

## Feedback Stage 3 – Review of Scheme for the Establishment of Community Councils – April 2017

### Questionnaire comment

### Council Response

### Final proposed Scheme content

## *Filling vacancies arising in between elections*

### Top-up Elections

- | Questionnaire comment  | Council Response  | Final proposed Scheme content   |
|--|---|---|
| <p>1. Top-up elections are intended to fill vacancies. When an individual is co-opted onto a CC, for example, to replace a member standing down, then that vacancy no longer exists. Therefore, to create a vacancy, to be filled at a Top-up Election, the co-opted member will be required to stand down to create a vacancy to be filled at the Top-up Election. MCC considers this to be unacceptable.</p>   | <p>The provision for co-option has been included primarily to allow community councils to maintain workload until new members can be elected at the next elections. It is not intended to allow people to bypass the formal election process.</p> | <p>This objection has been indirectly addressed by the removal of the provision for top-up elections but for different reasons.</p> |
| <p>2. Should one member leave the area, or resign, then a replacement member could be co-opted. Does this mean that the following January, the Council would be required to conduct a Top-up election and that the Co-opted member would be required to stand for election, possibly unopposed, to fill the membership gap that was previously filled by co-option? This could be simply avoided by changing the wording in Sec. 8.13 to read: "... and will serve until the next round of elections (whether regular or interim)", rather than the wording "... (whether regular, top-up or interim)"</p> | <p>As above, our position is that it is neither desirable nor in the interests of the electorate to avoid this situation.</p>   | <p>As point 1 above, the provision causing this objection has been removed.</p>   |
| <p>3. should the Council decide to go ahead and adopt the current Scheme proposal for Top-Up Elections to fill casual vacancies, then what is the proposed procedure by which a co-opted member would be required to stand down, in order to re-create the required vacancy? Further, at what point in time would a co-opted member be required to do so?</p>  | <p>Should the Scheme be adopted with this provision remaining, the process and timing would be consistent with that of a regular election.</p>  | <p>We are no longer proposing to include this provision.</p>  |
| <p>4. Although top up elections are a good idea in principle, as tax payers, we feel having a top up election which could go to ballot only to fill one place is not good value for money.</p>   | <p>Community concern about the costs involved is understandable. Whilst we do not feel that the reasonable costs of legitimate, democratic</p>  | <p>As with point 1 above, this objection has been indirectly addressed by the removal of the provision for top-up</p>               |

processes which intend to meaningfully increase citizen participation should be a key factor in the debate, the case against top-up elections has in any case been argued elsewhere.

elections but for different reasons.

We are aware of the extensive work community councils undertake to encourage residents to take part in their elections and we acknowledge that the trend for more community consultation and participation in local community planning are placing increasing demands on community council time and attention.

The provision for Interim Elections will be re-worded to help community councils respond to drops in membership numbers in a managed way.

5. Elections are work for ccs too and we would like to be able to request an election when necessary rather than to a schedule

## Interim Elections

6. Having been supportive of the concept of Top-Up Elections I now believe that if the cases of the Interim Election could be altered to allow for a CC to request an Interim Election in circumstances where either the overall number of CC members has dropped or are at risk of dropping to too low a level to allow for the effective operation of the CC or if the balance between elected CC members and Co-opted Members has again reached a point which would prejudice the operation of the CC then this would be a simpler arrangement giving the CC's maximum flexibility.
7. Further to our meeting on Monday, MCC would be grateful if the following additional comments could be noted, in terms of our input to the consultation. MCC would be happy if the term 'Top-up Election' was dropped and only the term 'Interim Election' used, moving forward, particularly, as we were unaware that Interim Elections could be used to fill vacant positions, at any time, even if a CC has not fallen below the operating minimum membership number. If this is agreed, then the wording in sections 8.9, 8.10 and 8.11 would require to be changed accordingly.

We welcome this pragmatic response and are aware that it came about through careful consideration and deliberation by community councils collectively.

As point 4 above, we accept the case for managing volunteer workload.

Elections, and the work involved in campaigning actively to involve residents in their elections, should not present a barrier to community council activities but should inherently support them.

The wording in the paragraphs relating to interim elections has been amended so as to assist community councils with their efforts to monitor membership numbers and plan for election campaigns.

8. I like the idea of top up elections but would only like to see them called if there two or more vacancies, as I won't want to do election unless necessary as it would distract from cc business.

## Co-option

9. MCC strongly believes that [ *requiring a co-opted member to stand at a top-up election*] will discourage any member of the community volunteering to fill a casual vacancy, during the 'life' of the CC, leaving the remaining members with a disproportionate workload.

We note a key point in this comment is the importance of not creating barriers for new members and of avoiding disproportionate disruption to community council business.

This objection has been addressed, as per point 6-8 above.

10. should a vacancy arise close to the date of a Top-Up Election (say, in the September), a CC may decide not to take "immediate steps" to co-opt a member to fill a casual vacancy, for that individual, potentially, to participate in one, at the most, two CC meetings prior to being required to stand down for an election taking place!! The wording in Para. 8.12 need to be amended, and / or 'conditions' added, to reflect this situation.

The provision for co-option has been included on the understanding from Stage 2 that community councils usually require to replace members immediately to maintain productivity, but we accept that for practical reasons the process of co-option would not always be immediate.

The wording of the provision for interim elections (point 6-8 above) addresses the need to allow for what is practicable.

11. casual "vacancies arising since a regular or interim election" are only vacancies if the place has not been filled by co-option. Therefore, the only way a vacancy can be created is if the co-opted member is required to stand down. As previously submitted, this is not something that MCC supports. A co-opted member should be allowed to remain on the CC until the next Regular (or Interim) Election. We do not believe that Sec. 8 of the proposed draft Scheme (referenced in Q. 8 below) adequately deals with this issue.

We provide guidance on adhering to minimum standards for co-option and we note our community councils are striving to undertake co-option to even higher standards to ensure residents are as confident of the legitimacy of the status of co-opted community councillors as those who became members at an election.

We are not proposing any changes to this provision in the Scheme but will revisit the guidance we provide to community councils on co-option with a view to ensuring it reflects the high standards they expect of themselves.

12. It is essential to have both a flexible (co-option) and less flexible but more democratically robust method (elections) of recruiting. Co-options must be done with safeguards in place to ensure legitimacy. Co-option is a form of election so a co-opted place is not vacant.

We agree with this and feel the Scheme

Continue with provisions for

13. It is important that the majority of Community councils are elected,

although co-option should be available.

already reflects this.

traditional elections and co-options.

14. If there is a resignation during the term, it would be desirable to be able to elect an interested and suitable candidate for the duration of the term. Without having to go through hoops to do so.

We respect the need for local flexibility. This has been recognised and reflected in the new proposed Scheme

Continue with provision for co-option and amend provision for interim elections (as point 6-8 above).

## ***Dissolution and Suspension***

### **Power**

15. MCC is still of the belief that the Council, ultimately, needs to take responsibility for the dissolution of a CC which is in breach of the Scheme and / or it's Constitution and that this should be made clear. The Council is responsible for establishing a CC, through a fair and democratic election process, that it arranges and conducts. It also establishes and 'owns' the Scheme. Therefore, it should also take ultimate responsibility for dissolving a CC. Other Local Authorities reserve the right to dissolve CCs, e.g. Glasgow City Council (Sec. 13 (a) of its Scheme): "Any decision which may lead to the dissolution of a community council rests with the Executive Committee within Glasgow City Council". This is similar to the powers that the Scottish Government has to suspend or 'dissolve' a Council / Local Authority that is in breach of its rules, or its terms of operation, or, indeed, that the UK Government can, ultimately, take over from or 'dissolve', a devolved Government that is not, or can not, operate effectively in the interests of the electorate that put it in place.

The Scheme shows that the Council takes breaches of the Scheme seriously but we maintain our stance that the will of the people determines a community council and determines its future.

We hope community councils will help us to dispel the common misunderstanding that because we set the framework and administer the elections, the Council creates and is in charge of community councils.

The Scheme is indeed Clackmannanshire's. There is no requirement for Schemes across Scotland to be identical and the scope for local determination of the content is important. Like the respondent, we frequently refer to government and local government processes for rationale but community councils are unique organisations and comparisons are not always applicable.

Continue with the existing provision.

### **Process**

16. If the Council still wishes a community to take responsibility for the dissolution of a CC, under Sec. 12.1, what 'process' is to be followed? What assistance will be provided to the community?

Circumstances under which dissolution occurs vary. The Council will respond as necessary with a level and nature of assistance which suits the local circumstances.

The process for dissolution is set out in the constitution of each community council.

17. What if the CC in question is in breach of its governance framework, and is subsequently suspended by the Council, but has the full support of the community it represents? How will this CC be dissolved!? What is the documented process that the Council will follow to determine whether a CC should be dissolved against the wishes of the community?

A community council which has the full support of the community it represents will not be dissolved. The suspension will be lifted when residents take the steps necessary to rectify the actions which have placed it in breach of the Scheme. It may continue to operate as a community group but it will not be recognised as a community council.

Unfortunately, a process for dissolution which applies across the county to cover all eventualities would be subject to too many variables to include. No change to proposed provision.

18. what if the community actually continues to fully support a CC that the Council has suspended and it continues to operate without funding?

## Other

### General

19. The final content of the draft scheme is fine and easy to understand and would be beneficial for those wanting to become Community Councillors.

The content has been derived following extensive negotiation primarily with community councils and we are pleased to receive this reassurance.

No change to proposed Scheme

20. It looks good to me

21. When someone applies at election time, there is no vetting on the suitability unless it goes to a vote when numbers are at maximum. I think there should be some kind of vetting to deter time wasters or people who are only interested in having the title.

Elections are designed to give residents the chance to 'vet' nominees through a ballot. This has proven itself to work in practice when voters have chosen their community councillors based on the content of the candidates' supporting statements on their nomination form.

No change to eligibility criteria or to proposed Scheme.

22. I do not think that CC should be paid, as if this was the case the difference in the input and effort that each CC makes would become an issue. Some do not even attend meetings while others are busy with CC almost every day.

Community councillors are volunteers. They are reimbursed for out-of-pocket expenses but they are not paid a wage. This is not a reflection of the quality or quantity of the work they undertake or on the role they

No change to proposed Scheme.

assume within the community council. There are currently no proposals to give community councillors a wage.

## Future direction of community council activity

23. I would suggest that Community Councillors are advised that they are here for all communities within the Alloa area and not just for the young, but middle age and elderly. Specific groups appears to be missed out at every opportunity and there are a lot more things that can be done instead of just having things done for the chosen few.

Community councils represent the breadth of interests within a geographic community. As such, they do have to balance the interests of various groupings within that community and as they have limited resources, they have to prioritise their work. Not all the work done in a community for specific groups has to be done by a community councillor and people can help as volunteers.

The model community council constitution has been amended to make it clearer that community councils can engage volunteers who are not community councillors. No change to the Scheme.

24. Is [ *the direction community councils should be moving in to fulfil their function meaningfully, to be relevant*] not already covered in Secs. 2 and 3 of the proposed draft Scheme?.

We agree that the function, as described in legislation, generally gives community councils the scope to respond to the interests and priorities of their communities through the activities they judge to be appropriate.

No change to proposed Scheme

25. Community Councils should have a "special relationship" with their councils. Often described as influence but not decision making, which is the Clacks Councillors role.

We agree that the working relationship between community councils and the Council should add value to the work of both and, in technical terms, our community council protocol covers this.

No change to proposed Scheme.

26. The recent snowy weather, highlighted how Community Councils using their links into the community help link people who wanted to help with those that needed help

We agree that effective use of these links makes a positive difference to how communities mobilise in extreme situations.

No change to proposed Scheme.

## Respondent breakdown

Where in Clackmannanshire do you live?

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Final Proposals

Option	Total	Percent of All	Total	Percent of All
Alloa	3	50%	0	0%
Alva	0	0%	0	0%
Cambus	0	0%	0	0%
Clackmannan	1	17%	0	0%
Coalsnaughton	0	0%	0	0%
Devonside	0	0%	0	0%
Dollar	0	0%	0	0%
Fishcross	0	0%	0	0%
Forestmill	0	0%	0	0%
Glenochil	0	0%	0	0%
Kennet	0	0%	0	0%
Menstrie	0	0%	0	0%
Muckhart	1	17%	2	100%
Sauchie	0	0%	0	0%
Tillicoultry	1	17%	0	0%
Tullibody	0	0%	0	0%
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?

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Option	Total	Percent of All	Total	Percent of All
Yes, I've attended one or more community council meetings in the last 4 years	6	100%	2	100%
No, I've haven't attended a community council meeting in the last 4 years	0	0%	0	0%
Not Answered	0	0%	0	0%