

Your Ref:

Our Ref: 344224

29 August 2018

**CORPORATE SERVICES**

Information Management and Complaints Unit  
Council Head Quarters  
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**PRIVATE & CONFIDENTIAL**

Mr Gordon

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Dear Mr Gordon

FOISA - Request for Review: Ref – 344224

Thank you for your e-mail dated 27<sup>th</sup> August 2018 requesting a review of the way in which the Council handled your original request for information dated 23<sup>rd</sup> June 2018.

Details of your request: Please provide information on the official requirements for independent supervision of the conduct and financial audit of Community Councils in the Dumfries and Galloway region.

This request follows information from a former member of Sanquhar Community Council who advised that when she was a member this was in the control of Freemasons who made the decisions out with the meetings and corruption was endemic.

From the document supplied in relation to another FOI request, it is clear that at least Sanquhar Community Council does not meet the requirements stipulated. This document can be seen here:

<https://emea01.safelinks.protection.outl...>

What investigation can an external, independent, body undertake?

The Council's Response dated 20<sup>th</sup> July 2018: Dumfries and Galloway Council is required by law to produce a Scheme for the Establishment of Community Councils in Dumfries and Galloway. This is available at <http://www.dumgal.gov.uk/media/18244/Sch...>. This Scheme provides the governance framework for all Community Councils to follow. The scope of audit requirements in the Scheme is for Community Councils to present independently examined accounts to an AGM each year.

Any concern or complaint of corruption should be brought to the attention of Police Scotland, as this is a criminal offence. Whilst Dumfries and Galloway Council (DGC) has limited powers to intervene in the running of a Community Council, DGC would be concerned about any allegation involving funds it provided to a Community Council, such as Common Good Funds or the allowance provided to support the administration and operation of a Community Council. However, DGC has no locus in monies provided through

other funders, such as community benefit windfarm allocations, and any concerns about these should be directed to the fund administering body (in this case, Foundation Scotland). Where you have specific, non-criminal concerns about the use of Dumfries and Galloway Council funds they should be given in writing, with supporting evidence, to Dumfries and Galloway Council, Communities Directorate, Municipal Chambers, Buccleuch Street, Dumfries, DG1 2AD.

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I have now concluded my review and my findings are as follows:

In our original response, the Council provided a link to the 'Scheme for establishment of Community Council's', however I there are a number of associated schedules and appendices to that document that were not provided. You can access these associated documents via the following link:

<http://www.dumgal.gov.uk/article/15976/Information-for-community-councillors>

Amongst those is Appendix 11 – Complaints, which describes the current Independent Complaints Procedure for Community Councils. Paragraph 6 of that document sets out what is expected of Community Councils when a 'Complaint Relating to Financial Impropriety or Criminal Activity' is received. Paragraph 6 states that:

*Any complaints alleging financial impropriety should be given careful consideration as to decide how to proceed and, if appropriate, DGC Communities Business Management staff should be advised. Upon receipt of complaints making allegations of criminal activity the Community Council should consider whether to involve the Police.*

*DGC has the right to commission a financial governance audit or other type of independent financial review of the CC if there is suspected financial impropriety. The Council's auditors will have access to the CC's key records and, if appropriate, its accounts and financial arrangements so that the auditors may follow the trail of public money from DGC through the CC to its final destination.*

To that end, can you clarify whether you have made a complaint to the Community Council about Financial Impropriety, and if so, what was the outcome?

Once I have that information the Council will be in a position to consider whether the Community Council has followed the scheme

Finally, on the 3<sup>rd</sup> June 2016 the Council published a document containing 'frequently asked questions' about Community Council's which is also available at:

<http://www.dumgal.gov.uk/article/15976/Information-for-community-councillors>

One of the questions contained in that document is 'How legally binding is the scheme of establishment for Community Councils?'

The Council's response was that 'S51(2) of the Local Government (Scotland) Act 1973 requires each local authority to frame a Scheme for the Establishment of Community Councils. Thereafter, the Scheme can be reviewed or amended following the process specified in the Act.

So, for these legal reasons Community Councils are established, and must operate, within the terms of the Scheme in order to fulfil their statutory role. Communities can form whatever other groups they deem expedient in pursuing their aspirations. However, a Community Council can only exist, and must operate, within the terms of the Scheme.' I trust that you are satisfied with this response and that the Council has appropriately considered and dealt with your Review. If you are not satisfied with the outcome of the Review, you have the right to appeal to the Scottish Information Commissioner for a decision.

Appeals to the Commissioner can be made online at [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal) or in writing to:

The Office of the Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews  
KY16 9DS

Subsequent to the appeal process and the Commissioner issuing their decision, you also then have the right to appeal to the Court of Session on a point of law against the Commissioner's decision.

Yours sincerely,



Duncan McQueen  
Interim Senior Information Management Officer