
Report to Clackmannanshire Council

Date: 28th June 2017

Subject: Scheme for the Establishment of Community Councils

Report by: Head of Strategy & Customer Services

1.0 Purpose

- 1.1. The purpose of this report is to obtain approval to initiate the second phase of the process to consult on a new draft Scheme for the Establishment of Community Councils.

2.0 Recommendations

- 2.1. It is recommended that Council
- i. note the conclusions from the public consultation on community council boundaries and composition (Appendices 1 & 2), and
 - ii. approve for public consultation the new draft Scheme for the Establishment of Community Councils (Appendix 4).

3.0 Considerations

- 3.1. The Scheme for the Establishment provides the framework within which community councils establish and operate. Clackmannanshire Council approved the preparation of a new Scheme for the Establishment of Community Councils at its meeting in January 2017 and in so doing initiated a statutory public consultation on the contents of the document.
- 3.2. During the first 8-week consultation period, the public were invited to make suggestions on the boundaries and composition of community councils by means of a questionnaire and/or at community council meetings.
- 3.3. Ongoing dialogue with community councils has generated qualitative information which has helped the analysis of suggestions received during the public consultation and has informed conclusions, as have responses in a separate online questionnaire on attitudes to community activity.
- 3.4. The Council's approach to the content of the Scheme is based on the following assumptions

- i. that that people of Clackmannanshire will be active participants in the level of local democracy which community councils represent
 - ii. that the framework should make it easy for community councils to establish and operate legitimately, democratically, accountably and transparently, and
 - iii. that the framework should strive to empower communities to choose approaches to representation and participation which best suit their respective communities.
- 3.5. An overview of information gathered during the consultation is contained in Appendices I and 2.

4.0 Proposed Draft Scheme (Appendix 4)

Boundaries and Name

- 4.1. Existing boundaries have been found generally to reflect natural communities or communities which can viably be grouped under a single community council. Although the public consultation produced suggestions for changes affecting 3 community council boundaries, the argument presented for change was found not to outweigh the grounds for retaining the existing boundaries.

Composition

- 4.2. The current compositions of each community council have proven to be reasonably practicable. Without altering them significantly, the new Scheme proposes to set maximum composition from the date of the next scheduled community council elections as an odd number. This aims to facilitate democratic decision-making when a community council has maximum membership and all members are present at a meeting. There will be no immediate impact on existing memberships.
- 4.3. The new Scheme also proposes to set a new requirement for a minimum number of nominations, set at one more than minimum numbers for operating, to reduce the likelihood of significant disruption to community council business caused by a single resignation immediately after establishment/a regular election.
- 4.4. It is proposed to allow community councils operating with maximum numbers under the current Scheme to continue with that number until the next election and to implement both the new maximum number for membership and new minimum number for nominations from the next elections, and at the next scheduled regular elections in 2020 at the latest.

Other Provisions in the Scheme

- 4.5. The next stage of the statutory process is the opportunity to present for consultation the contents of a draft Scheme showing revisions to reflect our aspirations to empower communities and help community councils modernise to suit present-day circumstances and attitudes.
- 4.6. Responses from the public in respect of their attitudes to community activity confirm that transparency and accountability are important to people but that participatory democracy depends on people seeing tangible results from their

efforts. The experiences of community councils since the 2011 review also suggest that being able to directly link results to administrative workload helps maintain community participation and interest.

- 4.7. Ideas for modernising practice and facilitating participation were circulated to community councils for discussion via the Joint Community Council Forum and community councils were invited to suggest their own ideas. These have been taken into consideration in the proposed revisions.
- 4.8. The proposed draft Scheme preserves provisions for elections, eligibility, meetings, resourcing and accounts and information exchange. The key changes to the existing Scheme in the proposed draft Scheme are summarised below
 - i. Addition of an option giving community councils more scope to directly engage their own community in filling vacancies (para 7.2).
 - ii. Replacement of co-option as a process for filling vacancies with Top-up Elections, to maintain the emphasis on the electorate choosing their representatives whilst making it easier to fill vacancies within the 4-year election cycle (para 8.5). This proposal has ongoing additional financial implications for the Council in terms of staff time.
 - iii. Revisions to wording to emphasise the autonomy of community councils (para 10.1 and 10.5) and clarify that the power of, dissolution (para 12) and disqualification (removal of former Disqualification paragraph) lies with communities not the Council.
 - iv. Removal throughout of minor content and wording which need not be contained in the Scheme itself or may be subject to short-term change and can be included in supporting documents.

5.0 Next Steps

- 5.1. Subject to Council approval, the draft document will be put out to public consultation for a statutory period of eight weeks. Council will then consider the outcome of the consultation at its meeting in December 2017 to consider recommendations arising from the public response and the approval of a final draft document
- 5.2. An indicative timeline is included as Appendix 3.

6.0 Resource Implications

6.1. Financial Details

- 6.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate.

Yes

6.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes

6.4. *Staffing*

7.0 Exempt Reports

7.1. Is this report exempt? Yes (please detail the reasons for exemption below) No

7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

The area has a positive image and attracts people and businesses	<input type="checkbox"/>
Our communities are more cohesive and inclusive	X
People are better skilled, trained and ready for learning and employment	<input type="checkbox"/>
Our communities are safer	<input type="checkbox"/>
Vulnerable people and families are supported	<input type="checkbox"/>
Substance misuse and its effects are reduced	<input type="checkbox"/>
Health is improving and health inequalities are reducing	<input type="checkbox"/>
The environment is protected and enhanced for all	<input type="checkbox"/>
The Council is effective, efficient and recognised for excellence	X

(2) **Council Policies** (Please detail)

8.0 Equalities Impact

8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes No

9.0 Legality

9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

10.0 Appendices

10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 Summary of Information informing the review

Appendix 2 Summary of Ideas

Appendix 3 Indicative Review Timetable

Appendix 4 Draft proposed Scheme for the Establishment of Community Councils

11.0 Background Papers

11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes (please list the documents below) No

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
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Appendix I

Summary of information informing the Review of the Scheme for the Establishment of Community Councils

Publicity for the consultation appeared on the Council's website and social media and was circulated to the local press. Community councils and Clackmannanshire's Third Sector Interface publicised the consultation through their own social media. Posters and flyers were distributed to settlements and at the community conference held at the end of March in Alloa..

Information has been drawn from four key sources:-

1. Questionnaire on Boundaries & Composition February – April 2017
2. Face-to-face meetings February – April 2017
3. Ongoing Dialogue with Clackmannanshire's Community Councils 2011-2016
4. Online questionnaire on attitudes to community groups February – April 2017

In addition, a request from the Minister for Local Government & Housing (January 2017) has been considered in relation to the proposed content of the Scheme.

All nine of Clackmannanshire's community councils are active and the 2011 boundaries and membership are proving to be viable, so the subjects of boundaries and composition were not expected to provoke high levels of interest either from community councillors or the public.

Questionnaire on Boundaries & Composition and Face-to-face Meetings February – April 2017

Response to the online questionnaire was low (15 respondents). Responses came from people living in 7 different community council areas. Most (12) had experience of community council meetings.

The Community Council Liaison Officer attended four community council meetings at the request of the community councils who had advertised the Review of the Scheme on the agenda to give the public an opportunity to comment directly.

Comments on boundaries and composition were analysed and conclusions were drawn based on the following criteria:

- i. The ease with which existing boundaries and composition facilitate participation in community council activity
- ii. the viability of the resulting community council; and

- iii. whether or not the area reflects, as far as is practicable, a natural community

There were suggestions for changes to the boundaries of Alloa, Menstrie and Tullibody, Cambus GLenochil Community Councils. However, the arguments presented for change were considered not to outweigh the grounds for retaining the existing boundaries.

The breadth of views on community council composition submitted as part of the consultation covered suggestions for increasing, for decreasing and for remaining the same or at similar levels. There is a valid argument for all options but no compelling argument standing out, and most comments indicated support for existing numbers or similar.

Ongoing dialogue with community councils 2011-2016

Ongoing dialogue with community councils and experience of applying the provisions of the Scheme have informed conclusions on boundaries and composition, and on the proposed content of a new Scheme.

In revising the Scheme, Clackmannanshire Council is guided by the principle that community councils should be - and be seen to be - instruments made by and for the people and that the Scheme should make it easy for people to establish a community council, have a say in who represents them on a community council and operate them in an open and transparent way.

Key considerations for the Council and therefore for the contents of the Scheme are:-

- i. Everyone on the community council got there through the agreed process and is entitled to be there (Legitimacy)
- ii. Work is done and decisions are made with the knowledge of the people and in a way in which the people consider to be fair. (Democracy)
- iii. The people can ask the community council to explain their decisions and actions (Accountability)
- iv. The community council makes sure they know enough about the needs and interests of the people to speak on their behalf. (Representation)

The aspect of the current Scheme which several community councils reported as impeding their operations is the process by which places left vacant after an election and vacancies which arise through resignations are filled. Alongside this, most community councils, as with community groups generally, have been operating with less than maximum numbers and report that it is becoming more difficult to recruit new members and to maintain numbers and continuity. The Council has been exploring with community councils the extent to which recruitment challenges are a symptom of changes in attitudes and lifestyles or of the high standards of governance within which community councils operate. It is therefore accepted that the provisions of the

current Scheme should change to allow for easier recruitment but without relaxing democratic standards.

A summary of ideas for modernising community council governance to suit prevailing attitudes is shown in Appendix 2.

Questionnaire on attitudes to community groups

An online questionnaire yielded comments from 35 people living in eight of the nine community council areas. Most (94%) have lived in the area for more than 4 years and approximately half (51%) said they know about the community groups in their area while 23% said they knew about the groups but not what they do.

Responses show a spread of attitudes towards and expectations of community groups. There were no extremes, albeit the number of responses was low, or significant surprises in the nature of the comments made throughout the questionnaire with no indication of the need for wholesale radical change. A selection of responses is listed below:

Not having enough time puts 46% of respondents off joining a community group. Other answers: not having anything to offer (6%); not having anything to gain (6%); community groups don't get things done (17%).

Too much talking and not enough action was what 37% of respondents who had experience of being a member of group said was the aspect of the group they like least. Other answers: rules and regulations get in the way of business (3%); it was disorganised and chaotic (14%); only 1 person seemed to have all the power (14%); it was more formal than it needed to be (6%).

Seeing visible action would motivate 31% of respondents to join a community group. Other answers: a direct benefit (6%); like-minded people (20%); no formal joining process (9%); clear rules and operating parameters (17%).

Examples of circumstances under which respondents would be happy for a community group to represent them were:-

If the group tell them who they are and what they're doing (54%); if the respondent has a say in who they are and what they do (49%); if the group has strict rules about who they are and what they do (34%) and if nothing the group does commits respondents to do anything ((9%). Five respondents said they would be happy under no circumstances (14%).

A proper community group should: work flexibly to respond to changing needs (86%); have a written purpose and rules (69%); be able to do what it thinks best within reason (46%); not have to have rules (3%).

Letter from Kevin Stewart, Minister for Local Government and Housing

Following receipt of concerns around provisions in Schemes across Scotland for complaints against community councils and community councillors, the Minister wrote to all Local Authorities in January 2017 encouraging them when they reviewed their Schemes to consider including a complaints procedure and sanctions.

Fortunately, in Clackmannanshire, complaints against community councils have been minimal and have been dealt with through mechanisms already in place for residents to make enquiries and raise matters of general concern with community councils. In such matters, Clackmannanshire Council has taken the stance that community councillors are elected by residents, are accountable for their behaviour and actions to and are removed by residents.

However, it is recognised that existing processes are not able to handle progressively problematic matters, and one of our community councils is currently developing standards of communication. These aim firstly to prevent problems, including problems arising from complaints about the behaviour of community councillors, and secondly to address any such recurring problems through a self-regulation process which inherently builds working relationships, rather than by means of a Complaints Procedure and sanctions. Clackmannanshire Councils is actively supporting this approach and would seek to give it time to test its effectiveness first before resorting to introducing a formal Complaints Procedure which adds to voluntary and statutory workloads.

Summary of ideas explored for modernising community council governance

1 Purpose

These ideas (Table 1 below) for modernising community council governance were circulated to community councils as a basis for collective discussions in preparation for the formal review of the Scheme for the Establishment of Community Councils. The ideas were not proposals but instead aimed to stimulate discussion, especially on the matter of co-option on which the view of community councils and Council officers significantly diverge, before any proposals are made. Some were based on ideas which other Local Authorities have considered.

Community councils were asked to contribute their thoughts on ideas and suggest other ways in which the aspects of the Scheme which they felt were barriers to effective operations could be changed, or elements could be added to increase participation.

2 Background

Council interests - in brief

Clackmannanshire Council's main interests are that all community councils are democratic, accountable directly to the people they represent and transparent, and that their legitimacy is unquestioned. The Council sees the inherent potential in the concept of community councils for greater community self-determination and empowerment and recognises that it is in its interests as well as that of the population that our community councils are active and represent their communities accurately.

The Council does not believe it to be in the interests of the reputation of community councils for it to be involved in the operations of community councils. The Council sets the governing framework but has no wish to be seen in the eyes of the public as the governing body for community councils.

Community council interests - in brief

Community councils are keen to enhance their role in local democracy and decision-making.

Their key interest in the Scheme is for more flexibility in recruitment and in filling casual vacancies but at the same time maintaining legitimacy through contested elections.

Opportunity & Need for Change

Recent JCCF discussions would suggest that if community councils are to fulfil an enhanced role and continue to be relevant to local democracy, they need to change or change the perception with which they are held. The review of the Scheme is routine but the timing presents an opportunity which might make change easier and better promote the role of community councils.

Apart from the cap on co-options, the Scheme content does not otherwise substantially prevent community councils from operating in a way which suits their members and community. However, changes to the tone of the Scheme may help the community adopt new ways of working.

4. Conclusion

Community councils expressed no strong consensus for or against any of the ideas and it is understood that the role of community councils in terms of their working relationship with public agencies and in the eyes of their communities should also be the focus of efforts to improve participation.

Table 1 Ideas for modernising governance

Idea	For	Against
<p>1) Operating rules idea The Scheme is stripped back to the minimum required in legislation. Apart from what's in the Scheme, the Council provides written guidance only on suggested minimum operating standards but withdraws further from involvement in the operations of community councils.</p>	<ul style="list-style-type: none"> ▪ <i>Ccs are seen to be independent</i> ▪ <i>Each cc has more authority over its governance and meeting arrangements</i> ▪ <i>Ccs are more clearly accountable to the people they represent for their choice of meeting arrangement, decision-making etc...</i> 	<ul style="list-style-type: none"> ▪ Ccs within the local authority area will all operate very differently ▪ The Council will not be able to provide guidance on how the public or ccs should interpret or implement cc governing documents
<p>2) Peer Review of Standards idea Members of the public concerned about the standards of practice or behaviour of their own cc can request a panel of cllrs from other areas to assess their complaint.</p>	<ul style="list-style-type: none"> ▪ <i>Provides a final judgement on persistent complaints and closes them off</i> ▪ <i>Keeps standards of behaviour and practice to the fore and allows mutual support</i> ▪ <i>Avoids perceptions that the Local Authority is a higher authority than a cc</i> 	<ul style="list-style-type: none"> ▪ Creates more work for ccs ▪ Peer review may not satisfy the public ▪ May be viewed as criticism of another cc rather than support
<p>3) Co-options idea There are no co-options. Vacancies arising after an election and places not filled at a regular election are only filled through an open election process, but it does not have to be a regular election.</p>	<ul style="list-style-type: none"> ▪ <i>All cllrs have full cllr status</i> ▪ <i>No ratio constraints</i> ▪ <i>Less bureaucracy, less need to refer to the Council for guidance</i> 	<ul style="list-style-type: none"> ▪ Co-option as a means of recruiting members is popular with ccs.
<p>4) Election method and administration idea Community councils can either choose at the start of a 4-year election period to arrange their own elections and mini elections within that cycle, or ask the Council to do so. The Council will administer cc elections on the current basis. It will not have a role in the elections of a cc which chooses to arrange its</p>	<ul style="list-style-type: none"> ▪ <i>Ccs who opt out of the Council-administered elections can have as many or as few elections as they wish in a format which suits them and their electorate</i> ▪ <i>Ccs are seen to be independent of the Council. The Council is no longer misunderstood to be picking cllrs</i> 	<ul style="list-style-type: none"> ▪ Extra workload for ccs (admin grant might not cover cost) ▪ Possible challenges to election probity ▪ Non-standardised elections may cause confusion across the local authority area ▪ Does not in itself guarantee that every election is contested

own.	<ul style="list-style-type: none"> ▪ <i>Ccs have more control over the process by which they receive enough nominations for the election to be contested</i> 	<ul style="list-style-type: none"> ▪ Ccs would have to set out the format for their elections in their constitutions ▪ Difficult (but not impossible) for ccs to verify eligibility
5) Council administered Elections & election period idea Clackmannanshire Council will on request administer regular elections every four years, 'top-up' elections in the second and third Januarys after a regular election to fill vacancies (casual and places not filled at the regular election) and interim elections when numbers fall below the operating minimum. There are no co-options.	<ul style="list-style-type: none"> ▪ <i>All cllrs are in place through an election process, if not also a contested election (ballot).</i> ▪ <i>More frequent elections avoid membership numbers falling below operating minimum</i> ▪ <i>Helps people become cllrs within an election period</i> ▪ <i>Helps ccs whose numbers are low to recruit new members democratically</i> 	<ul style="list-style-type: none"> ▪ Ccs cannot co-opt to recruit members ▪ Eliminates a method of recruiting members which is popular with ccs (co-option)
6) New Nominations Minimum idea A new guideline does not allow a cc to be established after an election with only the minimum operating number. A cc must receive two more nominations than the number it needs to operate legitimately. In Council-administered elections, there is an option for a second call for nominations to go out if a cc gets below the minimum number of nominations.	<ul style="list-style-type: none"> ▪ <i>'Breathing space' after an election will take the cc to the next election with fewer inquorate meetings, and with less fear of becoming inoperative hanging over them.</i> 	<ul style="list-style-type: none"> ▪ Possible misunderstandings and confusion between minimum operating and minimum nominations
7) Meetings bureaucracy idea Community councils may choose to manage their contact with their own community and decision-making processes more loosely than current terms allow, as long as an agreed proportion of total annual meeting duration is clearly spent in activity which ascertains the views of the electorate of the	<ul style="list-style-type: none"> ▪ <i>Helps the cc get on with its activities and spend less time on satisfying bureaucratic needs</i> ▪ <i>People who do not like bureaucracy may choose to join ccs</i> ▪ <i>People who like action not meetings may</i> 	<ul style="list-style-type: none"> ▪ Possible challenges to legitimacy and criticism if meetings are less formal, not 'the norm' ▪ Modern format may intimidate people with more conventional tastes, people may lose

<p>area and all formal decisions are properly recorded.</p>	<p><i>choose to participate</i></p> <ul style="list-style-type: none"> ▪ <i>People participation is what proves the cc is the voice of the people, not paperwork</i> ▪ <i>Ccs design their work to suit the way the people they represent expect them to work (within reason).</i> 	<p>confidence is less formal meetings</p>
<p>8) Power to suspend a cc idea</p> <p>The Scheme is more specific that the Council has no power to dissolve community councils but that it has the right not to recognise a cc if there is evidence it is in breach of the law or the Scheme. (NB : refers to suspension of a cc as a whole - not individual cllrs)</p>	<ul style="list-style-type: none"> ▪ <i>Safety net in the event that a cc with more authority over its governance forgets to adhere to minimum standards</i> 	<ul style="list-style-type: none"> ▪ Could be seen as Council interference, or a threat hanging over ccs
<p>9) Selection without elections idea</p> <p>Community councillors are chosen through a random selection process using the electoral register. Members of the electorate are invited to join the community council until either maximum membership is achieved or a stated deadline is reached. There are no contested elections.</p>	<ul style="list-style-type: none"> ▪ <i>Appeals to the sort of people who don't like the idea of putting themselves forward but who like to be co-opted or invited</i> ▪ <i>Can be done on a rolling basis and could maintain numbers</i> ▪ <i>Would send a message that everyone has a role to play in local democracy the way the jury selection process does for justice</i> 	<ul style="list-style-type: none"> ▪ Could not guarantee that enthusiastic volunteers with relevant skills become cllrs ▪ Does not guarantee that a cc will be established at all ▪ Less transparent than the current election method

Appendix III

Indicative Review Timetable

- 1.1. The steps involved in this process and proposed timescales are laid out in the Table below.

Date	Step
<i>January 2017:</i>	Council agrees to revoke existing Scheme.
<i>February 2017:</i>	Public notice of intention to revoke existing Scheme and statutory minimum 8-week public consultation inviting the public to make suggestions as to the areas and composition of the community councils.
<i>June 2017:</i>	Council meeting considers the outcome of the consultation, recommendations arising from comments gathered during the public consultation and the contents of a draft new Scheme.
<i>August 2017:</i>	Public notice of second statutory minimum 8-week public consultation inviting the public to make representations on the aspects of governance of community councils and their relationship with Clackmannanshire Council which the Scheme details.
<i>December 2017:</i>	Council consider any revised draft proposals on the contents of a proposed new Scheme. If there are none, Council may consider adopting a new Scheme.
<i>February 2018:</i>	If required, the public will have a 4-week period in which to make any final representations on the proposed document.
<i>April 2018:</i>	Council will consider any final representations and will formally adopt a new Scheme.
<i>April 2018:</i>	Public notice of the adopted Scheme and invitation for electors to apply for establishment in areas where no community council exists.

- 1.2. The eventual Scheme is timetabled for implementation in 2018.



SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

1. Introduction

- 1.1. Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government (Scotland) Act, 1994, which produced the current system of unitary local authorities and made provision for the continuation of Community Councils. Under the legislation, every local community in Scotland is entitled to petition their local authority to establish a Community Council in their area.
- 1.2. The Scheme for Community Councils is designed to enable the establishment of Community Councils across Clackmannanshire to provide a common minimum basic framework governing their creation and operation.

2. Statutory Purposes

- 2.1. The statutory purposes of Community Councils established under this Scheme are set out in Section 51 (2) of the Local Government (Scotland) Act 1973, as follows: -
- 2.2. "In addition to any other purpose which a Community Council may pursue, the general purpose of a Community Council shall be 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".

3. Role of Community Councils

- 3.1. Community councils have a duty under statute to represent the views of their local community. Clackmannanshire Council recognises community councils as the voice of the community on matters which directly affect public services in their areas and as appropriate bodies to participate at all stages of Local Development Planning.
- 3.2. Community councils have a statutory right to be consulted on planning applications which affect their area.
- 3.3. Community councils are competent objectors for licensing applications.
- 3.4. It is the role of community councils to enable and facilitate active community deliberation on key developments affecting their area.
- 3.5. Community councils also play an important role in:
 - Promoting the well-being of the communities they represent

- Fostering community spirit
- Informing the communities they represent of matters of public concern, and
- Safeguarding and improving the amenities of the community council area, its buildings and its natural environment.

4. Boundaries and Membership

- 4.1. The boundaries for community council areas and names of the community council areas are as outlined below and shown in this Scheme.
- 4.2. There shall be minimum and maximum membership numbers of elected community councillors in a community council. In addition, there shall be a minimum number of nominations required at a regular election and below which a community council may not establish. These are listed below.

Community Council	Membership maximum	Minimum membership to operate	Minimum nominations at a regular election	Population est
Alloa	15 members	8 members	9 nominations	14085
Alva	13 members	7 members	8 nominations	4824
Clackmannan	13 members	7 members	8 nominations	3716
Dollar	13 members	7 members	8 nominations	3084
Menstrie	13 members	7 members	8 nominations	2826
Muckhart	11 members	6 members	7 nominations	534
Sauchie & Fishcross	13 members	7 members	8 nominations	6425
Tillicoultry	13 members	7 members	8 nominations	5931
Coalsnaughton, & Devonside				
Tullibody, Cambus, & Glenochil	13 members	7 members	8 nominations	9345

- 4.3. Places not filled at Elections cannot be filled by co-option.

5. Eligibility

- 5.1. To qualify for nomination and election to a Community Council, a candidate must:
- Reside in the community council area for which membership is sought and,
 - be aged 18 or over and included on the current electoral register for the Community Council Area, or
 - be aged 16 or over and included in the roll of 16-18 year olds held by the Returning Officer
 - Not be, or within the last 5 years have been, declared bankrupt, convicted of any offence of which the sentence was anything other than a fine
 - Not be a Clackmannanshire Council elected member, an MP, an MEP or an MSP.
 - Not to have been refused permission or had permission withdrawn if an employee of Clackmannanshire Council.

6. Establishment

- 6.1. After the adoption of this Scheme, Clackmannanshire Council will invite electors in an area where no community council exists to apply in writing to the Chief Executive for the establishment of a community council in their area.
- 6.2. Clackmannanshire Council will arrange an election in areas where at least 20 electors, who in their own right would be eligible to stand for election to a community council, notify the Chief Executive in writing within 21 days that they wish to see a community council established for their area. The method of election will be that of a regular election described in Paragraph 8.
- 6.3. If nominations are received for less than the minimum nomination number, no community council will be formed. Clackmannanshire Council will give a statement of reasons why a community council may not be formed in any area.
- 6.4. In areas where no community council is established, 20 electors may petition the Chief Executive at any time to hold an election to establish a community council. This will be subject to there being no more than two elections in a twelve month period in any one community council area.
- 6.5. Clackmannanshire Council will make reasonable arrangements to accommodate establishment of a new community council when a petition is made in the year a regular, National or Local election is scheduled.

7. Methods of Election

- 7.1. Regular elections for community councils will take place every four years. Clackmannanshire council shall set the schedule for regular elections. The first regular elections following the adoption of this Scheme are scheduled for September 2020.
- 7.2. Clackmannanshire Council is committed to exploring innovative election methods to encourage greater involvement in community council elections and to enhance the democratic process. Therefore, in areas where a community council exists, the community council will determine the method of election for their own area to be used for the 4 year election period. Community councils which commit at the start of an election cycle to conducting all their own elections for that 4-year election cycle must submit in writing details of the chosen method and timetable of election to Clackmannanshire Council at least 2 months in advance of an election.

8. Elections conducted by Clackmannanshire Council

- 8.1. Clackmannanshire Council is committed to supporting community councils to conduct robust and consistent elections and will conduct community council elections to allow a community to establish a community councils and on behalf of existing community councils for the duration of the election cycle if requested at the start of an election cycle to do so. Clackmannanshire Council will make reasonable arrangements to accommodate community council elections in the year of a regular, National or Local election and will use the following method of election.

Returning Officer

- 8.2. The Returning Officer for Community council elections carried out by Clackmannanshire Council will be the Chief Executive of Clackmannanshire Council. The Returning Officer may appoint such number of deputies as may be considered necessary for the proper discharge of the relevant functions.

Regular Elections Period

- 8.3. Regular elections arranged by Clackmannanshire Council are held every four years at a time to be determined by Clackmannanshire Council. Clackmannanshire Council will make reasonable arrangements to accommodate community council elections in a year National or Local Elections are scheduled.

Regular Election Method

- 8.4. For regular elections, the following method will be used:

Step 1 Nominations

All serving Community councillors will stand down and will be eligible for re-election. For all serving community councillors, the term of office will end at midnight of the day prior to the scheduled polling day at the next regular election.

Clackmannanshire Council will advertise a Notice of Election by public notices in the area covered by the community council. This notice will invite residents of the area to put forward nominations for membership of the community council.

Nominations will be in the form decided by the Returning Officer and will be subscribed by one proposer and one seconder, both of whom must be eligible for election in their own right. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.

Nominations for election to a community council must be received by the Returning Officer by the time specified.

Step 2 Election Process

Where nominations are received for between the nomination minimum and 100% of the places to be filled by election, those individuals will be declared elected unopposed and the Returning Officer will produce and display a notice to that effect in the local area.

Where at any election the number of nominations received exceeds the number of places to be filled, a ballot will be held.

Step 3 Ballot

When a ballot is held, community councils shall be elected on the Block Voting system. The ballot will be secret and will follow the process set by the Returning Officer.

Optional Step: Nomination deadline extension

Should the total number of candidates nominated be below the minimum nomination number as specified for the community council area, no community council will be established in that area at that time. However, Clackmannanshire Council may, at its discretion, extend the deadline and within 6 months of the closing date for the registration of the first call for nominations issue a second call for nominations for a community council area failing to meet the minimum nomination requirement.

Filling vacancies which arise between regular elections

- 8.5. Clackmannanshire Council will also assist, if requested at the start of an election cycle, with elections to fill vacancies which arise between regular elections through one of the following methods:-

1) Top Up Elections - to fill vacancies arising since the previous election

Clackmannanshire Council will make arrangements for top up elections in the January of the second and third years after every regular election to fill only vacancies arising since the previous election.

2) Interim Elections - when membership numbers fall below the operating minimum, or when the community council fails to receive the minimum nominations at a regular election

Clackmannanshire Council will make arrangement for an Interim election to be held if the community council notifies the Returning Officer that its number of community councillors has fallen to less than half the operating minimum membership number. An interim election within 6 months of a regular election will be at the discretion of Clackmannanshire Council.

The method for an Interim Election and of a Top Up Election is that of the nominations and ballot process in a Regular Election but nominations shall be invited only for the number of vacancies arising since the previous election. There will be no second call for nominations. A community councillor elected at a Top-up Election or an Interim Election will hold office until the next Regular Elections.

First Meetings of Community Councils

- 8.6. The Returning Officer will call the first meeting of the community council after its establishment and after regular elections. This meeting will take place within 4 weeks of the election or as soon thereafter as is practicable. The election of a chairperson for that meeting from amongst community councillors present must be the first item of business at this meeting. Until a chairperson for that meeting is elected, the Returning Officer or a suitable deputy appointed in his/her place will chair the meeting.

9. Constitution

- 9.1. Each community council is required within 2 months of establishment or as soon thereafter as is practicable to adopt a Constitution which adheres to the terms of this Scheme. The constitution must minimum standards of legitimacy, democracy, accountability and transparency relevant to the statutory function of community council and is required to be approved by Clackmannanshire Council prior to adoption by the community council.

10. Meetings of Community Councils

- 10.1. Community council shall determine the format of their meetings subject to meetings being open to the public, with the place, date, time, nature of the business to be conducted at the meeting and draft note of any decisions made at the previous

- meeting advertised in the community council area at least 7 days before the meeting.
- 10.2. Each community council will determine the frequency with which it meets subject to a minimum of 4 meetings held in public per year.
 - 10.3. Each community council shall hold a meeting by September of each regular election year and by October in non-election years at which it will account for its activities in the previous year, present its annual accounts and elect its office bearers.
 - 10.4. Each community council will adopt and make available publicly Standing Orders which lay out the procedure and business for its meetings.
 - 10.5. Community councils will set aside a minimum of one third of the total annual duration of meetings (however apportioned) specifically for the purpose of ascertaining the views of the electorate of the area.

11. Resourcing

- 11.1. Clackmannanshire Council will provide assistance to community councils to support their administrative needs. The details of this assistance and resourcing which the Council will from time to time determine will be set out in the Protocol which accompanies this Scheme.
- 11.2. Any financial assistance will be made available to community councils following receipt of bank account details and, in the case of established community councils, approval by the Director of Finance and Corporate Services of independently examined annual accounts which the community council can demonstrate have been approved by the community council at a properly-convened meeting which is open to the public.
- 11.3. Clackmannanshire Council will provide guidance where relevant to assist community councils to adhere to the terms of this Scheme.

12. Suspension and Dissolution

Suspension

- 12.1. Clackmannanshire Council may move to consider a community council to be suspended where:
 - It does not meet in public at least 4 times in a period of 12 months
 - It has demonstrated a major single breach or a series of breaches to its adopted constitution or to the requirements set out in this Scheme and where said breach(es) have not been remedied after being brought to the community council's attention.
 - A majority of its members collectively or separately have been charged with an offence under the law

- 12.2. Should Clackmannanshire Council consider a community council to be suspended, it shall publish a public notice in the area giving reasons. Within 2 months of suspension of a community council (or as soon as is practicable) Clackmannanshire Council shall set in motion a process to establish if the community wish the community council to be dissolved or re-instated. The process will be set out in the public notice.
- 12.3. A community council which is considered by Clackmannanshire Council to be suspended will not receive further Council resources.

Dissolution

- 12.4. Clackmannanshire Council will, upon request of the community in question and following due process as set out in the community council's own constitution, assist a community with the process of the dissolution of a community council which it considers to be suspended. Clackmannanshire Council shall not dissolve a community council.

13. Exchange of Information

Community Council Liaison Officer

- 13.1. Clackmannanshire Council will appoint a Liaison Officer who will have prime responsibility for ensuring that information exchange mechanisms between community councils and the Council are operational.

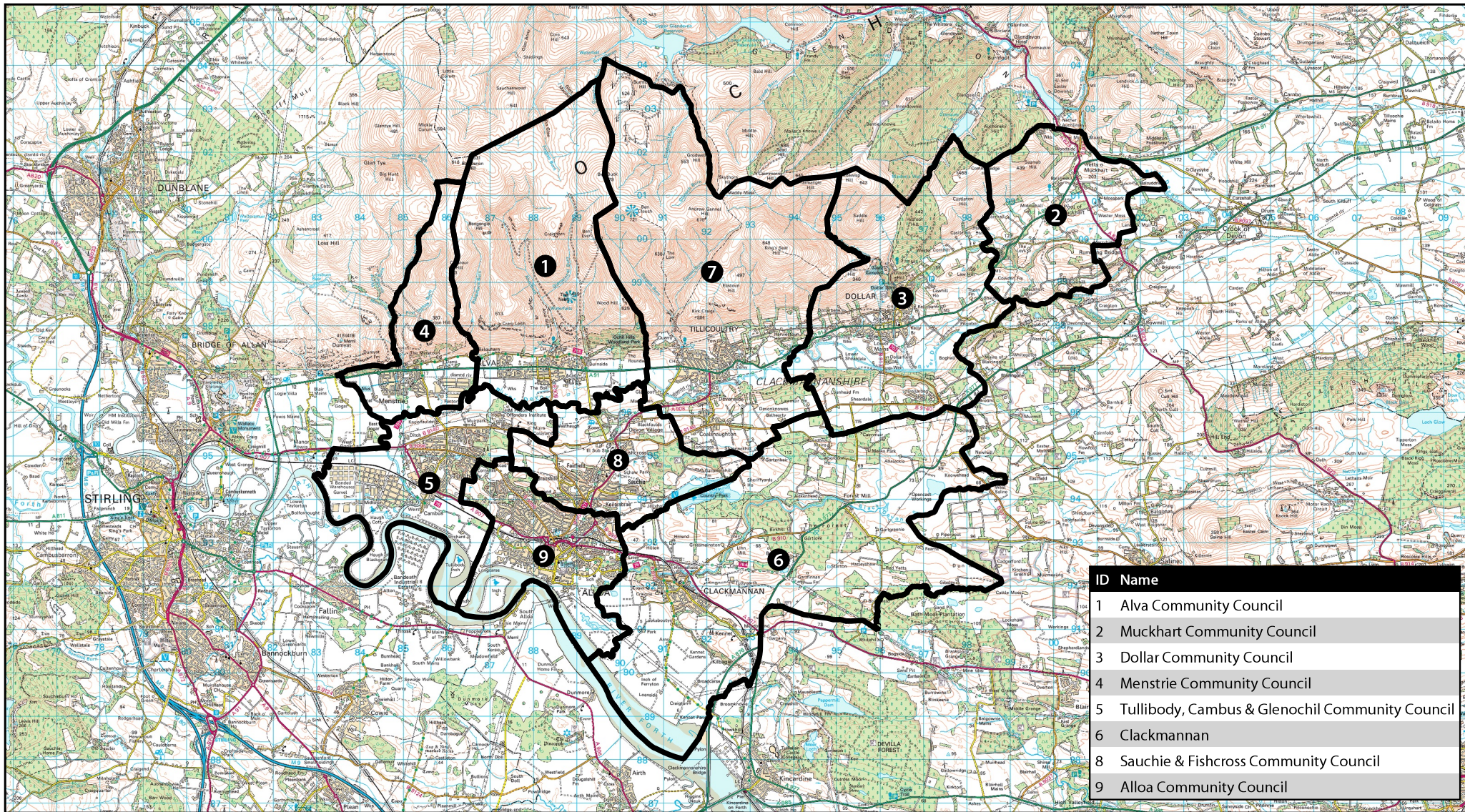
Single Point of Contact

- 13.2. Each community council shall elect from among its members a Single Point of Contact for communication with Clackmannanshire Council and other public authorities, and provide the name and contact details of the Single Point of Contact to Clackmannanshire Council for wider publication to the public.. The community council shall notify the Community Council Liaison Officer of any changes to the Single Point of Contact.

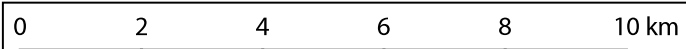
Procedures

- 13.3. Procedures for the exchange of information on matters of mutual interest will be negotiated, and updated to suit changes in working arrangements, between community councils and Clackmannanshire Council. They are set out in the community council Protocol which accompanies this Scheme.

[appendix – map of community council boundaries]



ID	Name
1	Alva Community Council
2	Muckhart Community Council
3	Dollar Community Council
4	Menstrie Community Council
5	Tullibody, Cambus & Glenochil Community Council
6	Clackmannan
8	Sauchie & Fishcross Community Council
9	Alloa Community Council



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Community Councils
 Proposed Community Council Boundaries
 No change to 2011 boundaries

Legend
 Community Council boundary

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