
Report to Clackmannanshire Council

Date: 12 December 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 for Council to consider the outcome of the second consultation exercise on the content of a proposed new Scheme for the Establishment of Community Councils.

2.0 Recommendations

- 2.1. It is recommended that Council approves the proposed new Scheme for the Establishment of Community Councils attached as Appendix 1 to this report to go forward to the next stage of statutory consultation.

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 public consultation on the contents of the document.
- 3.2. The Council's approach to the content of the Scheme aims to reflect our aspirations to empower communities and help community councils modernise to suit present-day circumstances and attitudes.
- 3.3. During the second 8-week consultation period, the public were invited to make suggestions on the contents of the Scheme.
- 3.4. Ongoing dialogue with community councils has generated qualitative information which has helped the analysis of views expressed through an online questionnaire, and informed conclusions. A summary of comments received during the consultation, their analysis and conclusions is contained in Appendix 2
- 3.5. Many of the suggestions for improving how community councils operate can be accommodated through practice and in other governing documents such as the constitution. Issues emerging on key aspects of community council governance highlighted in the consultation and which are of significance for

the review of the Scheme are set out in paragraph 4. The draft Scheme, appended to this report as Appendix 1 has been amended to reflect conclusions from Stage 2. Paragraphs amended since the earlier draft are highlighted.

4.0 Revisions to the Scheme

Elections & Filling Vacancies

- 4.1. Whilst the consultation generated ideas for practical steps which can be taken to strengthen the involvement of the electorate in community council elections, there was general support for continuing with Council-run elections and approval for the Top-up Election proposal. There was also support for maintaining the provision for co-option as long as safeguards in the interests of transparency are in place. With the exception of co-opting, there was generally disapproval for the proposal giving community councils more scope to directly engage their own community in filling vacancies.
- 4.2. Co-options allow community councils to maintain productivity until the next election. Top-up Elections were seen as a way to maintain the emphasis on the electorate choosing their representatives whilst making it easier to fill vacancies within the 4-year election cycle. This proposal has ongoing additional resource implications for the Council in terms of staff time.

Involving residents

- 4.3. Responses suggest that meeting format should be a matter of judgement for each individual community council and as such it is not relevant to include a provision in the Scheme for meeting structures designed to ensure resident involvement. The consultation confirmed that whilst not containing provision for specific approaches, the current Scheme does not prevent community councils from innovating to secure resident and volunteer involvement.

Provision within the Scheme for a Complaints Procedure

- 4.4. The consultation showed that there is interest in considering a procedure for dealing with complaints by the public against community councils and community councillors. Whilst this proposal can be agreed in principle, in practice, agreeing the content will require more time for thorough deliberation, especially in relation to complaints escalation and sanctions.
- 4.5. In addition, the new provisions to maintain members during an election cycle on which there is general consensus are urgently needed, and it is therefore proposed that adding provision for a complaints procedure should not hold up the current review but should instead be progressed, and workable models researched, in preparation for inclusion at the next review of the Scheme.

Other revisions

- 4.6. The wording of the provisions for the suspension of a community council and for the dissolution of a community council has been amended in the revised Scheme to be clearer about the role and the power of the electorate in both processes.

- 4.7. The proposal to set maximum community council membership at an odd number was received negatively and has been removed from the revised draft.
- 4.8. The review of the Scheme is an opportunity to make changes to wording and layout to improve clarity and remove ambiguity. Although they do not affect the governance framework, paragraphs containing minor amendments since the earlier draft are also highlighted.
- 4.9. A draft model constitution for community councils showing changes to reflect the draft revised Scheme is appended to this report as Appendix 3.

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 April 2018 to consider recommendations arising from the public response and the approval of a final document
- 5.2. Four of the eight steps in this process have been completed. An indicative timeline is included as Appendix 4

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)

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all
 Our families; children and young people will have the best possible start in life

Women and girls will be confident and aspirational, and achieve their full potential

Our communities will be resilient and empowered so that they can thrive and flourish

(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 - Draft proposed Scheme for the Establishment of Community Councils

Appendix 2 - Summary of Consultation Comments

Appendix 3 - Draft Model Constitution for Community Councils

Appendix 4 - Indicative Review Timetable

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)

NAME	DESIGNATION	TEL NO / EXTENSION
Lesley Baillie	Community Planning Adviser	2012

Approved by

NAME	DESIGNATION	SIGNATURE
Stuart Crickmar	Head of Strategy & Customer Services	Signed: S Crickmar
Elaine McPherson	Chief Executive	Signed: E McPherson

**SCHEME FOR THE
ESTABLISHMENT
OF
COMMUNITY COUNCILS**



**Clackmannanshire
Council**

www.clacks.gov.uk

Comhairle Siorrachd
Chlach Mhanann

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 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 inform the community they represent of matters of public concern and enable and facilitate active community deliberation on key developments affecting their area.
- 3.5. Clackmannanshire Council also recognises the scope community councils have to promote the well-being of the communities they represent; foster community spirit,

and safeguard and improve the amenities of the community council area, its buildings and its natural environment.

Comment [LB1]: Layout change

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 map which annexes 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	16 members	8 members	9 nominations	14085
Alva	14 members	7 members	8 nominations	4824
Clackmannan	14 members	7 members	8 nominations	3716
Dollar	14 members	7 members	8 nominations	3084
Menstrie	14 members	7 members	8 nominations	2826
Muckhart	12 members	6 members	7 nominations	534
Sauchie & Fishcross	14 members	7 members	8 nominations	6425
Tillicoultry	14 members	7 members	8 nominations	5931
Coalsnaughton, & Devonside				
Tullibody, Cambus, & Glenochil	14 members	7 members	8 nominations	9345

Comment [LB2]: Proposed change to odd number removed

5. Eligibility

- 5.1. To qualify for nomination and election to a community council, and membership, 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. 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 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. Election

- 7.1. The method by which people become community councillors shall be open and transparent. Clackmannanshire Council will support community councils to conduct robust and consistent elections and will conduct community council elections to allow a community to establish a community council. Clackmannanshire Council is committed to exploring with community councils innovative approaches to encourage greater involvement in community council elections and to enhance the democratic process.
- 7.2. Election to community councils takes place through four methods, the process of which is described in Paragraph 8. They are:
 - Regular elections, for all community councils and at which all community councillors stand down and are eligible for re-election
 - Top-up elections, for all community councils to fill only vacancies arising between regular elections
 - Interim elections, for community councils whose numbers fall below the operating minimum or when the community council fails to receive the minimum nominations at a regular election
 - Co-option, to be used to maintain membership numbers as soon as a vacancy arises
- 7.3. Regular, top-up and interim elections will be conducted by Clackmannanshire Council. Co-options will be conducted by community councils.

Comment [LB3]: Introduction of Top-up elections

8. Election Methods

Comment [LB4]: Layout change

8.1. Clackmannanshire Council will use the following methods 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

8.3. Regular elections 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.

8.4. Clackmannanshire Council shall set the schedule for regular elections. The first regular elections following the adoption of this Scheme are scheduled for September 2020.

Regular Election Process

8.5. 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.

8.6. 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.

8.7. 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.

8.8. 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.

Top-Up Elections

Comment [LB5]: New provision

8.9. 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.

Interim Elections

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

Top-Up and Interim Elections Process

Comment [LB6]: New provision

8.11. The process 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. 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.

Co-option

Comment [LB7]: Re-wording for clarity

8.12. Should a place filled through an election become vacant, community councils shall take immediate steps through a process of co-option to fill the vacancy to maintain membership numbers until the next election. A community council must not co-opt further members if, as a result, the number of co-opted members would exceed one third of the number of elected community councillors. Places not filled at an election cannot be filled by co-option.

8.13. Co-opted members must meet the eligibility criteria set out in this Scheme. A co-opted member must be elected onto the community council by a two-thirds majority of the elected (regular, top-up and interim) community councillors present and voting. Such co-opted members shall have full voting rights, with the exception of voting on co-option of members, and will serve until the next round of elections (whether regular, top-up or interim). Co-opted members do not count for minimum operating numbers.

- 8.14. Notice of any proposed co-option procedure is required to be intimated to all of that community council's members and publicly in the community area at least 14 days prior to the meeting when the matter will be decided.

9. Meetings

- 9.1. 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.
- 9.2. 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.
- 9.3. Each community council will determine the frequency with which it meets subject to a minimum of 4 meetings held in public per year.
- 9.4. Each community council shall hold a meeting by the end of September of each regular election year and by the end of October in non-election years at which it will account for its activities in the previous year, present its annual accounts for approval and elect its office bearers.
- 9.5. Each community council will adopt and make available publicly Standing Orders which lay out the procedure and business for its meetings.

10. Constitution

- 10.1. 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 meet 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.

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 chief finance officer 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.

Comment [LB8]: Layout change and re-wording

12. Dissolution and Suspension

Dissolution

- 12.1. 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.

Suspension

- 12.2. Clackmannanshire Council may move to consider a community council to be suspended where:
- It has demonstrated a major single breach or a series of breaches to the requirements set out in this Scheme or its adopted constitution 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
- 12.3. 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 to dissolve the community council or take action to re-instate its status. The process will be set out in the public notice.
- 12.4. A community council which is considered by Clackmannanshire Council to be suspended will not receive further Council resources.

Comment [LB9]: Layout change

13. Exchange of Information

Procedures

- 13.1. 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.

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.

Community Council Liaison Officer

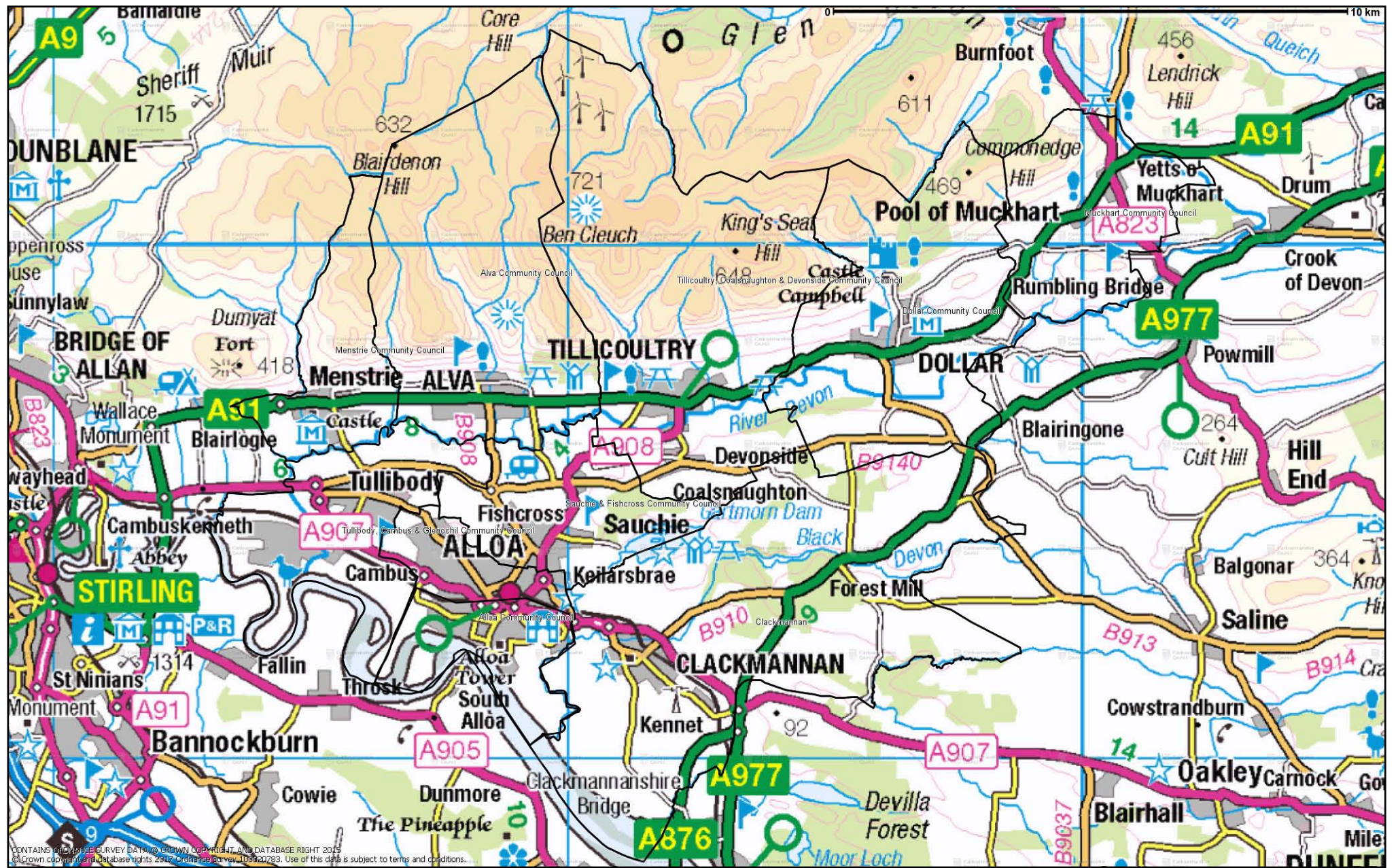
13.3. Clackmannanshire Council will appoint a Liaison Officer who will have prime responsibility for ensuring that information exchange mechanisms between community councils and the Council are operational.

Guidance

13.4. Clackmannanshire Council will provide guidance where relevant to assist community councils to adhere to the terms of this Scheme.

[annex – map of community council boundaries]

DRAFT



CONTAINS ORDNANCE SURVEY DATA © CROWN COPYRIGHT AND DATABASE RIGHT 2015
 © Crown copyright and database rights 2017 Ordnance Survey 100020783. Use of this data is subject to terms and conditions.

© Crown copyright and database rights 2017 Ordnance Survey 100020783. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Scale 1:100000



Proposed Community Council Boundaries
 (no change to 2011 boundaries)



Appendix 2 Summary Responses

Questionnaire comment

Analysis

Council Response

How people choose their community councillors

Voting & Nominations

- The nominating of community councillors should be done on a more open and widely available to all residents basis. At present only 2 people can nominate a community councillor. This should be extended to the whole town/village for EVERYONE to participate in the nomination/voting process. Local authorities are alienating the majority (99%) of the community. This ought to have been changed years ago., not now. Hopefully this will be taken on board and put in place before next year.
- All residents do not get/have a chance to vote/nominate the best people to serve their town as a community councillor. It seems that there are too many cliques within some.
- Allow residents to do an "open public" vote as we do for local councillors. Put nominee's names on a voting sheet and ask residents to put a X against their choice of person to be on as community councillors up to the maximum number allowed.

The nomination process for election to a community council is open and publicly advertised to ensure that all residents have the same chance to nominate people they think will be the best community councillors. The suggestion for the combined nomination and ballot method requires people to be present to nominate and vote and is something we could consider in the future if there was further evidence that people would participate in that way. Serving community councillors can nominate each other but have no control over who else is nominated. As long as residents take part in the nomination they can influence and change membership make-up.

The comments broadly describe the nomination and ballot stage of the current election process and we are not suggesting an alternative method at this point. Views expressed in the questionnaire were supportive of the current nomination and election method.

Proceed with existing nomination and election processes.

Office-bearers

- For Example. Friends are nominating friends at the AGM's and no one else gets a turn of being an office bearer even although there are people who can carry out the role better and more diligently. The constitution has to be made fairer as well and state that after 4 years maximum, community councillors must step down as office bearers.
- The constitution has to be made fairer as well and state that after 4 years maximum, community councillors must step down as office bearers.

Community councils do recognise the benefit of rotating office-bearers and strive to do so but setting a maximum has drawbacks as well as benefits. Arrangements for office bearers can be set in the constitution to suit the community council in question.

Community councils are generally wary of setting a maximum office term and would prefer to have flexibility on this.

We will continue to allow each community council to agree office-bearer appointments and the process to suit their own arrangements rather than through the Scheme.

· Stricter guidelines re: electing office bearers. If a person accepts the position then they should be allowed to take that one up. No second voting needs to be carried out

This appears to be a suggestion that the first person to be nominated for an office should be appointed. If so, it goes against the democratic principle that everyone should have a chance to take on a community council role, and it cuts down options open to a community council for filling an office-bearer position.

We would encourage a process which promotes deliberation and choice. However, this process remains in the control of community councils and we do not wish to add it to the Scheme.

Proceed without the addition of guidelines for office-bearer appointments.

How people become community councillors

Election versus appointment

- Election is the best process but I would keep the co-option as this will learn someone about the community council and how to be a community councillor and get them interested in staying on the community council.
- Despite willing and best intention to get quality contributions to the community councils we do not always get sufficient representation through election. With this in mind the option of co-opting members better suits the reality of our community availability, awareness and motivation to support community councils. The terminology around "elections" can also put feelings of pressure and discomfort with individuals who don't fully understand the role of the community councils.
- The timing of elections can often be through periods when likely candidates are on holiday so that we again miss out on good candidates.

Election Method (Current Process)

- I have been approached by many people in ... who think that community councillors should be elected by a public vote NOT by nomination. I suppose in the same way that local councillors are elected. I agree with that totally. This "nomination" procedure does not bode well with the public in general and it would be a fairer and above board way of getting people to become community councillors. In other words, it would be the public's choice not the

We note the role that co-option can play in breaking down perceived barriers to standing for election to a community council.

Community councils agree with this comment.

It is difficult to find a slot in the year in which to conduct an election process which gives people enough notice and time to take part without coming close to or into conflict with a holiday period. The current nomination process lasts 3 weeks to give people taking the average 2-week holiday a chance to submit nominations. We realise this does not suit everyone but community councils know in advance the schedule of every election to give them time to plan how to publicise it locally.

The current election process does model the way by which local councillors are elected. We recognise that participation in community council elections ranges from passive to active so we are open to suggestions for approaches which better engage the public and which

Add co-option as a means by which people become community councillors.

Although it is not a safety net for catching people who are on holiday at the time of a regular election, we will add co-option as a means by which people become community councillor when a vacancy arising in between elections.

Proceed with current process.

local authorities. After the public vote. the local authority would then check the "nominated" cc's for the electoral role. The decision should come back to the public at large. Also the public vote the office bearers too.

apply across the Local Authority area.

- The community councils method of elections should be an integral part of it's constitution .

We note that it may not be enough for members of the public that the Scheme sets out the process by which people become members of a community council.

We will clarify this in the model constitution.

- people are not interested

Although this did not come out through the questionnaire as a common view, the low response from the public to this consultation does suggest people are not interested in this sort of 'house-keeping ' issue.

We continue to welcome suggestions for new approaches which will motivate people to play an active part in the level of local democracy community councils provide.

However, we know the contrary to be true in most of our communities when it comes to matters which concern their community and where they recognise that the community council plays an important role in such matters, people do not remain passive.

Option for community council-run elections

- Why introduce new methods of election? How will this increase the number of nominations for CCs which MCC believes is the real issue?

This was proposed on the assumption that community councils would know best how to arrange an election to ensure optimum nominations. If this assumption is incorrect, we accept there is less merit in the proposal.

The proposal to allow community council-controlled elections will be removed.

- I do not agree that community councils have this power. In my opinion it would leaves it open to cronyism !
- No. Need a third party to stop rigging, electoral fraud etc.
- As long as it is an open and democratic process it would be fine. However, it would need someone to keep an eye on the process to prevent the CC's manipulating things to their own ends.
- Very bad idea as some people are community councillors for the wrong reasons i.e. for themselves. They don't seem to understand

We note concerns and perceptions of scope for lack of impartiality. We also note that having more than one election method could cause confusion. If either of these were to lead to reduced participation in the election process by the electorate, it would defeat the purpose of the proposal.

make themselves look great! There would have to be very strict guidelines/ disclaimers to the effect put in place and adhered by all concerned.

- Having different methods of election, within the Clackmannanshire area, albeit ones that have been approved by the Council, will create confusion in the minds of the electorate and may open up claims of local election 'rigging'!!
- I do not agree with this as this could allow Community Councils to become insular and set-up elections in a way that would be favourable to the return of the same community Councillors term after term. Terms should be fixed and elections held in the proper manner. Elections should be overseen by Local Authority.
- I think this should be kept centralised at Clackmannanshire council level to maintain consistency and avoid overburdening already very busy volunteers. Is your suggestion just a cost cutting exercise for the council?
- I think this is a JOKE, community councils require the Council to organise and arrange elections which as things stand are not working due to lack of general information given to people.
- To allow community councils organise their own elections would mean an area like Alloa which originally was split into at 5 separate areas would mean which ever area the bulk of its members are from will ultimately use their area rather than request others be invited!
- waste of time
- Good idea as those who are well enough resourced to run their own will take on this responsibility and those who do not feel ready to do so will still have the original option
- Okay give it a try.
- Good idea
- If they are doing good for the community then by all means yes

Although the scale and format of elections would be up to the community council, it is inevitable that another piece of work such as this will increase volunteer workload. The proposal gave community councils the option but not the duty, and did make it clear the Council would continue to administer community council elections if asked to do so.

The proposal aimed to prevent this, on the basis that community councils would knowhow best to ensure equitable participation from all the areas they represent.

The comments in support of this proposal are heavily outweighed by comments against them. Community councils themselves do not support this proposal.

We remain open to suggestions for approaches which strengthen local democracy and improve participation.

How community council vacancies which arise in between elections are filled

Elections

- Casual vacancies should be voted on by the public (NOT CO -OPTED) 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" [proposed paragraph 8] is the most logical and secure way to fill vacancies
- By asking neutral people to come on board i.e. non family members/friends. They should be voted on by a public vote by everyone in the town/village.
- The vacancies should be public and not done in-house with friends or family member. This is a conflict of interest.
- perhaps a fast track mini pop up election process would be more effective in recognising contributions and legitimising membership than more co-option with some of the risks that a looser regime might bring.
- MCC also supports the introduction of a Top Up election process to allow members to be elected to bring the CC up to full strength. Also, where circumstances arise, the option of filling a casual vacancy via a Top Up election may be valid, for example, when a casual vacancy arises a few weeks before an arranged Top Up election (see last paragraph of existing Sec.9).
- MCC agrees that Interim Elections should take place when the conditions outlined in the draft Scheme occur

Co-option

- Co-option by 2/3 majority of present local councillors.
- Co-option onto community councils is a good idea to teach someone and to get them interested. I would continue this.
- Should be able to co-opt
- Co-opting allows us to ensure we have a full compliment of representation of the community, plenty pairs of hands to under take the numerous activities we under take, and the flexibility to approach

We note the interest of the public in openness and transparency. This interest is shared by community councils and confirms our approach that election is the method by which people become community councillors.

Proceed with top-up elections proposal and amend wording to clarify that elections apply to all vacancies.

Although not the ideal method by which people become community councillors, and because elections cannot always be arranged at short notice, we accept that community councils need vacancies to be filled in-between elections.

Community councils have made strong

Add Co-option as a means of filling vacancies arising between elections.

members of the public who we know would benefit/bolster/strengthen our cohort. Further to this, we would be keen to be allowed to co-opt councillors (albeit without voting rights) up to our maximum of 14 if we do not get the requisite numbers during an election. Given that any nominations that are received below the 14 means that candidates are elected unopposed, it surely follows that any nominated candidate for cooption by dcc would fall under the same process. We don't see that there are any substantive differences between the two.

- A co-opted member, voted on with the two-thirds majority safeguard, as outlined in existing Sec. 9, should be allowed to continue until the next regular election
- existing limits on how many people can be co-opted, to prevent the number of co-opted members outnumbering the number of elected members, would remain in place. This approach offers the benefit of keeping a CC, when it loses one or more of its members, at the original number elected.
- the wording of Sec. 8.5 suggests that Top Up elections, rather than Co-options, are to be used when a vacancy occurs through a resignation, etc.. This would seem to be a retrograde step. Also, waiting until the start of the 2nd year to replace a casual vacancy is, potentially, too long a period to wait for an election to fill a vacant position. MCC supports the re-introduction of Sec. 8 and 9 relating to the reasons why vacancies might occur and to co-opting replacement community councillors (and also Sec. 13, the reasons for disqualification), as soon as a vacancy on the CC occurs
- The Scottish Governments' Model SoE and many other Council SoEs, allow for co-options when casual vacancies arise.
- In the case of a CC which has not managed to achieve full membership at the regular election, Co-option should only be used if a casual vacancy occurs.
- The problem with co-opting is that the community councillors will bring in people they know and who share an ethos. This takes away from an open and democratic process. I'm not sure what the solution is but if it could be advertised locally and open to anyone in the area to put their name forward it may bring a wider range of experience. I don't know who would choose the person to fill the vacancy but it shouldn't be the existing community councillors.

representation on co-options in favour of having a control over a method of replacing people who resign or are no longer eligible without delay and with minimum impact on workload.

Co-option not only fills vacancies without delay but it is also a valuable method of building confidence and commitment of people who would not in the first instance stand for election but wish to volunteer.

We agree that co-option should only be used for vacancies arising between elections. In the interests of expediency, we are allowing existing elected community councillors to elect people to fill the vacancy. As with all community council business, the process of co-option must be open and transparent.

Proceed with addition of provision for co-option

Other

- Either is okay.
- Using the top-up election method so long as co-opting a small number is still available
- Prefer formal way of becoming a Community Councillor. With regards casual vacancies, there should be a time limit. If say a vacancy comes up within first 2 years of a say 4 year term, then a formal election should be held. If after this then co-opting with approval of the Community Council AND those present at meetings should be allowed.
- Ok as is but not unhappy with interim elections
- They should advertise it to the local community

We are happy that current arrangements and the provision for co-options ensure safeguards will be in place to ensure the process of co-option is fair, transparent and used appropriately.

Involving people in community council business

Meeting format

- The community councils must ensure that their meetings are held in an accessible meeting room by disabled members of the community and the format of the meeting must ensure that blind and other disabled attendees are not excluded due to their disability.
- This would ultimately depend on the actual meeting in process, if there is to be a speaker in which a large portion of the electorate attend then it should be a format in keeping with same!
- Depends on the people on board.
- They should allow different age groups to chair meetings
- Community Councils are best placed to know what format will work with the people they serve . Workshop or small group activity with skillful facilitation allows more voices to be heard and guards against the domination of meetings by one or two assertive voices.
- okay with me
- I do not see a problem with this as long that the method is within its constitution
- No they should address their own agendas.
- I think this will lead to inconsistency and disputes
- They do not always keep to the agenda
- Whatever the format, the minimum number of meetings outlined in the current Scheme, namely, 4 plus an 'AGM', should continue. We believe an annual public 'summary' meeting should still be required, though it doesn't need to be called an AGM, per se, in addition to at least 4 other, fully, public meetings.
- Setting aside one third of total meeting, to ascertain 'community views', seems to be far too prescriptive. How will such a requirement be calculated and monitored? Members of the community should simply be encouraged to comment upon and/or raise questions to the CCLRs present, at any point, during any CC meeting. Hence, the need to hold a minimum number of public meetings, per annum (e.g. 5, per annum - see Q.7 above).

Provisions in the Scheme are consistent with ensuring inclusion of all sectors of the community.

We agree that community councils are best placed to choose the appropriate format for each meeting.

It is already the case that community councils cannot take decisions which come into conflict with their constitution.

We note that traditional meeting format is easier for some members of the public to engage with.

The minimum has been set to balance the volume of work involved in fulfilling the core function and the spare time of volunteers. Community councils can already increase the number of times they meet per year beyond the minimum.

Community councils have assured us that setting aside time at meetings to ascertain community views is their core function and time to carry out this function should be allocated according to demand, not set out prescriptively.

Community comment suggests it is not so much meeting time that allows community views to be ascertained but communication

Proceed with proposed provision.

Proceed with proposed provision

Comments regarding meeting discipline have been shared with community councils.

No change to minimum number of meetings per year

The proposed provision is unnecessary and has been removed.

Better involving residents

- One way round the problem of not having 14 Community Councillors elected at a regular election within the Community Council Boundaries would be to appoint individuals to a sub-committee who are not elected Councillors. These individuals shall have no voting rights on the Community Council but may be granted voting rights on the sub-committee in question. For example: a) Public transport;b)Education;c) Disablement issues;d) State of public parks;e) Licensing matters.
- MCC also suggests the introduction of an 'Associate Member' clause to the Scheme (again, see the Moray and Government Schemes). This would allow CCs to carry out agreed work, for example, by 'subject matter experts', or where a heavy CC workload exists and 'additional' interested members of the community, or members of community organisations, may be required to help complete agreed tasks or assist with delivering against agreed 'Action Plans'. This will become a greater issue, if the reduction in overall maximum CC membership is agreed, per the draft Scheme, and, in particular, from our recent experience, if all CCs in the area are to be encouraged to create and deliver Community Plans!! This may also lead to an increase in members of the community wishing to be nominated and stand at the next election – an additional benefit.
- If vacancies arise over the next 3 years I'd like to recognise their contribution by getting them on board. It was put to me after one of our meetings that " some of the people nearer the top of the table were not even full CC members" I'm an advocate of the old saying " By their deeds shall ye know them"
- Indeed community councils have a duty to seek to broaden both representation and expertise by making it possible for people who can represent within the community council area and people with specific skills to contribute to the work of the community council,where relevant
- They must always ensure they involve resident s from ALL AREAS in which they represent and not only those they would rather have attend!
- Get the correct minded people who are in touch with the community on the same level as they are. No airy fairy members who have not

This use of volunteers and sub-groups is already allowed, although volunteers do not affect membership numbers.

We agree with the comment about the community council role in seeking broad representation and in articulating reasons why people should stand for election. Broad representation is also in the hands of the electorate who choose who they nominate in the first place. Ultimately, community councils cannot choose their members even if that means sections of their community are under-represented in

We will amend the model constitution to give community councils the option to include a specific provision in their constitutions saying this is allowed.

The proposal to change membership numbers to an odd number has been removed as it was perceived negatively and caused concern amongst community councils.

Although it cannot guarantee it, we feel the open election process already facilitates this duty.

got the appropriate experience/know how re: meetings etc.

their composition.

Communication

- Be more open, be more organised, be more pro-active, inform the public.
- They need to communicate better and be more open. I have no idea who my community councillors are and I never see anything about them in the area. Surely putting minutes in local shops/cafes etc would be a start. At the moment I think the only place to get them is the BCC. They should also be more encouraging about inviting people to attend meetings especially when there is an important topic to discuss. At the moment community councillors appear to be doing their own thing with no interest in the people of [REDACTED] as long as it suits the select few.
- Advertising and promotion
- In my area the Community Council SAY they are engaging with residents but in reality only engage with those who come through the door of [REDACTED]. I live several streets away and in the 11 years I have been a resident I have NEVER had any letters or communications through my door. I personally feel that communication needs to be vastly improved. Social media should be better utilized, and libraries better used. Also any other local groups should have a representative invited to meetings, local churches and other groups so that the community is better represented and have plenty of opportunities to have their voices heard. Community Councils should reach out more to residents through newsletters and publications so more people are aware of meetings and also perhaps have informal discussions around particular areas of interest or concern.
- More communication of community councils. Idea what they are doing for all areas not just where a community councillor comes from.
- By talking to them and taking on board what is said
- CCs should also appoint, and make public, a single-point-of-contact who can provide an open channel of communication between the community and the CC.

The need for community councils not to depend on residents seeking information and the importance to respondents of using a variety of communication methods to involve residents is noted.

We are not proposing to include in the Scheme a provision requiring community councils to adhere to a list of communication methods as communication approaches will vary from community to community and from one purpose to another.

The comments have been shared with community councils.

Public votes and views at meetings

- Give the public a vote on non-procedural items. E.g. Should we have

Community councils are trusted to use their judgement on when to involve the public in

Proceed with current provision stating community council role in

Christmas lights or not.

- They should allow public members who attend [to this]* and the Chair should be open and honest to the members present at the meeting
- Where the topic or subject matter demands it (e.g. new housing developments or community planning activity) fully open, public meetings should be held where members of the community can raise, and have documented, their issues, concerns, feelings and opinions on matters of importance within the community – for example, recently, MCC has held numerous Open Meetings, Focus Group Meetings, etc., to help shape and inform our new Community Plan and to discuss community thoughts and opinions around the local housing development plan.

Other

- disbanding might be a start
- disband them

- They already do very well

decisions and in meeting business, and balance this against the public's expectation that they maintain a level of formality which promotes comprehension of matters of community concern, and that they get through the agenda in an organised way.

There is statutory provision for community councils to exist so disbanding them as a concept is not within the power of the Local Authority.

Communities are not obliged to establish community councils and may disband theirs if they no longer want one that already exists. Residents of an area have the power every four years to change the entire membership of their community council if they are not happy with how their community council involves them in matters which concern the community.

We are aware that the public take an active role in some community council meetings and do not wish to make any changes to the Scheme to discontinue this.

facilitating active community deliberation.

Comments have been shared with community councils

No requirement to change the Scheme.

Comments have been passed to community councils

Standards of representation

Integrity

- Some councillors think of themselves and not their community's
- An idea is for community councillors to sit an aptitude test in order to get the right people on board who have the integrity to do the correct thing for their community.

Complaints procedure

- Yes. This is a learning procedure and public should be given ways of complaints procedures against community council etc.
- Residents should have formal procedure to make complaints. This should also apply to community council members as well
- I think this is a good idea. Mostly CC's don't represent the people they represent themselves. It is difficult to access them and what they stand for. How do they know what stance to take if they have not asked the people?
- Good idea go for it.
- This is a good idea
- There should be an authority/public office/agency where community members and community councillors can take their grievance to. Then have it adjudicated accordingly. The results should be published in local newspapers to inform all residents of the community of the outcome.
- I think that members should be [allowed to do this as too many people are]* spoken over and [well-minuted]**illegible*
- The new Community Council should have experience and complaints forms
- MCC suggests that, in the first instance, any CC should be given the

Clackmannanshire's approach is that the community can be trusted to elect the right people to represent the best interests of the community as a whole. It is also our stance that everyone who is on the electoral register is, without discrimination, qualified to be a community councillor. It would be difficult to devise an aptitude test that does not, at best, act as a deterrent to volunteering and at worst discriminate on some grounds. Discussions on the subject of mandatory training have to date concluded that it would not be desirable, nor practical.

No implications for the Scheme.

Comments from questionnaire respondents in support of a complaints procedure outnumbered those against. Community councils are keen to explore the introduction of a complaints procedure but have asked for time for careful consideration before implementation.

In consultation with community councils and with reference to examples of good practice we will look at introducing a complaints procedure that suits local needs and can be adopted by all Clackmannanshire community councils.

opportunity to resolve any 'complaint' which may be raised against it or one of its members. A simple 'complaints procedure' (prepared by the Council) should be outlined and adopted by every CC in its constitution. For example, any complaint, initially, should be addressed to the 'CC Secretary' – or named single-point-of-contact - or the 'CC Chair', if one exists, to resolve the complaint locally within a specified period of time.

- This procedure needs to be widened to include those councils which regularly meet without either, a) a quorum of members, b) Allow meetings continue without properly discussing & following the Agenda of the meeting, c) Where councils do not keep their websites updated MONTHLY in which to allow public react to meeting content!
- Best not to have a formal complaints procedure. Community Councillors are re-elected annually and best to use the ballot box to try to improve the calibre of the councillors if necessary. Perhaps each public meeting should afford those present the opportunity to bring forward criticism in as positive a way as possible so that such suggested improvements become the subject of small group discussions and solutions arrived at collectively.
- No complaints process, would discourage people representing their communities
- Under NO CIRCUMSTANCES should community council be allowed to have their own formal complaints procedures!
- Some of the [REDACTED] Community Council office bearers are only on for themselves. They forget that they are a community councillor to represent the town. Also, they do not operate in a transparent way within the group as there are things being done underhandedly, which is going against the whole of [REDACTED] Community Council within and out with the group
- Everyone should be treated the same

Members of the public can express their expectations of meeting standards direct to community councils. Such active involvement is welcomed by community councils and constructive suggestions do not constitute complaints.

We note comments about how queries can be dealt with outside a formal complaints procedure and that it could counteract the reward people derive from volunteering time and effort on behalf of their community.

The community council is responsible for ensuring that members represent community, not personal, interests, and operate transparently. By observing meetings, the public can and should reinforce this.

It goes without saying that community councils are already required to respect the law and this includes observing equalities legislation.

Comments have been shared with community councils.

Comments will be taken into consideration in the development of a complaints procedure for Clackmannanshire.

No implications for the Scheme at this review.

No implications for the Scheme.

the power and responsibility for upholding or rejecting a complaint

- A complaint raised against the community council should be brought up and discussed and investigated by the Joint community council and recorded against that community council.
- It should be the collective responsibility of the councillors to arrive at a consensus solution to any complaint so that the responsibility is shared.
- I think it should be independent people, possibly from the local community which could be done in a jury type selection process without being compulsory. So a number of people from the locality are asked if they would be prepared to participate and those that would could be on a register of some sort for when/if a complaint was in place . It would need to have specific regulations and processes around it
- The community council should be open and honest and take responsibility
- Should the issue not be resolved locally, and, again, this should be documented within every CC constitution, then a Council email / telephone contact should be available for any member of the community to 'register' any unresolved complaint against any CC or CClr. This would keep any 'problem resolution' process independent and separate from the CC and community involved. Again, existing Councils have similar schemes in place (e.g. Moray).
- This should be Clackmannanshire Council function and they alone should decide whether to uphold the complaint or not
- NO, role should lie firmly with the LA.
- It should lie with the community council with Clackmannanshire Council being an arbitrator if required.
- Community Councils should NOT have the power themselves. It should be the Community Liaison Officer or another appointed local authority staff member who should be dealing with complaints.

This empowered approach to dealing with complaints aligns with our aspirations for strong local democracy.

In partnership with the community councils we will weigh-up both preferences and consult further if necessary

We feel it is not as straightforward as it might appear to give Clackmannanshire Council the power to uphold or reject a complaint, and we welcome our community councils' proposal to consider this and all other aspects of a complaints procedure carefully before any complaints procedure is introduced.

Dissolution and Suspension

- I agree that LA should have the power to dissolve Community Councils, especially if they are not adhering to what they are supposed to be doing. Money is given to them to do things for the community and if it's not being done then it's money badly spent (or not spent at all!) . Community should be well advised though if this has been proposed to give them chance to have their say in the matter.
- MCC agrees with the addition of a clause on 'Suspension'. However, why replace Sec. 14 from the existing scheme, which outlines the terms for dissolution, and which are different from the terms for suspension, with 12.4? Should this new 'condition' not simply be added to Sec. 14 of the current Scheme and this section re-instated? Also, what would happen if the Council decided to suspend a CC but the community decided not to dissolve it? What then would be the status of the un-dissolved CC? (Also, Sec. 13 should also be re-instated and linked to the re-introduction of Sec. 8 and 9 - see Q.6 above).

We note that respondents are keen for Clackmannanshire Council to have power over community councils but we would argue that the community elected their community council and it should be the community who choose to dissolve it.

Clackmannanshire Council will assist communities which through the agreed process wish to dissolve their community council.

The power to consider a community council suspended means no further Council resources will be allocated to a community council which is no longer fulfilling the function or adhering to the governance standards of a community council.

Should the community choose not to take the action necessary to restore its status, they are choosing to dissolve it.

Proceed with provision for Suspension, the terms for which are set out in the Scheme.

The process for dissolution is set out in the model community council constitution. The terms for dissolution

the important aspects of community council governance

<ul style="list-style-type: none">· It should guide community councils with all aspects of how it should be governed, it should also have allowances in which a council office attending meetings could interject when a meeting is not going in correct direction of procedure!· Ensure that ALL community councillors stick to the written guidelines and any of those who don't, can be disqualified immediately without a decision from office bearers necessarily.	<p>We note that many respondents feel the Council should be a higher authority than community councils even at meeting level. We would argue that it is not appropriate to give an external organisation power over the day-to-day operations of community councils and we feel that officer attendance at meetings to oversee governance is generally not necessary and might be perceived as interference, not guidance.. Community councils are accountable to their electorate who have the right to ask for procedures to be enforced. Clackmannanshire Council will intervene when community councils breach the terms of the Scheme. Procedures for exchange of information already included in the Scheme are set out in the Protocol between community councils and the Council. It is understood that community councils determine their own workload and priorities to suit volunteer time and so these procedures are negotiated with community councils. There is effective two-way communication between community councillors and Elected Members. They are also represented (have a 'spokesperson') on the community planning partnership.</p>	<p>Scheme contains safeguards</p>
<ul style="list-style-type: none">· Remember community councils are part time and most members work during the day. A spokesperson on the clack's council could be helpful		<p>No implications for Scheme at this stage</p>
<ul style="list-style-type: none">· The framework should provide a legal structure upon which each community council can safely build the workplan best suited to the needs of its community. That is all. Thus local people own the plan supported by a legal framework. Ownership is arguably the most important (and missing) principle.	<p>We agree with the concept of a sense of ownership which we think is contained in the current principle collectively and in the process by which community councils are formed, elected and dissolved.</p>	<p>We will examine the introduction of these suggestions as tools to guide good governance in partnership with community councils.</p>

<ul style="list-style-type: none"> · Ownership · REPRESENTATION is the most important one here and the one in which many Community Councils fail their communities. ENGAGEMENT should be added which would strengthen their ability to REPRESENT. 	<p>Good point. We agree that engagement strengthens representativeness. Engagement with the community they represent is the core function of community councils. Community councils also agree with this point and would point out that engagement also works in two directions.</p>	
<ul style="list-style-type: none"> · In the Scheme of Establishment, Code of Conduct and Standing Order, there ought to be a mandatory clause re: financial payments to community councillors in respect of their own businesses · MCC agrees with all of these principles, particularly, 'Accountability'. This principle, by default, should allow discussion and dialog to take place, preferably, before any important decision is made and requires that the community is involved!! 	<p>As with all community council business there the open and transparent processes by which finances are managed and reported ensures all financial transactions can be vouched for. Good point. We hope we have reflected that community councils are accountable to the electorate in the Scheme, model constitution and other guidance. Our stance is that the electorate elects community councils and that is where the power to remove (or not to elect) community councillors should lie.</p>	<p>This safeguard is already written into the model constitution.</p> <p>No implications for Scheme</p>
<ul style="list-style-type: none"> · Disqualification · MCC supports the re-introduction of Sec. 13, the reasons for disqualification 	<p>Although community councils suggest that the conditions for removal of a community councillor should be the same for all Clackmannanshire community councils, we feel it should be clear that the concept and responsibility for it lies with community councils who wish to have that power.</p>	<p>We will amend the model constitution to include the reasons for disqualification suggested by community councils.</p>

The principles to which community councils are currently working

Option	Total	Percent of All
They are the right principles	5	27.78%
They are right but there are some missing	4	22.22%
Some are right	4	22.22%
None of them are right	0	0%
Not Answered	5	27.78%

Other

Boundaries - there was a preference expressed for a Tillicoultry only CC however an awareness that what was left would not constitute a sufficient "community" to warrant a Coalsnaughton and Devonside CC. The future amalgamation of Coalsnaughton and Devonside will change the dynamics so perhaps this could be looked at again over time

There is an opportunity to re-examine the relevance of community council boundaries to suit demographic changes when the Scheme is next reviewed.

No change to boundaries at this stage.

These third sector organisations all play different but complementary roles. By all accounts, there is more work to do than organisations to do it and we do encourage collaboration.

No implications for Scheme.

Taking g overost of the role of Third Sector Forum and take over CSTI.

**illegible*

Respondent breakdown

Where in Clackmannanshire do you live?

Community Council Review Stage 2

Key Aspects

Option	Total	Percent of All	Total	Percent of All
Alloa	3	50%	5	27.78%
Alva	1	17%	6	33.33%
Cambus	0	0%	0	0%
Clackmannan	1	17%	0	0%
Coalsnaughton	0	0%	0	0%
Devonside	0	0%	0	0%
Dollar	0	0%	1	5.556%
Fishcross	0	0%	0	0%
Forestmill	0	0%	0	0%
Glenochil	0	0%	0	0%
Kennet	0	0%	0	0%
Menstrie	0	0%	1	5.556%
Muckhart	0	0%	1	5.556%
Sauchie	0	0%	1	5.556%
Tillicoultry	1	17%	2	11.11%
Tullibody	0	0%	1	5.556%
Not Answered	0	0%	0	0%

Do you have any experience of community councils in the last 4 years either as a community councillor or as a member of the public attending community council meetings?

Community Council Review Stage 2

Key Aspects

Option	Total	Percent of All	Total	Percent of All
Yes, I've attended one or more community council meetings in the last 4 years	5	83%	15	83.33%
No, I've haven't attended a community council meeting in the last 4 years	1	17%	3	16.67%
Not Answered	0	0%	0	0%

Review of Scheme – Community Councils (October 2017)

What helps get members	What doesn't help
<ul style="list-style-type: none"> • Being able to 'warm-in' volunteers • Keeping volunteers connected until there's an election/vacancy • Giving volunteers confidence to stand for election • Being able to fill casual vacancies immediately • Active communication to inform residents • Safeguards for legitimacy • Contested elections 	<ul style="list-style-type: none"> • Cllrs being able to pick who becomes a member • Having to wait up to a year to fill a casual vacancy • People waiting until after an election to be co-opted
What we should keep	What we should change
<ul style="list-style-type: none"> • Sub-groups • Convenors • LA considers the cc as a body (in terms of behaviour) • Co-options, top-up elections, interim elections • Elections as the means of change 	<ul style="list-style-type: none"> • Timing of elections (not hols) • Model constitution (to align with new ways of working) • Add a tiered complaints procedure • Clarify wording of interim elections • Make the nomination form statement compulsory • Re-examine proposed paragraphs 12.2 & 12.4

Review of Scheme – Community Councils (November 2017)

Further comments on revised drafts Scheme

1. Concern that increase in the required number of nominations to the minimum number required for the CC to operate plus one will make it harder for some areas to form a CC after an election and is not necessary as long as there is a provision to co-opt, which should be strongly promoted.
2. Confusion over difference between application of Top-up & Co-option to fill vacancies and places left vacant at elections.
3. Preference for cc to decide whether co-opted members remain place until the next regular election or until the next election, whether that is regular, interim or top up
4. Suggestion to reference to Suspension in the model constitution to make clear that all of the current conditions leading to Dissolution apply also to Suspension and preference for wording in current Scheme (Para 14) to be re-inserted and added to the model constitution.
5. Strong suggestion that the Council, ultimately, needs to take responsibility for the dissolution of a CC which is in breach of the Scheme and / or its Constitution and that this should be made clear on the basis that the Council is responsible for establishing a CC through a fair and democratic election process, that it arranges and conducts, as with other LAs, and as with the power the SG/UK Govt has over LAs/ devolved govt
6. Request for process to be followed in the event of dissolution to be added including process when the community chooses not to dissolve a community council in breach of the Scheme, and for nature of assistance provided by Council to be described.

Model Constitution

1. Query regarding the deletion in the provision on removing a member on the grounds of ineligibility
2. [As with comments on Scheme] Reminder of need to align clauses on co-option and election with new provision in Scheme.
3. Agreement on addition of clause covering involvement of volunteers
4. Query on the financial year start/end
5. Query re the removal of the condition relating to Public Liability Insurance
6. [As with comments on Scheme] reminder of need to align clauses on dissolution with new provision in Scheme.

Appendix 3 Revised Draft Model Constitution

{ } **COMMUNITY COUNCIL**

CONSTITUTION

ONE Name

The name of the Community Council shall be [.....]
COMMUNITY COUNCIL (hereinafter referred to as the Community Council).

TWO Objects

The objects of the Community Council shall be

- a) To ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of the people;
- b) To provide a link between the community and the elected members and officers of Clackmannanshire Council and all statutory bodies.
- c) To keep the community informed of matters of public concern.
- d) To take such action in the interests of the community it represents as appears to be expedient and practicable
- e) [To promote community spirit and the well-being of the community, provide assistance, advice and help to all sections of the community as sought without favour, and to safeguard and improve the amenities of the Community Council area by providing advice and assistance on environmental issues, maintaining and improving public amenities and buildings of historical or cultural importance.]

and unless specifically authorised by the Constitution, for no other purposes whatsoever.

THREE Area of Jurisdiction

The boundaries of the Community Council shall be as described in the Scheme for the Establishment of Community Councils approved by Clackmannanshire Council and are shown in the map attached.

FOUR Eligibility

To qualify for nomination, election and membership, a candidate must:

- Reside in the community council area 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.

FIVE Composition

There shall be a maximum of [sixteen (16) Alloa, twelve (12) Muckhart, fourteen (14) rest] elected Community Councillors (hereinafter referred to as Councillors).

The Community Council shall remove from membership any Councillor who

- a) no longer meets the eligibility criteria or
- [b) has failed to attend x consecutive meetings for reasons unacceptable to members of the Community Council; or
- c) [...]

A decision to remove a community councillor shall be taken by a simple majority of members present on an appropriate motion at a properly-convened community council meeting. In the event of such a decision, the Community Council shall apply in writing to the Returning Officer for that place to be declared vacant.

SIX Membership

- a) the term of office of a Councillor shall be four years at a regular election
- b) all Councillors are eligible for re-election at the next election, provided that they meet the eligibility criteria

SEVEN Office Bearers

The Community Council will elect from among its members a Single Point of Contact, [Chairperson, Vice-Chairperson, Secretary] and a Treasurer annually by the end of October or in regular election years at the first meeting after a regular election. Office bearers shall be eligible for re-election. Other office bearers may be elected as required.

EIGHT Casual Vacancies

In the event that an elected Councillor resigns within a term of office, the Community Council may fill the vacancy through an open and transparent co-option process. Co-opted Councillors will hold office until the next election.

NINE Appointment of Sub-Committees and Volunteers

The Community Council may, if it deems it appropriate, appoint sub-committees to consider specific items of business. The Community Council shall determine the powers and terms of reference of such sub-committees which must be chaired by a Councillor.

The Community Council may recruit as volunteers interested individuals and experts to assist with its work, and may appoint these individuals to a sub-committee and to agreed tasks and action. The Community Council will determine the duration of such appointments.

These individuals shall have no voting rights on the Community Council but may be granted voting rights on a sub-committee to which they have been appointed.

TEN Meetings

The Council shall hold a minimum of four (4) regular meetings per year. Members of the public (including the press) shall be allowed to attend as observers and may be permitted to address the meeting at the discretion of the chairperson.

One half of the members (where there is an odd number the largest number less than half) in post or 4 whichever is greater shall be the quorum.

The Community Council will conduct its business in accordance with its adopted Standing Orders annexed to the Constitution.

ELEVEN Annual General Meeting

The Community Council shall hold a meeting no later than six months after the end of the financial year each year at which it will account for its activities in the previous year, present its annual accounts for approval and [except in regular election years] elect its office bearers. At least fourteen (14) days public notice shall be given in writing of such a meeting.

TWELVE Special Meeting

A special meeting shall be called when (i) the Community Council, receives a written request containing details of the business to be discussed submitted by at least three (3) Councillors; or (ii) the Chairman of the Community Council submits a written request to the Secretary.]

At least fourteen (14) days written notice shall be given to every member of the Community Council, together with the names of those requesting the meeting and the business to be discussed. The meeting shall be held within twenty one (21) days of notification having been received by the Secretary. No other business shall be in order at that meeting.

THIRTEEN Exceptional Circumstances

In the event of exceptional circumstances which could not reasonably have been foreseen, where a decision must be taken urgently, procedures for meetings and decision-making will not apply provided that the decision to act is made unanimously by the Officer-bearers. The Community Council shall be bound by the decision unless the Office-bearers act outwith the provisions of this clause.

FOURTEEN Finance

- a) The Community Council may obtain, collect and receive money and funds and accept and receive gifts of property of any description provided that the acceptance of such gifts does not contravene any applicable rule of law.
- b) The income and property of the Community Council shall be applied solely towards the promotion of the objects of the Community Council and no part thereof shall be paid or transferred directly or indirectly to any member of the Community Council other than the reimbursement of out-of-pocket expenses incurred in connection with Community Council business
- c) The Treasurer shall keep appropriate accounts of the finance of the Community Council
- d) The accounts shall be independently examined by a person approved by the chief finance officer of Clackmannanshire Council.
- e) The Community Council shall operate a bank account(s) through which all financial transactions shall be run. There shall be three (3) authorised signatories, one of whom shall be the Treasurer.

FIFTEEN Property

The title of all and any heritable property which may be acquired by the Community Council shall be taken in the names of the [3x office-bearers] for the Council and their successors in office as Trustees for the Community Council.

SIXTEEN Contracts

The Community Council shall, in pursuit of its objects, have the power to contract as it may from time to time determine.

SEVENTEEN Employees

The Community Council shall, in pursuit of its objects, have the power to appoint and dismiss paid officials and such other employees as it may from time to time determine provided any such engagement complies with current employment laws.

EIGHTEEN Liability

The Community Council will only be liable for those actions of members which they have authorised in accordance with the procedures set out in this constitution.

Provided that the Community Council act within the terms of its constitution, the Office Bearers shall be indemnified by the Community Council against any claims arising from the exercise of their powers under clauses 15, 16 and 17.

NINETEEN Dissolution

A process of dissolution will be initiated if

- a) the Community Council has been notified in writing by Clackmannanshire Council that it is acting in breach of the terms

of its constitution or the Scheme for Establishment and has not ceased to do so

- b) the Community Council decides by a majority that it is advisable to dissolve the Community Council

If the Community Council is to be dissolved a meeting shall be called of all the electors within the Community Council area. Notice of such a meeting shall not be less than twenty-one (21) days and shall be posted in a conspicuous place or places within the area and shall be advertised in a local newspaper circulating in the area, stating the terms of the resolution to be proposed at the meeting.

If such a decision shall be confirmed by a majority of those present and voting at such a meeting the Community Council shall, subject to the consent of Clackmannanshire Council, have power to dispose of any assets held by or in the name of the Community Council.

Any assets remaining after the satisfaction of proper debts and liabilities shall be applied towards charitable purposes for the benefit of the residents of the area as the Community Council may decide, and as may be approved by Clackmannanshire Council. Clackmannanshire Council shall upon request hold any assets in trust for one calendar year in case a new Community Council is formed in the area.

TWENTY Alterations to the Constitution

Any proposal to alter this Constitution must be delivered in writing to the [Secretary] of the Community Council not later than twenty eight (28) days before the date of the meeting at which it is to be considered. Any alteration shall require the approval of two thirds majority of the members of the Community Council present and voting.

Where an alteration is approved then the Constitution shall be amended and each member of the Community Council shall be issued a copy of the amended Constitution. Such alterations must be consistent with the provisions of the Scheme for the Establishment of Community Councils and shall not come into force until approved in writing by Clackmannanshire Council.

TWENTY ONE Acceptance of the Constitution, Standing Orders and rules

The Community Council accepts the Constitution, Standing Orders and rules laid down subject to any subsequent alterations or additions as provided for by the Constitution.

Constitution accepted as the Constitution of [.....] Community Council.

Chairperson _____

Secretary _____

Date

And approved on behalf of Clackmannanshire Council by

.....

..... (signed)

.....(date)

DRAFT

Appendix 4

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.

