

Scheme of Establishment review process

This step-by-step guide is designed to support local authorities and Community Councils through the process of reviewing their local Scheme for the Establishment of Community Councils. It is also supplemented by a suggested timetable of the decision-making process, and draft Public Notices for the execution of a review process which can be found in the annexes of this document.

The statutory basis for establishing Community Councils is set out in Sections 51 to 55 of the [Local Government \(Scotland\) Act 1973](#) here: [Local Government \(Scotland\) Act 1973](#)

This is supplemented by Section 22 of the Local Government etc. (Scotland) Act 1994 here: [Local Government etc. \(Scotland\) Act 1994](#)

Decision to amend a Scheme

There can be several reasons for a local authority to consider the amendment of their Scheme, most commonly a changing local landscape or demographic shifts. The following provides step by step actions to take:

1. A Special Council meeting (please note that all of the Council meetings referred to in this section should be Special Council meetings, held for that purpose. The most common mechanism for this is that the Special Council meetings are held immediately before the calendared Council meetings) considers a report on the intention to amend its Scheme for the Establishment of Community Councils under Section 53. - (1) of the Local Government (Scotland) Act 1973.
2. Upon approval of the report, a Public Notice is published in the local Press to that effect, with an at least, eight-week consultation period for any representations to be made on the: **'draft amended areas and composition of the Community Councils'**.
3. A Special Council meeting considers a report on the outcome of the consultation exercise on the draft amended areas and composition of the Community Councils and the contents of a proposed draft amended Scheme.

4. Upon approval of the report, a second Public Notice is published in the local Press to that effect, with an at least eight-week consultation period for any representations to be made on the: **'draft amended Scheme'**.
5. A Special Council meeting considers a report on the contents of a draft amended Scheme and its adoption.
6. Upon approval of the report, a third Public Notice is published in the local press to that effect, with a commonly four-week consultation period for any final representations to be made on the draft amended Scheme, together with associated documents, including Community Council boundaries.
7. A Special Council meeting considers final representations and agrees the **'Amended Scheme for the Establishment of Community Councils'**.
8. A fourth Public Notice is published **'of the Scheme in its amended form together with Public Notice of such a Scheme as it applies to each proposed area, by exhibition in that area, and any such notice shall contain an invitation to electors in the area concerned (*where there is currently no Community Council established) to apply in writing to the local authority for the establishment of a Community Council in accordance with the amended Scheme'**. The already established Community Councils operate as normal under the new Scheme until their new prescribed election dates come around.

Please note that there may be instances when a consultation period does not attract any or any substantive representations. However, as the legislation illustrates a staged approach to the process, the most common complete statutory review period would be an initial eight weeks, followed by a second eight-week period and finally four weeks for final consultation.