

South Ayrshire Council

**Report by Director of Communities and Transformation
to Cabinet
of 18 March 2025**

**Subject: Community Councils - Review of the Scheme for
Establishment of Community Councils**

1. Purpose

- 1.1 The purpose of this report is to seek approval for officers to commence a process to review the Scheme for Establishment of Community Councils.

2. Recommendation

2.1 It is recommended that the Cabinet:

- 2.1.1 notes that officers will commence a process to invite views and representations on the current Scheme for Establishment of Community Councils;**
- 2.1.2 approves the recommended engagement approaches and consultation plan set out in the Consultation Mandate at [Appendix 1](#) of the report; and**
- 2.1.3 agrees that officers submit a further report to Cabinet, with proposals for amendment to the Scheme for Establishment of Community Councils following the initial exercise seeking views, for approval to consult on those proposals.**

3. Background

- 3.1 Community Councils were originally established under the Local Government (Scotland) Act 1973, which set out the framework for the approval of a Scheme for Establishment of Community Councils (hereafter the 'Scheme') for each local authority by the Secretary of State, and the process for subsequent amendment of a Scheme. The Local Government etc (Scotland) Act 1994 subsequently made provision for the continuation of Community Councils at the point of local government reorganisation.
- 3.2 The purpose of the Scheme is to define the Community Council areas, outline their roles and responsibilities, the conditions under which they operate, the minimum standards to be met for recognition as a Community Council, and the nature of the support to be provided by the Council.

- 3.3 The current Scheme was adopted in 1998 and revised in 2013 and again by Leadership Panel on 15 September 2020. On 23 June 2023, the Cabinet approved changes to the Scheme and guidance for Community Councils to reflect administrative and Cabinet decisions, including:
- to permit office bearers to be allowed to be directly related by birth, marriage, civil contract or co-habitation.
 - approved the amalgamation of sub-ward Belmont North and Belmont South membership allocations within Kincaidston and Belmont Community Council.
 - approved the removal of Community Council sub-ward membership allocations within Alloway, Doonfoot and St Leonards Community Council.
 - gave approval for officers to 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 the Cabinet in September 2023.
- 3.4 On 28 November 2023, the Cabinet approved boundary changes between Crosshill, Straiton and Kirkmichael and Maybole Community Council ward following the consultation (June to September 2023).
- 3.5 On 29 October 2024, the Cabinet approved for Officers to update the Scheme to reflect required administrative updates and to provide clarification on points within the Scheme.
- 3.6 Following a call-in of the Cabinet report, the report and recommendations from the Cabinet on 29 October 2024 were reviewed and presented to the Audit and Governance Panel on 6 November 2024. Subsequently, the recommendations were approved by the Cabinet on 26 November 2024, including an amendment reserving the power of dissolution of any Community Council to full Council.
- 3.7 Since the current Scheme for Establishment of Community Councils and Guidance for Community Councils came in to use in April 2022, there have been concerns raised by both officers and Community Councils regarding the size of the documents and the working practicalities on certain aspects of the Scheme.
- 3.8 On 7 November 2024, officers met with the Chairs and Secretaries of Community Councils and agreed that they would seek approval to carry out a consultation on the Scheme.

4. Proposals

4.1 The Cabinet is asked to:

- 4.1.1 approve that officers commence a process to invite views and representations on the current Scheme for Establishment of Community Councils;
- 4.1.2 approve the consultation plan and approaches set out in [Appendix 1](#); and

- 4.1.3 agree that officers submit a further report to Cabinet following the initial exercise, with proposals for amendment to the Scheme for Establishment of Community Councils, for approval to thereafter consult on those proposals.

5. Legal and Procurement Implications

- 5.1 The recommendations in this report are consistent with legal requirements and reflect appropriate advice. 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*’.
- 5.2 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.
- 5.3 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.
- 5.4 Section 53 requires the local authority to seek representations on the Scheme, The current report therefore seeks authority to carry out the first stage of the process ie to seek representations on the Scheme. Thereafter, if amendments to the Scheme are proposed, the local authority must give public Notice of those Proposals, and carry out a consultation on the Proposals. Following consultation on the Proposals, the local authority may then amend the Scheme in accordance with the Proposals, or with amended Proposals which take account of any representations made to them following the public notice.
- 5.5 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 The risks associated with rejecting the recommendations are that the Scheme is not reviewed and updated to reflect changing circumstances, which may adversely impact the effective operation of the Scheme.

9. Equalities

9.1 Officers will carry out a full integrated impact assessment as part of the review process and this will be included in a subsequent report.

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 An options appraisal has not been carried out in relation to the subject matter of this report.

12. Link to Council Plan

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

13. Results of Consultation

13.1 The report is seeking approval to commence the review process and therefore no public consultation has been carried out at this stage.

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 Communities and Transformation 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
Commence review process to invite initial views/representations on the Scheme For Establishment of Community Councils	March 2025	Service Lead – Thriving Communities
Report recommendations on Proposals to Cabinet, seeking authority to consult on those Proposals	August 2025	Service Lead – Thriving Communities

Background Papers **Report to Leadership Panel of 15 September 2020 – [Completion of the Review and Amendment of the Scheme for Establishment of Community Councils](#)**

Report to Cabinet of 20 June 2023 – [Community Councils – Amendments to Scheme for Establishment](#)

Report to Cabinet of 28 November 2023 – [Community Councils – Amendments to Scheme for Establishment](#)

Report to Cabinet of 29 October 2024 - [Community Councils – Amendments to the Scheme for Establishment of Community Councils](#)

Person to Contact **Jamie Tait, Service Lead – Thriving Communities
County Buildings, Wellington Square, Ayr, KA7 1DR
Phone 01292 559398
E-mail jamie.tait@south-ayrshire.gov.uk**

**George Hunter, Assistant Director - Communities
County Buildings, Wellington Square, Ayr, KA7 1DR
Phone 01292 612994
E-mail george.hunter@south-ayrshire.gov.uk**

Date: 5 March 2025



Consultation Mandate

The Consultation Mandate provides clarity for those involved in the consultation process. The following template should be used by those responsible for the development and delivery of the process. A well-constructed mandate ensures that everyone is clear about the purpose of the consultation.

Contact Name: _Jamie Tait_____

Contact Service: _Thriving Communities _____

Contact Email: __communitycouncils@south-ayrshire.gov.uk____

Stage 1 Invite views and representations Open: 24th March 2025

Final date for 1st Stage comments: 16th May 2025_____

Stage 2 Consultation on Proposals (following approval from Cabinet to consult on these) Open: August, September and October (Dates TBC)

Consultation Mandate	Proposed Boundary Change Community Councils
We...	South Ayrshire Council is undertaking the consultation regarding proposed updates and changes to current Scheme for Establishment of Community Councils (Scheme) and Guidance for Community Councils
need to hear the views of...	South Ayrshire Council are keen to hear the views of: <ul style="list-style-type: none"> • Local residents from across South Ayrshire • Community Councils • Community Groups and Organisations • Any person who may be directly or indirectly impacted by the proposed changes.
about...	<p>An updated version of the Scheme for Establishment of Community Councils (hereafter the 'Scheme') was approved for implementation by the Leadership Panel of South Ayrshire Council on 15th September 2020. There have been a number of amendments to the Scheme since then, to correct administrative errors and reflect various administrative and Council decisions.</p> <p>Since the current Scheme for Establishment of Community Councils and Guidance for Community Councils came into use in April 2022, there have been concerns raised by both SAC Officers and Community Councils regarding the size of the documents and the working practicalities on certain aspects of the scheme.</p> <p>On 7th November 2024 SAC Officers met with the Chairs and Secretaries from Community Councils and agreed that Officers would seek approval to carry out a review of the Scheme.</p>

	On 18 th March 2025 SAC Officers requested permission from Cabinet to commence a process to invite views and representations on the Scheme, with a view to making proposals for consultation.
so that...	<p>The review process including consultation will be carried out by SAC officers along with Community Council representatives.</p> <p>Following the review process and consultation SAC officers will present the findings to SAC Full Council on 11th December 2025 to allow them to consider recommendations on any proposed changes.</p> <p>The review process and consultation will include online surveys and face to face sessions to allow people to submit their views.</p>
Can...	Council will consider recommendations from SAC Officers on updates and changes to the scheme.
On / by...	<ul style="list-style-type: none"> • Stage 1 Invite views and representations – 24th March – 16th May 2025 • Stage 2 Consultation on Proposals – August, September and October • Present recommendations to SAC Full Council December 2025
so as to accomplish...	Allow officers to present recommendations on any suggested changes or updates to the Scheme.
Communications Team Support requested i.e. Social Media and Webmaster	<ul style="list-style-type: none"> • Stage 1 Open 24th March 2025 – 16th May 2025 • Stage 2 Open August, September and October 2025 (Dates TBC) <p>Information will be shared by South Ayrshire Council Communications Team, Local Press and on Thriving Communities Web Page.</p>

Consultation Details

Officers from South Ayrshire Council including Thriving Communities and Legal will be the Lead Officers supporting the consultation.

SAC Officers will contact each of the Community Councils seeking expressions of interest from Community Councillors to form part of the working group.

The communitycouncils@south-ayrshire.gov.uk inbox will be the single point of contact email for direct enquiries regarding the consultation.

South Ayrshire Council - Thriving Communities Service will be responsible for the costs of the consultation.