



**Clackmannanshire  
Council**

www.clacksweb.org.uk

**SCHEME FOR THE ESTABLISHMENT  
OF  
COMMUNITY COUNCILS**  
*Feedback and Response*

***Why did we ask for your views?***

*We are proposing to make some changes to the way community councils operate which we think will make it easier for them to represent you accurately. Before we make these changes, we wanted you to tell us if you agree with what we are suggesting because community councils must be able to represent you accurately and legitimately.*

***What exactly did we ask you?***

*We asked particularly for your views on where community council boundaries should lie, on who should be eligible to be a community councillor and*

*on the format for choosing community councillors. We also wanted to know if you had any other suggestions to help community councils fulfil their purpose.*

***What did we do with your feedback?***

*After the deadline for comments, we looked at all your feedback from the questionnaire, from the open meetings and from the drop-ins to see if you agreed with our proposals or not and your reasons and to consider any other suggestion you had.*

*We have used the information to let Clackmannanshire Council know what the public thinks about its proposals before it makes its final decision. Council will consider this at their meeting on the 29th of September 2011.*

*We have summarised your feedback in the following pages and given a brief response showing what action we took as a result.*

	<b>Public Feedback (summary)</b>	<b>Council response</b>	<b>Action</b>
<b>Boundaries/ size</b>	<p>No objections to proposed boundaries, and significant support for proposed mergers.</p> <p>Feedback indicates interest in allowing people who can't currently but who want to, to represent their area, and for each community council area to be big enough to accommodate community diversity as long as mergers ensure fair spread of representation while system for such is kept simple.</p>	<p><i>The opinion on advantages of proposed boundary changes and the need for simple operating systems is also is noted. The need for fair representation would be impressed upon and the responsibility of the eventual community council.</i></p>	Proceed with proposed boundaries in the new Scheme
	<p>Acceptance that the Alloa area is too big but that it is difficult to know where to draw boundary.</p> <p>Can there be one area but with two ccs to give people options of which they attend?</p>	<p><i>Agreed. The first stage of consultation suggested there is no clear way to divide the Alloa area.</i></p> <p><i>Under the Act which created them, each community council must have a defined boundary, so this solution is not possible.</i></p>	
	<p>Consensus that the name of the community council should reflect the community, not necessarily the town. There was a suggestion to name the merged Alloa community council 'Alloa Burgh Community Council'.</p>	<p><i>Agreed. Feedback shows support for a name which reflects the identifiable areas within the boundary.</i></p> <p><i>The proposed name does refer to the town but the old Alloa Burgh covers a smaller area than the proposed Alloa Community Council area. So this name may not truly reflect the community it represents either.</i></p>	Proceed with community council names in the new Scheme
	<p>Suggestion that all ccs should be the same size eg 15, regardless of population as this is easier to control.</p>	<p><i>It is important that the community council is of a size which is able accurately to represent the population. This is more important than uniformity, which is not an administrative need .</i></p>	Proceed with sizes in the proposed Scheme.

<p><b>Eligibility</b></p>	<p>No objections to eligibility proposal and strong support for eligibility which ensures that community councils do not have a party political identity.</p> <p>Suggestion that Council staff should be presumed eligible unless prevented by reason or their post.</p> <p>Public priority is that the people who represent them have a solid basis for doing so.</p>	<p><i>Feedback showing that the eligibility categories are clear and popular is noted.</i></p> <p><i>Accepted. Current wording incorrectly implies that Council staff are automatically ineligible to become community councillors in their own communities.</i></p>	<p>Amend wording of fifth eligibility criterion &amp; proceed with proposed eligibility criteria in new Scheme</p>
<p><b>Mini elections</b></p>	<p>There was feedback both in support of this proposal and against it.</p> <p>Opinion expressed shows concern that ccs do not operate with very low numbers so it might be helpful to have this option but it is unnecessary. Co-option is seen as acceptable and often necessary practice for recruiting members outwith an election.</p> <p>Furthermore, there were doubts about the democratic status of someone elected via a mini election and the quality of a mini election procedure.</p> <p>It is important only that ccs let the public know about changes in cc membership.</p>	<p><i>Feedback from the public has indicated that the mini election proposal may not have the confidence of the public which it specifically set out to gain.</i></p>	<p>Remove proposal on mini elections from content of Scheme.</p> <p>Address the need for enhanced publicity on co-options through the Protocol which accompanies the Scheme.</p>
<p><b>Election format</b></p>	<p>There was feedback both in support of this proposal and against it.</p> <p>The Regular Election format is seen as easier to understand and easier to publicise than the existing method. Whilst continuity makes business easier for serving community councillors, from the public's point-of-view the ability of a community councillor to maintain</p>	<p><i>Community council elections are the means by which the public elect, re-elect and de-select the people who represent them. We do not connect the efficiency and effectiveness of a community council with election format.</i></p> <p><i>Records show that the public tend to re-elect community councillors who stand for re-election.</i></p>	<p>Proceed with proposed election format in new Scheme.</p> <p>Incorporate measures to acknowledge of continuity of</p>

	<p>continuity of membership is not always desirable.</p> <p>The existing format is seen as an aid to continuity of business and of office-bearers and to the exchange of experience between serving and new members.</p> <p>Suggestions for a 3 year term of office and for a 5 year term of office.</p> <p>Feedback shows that public concerns are by and large not for election format but the people are not willing to come forward.</p>	<p><i>There is nothing inherent in the new format which would prevent the public from re-electing their preferred choice. The existing format for elections does not in itself guarantee transfer of experience between new and longer-serving members. Therefore the argument that business might be suspended unless serving community councillors can guarantee their position is not accepted.</i></p> <p><i>The suggestions for changes to the term of office have been noted. Feedback will be invited and this will be reviewed after the new format for elections has been implemented.</i></p>	<p>community council business into</p> <p>a) Community Councillor Induction Programme for new community councillors and</p> <p>b) Guidelines on Community Engagement for Service Managers.</p>
ROLE	<p>There was a strong body of opinion that Council Services &amp; Elected Members do not respect the role of community councils, and frustration that the role of the community council does not extend to having power over the Council.</p>	<p><i>The concern about the nature of the working relationship between the Clackmannanshire Council and community councils is noted.</i></p>	<p>Address communication and consultation mechanism through the Joint Community Council Forum and the Protocol.</p>
ESTABLISHMENT:	<p>Opinion that the minimum number for establishment is set too high in light of the number of people who have time to become a community councillor.</p> <p>Concern also that there is a balance between facilitating local democracy and being economical with public funds by reducing from two to one the number of attempts at establishment the people in any one area may have in a twelve month period.</p>	<p><i>The Scheme aims to make it possible for community councils to exist but the minimum number is set in recognition of the fact that the minimum number of community councillors who must be present before a community council can take decisions on behalf of the whole community is potentially half that number again. It is important that the public can be confident that they are being represented by a body with not too narrow a perspective of community needs and interests. So the suggestion to reduce the minimum number required for establishment is not accepted.</i></p>	<p>Proceed with proposed content.</p>

		<i>Comment on balancing budget and facilitation of local democracy is noted. Records show that the Council's role and public funds in facilitating efforts to establish a new community council have not been abuse to date. However, we will keep this under review.</i>	
FILLING CASUAL VACANCIES	There was a comment that the proposed Scheme gives too much power to the Local Authority on matters the community council has the ability to manage.	<i>The objection refers to using the mini election process to fill a casual vacancy. As the proposal for this option is being withdrawn, there is no role for Clackmannanshire Council in the process.</i>	Adjust paragraph 8 to reflect the removal of the mini election option.
RETURNING OFFICER:	There was a comment objecting to the role of the Local Authority in community council elections and on the grounds that this impacts on the independent status of community councils.	<i>Noted. It is felt that the involvement of the Council's Elections Team reinforces the independence and consistency of community council elections rather than undermine the autonomy of community councils. It is good use of human and financial resources to have all community council elections administered by the same body.</i>  <i>Community councils may after initial establishment choose to administer their own elections so if the public indicates a preference for this, Clackmannanshire Council will consider it at the next review.</i>	Proceed with proposed content of Paragraph 11
FIRST MEETINGS	Suggestion that any member of the Local Authority should be able to act as Chairperson when electing office bearers	<i>Accepted. The person who chairs the first meeting until office-bearers are elected does not have to be the Returning Officer.</i>	Amend Paragraph 15
DISSOLUTION & CONSTITUTION:	There was an objection to content which appears to suggest undue control over community councils by the Local Authority with regard to dissolution and	<i>The comment on amendments to the constitution is not accepted. As a body set up by statute, community councils must conform to the role laid out in the Act</i>	

	amendments to their constitution.	<p><i>which created them. It is the Local Authority's job to oversee this in the interests of the community. Clackmannanshire's community councils have adopted a constitution which ensures this happens. Altering the community council's stated role or governance in the constitution would mean it may no longer meet the definition of a community council and therefore would disqualify itself from articulating the voice of the people who elected it.</i></p> <p><i>Need for additional clause to clarify conditions under which Clackmannanshire Council can move to dissolve a community council is accepted. The community council constitution will also reiterate this.</i></p>	Amend wording of paragraph 14 to clarify conditions and controls
MEETINGS:	<p>Partial objection to the requirement to make community council business public. Announcing the time and place of meetings in the local press is sufficient.</p> <p>Suggestion that continuity of office-bearers beyond one year of office be allowed.</p>	<p><i>Using the local press to advertise meetings and office-bearers holding office for more than one year are both allowed under the current Scheme.</i></p> <p><i>The comment on not making community council business public is not accepted: all community council business is carried out on behalf of the public so all community council business must be conducted in public in the interests of transparency and openness so that the public can see how decisions are arrived at and can have confidence in the decision-making process.</i></p>	Proceed with proposed content on Meetings
RESOURCING:	<p>There was a suggestion that because auditing accounts costs money if there is a member of the local community who can do it for free, this should be allowed.</p> <p>Comment that the clause implies an Audit is required</p>	<p><i>This suggestion is allowed under the proposed Scheme.</i></p> <p><i>The comment on unnecessary implication that cc</i></p>	Proceed with proposed content on Resourcing, with amendment to terminology.

on annual accounts.

*accounts should be Audited is accepted.*