

Community Councils Disestablishment/By-Elections

Frequently Asked Questions

3 June 2016



Background

This Frequently Asked Questions (FAQ) document has been compiled to provide community representatives with a comprehensive briefing and provide answers to the many questions that have been raised in relation to the dis-establishment of 36 Community Councils in Dumfries and Galloway in April 2016. For more information please contact:-

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1. How did all this happen?

Community Councils were established under Section 51-55 of the Local Government (Scotland) Act 1973. The purposes of a Community Council are as set out in Section 51(2). Further in terms of Section 52 there is a requirement that a local authority establish a Community Council under a scheme, the terms of which, are to be approved by the Secretary of State and now the Scottish Ministers.

Dumfries and Galloway Council complies with these requirements and has adopted a scheme for the establishment of Community Councils in Dumfries and Galloway ("the Scheme"). The current Scheme was subject to extensive public consultation prior to being adopted by the Council on 26 June 2014. All Community Councils within our region, once established, must operate as per the Scheme.

It is a requirement under the Scheme that all Community Councils adopt a constitution within three months of an election at an AGM or EGM and that any failure to do so "shall result in dissolution". Following the Community Council Elections in October 2015, to be compliant with the Scheme all Community Councils had to adopt a constitution by 22 January 2016 (that being three months from the date of the last Community Council elections). It has been established that 54 Community Councils met this requirement with 36 Community Councils not doing so.

The issue of Community Councils not being compliant was brought to the Council's attention earlier this year. It was asserted that those Community Councils not compliant with the Scheme should be considered as dissolved under the terms of the Scheme. A report on this matter was considered by the CCS Committee on 8 March 2016. The report indicated that the Council received a complaint and had a duty to act on this. Given the obvious adverse implications for the Council and Community Councils, we sought Counsel's Opinion before applying this condition.

The responsibility for adopting and approving amendments to the Scheme is a matter reserved for Full Council and a report was considered on this issue on 24 March 2016. Full Council was advised that as a precaution, those Community Councils which may be deemed as dissolved, would not be considered as statutory consultees until the matter had been clarified. This report also advised that we were awaiting Counsel's Opinion on the matter.

The Council received Counsel's Opinion in April 2016 and Elected Members were notified of this advice which confirmed:-

- Community Councils are considered to be automatically dissolved.
- The Council has no choice in this and cannot grant any dispensation.
- Community Councils only exist in accordance with the terms of the Scheme under which they are established.
- The only way to put things right was for affected communities to submit an application for re-establishment of their Community Council and thereafter for by-elections to be held.

In light of this opinion the course of action taken was to enable the affected Community Councils to be reinstated by following the process of re-establishment. This was communicated verbally and in writing to all of the affected Community Councils. To that end:-

- Affected Community Councils were contacted by phone to provide initial notification of the position and explain the reasons for it.
- These phone calls were followed up by letter to clearly and unambiguously state the position. The letter then focussed on the actions to be taken to become re-established and enclosed an application for re-establishment to be included in a by-election on 7 July 2016.
- Clearly there were concerns from Community Councils in relation to ongoing commitments and the letter included advice in that regard.
- A dedicated helpline was set up to take enquiries and the number for this was included in the letter. Helpline staff also pro-actively contacted Community Councils to ensure they had received the letter and then also contacted Community Councils which had not submitted an application for re-establishment ahead of the deadline to resolve any further obstacles.

To date, 33 of the 36 Community Councils affected, have applied to be re-established and, as such, elections for these Community Council areas are due to be held on 7 July 2016.

2. The wording of the scheme in relation to the adoption of constitutions is ambiguous, flawed and open to legal challenge.

Dumfries and Galloway Council has sought Counsel's Opinion on this issue. Opinion was that the Scheme, as worded, was so clear and unambiguous that it left no alternative but to consider Community Councils to be automatically dissolved.

3. Can't the Council just ignore this? It is a waste of time and money.

The Council is a statutory body and has to exercise its powers within legislative frameworks. In this case we need to comply with Section 51-55 of the Local Government (Scotland) Act 1973. However the Council acknowledged that dissolving Community Councils may not be the best use of resources and sought advice as to whether we had to strictly apply this condition. Therefore the Council sought Counsel's Opinion regarding this matter. The questions asked and a summary of the response is detailed below:

(i) Are Community Councils automatically dissolved or do we have to write to them have them acknowledge they are dissolved?

In my opinion the Community Councils are automatically dissolved.

(ii) Do we have any choice given the wording? Can we grant them any dispensation?

In my opinion, no. I say this with regret but in my view the wording is clear.

(iii) Are those that dissolve still Community Councils but just not covered by our scheme?

In my view, no, Community Councils only exist in accordance with the terms of the statute and the scheme under which they are created.

(iv) Is there anything we can do to put things right without dissolution and re-election?

In my opinion the only course that is open is for an application to be made for re-establishment of the Community Councils and then thereafter elections to it.

In light of this advice it was necessary for the Council to act upon it. Therefore steps were taken to notify affected Community Councils that they were automatically dissolved. Thereafter the primary object was to then provide the maximum support to communities to see Community Councils re-established whilst minimising the impacts to communities in the interim.

4. The Council don't have authority to dissolve a Community Council. We are just going to ignore this.

The Council is a statutory body and has to exercise its powers within the legislative framework. In this case we need to comply with the Local Government (Scotland) Act 1973 Section 51(2). Community Councils are established, and must operate, under the terms of the Scheme. Counsel's Opinion was that Community Councils which failed to adopt constitutions within the specified timeframe were automatically dissolved. Neither the Council, nor Community Councils, have the option to ignore the framework under which they operate and exercise their purpose.

5. How legally binding is the scheme of establishment for Community Councils?

S51(2) of the Local Government (Scotland) Act 1973 requires each local authority to frame a Scheme for the Establishment of Community Councils. Thereafter, the Scheme can be reviewed or amended following the process specified in the Act.

So, for these legal reasons Community Councils are established, and must operate, within the terms of the Scheme in order to fulfil their statutory role. Communities can form whatever other groups they deem expedient in pursuing their aspirations. However, a Community Council can only exist, and must operate, within the terms of the Scheme.

6. Why did Dumfries and Galloway choose to accept the legal advice they were given rather than follow the option under the scheme of establishment schedule 2, 7.5 Any breach of the scheme may be reported to DGC to determine what action, if necessary, should be taken. The word *shall* under clause 3.1, surely in this instance, could have been over ruled by 7.5 in the interests of common sense.

The Council must operate within its own agreed policies and the broader statutory framework. As highlighted in detail in responses to earlier questions the Council received a complaint and has a duty to act on this. Given the obvious adverse implications for the Council and Community Councils, we sought Counsel's Opinion before applying this condition.

Counsel's Opinion regarding this matter is detailed below. The four questions asked by the Council and a summary of the responses received through Counsel's Opinion are detailed below:-

(i) Are Community Councils automatically dissolved or do we have to write to them have them acknowledge they are dissolved?

In my opinion the Community Councils are automatically dissolved.

(ii) Do we have any choice given the wording? Can we grant them any dispensation?

In my opinion, no. I say this with regret but in my view the wording is clear.

(iii) Are those that dissolve still Community Councils but just not covered by our scheme?

In my view, no, Community Councils only exist in accordance with the terms of the statute and the scheme under which they are created.

(iv) Is there anything we can do to put things right without dissolution and re-election?

In my opinion the only course that is open is for an application to be made for re-establishment of the Community Councils and then thereafter elections to it.

In light of this advice the Council determined that the steps which must be taken were to notify affected Community Councils that they were automatically dissolved and then to provide them with the maximum support to see Community Councils re-established whilst minimising the impacts on communities in the interim. Given that 33 of the 36 Community Councils are on schedule to be re-established, this is a credit to the volunteers from the communities involved.

7. Why did nobody tell us? This is all the Council's fault – they should have told us.

Following their establishment in October 2015 all Community Councils were issued with a copy of the Scheme which detailed the requirement to adopt a constitution within three months. The Scheme contains a template agenda for the first meeting after an election and this includes the adoption of constitutions as a matter for action. The responsibility for meeting the requirements of the Scheme is a matter for Community Councils.

8. There has been a clear lack of clarification and communication from Council officers, following the establishment of Community Councils, in relation to the threat of disestablishment if they fail to submit the signed constitution on time. Within schedule 4 of the scheme checklist of good practice DGC point 8 states; Nominate an officer to act as a Community Council liaison officer between DGC and CCs; and nominate an officer in each Area Framework office as the first point of contact between DGC and CCs. Surely following the Christmas break the assigned Council officer should have realised that a large number of Community Councils had not returned their signed constitution. Under the scheme 12.8 Support it states DGC shall determine a consistent level of support to CCs across the region within available resources. Wigtownshire were obviously given the support and information as all their CCs were compliant apart from one. It would therefore appear that not only the CCs were in breach of the Scheme of establishment and that Dumfries and Galloway Council officers failed in their duty of care to ensure that they provided appropriate support to the Community Councils they had been appointed to support and serve.

This incident has highlighted areas for improvement in terms of the ways in which the Council works with Community Councils. In particular it has emphasised the importance of the Council having improved communications in place for all Community Councils. In addition it highlights the requirement for Community Councillors to be familiar with their obligations as set out in the Scheme.

It is acknowledged that there is a need to have in place a consistent level of support to Community Councils within available resources and, at the present time, the Communities Directorate is establishing revised management arrangements which will bring this about. Therefore consistency of officer support, communications briefings and training for Community Councillors will be given close attention in the months ahead. In particular, the views and opinions of Community Councillors would also be welcomed so as to ensure a comprehensive list of improvements can be put in place.

Community Councils are required to administer themselves in accordance with the Scheme. It is the role of Dumfries and Galloway liaison officers to 'liaise' with Community Councils.

Following their establishment in October 2015, all Community Councils were issued with a copy of the Scheme which detailed the requirement to adopt a constitution within three months.

The Scheme (Schedule 10) contains a template agenda for the first meeting after an election and this includes at item 13 the need to consider arrangements for the adoption of constitutions. The supporting note in relation to that item states:-

Each CC is required to adopt or amend its Constitution within 3 calendar months of an ordinary or by-election and this must be done at an EGM or AGM, signed/dated at the meeting then approved in writing by DGC... and failure to adopt the Constitution as described above shall result in dissolution. The responsibility for meeting the requirements of the Scheme is a matter for Community Councils.

9. Why were we told in January/February 2016 to adopt our constitution only to then be told we are dissolved anyway?

When this information was given to Community Councils we were of the view that it would not necessarily be best use of resources to strictly apply this condition. However given that a complaint was received the Council had a duty to act. In so doing we sought Counsel's Opinion on the matter. Once Counsel's Opinion was received affected Community Councils were notified.

10. The Scheme is ridiculous and overly bureaucratic. You should change it.

The Scheme was adopted following lengthy public consultation and is subject to periodic review which also involves statutory public consultation. Given the present circumstances Dumfries and Galloway Council agreed at its meeting of 24 March 2016 to initiate a full review of the Scheme. This review must follow the statutory process of public consultation before changes can be made to the Scheme.

11. Why was the three month clause inserted after the public consultation phase had ended? Had any thought or action been given to "risk assess" the amended Scheme for events like the one that has occurred?

The last review of the Scheme followed the statutory process for public consultation. It is misleading to suggest that this clause was simply inserted after the public consultation so the development of this clause through the consultation process is shown below. It can be clearly seen that at all phases of the consultation:-

- There was a time-bound requirement to adopt a constitution (four months, to first meeting, to three months)

- That dissolution shall be the result of failing to do this

Whilst there is no risk assessment for each individual clause within the scheme, the underlying assumption appears to be that the consequence of dissolution would be sufficient to ensure that Community Councils would adopt constitutions to mitigate the risk to their own establishment.

The initial version of the Scheme used in the first round of consultation in February 2013 stated (para 3.7): Each Community Council is required to adopt a Constitution ... Within four months of its formation (i.e. after every ordinary election) each Community Council shall draw up a Constitution; or re-adopt (if appropriate) or amend its existing Constitution for its establishment and management. Failure to draw up or re-adopt/amend a Constitution within the specified timescale shall result in dissolution of the Community Council.

This document was publicly available at the time with two hard copies being provided to each Community Council.

It is possible to access the publicly available reports (titled: FOURTH PERIODIC REVIEW OF THE SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN DUMFRIES AND GALLOWAY) considered by Full Council which considered various drafts before final approval of the Scheme. Each draft then formed the basis of the next round of public consultation.

27/6/13: Para 3.1 of draft scheme: Each CC is required to adopt a Constitution or reconsider its existing Constitution at the first meeting following an ordinary or by-election. Amendments to the Constitution must be made at an AGM or EGM... and failure to adopt the Constitution as described above shall result in dissolution of the CC.

<http://egenda.dumgal.gov.uk/aksdumgal/users/public/admin/kab12.pl?cmte=COU&meet=120&arc=71>

28/11/13: Para 3.1 of draft scheme: Each CC is required to adopt a Constitution at the first meeting following an ordinary election or by-election... and failure to adopt the Constitution as described above shall result in dissolution.

<http://egenda.dumgal.gov.uk/aksdumgal/users/public/admin/kab12.pl?cmte=COU&meet=116&arc=71>

26/6/14: Para 3.1 of draft scheme: Constitution: Each Community Council is required to adopt or amend its Constitution within 3 calendar months of an ordinary or by-election and this must be done at an EGM or AGM, signed/dated at the meeting then approved in writing by DGC.... and failure to adopt the Constitution as described above shall result in dissolution.

<http://egenda.dumgal.gov.uk/aksdumgal/users/public/admin/kab12.pl?cmte=COU&meet=130&arc=71>

12. The constitutions that these Community Councils had previously signed should have been taken into account, as they did not have an expiry date on them.

Whilst constitutions do not expire, as such, after an election a new Community Council exists (even if the membership is unchanged). It is good governance for the new body to 'adopt' (where there are no changes) a constitution as their operating document. Therefore it is a requirement under the Scheme that all Community Councils adopt a constitution within three months of an election at an AGM or EGM and that any failure to do so "shall result in dissolution".

13. It is ironic that under schedule 3 Statutory Purposes 2.1 "In addition to any other purposes which a Community Council may pursue, the general purpose of a Community Council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to the public authorities, the views of the communities which it represents, in relation to matters for which those authorities are responsible, and take such actions in the interests of that community as it appears to it to be expedient and practicable" -that the local authority is not required to follow the same principle in relation to the interests of the community.

The Council must operate within its own agreed policies and the broader statutory framework. Clearly the consequence of Community Councils not meeting the requirement to adopt their constitutions has had undesirable impacts. Therefore, officers sought the approval of Full Council on 24 March 2016 to undertake a review of the Scheme. This review must follow a process of public consultation as specified in S53 of the Local Government (Scotland) Act 1973 before changes to the Scheme can be accepted. Clearly the need for changes or revisions must be considered in light of current events but there is a statutory process which must be followed. Therefore, all the steps which could have been taken in this regard, in the interests of communities, have been taken.

The Council values and supports the work of volunteers within communities throughout Dumfries and Galloway. We are now seeking to ensure that communities have the information needed to enable them to be fully briefed on the background to this incident and, in particular, the statutory framework that applies to this matter. The Council has taken decisive actions to bring about solutions and in addition to these, the Director Communities is scheduled to meet community representatives at community meetings in the near future. The details of these meetings have been circulated to all 36 affected Community Councils.

14. No other Council in Scotland has this clause. Why not?

The Dumfries and Galloway Scheme was based on the Scottish Government's Model Scheme of Establishment of Community Councils available at the time of the last review. It is understood this clause was inserted to maintain good governance and it did not generate any adverse comments throughout the period of public consultation on the Scheme. However, it is acknowledged that there is now an option to amend this clause within the Scheme so as to avoid these consequences in the future. Clearly this will form part of the review process.

15. You should just change the Scheme. Why haven't you done that?

Changes to the Scheme can only be made following statutory consultation as part of a review. Dumfries and Galloway Council agreed to initiate a full review of the Scheme at its meeting of 24 March 2016, however any changes to the Scheme can only be made following the statutory consultation and completion of this review.

16. We would like D&G Council to take responsibility for inadequate drafting of the constitution, and to reduce as much as possible the effort to be incurred by these Community Councils.

The matter of constitutions is an issue for each Community Council to determine. The template constitution provided to Community Councils states that constitutions must be adopted and also that Community Councils must operate within the terms of the Scheme. Clearly the scheme provides for Community Councils adopting their own constitution. However the Scheme is clear that constitutions shall be adopted within three months. It is incumbent on Community Councils to administer themselves within the requirements of the Scheme.

17. Why at the inaugural meeting of the CCs was this not highlighted as a priority by the returning officer?

Following their establishment in October 2015 all Community Councils were issued with a copy of the Scheme which detailed the requirement to adopt a constitution within three months. The Scheme contains (Schedule 10) a template agenda for the first meeting after an election and this includes at item 13 the need to consider arrangements for the adoption of constitutions. The supporting note in relation to that item states:

Each CC is required to adopt or amend its Constitution within three calendar months of an ordinary or by-election and this must be done at an EGM or AGM, signed/dated at the meeting then approved in writing by DGC... and failure to adopt the Constitution as described above shall result in dissolution. The responsibility for meeting the requirements of the Scheme is a matter for Community Councils.

The responsibility for meeting the requirements of the Scheme is a matter for Community Councils.

In terms of the role of returning officers, this function was undertaken by a mixture of Council staff and community representatives. I would confirm that all returning officers are provided with the same guidance from within the Scheme.

18. Are the disestablished Councils covered by insurance during the period of disestablishment?

Community Councils won't be covered by public liability insurance while in a state of dissolution. In the case of pre-arranged events that require insurance cover, another local organisation might be able to take the lead in delivering the event and their insurance might cover that. Alternatively, one off Public Liability Insurance can be purchased as part of the event costs.

19. How much will this exercise cost?

Costs to the Council include staff time and newspaper advertising costs for the Notices of Election. However, these costs have been managed within existing resources. There will also be costs associated with the two contested elections.

20. Don't you realise this is alienating people who do this voluntarily?

Quite clearly, this is not a desirable position for communities and as such we have worked quickly to support Community Councils in re-establishing. The Communities Directorate values and supports the work of volunteers within communities.

21. Where in this whole process was the Community Empowerment Act considered, because Dumfries and Galloway Council have disempowered a large number of communities through this decision.

Quite clearly, this is not a desirable position for communities and as such we have worked quickly to support Community Councils to become re-established in the shortest possible time. The Council did not disempower any communities. This issue of disestablishment arose through Community Councils not administering themselves in accordance with the terms of the Scheme. This has had undesirable consequences and we are working to ensure that the affected Community Councils can be re-established in the shortest possible time whilst minimising the impacts to communities.

The Council values and supports the work of volunteers within communities and the Council is committed to delivering on their obligations outlined in the Community Empowerment Act.

22. The timescales we have had for applying for re-establishment or nominating a returning officer were ridiculous. It's like you are wanting us to fail.

Given that 33 of the 36 affected Community Councils have met this timescale would suggest that these timescales were achievable and realistic. Clearly this was achieved with the dedication and commitment of volunteers supported by the Council. This timetable was set noting the desire of Community Councils to be back up and running as soon as possible. Community Councils had the option to become re-established at a later date if these timescales were unrealistic. However, Community Councils were also notified that by-election could be held at a later date and were free to postpone their application for re-establishment.

23. This fiasco is affecting all sorts of projects or events and has even put jobs at risk.

The Council has worked closely with communities to manage this risk and to the best of our knowledge no jobs have been put at risk. All assets (property and funds) would normally be transferred to the Council to be held in trust until a Community Council has been re-established. However, because of the intention to hold by-elections at the earliest opportunity this will only be implemented should a Community Council not be re-established as a result of the by-election process.

The Scheme provides for assets to be passed to the Council “**after** the satisfaction of any proper debts or liabilities”. This means by implication that any bills, wages or contractual liabilities can continue to be paid. Funds held which have been set aside for events which have already been committed to can therefore be used accordingly.

24. During the interim period how is Dumfries and Galloway Council going to consult with the communities who have no serving Community Councils with regards to planning applications and other public consultations where there is a statutory requirement?

Dissolved Community Councils cannot be considered as Statutory Consultees. However individuals who sat on Community Councils can still be considered to be Consultees. Former Community Councillors as individuals, or collectively, are entitled to submit representations on any planning applications. However, these cannot be treated as statutory consultation responses during the interim period. The same principle applies to other forms of public consultation.

25. Notice of By-Elections of Community Councillors have been published in local press but you have not contacted me direct about this. And why do we only have two weeks to complete the form?

There is a requirement to make public notice of the By-Elections, and as such Dumfries and Galloway Council have opted to do this through local press advertising. Given these are open elections we will not be contacting individuals as this would potentially favour specific candidates. A letter with information on the key dates was also sent to all former Community Council contacts on 29 April 2016 for dissemination.

To deliver the earliest possible By-Elections we have been required to put in place a timetable that allows us to work towards the 7 July 2016 date that has been set. Given the community awareness of the present situation the two week deadline was deemed to be reasonable.

26. Could you confirm that all previous Community Councils in Dumfries and Galloway always adopted a constitution within the required timescale and if not were they dis-established?

The current Scheme was adopted by the Council on 26 June 2014. The elections in October 2015 were the first ordinary elections following the Scheme being adopted and the specific requirement in question being applicable. In terms of whether all Community Councils complied with the previous scheme, this is historical information and at this point in time, given the resources involved in collating information in this regard it, it is not something that we see as a priority to look into at this time.

27. Could you provide a copy of the minute of the meeting at which elected members decided to dis-establish the 38 Community Councils or was this decision purely taken by Council officers?

As with most areas of Council business, Elected Members approve policy which is then enacted by officers. In this instance, the Council has adopted the Scheme for the Establishment of Community Councils. Counsel's Opinion confirmed that Community Councils which failed to adopt constitutions within the timeframe specified in the Scheme were automatically dissolved. Therefore the action for officers was to notify the affected Community Councils of their status and then provide support to ensure these could be re-established at the earliest opportunity. Clear communications, both verbal and written, were entered into with all affected Community Councils.

28. In light of the incompetence of Dumfries and Galloway Council together with the almost lack of support and the issues highlighted above:

(a) The Community Councils listed below do not consider themselves disestablished.

Counsel's Opinion was that Community Councils, which did not adopt constitutions within the specified timeframe, were automatically dissolved. The Council and Community Councils do not have the option to ignore the legal framework under which they are established, operate and exercise their purpose.

The only course of action which will enable the affected Community Councils to be reinstated is by following the process of re-establishment as communicated verbally and in writing to the appropriate Community Councils.

(b) We are formally complaining of the treatment of the affected Community Councils as elected statutory bodies.

Quite clearly, this is not a desirable position for communities and as such we have worked quickly to support Community Councils as summarised below:-

- We wrote to Community Councils on 20 April 2016 to advise that you were automatically dissolved. This letter provided the next steps to be taken towards a by-election as the only remedy for the situation. A by-election is being held for all 33 communities that want to re-establish.
- A dedicated phone helpline was set up to deal with immediate enquiries.
- We wrote to Community Councils again on 29 April 2016 to confirm the key milestones towards the election and offered for Council staff to act as the returning officer to minimise the administrative burden on Community Councils as far as possible.
- Meetings with the Director Communities have been arranged to allow all affected Community Councils to be briefed on the background to this incident, as well as, provide the Director with their feedback on the matter.

I note that you indicate you are formally complaining. Therefore I trust this response deals with your complaint. If, however, you wish to pursue the matter further I would advise that you can progress matters through the Council's complaints process.

Details can be accessed via www.dumgal.gov.uk/complaints

(c) We would like to request that all 38 Community Councils are officially re-established and recognised and treated as such by Dumfries and Galloway Council with immediate effect.

As detailed in previous answers, the only remedy for affected Community Councils who failed to adopt constitutions within the required time frame is to go through the by-election process. The Council is resourcing this to ensure a by-election can be held within the shortest possible time.

(d) We would like to receive an official apology, and clear statement that in future Dumfries and Galloway Council will ensure better communication and support of the Community Councils across Dumfries and Galloway.

This incident has highlighted areas for improvement in terms of the ways in which the Council works with Community Councils. In particular it has emphasised the importance of the Council having improved communications in place with all Community Councils. In addition it highlights the requirement on Community Councillors to be familiar with their obligations as set out in the Scheme. It is acknowledged that there is a need to have in place a consistent level of support to Community Councils within available resources and, at the present time, the Communities Directorate is establishing revised management arrangements which will bring this about. Therefore consistency of officer support, communications briefings and training for Community Councillors will be given close attention in the months ahead. In particular, the views and opinions of Community Councillors would also be welcomed so as to ensure a comprehensive list of improvements can be put in place.

29. We would like to highlight that all of our Community Councils are made up of volunteers, many of whom have full time jobs and families, but who still find the time to try and best serve the interests of their local communities. If Community Councils are to survive to continue to serve their local communities they need encouragement and full support, not to be undermined by excessive bureaucracy.

The Communities Directorate values and supports the work of Community Councils and volunteers within communities. We equally do not wish to undermine Community Councils by excessive bureaucracy.

Given that Community Councils do have a statutory role, a measure of administration and governance is inevitable. However, it is accepted that these requirements should be proportionate. The Council has agreed to review the Scheme. Community Councils will have the opportunity to comment on the Scheme and highlight any areas which they consider constitutes an excessive bureaucratic burden.

The requirement to adopt a constitution normally once every four years (after ordinary elections) is not considered to be excessive and continues to form part of the Scottish Government model scheme. The requirement to do so at an AGM or EGM with dissolution being the consequence of failure may be considered excessive and this will be a matter for consultation and comment in the forthcoming review.