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**Aphrodite Smagadi  
Secretary to the Aarhus Convention Compliance Committee  
Economic Commission for Europe  
Environment, Housing and Land  
Management Division  
Bureau 348  
Palais des Nations  
CH-1211 Geneva 10  
Switzerland**

20 December 2012

Dear Ms Smagadi,

**Communication ACCC/C/2012/68 – Compliance Committee meeting, 12 December 2012**

1. Thank you for the opportunity to put forward our position in respect of this communication at the meeting of the Compliance Committee in Geneva on 12th December.
2. We enclose a copy of our opening statement for your records and inclusion on the website.
3. In the course of the meeting, the Committee raised the question of the status of the communicant. Mrs Metcalfe stated at the meeting that she was appearing on behalf of Avich and Kilchrenan Community Council. Members of the Committee asked Mrs Metcalfe and her representatives to clarify the status of Scottish community councils in order to see whether this might raise any issues on whether the communication can be heard.
4. We offered to provide the Committee with further information on the position of community councils in Scotland following the meeting. The existence of community councils is based in sections 51 to 55 of the Local Government (Scotland) Act 1973, which gave local authorities (which are now unitary in Scotland, following re-organisation in 1996) the duty to set up a scheme to establish community councils in

their area. Approval for such schemes now lies with the Scottish Ministers rather than the Secretary of State (following devolution in 1999). A scheme sets out administrative arrangements and local area boundaries for individual community councils, but a community council will only be established in a locality if at least 20 local electors request it and sufficient persons are willing to serve as community councillors.

5. The general purpose of community councils is to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable.
6. The Scottish Government website provides some general background and useful links on community councils (<http://www.scotland.gov.uk/Topics/Government/local-government/CommunityCouncils>).
7. Given the role played by community councils as set out above, the lack of ability to levy funding (they are reliant on grants from local authorities and voluntary donations) and the absence of regulatory decision-making functions, there are arguments against considering them to be “public authorities” for the purposes of the Convention. However, in order to remove any doubts in this case, including over whether a community council could be considered a legal person, association, organisation or group for the purposes of the Convention definition of “the public”, we respectfully suggest that it may be helpful to consider the communicant to be Mrs Metcalfe in person. Indeed, the United Kingdom has to date been dealing with this communication on the basis that Mrs Metcalfe was herself the communicant, although we were of course aware of Mrs Metcalfe’s role with a community council.
8. We are of course happy to provide further information on community councils if so requested by the Committee.

**Yours sincerely,**

A handwritten signature in blue ink, appearing to read 'Ceri Morgan', with a stylized, flowing script.

**Ceri Morgan**