

**COMMUNITY COUNCIL
SHORT-LIFE WORKING GROUP**

REPORT AND RECOMMENDATIONS

September 2012

REPORT AND RECOMMENDATIONS

Introduction and purpose of the Report

1. The Community Council short-life working group is pleased to present its report and recommendations to Scottish Government Ministers and COSLA on what best can be done to strengthen and support Scotland's Community Councils so that they may build their resilience and capacity in order to strengthen their role and relevance as voices for their communities.
2. The purpose of this report and its recommendations is to provide an informed basis to act as a platform for wider discussion and engagement with Community Councillors and those with an interest in the Community Council sector on the future policy development of Community Councils in Scotland. The Group's recommendations sit alongside proposals on the role of Community Councils being explored in the consultation on ideas for the Community Empowerment and Renewal Bill, and following wider dialogue and engagement, any proposals requiring legislative change will be considered as part of the Bill process.
3. It is recognised that the members of this short-life working group represented a very small cross section of those with involvement in the sector, but their expertise and experience enabled informed recommendations to be developed on which to broaden discussion and seek wider views.
4. The Group recognised that there are potentially important issues where no consensus was reached, including national representation of Community Councils; full control of specified budgets; tax raising powers similar to those of English Parish Councils; and the current legal definition on the general purpose of a ¹Community Council. The Group agreed that when presenting this report to Scottish Ministers and COSLA, it would propose that these issues be explored further when engaging more widely.

Background

5. In its 2010 Manifesto Commitment, the Scottish Government reaffirmed its continued commitment to Scotland's Community Councils undertaking *"to give Scotland's Community Councils greater relevance and more opportunities to make a difference for the areas that they represent"*
6. In December 2011, the Scottish Government Minister for Local Government and Planning, established this Community Council short-life working group, comprising a range of people with hands on knowledge of the Community Council sector, who were asked to consider and recommend how best to build the resilience, capacity and capability of Community Councils in the future.

¹ *"In addition to any other purpose 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 public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable."*

7. Given the size of the sector - there are around 1,200 Community Councils and an estimated 12,000 Community Councillors - it was not possible to invite people from all areas of Scotland, but those invited to participate offered views from a cross section of both Community Councillors and local authority practitioners from a geographic mix of both urban and rural settings offering different experiences and perspectives.

8. Also, in recognition of the fact that the sector is so diverse and that a working group could not cover all areas of interest, Community Councils, Community Councillors and anyone with an interest in the sector were given the opportunity to feed their views to the group. A total of 18 submissions were received which echoed the key themes and issues discussed by the Group.

The Group's remit was to:

'Inform future policy development by making recommendations on ways to build the resilience and capacity of Community Councils, in order to strengthen their role and relevance as voices for their communities.'

9. To enable meaningful discussions, to which expert witnesses were invited to participate and contribute views, each of the Group's five formal meetings was themed to support its remit, as follows:

- Supporting Community Councils to play an active role in their communities (including exploration of current legislative status) and to work together to share experience and good practice;
- Strengthening the role of Community Council Liaison Officers (CCLO) in supporting Community Councils, including in the provision of training and development;
- Increasing diversity of representation on Community Councils (including exploration of wider public perception and awareness of Community Councils);
- Strengthening the link between Community Councils and Community Planning; and
- Role of Community Councils in project/asset management and service provision.

10. This structure provided a discussion framework which helped highlight examples of good practice but also allowed the group to identify a number of recurring issues and challenges which face Community Councils. This allowed the Group to develop a set of strategic recommendations which recognise the different needs, priorities and expectations of all of Scotland's vast array of Community Councils.

11. More detailed information on the Group's meetings, including agenda's, papers, and minutes of each of its discussions can be found on the Scottish Government website at: <http://www.scotland.gov.uk/Topics/Government/local-government/CommunityCouncils/CCShortLifeWorkingGroup>

RECOMMENDATIONS

Generally agreed principles

12. From the outset it was acknowledged that the programme of work already undertaken to develop the capacity, capability and accountability of Community Councils, including the Model Scheme of Establishment of Community Councils; Model Code of Conduct for Community Councillors; and Good Practice Guidance for Local Authorities and Community Councils provided a robust foundation on which to build and develop.

13. Throughout the Group's discussions it was clear that fundamental to the relevance of Community Councils is that their place as a statutory community representative is respected and validation is given to the work that they undertake in a range of local authority processes, such as planning (spatial); Community Planning; and in the decisions on the design and delivery of public services. The Group recognised that Community Councils are but one of many community organisations and whilst able to undertake wider roles within the community, their unique role is that of a statutory community representative group. It was agreed that this important key role should remain paramount and be utilised as matter of course by the wider public sector and that genuine partnership working, transparency and accountability be encouraged and supported so that trusting relationships, working together to achieve mutually beneficial outcomes, are established and continue to grow.

14. Whilst the group did not reach consensus on whether Community Councils should have full control over specified budgets (i.e. physical control of the budget), it was agreed that where appropriate, and as currently happens in some areas in Orkney, Community Councils may be ideally placed to decide how specific local budgets are spent in their community and that this concept should be explored further.

15. During the Group's deliberations a range of roles and projects undertaken by Community Councils for and on behalf of their communities were discussed and considered. This demonstrated that current legislative provisions do not preclude many innovative, forward thinking Community Councils from expanding their horizons to meet the needs and aspirations of their communities. It was acknowledged, however, that the support structures and availability of information to enable this to happen as a matter of course is patchy and varies throughout Scotland and that capacity building through training and robust support structures need to be developed as these are seen to be key.

16. The Group were mindful of the fact that their recommendations must recognise the diversity of Scotland's Community Councils, currently undertaking a variety of roles within communities and with different needs; priorities; and expectations. It was considered that although statutory bodies, Community Councils are comprised of volunteers with busy and varied family lives and that to impose legislative duties on them may be counterproductive, as this may discourage wider involvement or force those already involved to leave as the role may become burdensome.

17. The Group has carefully considered the impact of all of its recommendations, and those which may require legislative change have been made in order to remove barriers and challenges which may stifle involvement in or with Community Councils. The final recommendations are intended to provide the impetus to further development of the sector so that Community Councils can, as a matter of course, play a pivotal role in representing community views on decisions that affect communities, whilst at the same time recognising their ability to undertake wider roles should they wish to do so, making Community Councils an attractive group to work with, and be part of.

Specific Recommendations

18. The discussions in each of the 5 themed meetings unveiled recurring issues and challenges faced by Community Councils. Following consideration of our discussions in the round we propose the following 15 recommendations.

Value and esteem of Community Councils

In order to raise the profile and validate the vital work Community Councils undertake on behalf of their communities, and to promote awareness of the importance of their representative role in the decisions that affect communities we recommend:

That local authorities validate the work of Community Councils by working in partnership with them to seek the views of communities; giving them greater influence on decisions on public services which are demonstrated to be representative of the community view; and giving more weight to their representations in spatial planning.

That as a matter of course, through a suitable forum, Community Councils have a principal role in Community Planning Partnerships by identifying the most appropriate group to represent specific community views for the purpose of community planning.

That local authorities provide Community Councils with constructive feedback on how their representations are used, and if they are not used, the reason for this – for example in their representation of views in their statutory consultee role in planning and licensing.

Devolution of responsibility

As locally based statutory bodies, elected to represent communities, Community Councils may be best placed to take decisions on certain local services on behalf of their communities, and we recommend:

That local authorities work with their Community Councils to explore areas of local authority work that they mutually agree Community Councils could manage; deliver; and influence, and work together to agree parameters to allow this to happen.

Working in partnership

In order to support the aforementioned, we recommend:

That local authorities work with their Community Councils to discuss, develop and mutually agree the expectations of Community Councils, including their role when developing the community plan, and that these are publicly recorded.

Accountability

We recommend that:

For Community Councils/Community Councillors

That the need for an enforceable Model Code of Conduct for Community Councillors, with an independent and simple enforcement and appeals mechanism is further explored.

For Local Authorities/Community Planning Partnerships

That the expected role of a local authority in supporting its Community Councils, including the remit of the CCLO, is publicly available and that a local authority official with suitable seniority is identified to ensure that both the Community Council work and working relationship is appropriately progressed at local authority level.

Representativeness

As Community Councils are statutory community representatives covered by Equality duties, and local authorities are required to evidence their engagement with harder to reach groups, we recommend that to mutually support these duties:

That local authorities work in partnership with Equality champions/leads in health boards, police etc to promote and raise awareness of links to minority/equality/disability networks and research as well as relevant legal obligations so that Community Councils are supported and clear of their requirements and have the information to allow them to engage appropriately with all groups within their community.

That as far as possible, each local authority provide their Community Councils with a demographic profile of the community they represent to help them reach into their communities to deepen and broaden the information on community priorities which informs their work.

That Community Councils are encouraged and supported to engage with relevant organisations/groups in their local area to raise awareness of what they do and in an attempt to seek a more diverse range of views on issues.

Training

The importance of training and development of Community Councillors was identified as key to raising the capacity and capability of Community Councils and that this was inconsistent across Scotland, we therefore recommend that:

That a national level induction pack is available to all Community Councillors, including model training modules relevant to Community Council activity and required training standards for delivery at local level, including a way to instil amongst Community Councils a sense of responsibility to undertake training.

Support and Communication

Modern methods of communication to, amongst other things, encourage and enable the sharing of good practice, support and experiences, particularly with other Community Councillors, were also viewed as key in the ever evolving community landscape, we therefore recommend:

That a national interactive portal providing a central information site offering and signposting support and guidance on issues pertinent to Community Councils be developed.

That Community Councils are encouraged and supported to engage, communicate and network in a wide range of different ways, including digitally and via various social networking mediums to enable them to embrace a wider community audience.

Individual Liability

As unincorporated bodies individual members of Community Councils, in certain circumstances, may potentially face personal liability, we therefore recommend:

That good practice developed across the country is shared to support and strengthen Community Councillors' role as contributors to the design and delivery of public services/asset managers and to further minimise the risk of personal liability faced by Community Councillors.

Contested elections

Our recommendations are aimed at building the resilience and capacity of Community Councils to strengthen their role and relevance as voices for their communities. We believe that the above recommendations should attract wider involvement and engagement, and help lead to our final recommendation:

That there is continued drive aimed at the community and Community Councils for contested Community Council elections.