

Item 10 - Question Time

To the Leader of the Council

“The Community Council elections have been delayed as an attempt by this Council to compensate for the lack of communication around Community Council Elections and subsequent lack of engagement. An unintended consequence of delay is that many Community Councils will not be in position to meet the response deadlines as Statutory Consultees for Planning Applications.

A Senior Planning Officer stated to me that any delay “isn’t feasible” and “(we) need to continue to progress applications”. In many cases this will mean an important layer of local democracy is stripped away. Therefore, it would be prudent to allow an extension of the response deadline for all planning applications, to allow time for new Community Councils to be set-up and to respond to planning applications.

What provision has been made to ensure it is possible for all Community Councils in Highland to fulfil their role as Statutory Consultees in planning and retain their ability to comment applications during this period of transition?”

Response to Mr K Gowans

The Council took the pragmatic and sensible decision to extend the nominations for Community Councils. This was to ensure that as many Community Councils as possible reform. None of us would want to see Community Councils going into abeyance.

There has been extensive publicising of Community Council elections. Through social media, through news releases, through leaflets and posters being shared in the local Community by both Community Councils and the Council. Many members have been using this information to publicise the elections through word of mouth within their local Community – and of course there is an expectation that all Members should take a leading role in doing so. In addition, a short video was made in conjunction with High Life Highland to promote the role of Community Councils to young people in order to encourage participation.

Whilst the timetable for nominations has been extended, this does not change the overall process nor extend the period that Community Councils will not be operating.

For the avoidance of confusion:

- Community Councils are still all currently operational and continue to be so up until the close of nominations and the withdrawal period. They can, and are, still able to respond to Planning applications.
- Following the withdrawal period, where there are sufficient candidates to form a new Community Council, but not more candidates than seats available, then the current Community Council will dissolve and the new Community Council will form 12 noon Fri 1 November.

- Where there are more candidates than seats available, then an election will take place on Weds 4 December. The current Community Council will dissolve 11:59pm Tues 3 Dec and the new Community Council will form after the results are declared on Thurs 5 or Fri 6 Dec.
- After the each community council is formed, either after the nomination and withdrawal period or after the ballot where one takes place, Highland Council will call and chair the first establishment meeting. At least 7 days' notice will be required for this meeting so the earliest possible meeting dates will be w/c 11th November if no ballot is required or w/c 16th December if there is a ballot. Ward Managers will contact all community councillors directly to arrange these first meetings.

In relation specifically to the point regarding planning, the Planning Authority is happy to continue with its established practice of extending the time period for community council consultations on request. It would not however be appropriate to extend the consultation period for all applications as suggested until new community councils are formed as comparatively speaking this would entail a large number of applications being held back when only a comparatively small proportion of them may elicit a response from a community council. As noted above, there will only be a short delay between the close of nominations/ballot and the first meeting of the new Community Councils. A blanket approach would therefore not be appropriate and in some cases applicants may seek to challenge such an approach by seeking to appeal against non-determination of their applications and look to secure full cost recovery against the council.

The Highland Council is the largest planning authority in Scotland dealing with more than 2,500 planning applications per annum which amounts to 50 applications per week. Under Schedule 5 (v) of the Town & Country planning (Development Management Procedure)(Scotland) (Regulations)a Planning Authority is statutorily required to consult with Community Councils on certain types of applications which are deemed to affect the amenity of an area eg a new school, hospital, abattoir etc. There is also provision for community councils themselves to request a formal consultation within 7 days of a weekly list being published. If a community council objects to a planning application on planning reasons the application will be considered by the area planning committee unless it is also recommended for refusal.