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## SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN DUMFRIES AND GALLOWAY – PROPOSED THIRD AMENDMENT

### 1. Purpose of Report

The purpose of this report is to seek Members' agreement, in principle, that the Scheme for the Establishment of Community Councils in Dumfries and Galloway which came into effect on 8 October 1997 and was amended on 26 January 1999 and again on 25 September 2001 be further amended in accordance with the proposals set out in Appendix 1 hereto.

### 2. Summary

2.1 Legal requirements governing the review and amendment of the Scheme are contained within section 53 of the Local Government (Scotland) Act 1973 as amended. This section of the Act requires among other things that *"Having regard to changing circumstances and to any representations made to them, every local authority shall from time to time review schemes..."*.

2.2 As Community Councils are seeking boundary changes. Several population estimates require to be changed following earlier boundary changes or as a consequence of substantial population changes. Additionally, the Scheme has been in operation for four years and experience gained from operation of it points to the desirability of considering certain modifications. The full text of the existing Scheme is available on CIS and the Council's Web Site under "Community Councils".

2.3 **The decision of the local authority to review or amend a scheme has to be by resolution passed by not less than two thirds of the Members voting thereon at a local authority meeting convened for the purpose with notice of the object.** This is interpreted as being a reference to two thirds Members voting thereon at a meeting of Dumfries and Galloway Council.

2.4 If the Council agrees in principle to amend the Scheme, Community Councils and the public wishing to make representations on the draft proposals will be invited to send these in writing to the Director for Community Resources, 118 English Street, Dumfries, to arrive not later than the expiry of an eight week period. The matter will be the subject of a further report to the full Council after the period for representations has expired.

### 3. Recommendation

**Members are requested to agree to review and, in principle, to amend the Scheme for the Establishment of Community Councils in Dumfries and Galloway in accordance with the proposals set out in the Appendix to this report and authorise officials to give public notice of the Council's proposals in accordance with Section 53 of the Local Government (Scotland) Act 1973 as amended.**

Community Councils Liaison Officer  
Department for Community Resources  
Direct Dial (01387 260072)  
6 September 2002

Director for Community Resources  
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CJW/EB

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**APPENDIX 1/**

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**APPENDIX**

| <b>Amendment</b>  | <b>Reason</b>  |
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| <p><b><u>Paragraph 8.1:</u></b> At end add new sentence “Any person who has resigned from elected membership of a Community Council shall be ineligible to be nominated as a candidate in any bye-election in respect of the same Community Council which occurs within six months of his or her resignation.</p> | <p>There have been instances where bye-elections have been required owing to the voluntary resignations of elected members who have then accepted nomination as candidates in the bye-election following shortly thereafter. It is considered inappropriate to permit elected members to use the bye-election process to seek a renewed mandate soon after creating a vacancy. Depending on circumstances bye-elections may cost up to £500.</p> |
| <p><b><u>Schedule 1:</u></b> Amend population estimate for Heathhall Community Council from 2,745 to 4,000.</p>   | <p>To take account of the expanding population within Heathhall Community Council area.</p>  |
| <p><b><u>Schedule 1:</u></b> Amend population estimate for Lochside and Woodlands Community Council from 4,725 to 5,395.</p>  | <p>To reflect boundary changes made in the Second Amendment to the Scheme.</p>   |
| <p><b><u>Schedule 1:</u></b> Amend population estimate for Loreburn Community Council from 4,815 to 4,945.</p>  | <p>To reflect boundary changes made in the Second Amendment to the Scheme.</p>   |
| <p><b><u>Schedule 1:</u></b> Amend population estimate for Summerville and Stakeford Community Council from 3,550 to 2,880.</p>   | <p>To reflect boundary changes made in the Second Amendment to the Scheme.</p>   |
| <p><b><u>Schedule 1:</u></b> Amend population estimate for The Royal Four Towns Community Council from 485 to 467.</p>  | <p>To reflect boundary changes made in the Second Amendment to the Scheme.</p>   |

| Amendment   | Reason  |
|---|---|
| <b><u>Schedule 1:</u></b> Amend population estimate for Torthorwald Community Council from 1,110 to 998.  | To reflect boundary changes made in the Second Amendment to the Scheme. |
| <b><u>Official Boundary Maps:</u></b> Amend boundary between Ae Community Council and Closeburn Community Council area to include hatched area in Ae Community Council area; Amend boundary between Ae Community Council and Kirkmichael Community Council to include cross-hatched area in Ae Community Council area; Amend boundary between Ae Community Council and Tinwald Parish Community Council to include black area in Ae Community Council area (see map annexed). | Local preference.   |

Closeburn  
Community Council

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PLAN

Kirkmichael  
Community Council

Ae  
Community Council

Auldgirth  
Community Council

Kirkmahoe & Locharbriggs  
Community Council

Tinwald  
Community Council

