

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

1. Introduction

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

2. Statutory Purposes

- 2.1. The statutory purposes of Community Councils established under this Scheme are set out in Section 51 (2) of the Local Government (Scotland) Act 1973, as follows: -
- 2.2. "In addition to any other purpose which a Community Council may pursue, the general purpose of a Community Council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable".

3. Role of Community Councils

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

- Safeguarding and improving the amenities of the community council area, its buildings and its natural environment.

4. Boundaries and Membership

4.1. The boundaries for community council areas and names of the community council areas are as outlined below and shown in this Scheme.

4.2. There shall be minimum and maximum membership numbers of elected community councillors in a community council. In addition, there shall be a minimum number of nominations required at a regular election and below which a community council may not establish. These are listed below.

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

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

5. Eligibility

5.1. To qualify for nomination and election to a Community Council, a candidate must:

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

6. Establishment

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

7. Methods of Election

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

8. Elections conducted by Clackmannanshire Council

- 8.1. Clackmannanshire Council is committed to supporting community councils to conduct robust and consistent elections and will conduct community council elections to allow a community to establish a community councils and on behalf of existing community councils for the duration of the election cycle if requested at the start of an election cycle to do so. Clackmannanshire Council will use the following method of election.

Returning Officer

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

Regular Elections Period

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

Regular Election Method

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

Step 1 Nominations

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

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

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

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

Step 2 Election Process

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

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

Step 3 Ballot

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

Optional Step: Nomination deadline extension

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

Filling vacancies which arise between regular elections

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

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

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

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

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

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

First Meetings of Community Councils

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

9. Constitution

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

10. Meetings of Community Councils

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

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

11. Resourcing

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

12. Suspension and Dissolution

Suspension

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

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

Dissolution

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

13. Exchange of Information

Community Council Liaison Officer

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

Single Point of Contact

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

Procedures

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

[appendix – map of community council boundaries]