

REPORT TO GARIOCH AREA COMMITTEE – 23 APRIL 2019

INITIATION OF SUPPORTED STATUS FOR WESTHILL AND ELRICK COMMUNITY COUNCIL

1 Recommendations

The Committee is recommended to note the decision of the Area Manager to place Westhill and Elrick Community Council into Supported Status for a period of three months from 22 April 2019 to 22 July 2019.

2 Background / Discussion

- 2.1 Over the last 18 months Westhill and Elrick Community Council has experienced some acute difficulties which have manifested themselves through a series of formal complaints and counter complaints and more recently, resignations.
- 2.2 Although the Community Council continues to engage in some very positive project-based activities it is struggling to manage its own internal affairs; these are primarily linked to internal relationships and behaviours.
- 2.3 Having consulted with Aberdeenshire Council's Acting Head of Legal and Governance, the Area Manager (Garioch) is now satisfied that the Community Council is not currently fully compliant with the Scheme for the Establishment of Community Councils, primarily:
 - Section 3.4: There should be mutual engagement in the establishment of working relationships between Community Councils, the Council and other agencies.
 - Section 3.5: In carrying out its activities Community Councils and Community Councillors must at all times adhere to the law, the terms of the Scheme, its constitution and the Community Councillors' Code of Conduct.
- 2.4 Supported Status will therefore be implemented from Monday 22 April 2019 and will last for a period of 3 months until Monday 22 July 2019.
- 2.5 The Area Manager (Garioch) consulted on this matter in person, as required by Section 1.5 of the Scheme for the Establishment of Community Councils, with Westhill and Elrick Community Council at its meeting on 11 April 2019. Although there was no consensus there was a majority view that moving into Supported Status may be helpful in terms of supporting the Community Council to resolve several ongoing issues.
- 2.6 During the period of Supported Status, the Community Council will become a steering group whose main task will be to consider such matters, and take such actions, as is necessary to ensure that the Community Council will in future be able to comply with the requirements of the Scheme and continue

ongoing projects with the support of the Area Manager. The steering group will not have the statutory consultee status of a Community Council.

- 2.7 There is confidence that Westhill and Elrick Community Council does have the capacity to be able to comply with the Scheme and secure re-instatement to full Community Council status at the end of the 3-month period, although this period can be extended if required. However, this will require the full commitment of all Community Councillors to engage in activities such as training and team building.
- 2.8 The Community Council are at liberty to appeal this decision. The Community Council may within 20 working days of the notice of Supported Status, submit a request in writing to the Director of Business Services setting out the reasons for the appeal of the decision. Currently Officers consider the risk of appeal to be low.
- 2.9 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments are incorporated within the report. Officers are therefore satisfied that the report complies with the Scheme of Governance and relevant legislation.

3 Scheme of Governance

- 3.1 The Area Manager has the delegation in Section E.1.10 of Part 2B of the List of Officer Powers in the Scheme of Governance to put a community council into Supported Status in accordance with the Scheme for the Establishment of Community Councils.
- 3.2 The Area Manager is required to report the decision to introduce Supported Status to the Area Committee as outlined in Section 14.3 of the Scheme for the Establishment of Community Councils.

4 Implications and Risk

- 4.1 An equality impact assessment is not required because the recommendation within this report does not have a differential impact on any of the protected characteristics.
- 4.2 There are no staffing and financial implications arising as a result of this report. Westhill and Elrick Community Council will need additional support, but this will be absorbed within current resources.
- 4.3 No risks have been identified as relevant on either the Corporate or Directorate Risk Registers.

LAURENCE FINDLAY
DIRECTOR OF EDUCATION AND CHILDREN'S SERVICES

Report prepared by: Margaret-Jane Cardno (Area Manager Garioch)
Date: 12 April 2019