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22 August 2017



Legal and Democratic Services  
**Corporate Governance**  
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Dear [REDACTED],

### **Kingswells Community Council – Breach of Scheme of Establishment**

I write to advise that your Community Council are in breach of the Scheme for the Establishment of Community Councils in more than one area. I have highlighted these below.

### **Clauses Breached and Explanations**

#### **Public Consultation**

In relation to the views being put forward regarding the proposed stadium at Kingsford, I have been advised that the Community Council have not sought public opinion on the matter which is causing concern amongst residents. On large scale matters it is important that the Community Council try to gauge the community opinions to ensure that a representative view is put forward to the local authority.

The complainers have advised that although there was information on the Kingswells Community Council website at no point has the Community Council sought the views of the Community, therefore it appears that the Community Council has taken a decision to object to the proposal without carrying out a full consultation exercise.

In March 2017, I had received several complaints from concerned residents relating to the position the Community Council were taking. At that time I advised the complainers that you had posted information on the website to present all of the information in relation to the application to enable residents to make their own decision on the matter.

I have received further complaints and residents are concerned that the Community Council has submitted an objection to the proposal which they feel is against the purpose of a Community Council and that the decision made is not reflective of their view.

The scheme states the following:

In terms of Section 3 of the Scheme

- 3.1 The general purpose of Community Councils is to act as a voice for their local area. 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 Aberdeen City Council (hereinafter referred to as ("the City Council")), other public sector bodies and private agencies on matters within their sphere of interest.
- 3.2 It is essential that these views be demonstrated to be accurately representative of the community. Accordingly, the Community Council will have in place, in consultation with the City Council, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sectors of the community.

Accordingly, I request that you consider withdrawing your objection to the proposal on the basis that residents believe it has been put forward without adequately gaining public opinion on the issue, nor accurately reflecting public opinion. If you continue to put forward these views then it may be damaging to you as Community Councillors and result in the public, Council officers and other bodies losing faith in the value of comments put forward.

This would also have an impact on the other Community Councils across the City.

**Agendas and Minutes**

In relation to administrative processes and the basic requirements of Community Councils to provide information to the Community Council Liaison Officer (CCLO), the Community Council has been asked on numerous occasions to communicate and issue documentation to the CCLO which has not happened. The scheme states the following:

In terms of Sections 3 and 12 of the Scheme

- 3.8 Community Councils have a duty under statute to represent the views of their local community. It is vital therefore, that they reflect the broad spectrum of opinion and interests of all sections of the community.
- (iii) Send agendas and draft minutes of Community Councils' meetings to Community Council members, the Community Council Liaison Officer and to relevant elected members and other interested parties;
- (vii) Inform the City Council's Community Council Liaison Officer of any change in membership and circumstances, as soon as is practicable.

12.3 Community Councils shall provide copies of their agendas and minutes within prescribed timescales to the City Council's Community Council Liaison Officer.

In terms Section 8 of the Constitution

- (3) The City Council shall be sent a copy of the agenda and approved minutes of all meetings and the Annual Report and Financial Statement. Copies of these documents shall also be deposited in public libraries in the area of the Council for inspection by members of the public.

Accordingly, I request that actions are taken to rectify this matter and that all agendas and minutes for the last two years are issued to me as a matter of urgency, and that information relating to membership also be provided to enable accurate records to be kept.

### **Accounts**

In relation to financial matters, the Community Council has not submitted annual accounts for the periods:

- 1 January 2013 to 31 December 2013
- 1 January 2014 to 31 December 2014
- 1 January 2015 to 31 December 2015
- 1 January 2016 to 31 December 2016

In order to facilitate the issuing of annual grants it is important that I receive a copy of the accounts, signed by an independent examiner and approved by the Community Council. I have requested that the accounts be submitted on several occasions and to date I have still not received them.

As the accounts have not been submitted, your Community Council has not received any financial grant from the Council. I can only hold two years' worth of funding for any Community Council, therefore you have lost out on approximately £1594.67 which could be used to benefit your community. For the two years that I can hold for you, the total available funds is £1592.40.

Also, I arrange the annual Public Liability Insurance for all Community Councils which I then deduct from the annual grant, however as you have not received an annual grant for two years, you owe the Council £176.87, and a further £169.02 if the accounts are not received and a grant not awarded for 2016 and 2017. The scheme states the following:

### **In terms of Section 13**

13.2 The Annual Accounts of each Community Council shall be independently examined by one examiner appointed by the Community Council, who is not a member of that Community Council.

A copy of the independently examined statement of accounts and/or balance sheet shall be forwarded immediately after the accounts are approved at the Community Council's Annual General Meeting, to the City Council's Community Council Liaison Officer.

### **In terms of Section 8 of the Constitution**

(2) The Treasurer shall be responsible for the (Community) Council's finances and shall maintain accounts, which shall be examined by an independent examiner appointed by the (Community) Council. After approval by the Council, the audited accounts shall be submitted annually to the City Council. The Council's financial year shall run from 1 January until 31 December.

Accordingly, I request that immediate action is taken to fulfil the statutory requirements of presenting the annual accounts for the periods listed above. If a grant is due to the Community Council then the amount owed to the Council from the Community Council will be deducted. If no grant is due to be issued then you will need to make arrangements for the money to be paid to the Council.

Failure to address the issues outlined above may result in steps being taken to dissolve the Community Council. This is not a position that I would wish to take as it is important that Community Councils are operational within their communities however they should be operating within the terms set up in the Scheme for the Establishment of Community Councils and for the benefit of the communities that they represent.

I would appreciate that a response is provided to me in connection with all of the matters raised above by Friday 8 September 2017.

Yours sincerely

A black rectangular redaction box covering the signature of the sender.

Cc All Members of Kingswells Community Council