

# **South Ayrshire Council**

## **Scheme for Establishment of Community Councils 2026**

**Feedback and Responses from final consultation**

Black text – extracting from draft Scheme

Blue text – feedback received with suggested changes

Red text – SAC response

This will involve them articulating the views and concerns of local people in their area on a wide range of issues of public concern and make representations to their council, other public sector bodies and private agencies on matters within their sphere of interest. including common town centre projects and major traffic flow routes affecting all residents of a localised associated town.

Leave as it is, too specific to individual Community Council's for the Scheme document.

Each new Community Council is required to adopt a constitution. A standard template is provided in Appendix 2, together with a standard template for Standing Orders provided in Appendix 4, to encourage and facilitate their proceedings being properly structured and regulated, to ensure that items of business relevant to the community are properly debated and decisions reached in a democratic manner. Community Councils have the power to change the Constitution and Standing Orders subject to approval by South Ayrshire Council.

'are properly debated and decisions reached in a democratic manner'. This is open to opinion what is 'properly'. This is a potential opening for a can of worms. This can attribute far too much work for a CC to organise. It should be sufficient to publish proposals on designated noticeboards and media via agendas and have anyone to make comment via email or in person prior to or at a meeting and a vote to take place by an attending quorum of members at a meeting. The public are encouraged to participate in CC business via this medium.

This relates to when Community Councils are holding their meetings, they are following the correct procedures and processes.

The templates are there to help and not hinder. There is nothing new here that they should not be doing already.

Have in place consultative mechanisms to ascertain, co-ordinate and reflect the views of all sectors of the community which it represents. Community Councils should liaise with other community groups within the area and seek to fairly express and consider the diversity of opinions and outlooks of the people within the course of the community council business.

Most of our decisions are of low overall priority. Say for example to buy a bench for a particular location. This clause is then rather over the top for this example and therefore not discerning enough. If the SG or Council were to propose 20mph throughout a large area of our remit then it should be sufficient to publicise this fact and ask for email comments over a period of time. This then puts the onus on the public to participate. The council never ensures that their consultation reach all and responses can be as low as a few percent and really not a reflection of all at all. Open to opening a can of worms.

This relates to how Community Councils are holding their meetings they are following the correct procedures and processes for decision making. Many decisions will be made within the Community Council meeting, allowing members and public to express their views before a final decision is made. However, there may be times when bigger projects are up for discussion which could result in the Community Council making all attempts to reach the wider community and community groups.

Review the Scheme, both periodically and in response to representations made, and where amendments are required to propose, consult, and vote on those amendments in terms of section 53 of the Local Government (Scotland) Act 1973. Each representation is considered on merit and on operational necessity for timely implementation into the S of E. We must avoid SAC saying as they have in the past, no one else has complained or made that suggestion as a way of a non-timely implementation. The S of E is a live publication and should be updated promptly.

SAC have acted in the past considering suggested changes. Including changes made to bank signatories, sub-wards, boundary areas etc, however there is a process we need to follow. This document is not live it is the guidance that is live. Changes to the Scheme need to be approved and have followed the proper consultation process etc and be presented to Cabinet.

Any request to create a new or amend existing Community Council boundaries by (1) the merging of 2 community council areas or (2) changing the boundaries of existing Community Councils must be made in writing to South Ayrshire Council. Such request should demonstrate local support for the proposal, including the agreement of existing Community Council(s) unless it is deemed by SAC as an obvious nonfunctioning boundary error.

Needs to be consulted on.

The first minuted meeting in April of each Community Council following, the four yearly Full Election, shall be a meeting of the newly elected members only convened by a representative of South Ayrshire Council (usually the Link Officer) or an Elected Member within 30 days from 1st April. The business of that meeting will include adoption of a Constitution and Standing Orders, appointment of office bearers and any outstanding business matters from the outgoing Community Council. A regular

meeting of the CC may then take place with newly elected office bearers in place thereafter.

The additional words seem a bit much and make the reading confusing. "...first 'minuted'...", does that mean they could have an unminuted meeting before that.

The first meeting after 4 yearly full election will always be of newly elected members.

Technically all the members at the time are newly elected even if they are re-elected. Or by newly elected members only, do we mean those that were not members previously and are now new to the CC? Confusing.

- Promoting the Community Council within the Community one example Communal Christmas tree and lights

The admin allowance is not enough to be adding additional things to, they are not a delivery body and Christmas tree lights etc is not an admin expense.

The following was suggested by another Community Councillor and has been agreed to be added:

In relation to the Admin Allowance This list is not exhaustive and enquiries regarding acceptability of items other than those noted above should be referred to the Service Lead, Thriving Communities of South Ayrshire Council.

- Donations to Groups (max £150) Clarify here required 'Community Groups' max £150/group? Or to all Groups max £150? If the latter, this should increase £250 to groups <sup>3</sup> to 3.

We originally proposed taking this out as again many CC's complain the admin grant is not enough but opt to give external groups money. We are aware this is a kind gesture, but it is not a requirement.

The max of £150 can be broken in whichever way the CC prefers eg 1 group £150, 3 groups £50, 10 groups £15.

- An amount of (max £150?) carry over into the next year

Nothing can be carried over as the admin grant is only topped up each year with what has been spent the previous year.

An initial decision on supported status can be appealed in writing to the Chief Governance Officer of South Ayrshire Council within 14 days of the decision being notified to the Community Council (the initial notification and any appeal should be in writing, in the form of a dated formal email and/or letter). [Some leeway may be extended for a CC in recess on notification of the latter to SAC.](#)

In the theme of keeping the Scheme as simple and less wordy as we can, and in keeping with other time limits this will remain the same, otherwise, we may end up

needing to qualify every time limit in this document with the same extension reasoning.

Prior to such a recommendation being made to the Council of South Ayrshire Council, the Community Council will be advised in writing and given 14 days from the date of the notification to make written representation to the Chief Governance Officer of South Ayrshire Council, as to why such a recommendation should not be made.

Some leeway may be extended for a CC in recess on notification of the latter to SAC

As above

Appendix 1 Map – consider providing links to larger individual area maps

Link added to CC website - **Use this link to get a full map of your Community Council area <https://www.south-ayrshire.gov.uk/community-councils>**

to ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of the people; **who engage with Community Council members or through local media from which CC members could be made aware of such views.**

**Does not need additional wording. It is up to the Community Council to try to engage with the public they represent.**

to express the views of the community to the local authority for the area to public authorities and other organisations: **to this end local Ward Councillors are therefore encouraged to attend CC meetings as often as possible.**

**As much as we do encourage, we can't add this in. It was queried before if they need to attend and the answer is no.**

(a) Where a vacancy arises, the Community Councillors can agree to fill the vacancy in accordance with Scheme Clause 4 relating to Co-option, initially from a reserved list and subsequently from wider advertising. South Ayrshire Council requires to be notified if the membership falls below half.

**Not required in the constitution it is already noted with the Scheme under co-option 4.2**

The Community Council may appoint Community Councillors to sub-groups of the Community Council and shall determine their composition, terms of reference, duration, duties, and powers **and ratified within minutes.**

**When checking through it is mentioned in scheme 7.15 under sub-committees that should be minuted so don't think it needs to be added here.**

Property and other assets belonging to the Community Council shall be vested in the Chair, Secretary and Treasurer of the Community Council and their successors in these respective offices. **Date obtained and value or approximate value against an asset should be recorded with any receipt of purchase kept by the secretary.**

**Suggest it is Guidance content material**

You have a duty to establish and reflect, through the Community Council, the views of the community **as far as it is reasonably known**, on any issue, irrespective of personal opinion.

**Not necessary it is always the understanding that it is as far as reasonably known.**

**The views of the community are fine because as long as the CC can demonstrated due diligence this should not be an issue.**

You have a duty to take decisions solely in terms of the interests of the community that you represent **and seek the collective majority view of your other Community Councillors where appropriate.**

**This is not a requirement at this part of the code of conduct, which relates to the individuals.**

If you have dealings with the media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views **written or verbally witnessed** and opinions from any views or statement made about or on behalf of the Community Council.

**Additional wording not required.**

Harassment is any unwelcome behaviour or conduct which has no legitimate purpose and which makes someone feel **(arbitrary)** offended, humiliated, intimidated, frightened and/or uncomfortable. Harassment can be experienced directly or indirectly and can occur as an isolated incident or as a course of persistent behaviour.

Harassment can take the form of unwelcome physical contact; inappropriate remarks or questioning; intrusive questioning; and the sending of unwelcome emails, messages, or notes. This is by no means an exhaustive list.

Bullying is inappropriate and unwelcome behaviour which is offensive and intimidating, and which makes an individual or group feel undermined, humiliated, or insulted. It is the impact of the behaviour rather than the intent which is the key. Bullying can arise because of an individual misusing their power and can occur through all means of communication. Bullying can be a pattern of behaviour or a one-off serious incident that becomes objectionable or intimidating. This can include the unwelcome physical, verbal, or non-verbal conduct; intimidatory behaviour; disparaging, ridiculing or mocking comments and remarks; physical violence;

deliberately excluding an individual from conversations or activities in which they have a right or legitimate expectation to participate. This list is not exhaustive.

Offended can be attributed to a personal whim. The word cannot be used as definitive in all cases; it is open to malicious abuse and interpretation. WOKE

All of this section can be very subjective by the recipient of the degrees of acceptance by any one and differing individuals. By writing down too much information you are giving too much to actual interpretation without concern of the circumstances which may also be of relevance and again far too much opportunity for malicious intent in a complaint for example.

Where is the balance, the fairness? If you want to write this then you must have a section here on malicious accusations of harassment, offensive, bullying, humiliated, intimidating etc and how this may be judged.

It is how someone perceives something whether that is verbal or physical. For example in law if an incident occurs where an person is intimidated by someone because their height, body mass or aggressive nature then they may defend themselves more robustly but the same offender could come up against someone of the same strength who perceived no threat from the offender. It all comes down to the fact that no matter whether people think their actions are perceived by someone as offensive as a personal whim the reality is that these actions are not acceptable.

Equality Act 2010 - Action+ perception of the person being harassed.

1.3 This list is not exhaustive. These issues cannot be dealt with and will not be progressed as complaints. Individuals will be redirected accordingly, *if necessary*. Where will they be redirected to? and Who will be the initial arbiter in this regard?

Scottish Public Services Ombudsman (SPSO). The SPSO is the independent body that looks at complaints about public services in Scotland, including issues related to local councils and their processes.

It would all depend on the circumstances of the case and so we cannot include every scenario. For example, it could be a criminal matter that has nothing to do with CC issue, we would re direct them to the police, it could be a civil matter, we would advise them to see a lawyer.

Disagreement with SAC decisions would be SPSO.

The point being that, not all complaints can be dealt with as valid in terms of this Scheme, in which case we will not progress it. I have added "if necessary" to show that it is discretionary.

You can complain with accompanying evidence and/or circumstance about things such as

Not necessary for the "What.." section, it's already covered in the "How do I complain" section.

Some complaints, while simple and straightforward will not be suitable to be handled by the Community Council themselves (why?) due to the involvement of office bearers. In such cases, the Senior Communities Officer will progress this to a stage 2 procedure. Does this mean where more than one office bearer is subject of the complaint ie plural? If only one is involved I see the remaining CC members are quite capable of handling the complaint at stage 1. If SAC like, they can incorporate the presence of a link officer observer. Stage 2 takes far too long and is too cumbersome and wastes everyone's time. Maybe you need to take out the words 'due to the involvement of office bearers' and leave it at that. Possibly add in CC themselves 'as determined by the Senior Communities Officer'. 7.4 as it is, is not progress in this new document, makes no sense at all for something that is simple and straightforward to go to stage 2 where a decision is already made in 7.2.

as mentioned in the part above there may be situations that are too serious or there may be complaints from a member of the public about how office bearers handled a situation, and it would be unfair to put the responsibility onto other CC members to deal with issues if they were a serious nature. The most democratic process is an independent panel

Where it has not been possible to resolve the complaint or the complainant is not satisfied with the outcome, they can request that the Senior Communities Officer progress their complaint to a Stage 2 procedure. No, No, No, It should not say without clarification to, 'or the complainant is not satisfied with the outcome' They must explain why they are not satisfied having presented their corroborative evidence and circumstances without hearsay in the first instance and what explanation in the CC reported outcome they are not satisfied with and why with reasoning and without introducing new evidence. If new evidence is introduced the full complaints process is restarted with all parties contributing. Did we not learn anything from my experience? It can't just be they are not satisfied with the outcome, decided by a panel of CC members without material reason.

Again, we are trying to be as democratic as possible and as pointed out previously a group of people will tend to defend others in their group, but the evidence can and should be looked at independently. Again, when evidence is looked at and people have blatantly been wrong then an independent panel will see that.

There is always "an appeal to every decision process", more so in a situation where the complainant has been left at the mercy of the group they have complained about.

The group has an obligation to ensure they can show they handled the complaint fairly and impartially, especially if they know that their decision could be subject to a review.

If the CC handles the complaint properly, in most cases, the complainant (even though not satisfied with the outcome) would struggle to have a case to request the SCO to progress.

A reminder that the progression to Stage 2 remains at the determination/discretion of the Senior Communities Officer.

The Senior Communities Officer will identify where the complaint is valid and relates to a Stage 2 procedure and advise the parties. They shall notify the Community Council or Community Councillor concerned and the complainant that they have up to seven (7) days to provide a written statement to support their position and that the written statements would form part of the information provided to the Complaints Panel, whilst in stage 1 the text of the complaint is written and the corroborative evidence and circumstances is written. Here the accused can respond to the complaint in writing for the hearing in a stage 1 determination. Here in Stage 2 there doesn't seem there is any provision for the accused to respond to the statement supporting the complaint or indeed the further statement before it goes to the panel. This is fundamentally wrong particularly if it has been determined to go straight to stage 2 by 7.2 or a further statement of why the complainant is unsatisfied was not shown to the accused prior to it going to the panel of 3. It is also worthwhile asking parties for a circumstances statement.

All of the information should be provided by both parties. If someone doesn't provide evidence, then that is their responsibility.

Notification from the Senior Communities Officer to the subject of the complaint, requesting provision of written statement to support their position.

The Senior Communities Officer notifies them that their "**written statements**" would form part of the information provided to the Panel.

So, an interpretation of this clause: The complainant puts in their complaint, the Senior Communities Officer informs the person complained about, who has 7 days to respond stating their position.

Read section 6 as well.

In summary: The Senior Communities Officer decides whether to progress at all, if valid based on info received and then a further determination to progress it to stage 2 only after receiving written **statements** from both sides.

Brought forward from previous consultation

Q. p8 2.23 CC member who has declared financial or other interest in relevant matters coming before the CC - The CC member could assume the rights of a member of the public, and give comment but not be involved in the decision-making process as a community councillor on that matter?

R. The Community councillor cannot choose to assume the rights of a member of the public. They are for the purpose of the proceeding a member of the community council with the power to make and influence decisions on the matter, it is for this reason that if they have an interest in the relevant matter being discussed, they must declare and withdraw from the proceedings and discussions involved in making the decision, to avoid the accusation/perception of bias/undue influence or swaying the decision their way.

Therefore, will remain as it is in the final draft proposal.

Brought forward from previous consultation

Q 4.4 Co-opted members must be eligible for membership of the Community Council as detailed in Section 2 of the Scheme. In addition, they must have attended some previous CC meetings. Reserves may initially be taken from the 4 yearly elections if still available and thereafter there is a need to advertise for co-option.

R. Scheme section 2 details eligibility for membership, there should be no additional eligibility criteria for Co-opted members, as the community councillor membership does not require them to have attended some previous meetings before standing for election to become members, then should not be mandated for co-opted members.

Brought forward from previous consultation

Q. 12. Complaints There needs to be a statement that complaint procedures should not appear in regular minutes when the complaint is internal to CC members or indeed made by a member of the public??

R. To be added to Good Practice Guidance

While not all details need to be discussed at a public meeting or recorded in full in the minutes, the minutes should acknowledge when a complaint has been received and note how it is being dealt with, including any updates as the process progresses. The outcome should also be recorded in the minutes once the process is complete.

Q. What constitutes a breach and what constitutes a serious breach?

R. Providing a definite response is hard since each complaint requires its own individual consideration.

Q. When is it appropriate to arbitrate just by the Chair, do we really need to say chairperson?

R. No, we don't, proposed changing all references to Chairperson to Chair throughout the document.

## **Dundonald Community Council**

### **Response to Final Consultation re the Scheme of Establishment for Community Councils.**

**18<sup>th</sup> Jan 2026**

#### **1.0 Summary**

1.1 Dundonald Community Council is in recess over the Christmas New Year period. Our first meeting following commencement of the above consultation is on the 12<sup>th</sup> Feb 2026. In view of the importance of this consultation however, the Community Council held a special meeting for this one item in private premises on the 17<sup>th</sup> Jan 2026.

1.2 Following the meeting, this response was prepared, representing the consensus of views and was approved following circulation by e mail. This response therefore represents the collective views of the Community Council. The document is being submitted in standard report format because the online portal is not geared towards a collective group response.

#### **2.0 Background**

2.1 Dundonald Community Council submitted an initial response to the Consultation on the 'Scheme of Establishment' on the 8<sup>th</sup> May 2025. This response was approved unanimously by the Community Council. The response was initially rejected because it was not completed online. The Council thereafter accepted the response after realizing that the online platform precluded responses from 'groups and organizations'. The online consultation platform at that time only accepted responses from individuals. We understand however that at least one other Community Council debated the consultation and submitted a collective response.

2.2 In our consultation response of 8<sup>th</sup> May 2025 we focused on three key issues.

2.3 Firstly, the benchmark for the new 'Scheme' should be the 'Model' document approved by Scottish Government and COSLA. This document is much shorter, concise and reflects the independence of community councils. Perth and Kinross Council was the first Council in Scotland to adopt the model document. Perth and Kinross is an appropriate Council to benchmark with, being geographically similar to South Ayrshire

but much larger with respect to population and budget. The Perth and Kinross 'Scheme' runs to just 37 pages including preface, table of contents etc. It is respectful of the independence of Community Councils and does not impose 'governance' on Community Councils. In Perth and Kinross, Community Councils effectively self-govern provided they maintain the statutory minimum number of members.

Extract from

## MODEL SCHEME FOR THE ESTABLISHMENT

## OF COMMUNITY COUNCILS IN SCOTLAND 2023

### 1. Background

The Model Scheme for the Establishment of Community Councils 2023 replaces the Model Scheme that was first published in 2009.

The Model Scheme for Community Councils in Scotland is designed to enable the establishment of community councils across Scotland to provide a common **minimum basic** framework governing their creation and operation. However, each local authority is responsible for consulting on and agreeing its **own** Scheme.

NWe should not seek to benchmark our Scheme with that of any other Council regardless of the geographical similarities.

Each local authority is expected to have its variation of the model scheme as dictated and influenced by local requirements.

It would be a disservice to the locality of South Ayrshire to disregard past and experienced issues and occurrences when updating its Scheme especially where these lessons learnt would ensure continuous improvement of performance of functions and the adherence to Best Value principles as required under the Local Government in Scotland Act 2003.

On the contrary, the whole point of the Model scheme, model constitution, standing orders and code of conduct is to provide governance.

Good governance is foundational to how community council should conduct its business.

Our carefully updated Scheme is curated from the Model scheme; it is therefore not an imposition of 'governance' on community councils; but rather an expectation that the framework for governance which we are legally expected to set out would be used and

adhered to by community councils in showing credibility and remaining accountable to the community it serves.

SAC recognises the Model Scheme as a helpful national framework but notes that it is explicitly nonprescriptive and that, under the Local Government (Scotland) Act 1973, each local authority must adopt a Scheme reflecting its own circumstances and statutory responsibilities. In developing the South Ayrshire Scheme, a number of LA schemes have been reviewed and compared and while comparators such as Perth and Kinross are noted, South Ayrshire considers that effectiveness is not determined by length or simplicity alone; accordingly, the Scheme provides clearer roles, safeguards, and proportionate mechanisms for intervention where required, with the aim of protecting the credibility and long-term sustainability of Community Councils rather than diminishing their independence.

2.4 Secondly, our response raised deep concerns over the requirement of South Ayrshire Council to be 'Compliant'. The existing 'Scheme' requires Compliance with South Ayrshire Council and consequently undermines the role of a Community Council as an independent body.

2.5 Thirdly, South Ayrshire Council maintains a bureaucratic and complicated Complaints process. Perth and Kinross Council addresses this with the simple position that complaints will be passed to community councils and the Council will play no role in this. This statement clarifies that Community Councils are self governing and independent.

2.6 Following the lengthy period of document development and further consultations, Dundonald Community Council is dismayed to find that the above issues have actually been made more onerous. Details of our concerns are listed below.

### **3.0 Comments on current draft Scheme**

#### **3.1 Introduction** - comments

Text in the Model Scheme

*'Community councils have a statutory right to be consulted on applications for planning permission and have a key role as per the Planning (Scotland) Act 2019 in engaging with the statutory planning system.'*

Additional Text in SAC version

*'Community Councils may also undertake other functions within the terms of their Constitution. It is the responsibility of a Community Council to satisfy South Ayrshire Council that it has taken positive steps to ascertain the views of the wider community within their area, before making representations on any matter, on behalf of the community, which for the most part is comprised of residents.'*

*It should be remembered that a Community Council can only act collectively. The law does not permit individual Community Councillors any special place to act independently.'*

3.2 The above addition to the introductory paragraph in the SAC Scheme clearly implies that the Council is applying governance to a Community Council through requiring evidence of decision making before accepting a Community Council response. We recognise that Community Councils are imperfect, we try and sound out communities before articulating views. It is a fact however that few people engage with local issues, the Community Council can endeavour to engage through meetings etc but we cannot prove beyond reasonable doubt that the views we express are fully representative of the local community. On almost any matter, the Council could reject our position on the grounds that we cannot prove we have fully engaged.

**This is not additional information it is in the current Scheme for Establishment under Introduction part F & H.**

3.3 This test of compliance is wholly at odds with the position in respect of paid elected members of the Council. Elected Members may represent their communities without requirement to provide evidence. Indeed many decisions made by the Council are reflective of political party lines and have little bearing on community views.

**Community councils are not political. They exist simply to represent the interests of their local community.**

3.4 Dundonald Community Council considers that our role is compromised by the conditions SAC have added into the Model Scheme Introduction.

3.5 Section 10 **Compliance** - comments

3.6 SAC have added in a lengthy section on compliance which is not in the 'Model' Scheme. SAC at Service Lead level and without Committee approval, can place a Community Council into 'Supported Status'. It can do this if the Service Lead considers that the Community Council is not complying with the scheme. In consequence, a Community Council becomes a Steering Group and ceases to have a statutory role in consultation. The decision can be appealed, again only by reference to a Council Officer not a Committee. This clearly imposes hierarchical governance on Community Councils. This governance imposes officer control over democratically elected local community councillors. It is the view of Dundonald Community Council that this aspect of the Scheme, as well as being an insult to the independence of an unpaid body of volunteers, breaches the terms of the Local Government (Scotland) Act 1973.

This is in line with the 1973 Act which provides a framework for local authorities to manage the functions and responsibilities of community councils. Administratively, this may include the dissolution of community councils, reviewing existing ones or establishing new ones. All these can be seen as a means of managing community councils which is duty of the local authority.

Section 17 of the Model Constitution provides for the suspension or dissolution of the community council by the local authority.

South Ayrshire has chosen to take the route of first attempting to support the community councils to continue operating rather than immediate dissolution.

Please note that the Service Lead's role is purely administrative where the conditions for dissolution/suspension laid down in the constitution and model scheme arises. This is not a matter for committee approval.

3.7 Section 10 **Complaints** - comments

3.8 Section 10 of the SAC Scheme refers to **Appendix 6, the Complaints** process.

3.9 Again this is an addition to the 'Model' Scheme. As discussed previously Perth and Kinross Council advises in its Scheme that complaints will be directed to and dealt with by Community Councils.

'extract from Perth and Kinross approved Scheme:-

*11. Complaints, Community Councils are responsible for dealing with any complaints made about their individual members' or collective conduct. Any complaints that are sent to Perth and Kinross Council will be passed onto the appropriate Community Council. Perth and Kinross Council has no official role in dealing with complaints but has produced a guidance note that can offer some guidance and assist community councils in dealing with a complaint.'*

Please note there is no provision for the process for complaints under the Model Scheme. Every local authority has adopted a process which they believe suits them, including Perth and Kinross.

However, Perth and Kinross complaint policy as suggested would not be legally competent for us to adopt considering past and present occurrences within our community councils.

We have set out a complaint policy that ensures efficiency, fairness, impartiality and transparency.

Where Mr A has a complaint about Mr B, Ms C and Mr D as a collective group. The idea that the complaint should be dealt with by the same collective group being complained about would not be procedurally fair on the complainant.

3.10 By contrast, Appendix 6 of the SAC Scheme comprises some five pages of complex bureaucratic procedures. It is comparable to the Complaints procedure of a large corporate body. It is not consistent with a volunteer body with very limited powers other than to 'express a view'. Significantly, there are a large number of grounds which are acceptable as complaints. Most do not apply to the Council's complaints procedure with respect to elected members. In particular, the ground for complaint "Bringing the Community Council into disrepute eg misrepresenting the views and interests of the local community' does not apply to the Council and would not be acceptable as a valid complaint under the Council's complaints procedure. This ground for complaint is almost wholly subjective.

The updated complaint policy seeks to simplify the process and avoid prolonged issues. Most important is the initial determination by the Senior Communities Officer on whether a complaint is valid to begin with and the opportunity for the community council to see about a resolution before the complaint is progressed any further.

This is a positive step in assisting community councils to evidence transparency and credibility to their local community.

3.11 How could a complaint which claims misrepresentation of a community be tested without evidence of a major piece of work such as a Referendum. It is also the case that if a Community Council were to oppose a planning application, a developer would simply file a complaint that the Community Council 'misrepresented the Community'. This would nullify the Community Council position in both the Council decision making process and any subsequent Appeal. As an example, Dundonald CC recently supported the Council in an Appeal against the refusal of wind turbines close to Dundonald Castle. The Community Council provided supporting evidence at the Appeal Hearing. If the current proposal for the Scheme was to be ratified, the developer would simply file complaint and the Community Council would be neutralised until a lengthy and costly bureaucratic process of investigation had been completed. This does not in any way support the independent status of a Community Council and runs counter to local democracy.

This is not an accurate interpretation of the complaint policy within the updated scheme. The complaint policy is clear on what would be considered as complaint.

It states that a complaint must relate to an alleged breach of the Scheme or code of conduct and it also clearly states that a complaint which involves a disagreement with

a decision will not be progressed as complaints as it cannot be dealt with. (See section 1.2, 1.3 )

The complaint policy seeks to protect the credibility and integrity of community councils; while it is also detailed enough to ensure efficiency of the process.

3.12 It is also the case that the approach South Ayrshire Council is taking, is resource intensive on Council services. South Ayrshire Council was criticised in the 24/25 report by Audit Scotland for unsustainable financial management through over use of reserves. The report states *'There are no plans in place yet to identify how the medium term budget gaps will be filled.'* **Dundonald Community Council consider that South Ayrshire Council should look to Perth and Kinross Council who are praised by Audit Scotland in the 24/25 Audit report which states *'Appropriate arrangements are in place for financial sustainability despite the challenging financial environment in which the council is operating.'***

Not relevant to the review of the Scheme.

## 4.0 Conclusion

4.1 In conclusion, the Community Council does not support the draft Scheme for the Establishment of Community Councils in its current form. Dundonald Community Council considers that the draft scheme would be a significant disincentive to new volunteers, is undemocratic, unnecessary and wasteful of valuable Council resources. There is also a feeling amongst existing Community Councillors that 'enough is enough'. We give time and effort freely, we are not corporate employees. We strongly urge South Ayrshire Council to reconsider the current draft and revert to a Scheme which aligns more closely with the model Scheme as approved by Scottish Government and COSLA and adopted by Councils like Perth and Kinross Council.

In updating the draft scheme, council officers relied heavily on Improvement Service's Good Practice Guidance for Community Councils and took into consideration all feedback received during the consultation process to ensure we have a revised scheme that meets our unique and local requirements.

Dundonald Community Council

17<sup>th</sup> Jan 2026

## **Response to Consultation on the Draft Scheme of Establishment**

Barr Community Council does not support the draft Scheme in its current form.

The document has made a community council a more pointless endeavour. It appears carefully engineered to consolidate control by South Ayrshire Council over bodies that are supposed to exist to provide an independent local voice. What should be a light touch framework has instead become a dense administrative instrument whose primary beneficiary is South Ayrshire Council itself rather than the communities it purports to serve.

The tightening of the complaints framework and the expansion of compliance mechanisms continues to move any power away from community volunteers and towards unelected officers. The complaints process now resembles that of a large corporate or statutory body, not a volunteer body whose only real function is to express opinion and represent local sentiment.

Similarly, the revised resignation and intervention mechanisms appear to have been drafted reactively in response to recent local disputes Barr. You would hope that frameworks are not supposed to be written in a huff, nor calibrated to soothe institutional bruised egos.

A far better alternative already exists.

Scotland's local authorities jointly fund the Improvement Service, whose suite of model documents for Community Councils has been formally approved by both COSLA and the Scottish Government. These model documents deliberately simplify language, reduce unnecessary bulk, and preserve the independence of Community Councils. A working, nationally endorsed template already exists but the fact that South Ayrshire Council has chosen to build out its procedural defences says a lot about the officers involved.

Barr Community Council urges South Ayrshire Council to withdraw the current draft and realign the Scheme with the nationally approved model. A Scheme should empower community participation, not regulate it into subjection.

**We note your strongly expressed concerns regarding the draft Scheme particularly in relation to the perceived impact on the independence of the community councils.**

**By way of clarification, the intention behind the revised Scheme has not been to diminish the role of Community Councils or to impose unnecessary administrative burden, but rather to ensure a clear, consistent and transparent framework that supports effective governance, manages risk appropriately, and is capable of being**

applied fairly across all Community Councils within South Ayrshire. This is legally required of the Council.

Please note that there is no statutory requirement for a local authority to adopt any particular model in its entirety, on the contrary, we have a duty to ensure that we take into consideration our local requirements when drafting or revising our Scheme. It would be a disservice to the locality of South Ayrshire to disregard past and experienced issues and occurrences when updating its Scheme especially where these lessons learnt would ensure continuous improvement of performance of functions and the adherence to Best Value principles as required under the Local Government in Scotland Act 2003.

We would like to assure you that while consultation representations, local circumstances, experiences, and the need to address matters that have arisen in practice informed the drafting of this amended Scheme, the Improvement Service model documents endorsed by COSLA and the Scottish Government were also heavily relied on and referenced.

3.9 Community Council membership should reflect the various wards within the council area. However, if there are insufficient nominations from a sub-ward during an election, or if representation is lacking, the Service Lead, Thriving Communities of South Ayrshire Council may, at the Community Council's request, remove sub-warding within the affected areas. If the removal of sub-warding results in a vote, if there any candidates from the sub-ward wherein there are insufficient nominations, any candidate from the sub-ward wherein there are insufficient nominations will be deemed elected prior to any further vote.

For sub-ward it would only be the sub-ward that has too many nominations that would need to go out to vote if there are no vacancies within the other sub-wards.

8.7 The administration allowance is available to cover the cost in administering Community Council business which includes:

- Advertising/general publicity and promotional activities
- Accommodation/lots
- Auditors fees
- Consultation with the community
- Data protection registration (ICO)
- IT software/hardware/website construction and maintenance
- Photocopying/printing
- Stationery
- Postage
- Production and circulation of minutes, agenda and annual reports
- Subscriptions

- Telephone costs/ISP costs/ Internet Service Provider
- Travel costs
- Expenses for attending ceremonies
- Subsistence
- Purchase of a Wreath
- Donations to Groups (max £150)
- Honorarium

This list is not exhaustive and enquiries regarding acceptability of items other than those noted above should be referred to the Service Lead, Thriving Communities of South Ayrshire Council.

Agreed to add

Appendix 4

## 2. Minutes

Minutes of the proceedings of a meeting of the Community Council shall be drawn up timeously and be distributed in accordance with the Community Councils Responsibility's [Part e](#) of the Scheme for Establishment of Community Councils and be submitted for approval to the next meeting of the Community Council.

[‘Part e’](#) - Is this correct or should there be a different reference?

Yes, it refers to page 3, part e Agendas of meetings and draft minutes shall be made available for members, South Ayrshire Council, and public access within the Community Council area at least 7 working days prior to the meeting date (except in cases deemed to be an emergency meeting being called under the Special Meetings, see 7.13).

**Prestwick Community Council would like to register the following comments in relation to the Final Draft Scheme for Establishment of Community Councils.**

Paragraph 8.5 CC allowance refers to the annual allowance made by SAC to community councils. In our opinion there are at least two interrelated issues.

The fact that the allowance has been pinned back at £800.00 for more than 17 years. You will appreciate that the real value has been eroded significantly by inflation in the interim, making it a struggle to ensure basic functions are carried out. We would expect therefore that this matter would have been reviewed as part of the current process and the sum restored to an equivalent level in real terms. Thereafter the allowance should be updated on an annual basis.

Thank you for your comments regarding the administration allowance. South Ayrshire Council is one of the authorities that provides administration grants at the higher end of the national range. While the maximum allowance is £800, many Community Councils do not claim the full amount. For example, in 2024/25 Prestwick CC claimed £454.75 of the total available.

During the recent review, we considered feedback on what should be covered by the administration grant. Items such as grants and poppy wreaths were discussed; although they are not essential administrative costs, consultation feedback supported retaining them, and they therefore remain included.

The purpose of the administration grant is to support the running of the Community Council, and kind gestures should be considered carefully by each Community Council.

Missing from previous reviews, we would now expect an explanation for why £800.00. What factors have SAC used to arrive at this figure, and how are they sustained and indeed justified?

South Ayrshire made the decision based on the electorate for each CC as per the table within the Scheme. There is no nationally set minimum or maximum administration allowance for Community Councils in Scotland.

The Model Scheme of Establishment allows each local authority to determine the level of administration grant.

In practice, most local authorities provide an annual administration grant, but the amount and method vary.

The final draft will be submitted to Full Council on Thursday 19<sup>th</sup> February 2026. A copy is attached.