore failure to do so would be a risk to the Council. To mitigate against the risk, the revised Scheme and associated documents should be issued for public consultation.

- 6.4 There are no risks identified under the Environmental, Technological, Employees or Reputational categories.

7. IMPACT SECTION

7.1 Economy

There are no direct impacts on the economy.

7.2 People

- 7.2.1 This report takes into consideration aspects of the Local Outcome Improvement Plan specifically in relation to community engagement. The Council along with its partners is seeking ways to improve community engagement. Enabling public consultation on the proposals will provide local people to be involved in the democratic process and shape the way forward for Community Councils.

- 7.2.2 An Equalities Impact Assessment has been started however any impacts on those people with protected characteristics will not be known until the public consultation has been undertaken. Where appropriate this will be included in the report in March 2018.

- 7.2.3 The Aberdeen City Community Council Forum established a Boundaries Project Group to look at various aspects of the boundaries, including the current boundaries and whether they were still relevant, looking ahead to major developments which may affect the natural boundaries and making proposals to improve them to fit with natural communities.

- 7.2.4 The Scheme and associated documents, including the boundary information has been circulated to all Community Councils and to all Elected Members to seek their views on the proposals. The majority of the responses received to date have been positive and where appropriate the suggestions made have been included in the revised documentation before members.

- 7.2.5 In relation to the boundary proposals, some Community Councils have advised that they do not agree with the proposals for their area and these will be issued for public consultation to seek their opinion prior to any amendments being made.

7.3 Place

- 7.3.1 The amendments to the Community Council boundaries will help to embed a community structure and enable residents and visitors to engage with and feel part of an active community.

7.4 Technology

There are no direct impacts.

8. BACKGROUND PAPERS

1. 2012 Aberdeen City Council Scheme for the Establishment of Community Councils
2. Scheme for the Establishment of Community Councils including Complaints Procedures for other Local Authorities
3. Model Scheme for the Establishment of Community Councils – Scottish Government

9. APPENDICES

Appendix 1 - Reporting Timetable

Appendix 2 - Scheme for the Establishment of Community Councils

Appendix 3 - Boundary Proposals

Appendix 4 - Community Council Maps

10. REPORT AUTHOR DETAILS

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