

South Ayrshire Council

**Report by Director of Strategic Change and Communities
to Cabinet
of 20 June 2023**

Subject: Community Councils – Amendments to Scheme for Establishment

1. Purpose

- 1.1 The purpose of this report is to seek approval for officers to make amendments to the Scheme for Establishment of Community Councils and Guidance for Community Councils.

2. Recommendation

2.1 It is recommended that the Cabinet:

- 2.1.1 agrees that officers carry out a consultation on proposed boundary changes between Crosshill, Straiton and Kirkmichael Community Council and Maybole Community Council Ward Areas;**
- 2.1.2 approves the removal of Community Council sub-ward membership allocations within Alloway, Doonfoot and St Leonards Community Council;**
- 2.1.3 approves the removal of Community Council sub-ward membership allocations for Belmont North and Belmont South within Belmont and Kincaidston Community Council; and**
- 2.1.4 approves changes to the Scheme for Establishment that does not currently permit office bearers to be directly related by birth, marriage, civil contract or co-habitation.**

3. Background

- 3.1 On 15 September 2020, the Scheme for Establishment for Community Councils was approved by Leadership Panel.
- 3.2 In June 2021, Thriving Communities became responsible for providing support and guidance to Community Councils.
- 3.3 As part of the ongoing support, officers have considered the views of Community Councils, carried out a survey and facilitated training sessions for office bearers.

- 3.4 In March 2022, officers were contacted by the chair of Crosshill, Straiton and Kirkmichael Community Council and were asked to review the boundaries between Crosshill, Straiton and Kirkmichael Community Council and Maybole Community Council. Appendices 1 and 2 details the current boundary between these areas.
- 3.5 Officers spoke to both Community Councils and discussed a new proposed boundary that now includes Maybole cemetery and the Tunnock Farm Milestone development within Maybole. Appendix 2 details the current and new proposed boundary between these areas.
- 3.6 On 4 October 2022, Alloway, Doonfoot and St. Leonards Community Council, proposed the existing sub-group membership allocations within Alloway, Doonfoot and St. Leonards Community Council should be discontinued in favour of a single unitary membership allocation covering the whole geographical area of the Community Council.
- 3.7 The Community Council voted 9 – 0 in favour of the proposal and SAC officers were asked to seek approval to amend the current arrangements that are in place.
- 3.8 On 5 January 2023, Belmont and Kincaidston Community Council proposed Belmont North and Belmont South amalgamate in to one sub-ward area.
- 3.9 The Community Council voted unanimously to the proposal and SAC officers were asked to seek approval to amend the current arrangements that are in place.
- 3.10 In February 2022 during the Community Council elections, it was highlighted by SAC officers that there were concerns from Community Councils regarding the clause within the Scheme for Establishment that does not permit office bearers to be to be directly related by birth, marriage, civil contract or co-habitation to another office bearer. This restriction is having an impact on office bearer positions being filled across various Community Councils in South Ayrshire.
- 3.11 In light of this SAC officers carried out a survey with all 24 Community Councils who voted 14 in favour, 5 did not agree, 1 was a hung vote and 4 did not respond (Appendix 3).
- 3.12 Appendix 4 details extracts from Scheme of Establishment Handbook that relates to the process for boundary changes and relationships amongst office bearers

4. Proposals

- 4.1 Members are asked to:
 - 4.1.1 agree that SAC officers carry out a consultation on the proposed boundary changes between Crosshill, Straiton and Kirkmichael and Maybole Community Council ward area and report back the outcome to Cabinet in September 2023;
 - 4.1.2 approve the removal of Community Council sub-ward membership allocations within Alloway, Doonfoot & St Leonards Community Council and for the Scheme for Establishment and guidance for community councils to be updated to reflect this amendment;
 - 4.1.3 approve the amalgamation of sub-ward Belmont North and Belmont South membership allocations within Kincaidston and Belmont Community

Council and for the Scheme for Establishment and guidance for Community Councils to be updated to reflect this amendment; and

- 4.1.4 Approval sought from cabinet to make [redacted] changes to the Scheme for Establishment of Community Councils and guidance for Community Councils to permit office bearers to be allowed to be directly related by birth, marriage, civil contract or co-habitation to allow and update the amendments. There will no changes relating to signatories

5. Legal and Procurement Implications

- 5.1 There are no legal implications arising from this report.
- 5.2 There are no procurement implications arising from this report.

6. Financial Implications

- 6.1 Not applicable.

7. Human Resources Implications

- 7.1 Not applicable.

8. Risk

8.1 *Risk Implications of Adopting the Recommendations*

- 8.1.1 There are no risks associated with adopting the recommendations.

8.2 *Risk Implications of Rejecting the Recommendations*

- 8.2.1 There are no risks associated with rejecting the recommendations.

9. Equalities

- 9.1 The proposals within this report have been assessed through the EQIA scoping process and there are no significant potential positive or negative equality impacts in agreeing the proposals, therefore an EQIA is not required.

10. Sustainable Development Implications

- 10.1 ***Considering Strategic Environmental Assessment (SEA)*** - This report does not propose or seek approval for a plan, policy, programme or strategy or document otherwise described which could be considered to constitute a plan, programme, policy or strategy.

11. Options Appraisal

- 11.1 Proposed boundary changes to Community Councils wards provides options for the boundaries to be amended or remain the same.

12. Link to Council Plan

- 12.1 The above recommendations relate Priority 3 Civic and Community Pride.

13. Results of Consultation

- 13.1 Officers are seeking approval to consult within this paper.
- 13.2 Consultation has taken place with Councillor Martin Dowey, Portfolio Holder for Corporate and Strategic, and the contents of this report reflect any feedback provided.

14. Next Steps for Decision Tracking Purposes

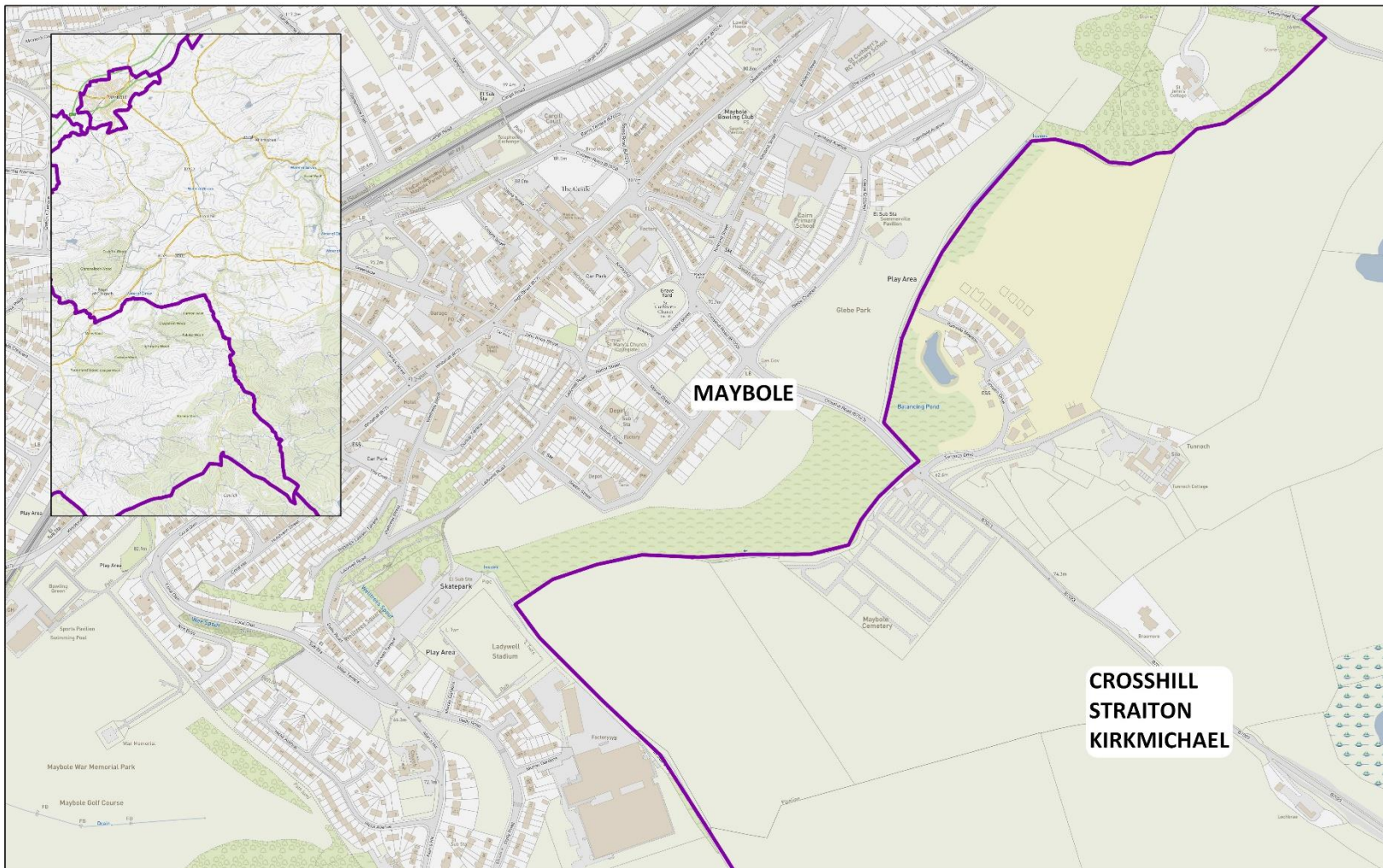
- 14.1 If the recommendations above are approved by Members, the Director of Strategic Change and Communities will ensure that all necessary steps are taken to ensure full implementation of the decision within the following timescales, with the completion status reported to the Cabinet in the 'Council and Cabinet Decision Log' at each of its meetings until such time as the decision is fully implemented:

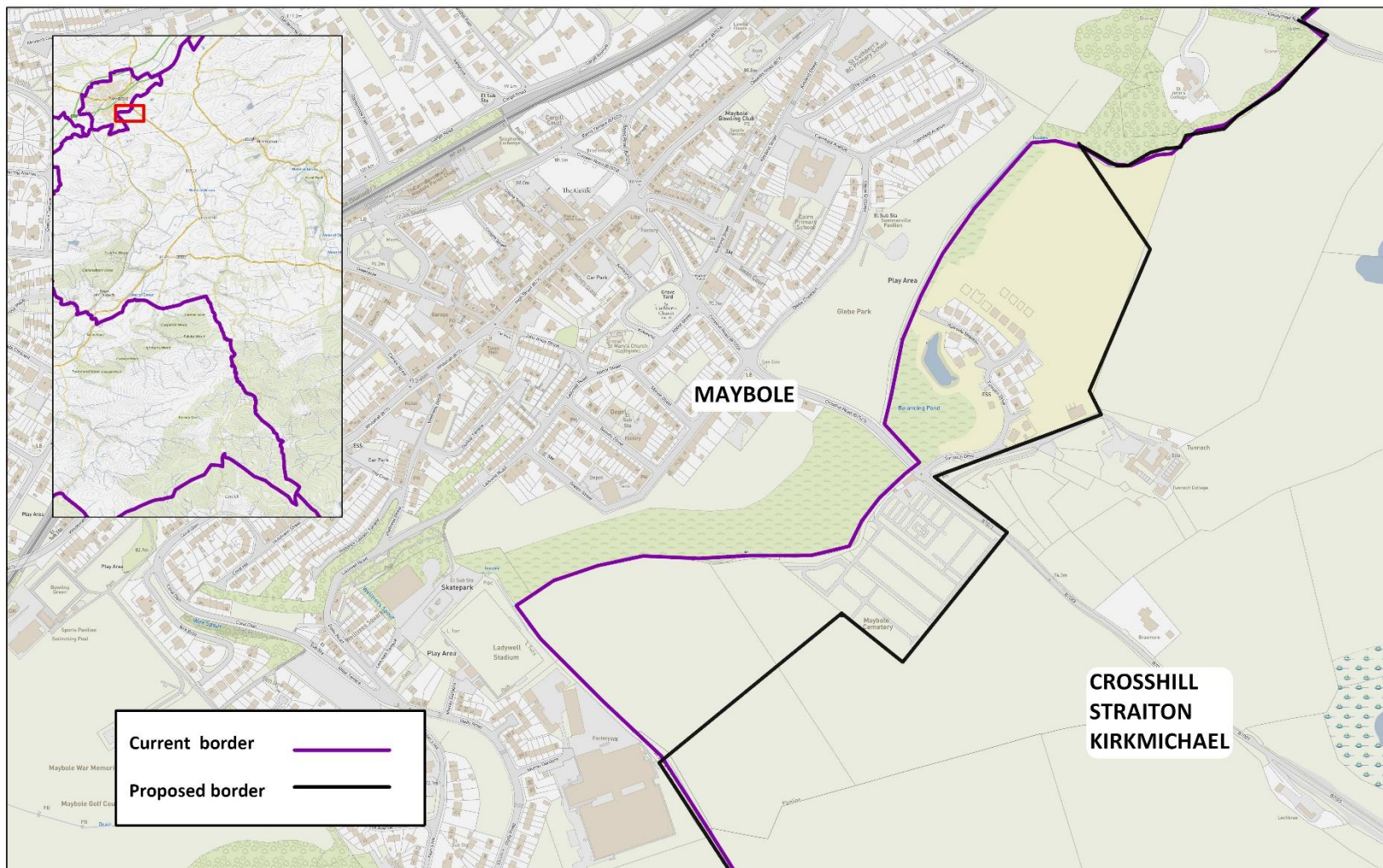
Implementation	Due date	Managed by
Scheme for Establishment and Guidance for Community Councils updated	31 August 2023	Service Lead – Thriving Communities
Report back to Cabinet with results from the consultation	26 September 2023	Service Lead – Thriving Communities

- Background Papers** **Report to Leadership Panel of 23 April 2019 – [Review and Amendment of the Scheme for Establishment of Community Councils](#)**
- Report to Leadership Panel of 17 September 2019 – [Review and Amendment of the Scheme for Establishment of Community Councils – Update and Progress to Second Stage](#)**
- Report to Leadership Panel of 15 September 2020 – [Completion of the Review and Amendment of the Scheme for Establishment of Community Councils](#)**

- Person to Contact** **George Hunter, Assistant Director - Communities**
County Buildings, Wellington Square, Ayr, KA7 1DR
Phone: 01292 612994
Email: George.hunter@south-ayrshire.gov.uk
- Jamie Tait, Service Lead – Thriving Communities**
County Buildings, Wellington Square, Ayr, KA7 1DR
Phone: 01292 559398
Email: Jamie.tait@south-ayrshire.gov.uk

Date: 12 June 2023





Appendix 3

Community Councils Survey Results

It was highlighted during the elections of Office Bearers for some Community Councils that the clause within the Scheme of Establishment page 44 detailed below has caused some concerns and SAC officers are seeking the views of all CC's as to whether they agree to an amendment:

Current

(d) - Office-bearers and/or bank account signatories may not be directly related by birth, marriage, civil contract or co-habitation etc.

Proposal

bank account signatories may not be directly related by birth, marriage, civil contract or co-habitation etc.

(There is no change to the guidance on bank signatories)

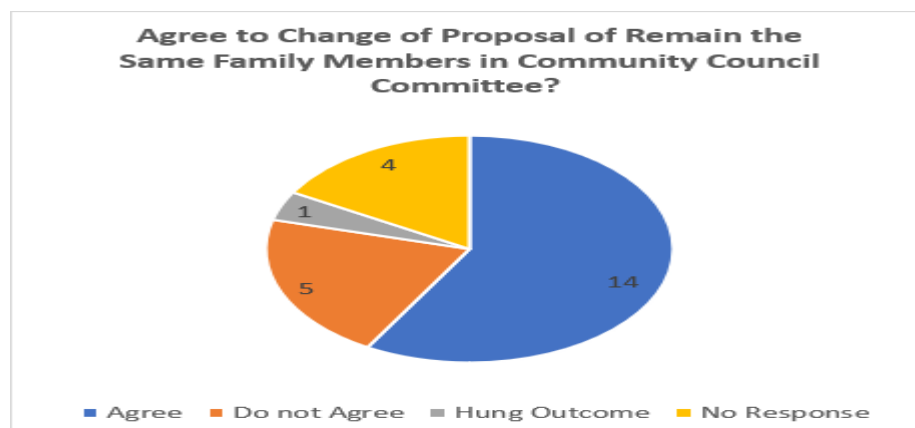
We would be obliged if you could discuss this at your next Community Council Meeting and reply using the vote button which is part of this email, or alternatively if you are not due to meet again for a few months send an email to your members for their vote and the majority would be the vote that your CC puts forward:

Yes – agree to proposal

No – it should remain the same

If the proposal is agreed SAC officers will take it to Council Cabinet to seek approval to amend the scheme and guidance for Community Councils.

Results from Survey



Community Council	Agree to Change of Proposal of Remain the Same Family Members?
Alloway, Doonfoot & St Leonards	Agree
Ballantrae	
Barr	
Barrhill	Do not Agree
Belmont & Kincaidston	Agree
Colmonell & Lendalfoot	
Coylton	Agree
Craigie	Do not Agree
Crosshill, Straiton & Kirkmichael	Agree
Dailly	Do not Agree
Dundonald	Agree
Dunure	Agree
Forehill, Holmston & Masonhill	
Fort, Seafield & Wallacetown	Do not Agree
Girvan & District	Do not Agree
Loans	Hung Outcome
Maybole	Agree
Monkton	Agree
Newton & Heathfield	Agree
Pinwherry & Pinmore	Agree
Prestwick	Agree
Symington	Agree
Tarbolton	Agree
Troon	Agree

Extracts from Scheme for the establishment of Community Councils

Reference to Appendix 1 underlined can be found within pages 37-39 of the Handbook [Community Councils handbook \(south-ayrshire.gov.uk\)](https://www.south-ayrshire.gov.uk/community-councils-handbook)

1. BOUNDARY AREAS

1.1 South Ayrshire Council has produced a list of Approved Community Council Areas (See Scheme Appendix 1 map for South Ayrshire). The area of the Community Council will be as designated on said map. Maps which outline these boundaries can be requested by contacting South Ayrshire Council on communitycouncils@south-ayrshire.gov.uk

1.2 The Community Council formula for membership and administration allowance is developed at the discretion of each Scottish Local Authority. Within South Ayrshire Council our adopted formula reflects the practice of other council areas, by reference to population density and number of electors in the Community Council area. Consequently, new membership numbers of South Ayrshire Community Councils and the formula used can be found within Scheme Appendix One

12. ELECTION OF OFFICE-BEARERS

d) Office-bearers and/or bank account signatories may not be directly related by birth, marriage, civil contract or co-habitation etc.

14. OBLIGATIONS

Review of Community Councils and the Scheme for Establishment

14.1 There is no statutory timeframe for the Scheme for Establishment of Community Councils to be subject to review; the Local Government (Scotland) Act 1973 Part IV Community Councils – Section 53 states that “*every local authority shall from time to time review Schemes*”.

14.2 There could be a number of factors which may trigger a review e.g. a number of requests from Community Councils and/or members of the public; emerging knowledge of a Scheme requiring improvement following practical experience of implementation; or changes to geographic and/or demographic circumstances; particular regard may be paid to boundaries of individual Community Councils, where the Council observes significant permanent changes to the population.

14.3 All, or a combination of, these factors could be viewed as “*changing circumstances*”, as stated in Section 53 of the Local Government (Scotland) Act 1973.

14.4 South Ayrshire Council undertakes to oversee the workings of Community Councils, on an ongoing basis, to ensure that they are operating efficiently and in an appropriate manner, and in accordance with the Scheme. The methodology for this to be undertaken is for all Community Councils to complete an Annual Self-Assessment i.e. Red, Amber, Green (RAG) Analysis, at the earliest opportunity following an AGM (to be completed by the last day of

June each year). This is a Good Practice Item which Community Councils must submit to South Ayrshire Council to conform to GREEN status on the RAG Analysis.