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**REPORT TO: MORAY COUNCIL ON 30 JUNE 2021**

**SUBJECT: REVIEW OF COMMUNITY COUNCIL SCHEME AND ELECTION ARRANGEMENTS**

**BY: DEPUTE CHIEF EXECUTIVE (EDUCATION, COMMUNITIES AND ORGANISATIONAL DEVELOPMENT)**

**1. REASON FOR REPORT**

- 1.1 To invite the Council to consider and approve the proposed Moray Council Scheme for the Establishment of Community Councils 2021-2025 following a period of review.
- 1.2 To invite the Council to consider and approve the Scheme of Electoral Arrangements for Community Councils 2021-2025.
- 1.3 This report is submitted to the Council in terms of Section III (B) (23) of the Council's Scheme of Administration relating to the functions of the Council in connection with Community Councils.

**2. RECOMMENDATION**

- 2.1 **It is recommended that the Council agree the proposed amendments to:-**
  - (i) **the Moray Council Scheme for the Establishment of Community Councils 2021-2025; and**
  - (ii) **the Moray Council Scheme of Electoral Arrangements for Community Councils 2021-2025.**

**3. BACKGROUND**

- 3.1 The Local Government (Scotland) Act 1973 required local authorities to introduce schemes for the establishment of Community Councils (CC) in their area outlining various arrangements including the framework for CC formation, elections, meetings, boundaries, and finance. Periodically, prior to each CC election, the CC scheme is reviewed and any amendments made come into effect at the next scheduled election due to commence in August 2021.
- 3.2 As reported to the Education, Communities and Organisation Development committee on 23 September 2020 (paragraph 9 of the minute refers), a review

of the CC Scheme, CC boundaries and the Scheme of CC election arrangements has been completed and subject to two rounds of public consultation, including CC's and elected members. Commentary regarding the consultation responses is discussed in **section 7**.

#### **4. PROPOSED AMENDMENTS TO THE COMMUNITY COUNCIL SCHEME**

4.1 The proposed amendments to the CC Scheme for 2021-2025 have been included in the document provided (**Appendix 1**) and include the model constitution, standing orders and code of conduct. Amendments have been proposed based on comments or requests made during consultation or due to administrative issues during the previous terms.

For reference the main amendments to the scheme are:

- (i) *Section 4 - Roles and Responsibilities*; removal of reference to community council members for data protection reasons, reference made to the use of social media and national standards of community engagement and insertion of clause relating to training;
- (ii) *Section 6 – Membership*; new clauses relating to the support of an existing community council unable to meet the minimum membership threshold and references to MEPs removed following due to withdrawal from the European Union (EU);
- (iii) *Section 8 – Casual Vacancies*; Wording in clause 8.1(b) has been amended as it was contradictory to membership provisions in Section 6.2. Clause 8.1(b) previously read “When a Community Council member ceases to be resident within the Community Council area”, this clause has been amended to “...ceases to be resident within the Moray local government area” to remove this anomaly.
- (iv) *Section 8 – Filling of vacancies*; reduction of the period of a co-opted member to reach full membership from 12 to 6 months
- (v) *Section 13 – Meeting location*; additional clause to formally allow for remote meetings i.e. online and in the standing orders for reference to a procedure for voting during remote meetings.

4.2 Other minor amendments have been made, for clarity or to update references. This includes making reference to the Joint Community Councils' Unacceptable Actions Policy and the Protection of Children and Vulnerable Adults Policy which were developed during the current term with the Community Council Liaison Officer.

#### **5. PROPOSED AMENDMENTS TO COMMUNITY COUNCIL BOUNDARIES**

5.1 Following review, one minor amendment to the CC boundaries is proposed which affects property at the boundary between Findhorn and Kinloss Community Council (FKCC) and Heldon Community Council to take an area into Findhorn and Kinloss Community Council at Upper Hempriggs (**Appendix 2**). This was outlined in the second round public consultation document and

as proposed by Findhorn and Kinloss Community Council. The move affects an area of approx. 8.5 hectares and includes 10 residential properties.

- 5.2 For reference the FKCC boundary in this area was in place from 1977 and was extended east during the CC review in 2009 from Damhead to its current position and became contiguous with the current Forres/Heldon and Laich local government ward boundary. Prior to 2009 the ward boundary itself moved westward in 2007 on introduction of multi-member wards, and the 1999 ward boundary prior to this encompassed the Upper Hempriggs area in Ward 9 – Funderne, so this area has been moved back and to, to some extent in the last 15 years. From a community perspective and with additional newer housing in these areas since 1977, the properties would appear to be better aligned with the community groupings within the FKCC boundary.
- 5.3 No objections have been raised during consultation, however it was noted that Heldon Community Council did not formally respond to the consultation. FKCC indicated that they discussed this formally within their meetings but did not undertake local consultation of their own in determining their view to support this proposal.

## **6. PROPOSED AMENDMENTS TO SCHEME OF ELECTORAL ARRANGEMENTS**

- 6.1 Amendments to the Electoral Arrangements for CC's have been included in the document shown in **Appendix 3**.

For reference the main amendments are listed below:

- (i) *Section 1 – Returning Officer*; Addition of clause to allow outsourcing of printing and other functions relating to the delivery of the election, e.g. in relation to the printing of postal votes, should large volumes be required for example
- (ii) *Section 5 - Publicity, Awareness & Guidance*; wording formally allowing the Community Council(s) to disseminate and provide awareness to the community in their area about the election;
- (iii) *Section 7 – Eligibility and Nominations*; removal of wording relating to MEP's due to withdrawal from the EU, additional wording to ensure appropriate format of nomination forms and relating to the age of the witness;
- (iv) *Section 9 – Unsuccessful Elections*; change in term from 6 months to 12 months to allow time to gather local interest to successfully form preventing repeated unsuccessful elections;
- (v) *Section 16 - Dissemination of Results*; change in wording to reflect changing methods of communication for speed of information dissemination;

(vi) *Section 17 – Post Election*, two additional clauses to allow a Returning Officer, following investigation, to deem a contest null and void and re-run the election if required;

6.2 Other minor amendments have been made, for clarity, or to update references or standardise practice with administrative changes in other major elections.

## **7. CONSULTATION RESPONSES TO PROPOSED CHANGES**

7.1 All comments received during the two consultation periods are available publicly online at [www.moray.gov.uk/communitycouncils](http://www.moray.gov.uk/communitycouncils).

7.2 Many of the amendments proposed have been a result of issues during the CC term 2017-2021 and from feedback and responses from Community Councils and the Joint Community Councils of Moray (JCC). These groups took part in two online working group meetings facilitated by the CCEO and Election Officer during lockdown to discuss the existing scheme arrangements and consultation in detail.

## **8. SUMMARY OF IMPLICATIONS**

### **(a) Corporate Plan and 10 Year Plan (Local Outcomes Improvement Plan (LOIP))**

CC's contribute to community engagement and form part of the representative groups supporting and informing sustainable services. The Corporate plan values state that the Council will be responsive, promoting community participation and involvement and will listen to, and involve communities.

### **(b) Policy and Legal**

Local Government (Scotland) Act 1973 – the Local Authority must provide a scheme for establishment of Community Councils in their area. Local Government etc. (Scotland) Act 1994 continues this provision.

### **(c) Financial implications**

As previously reported in the report to Council on 23 September 2020, there is currently no budget provision assigned to the Community Council election. The election cost cannot be forecast accurately as it cannot be predicted how many CC electoral areas will be contested nor how many postal votes will be issued or returned. As an indication in 2017 CC Elections there were no contests, in 2013 five sub-divisions were contested with the total cost amounting to £13,700.

### **(d) Risk Implications**

As noted under (b) and (c).

Should further major amendment be made to the final proposed scheme during consideration of this report, then in line with Scottish Government's best practice review guidance a further round of public consultation is recommended. If this is required then the scheduled CC elections will be postponed while this consultation is conducted and a further report is brought back for consideration

**(e) Staffing Implications**

None arising directly from this report. CC elections will be undertaken by the elections office as part of their normal scheduled work. If a major unscheduled poll was announced for Autumn 2021 this will cause resourcing pressure.

**(f) Property**

None arising from this report.

**(g) Equalities/Socio Economic Impact**

Equalities runs as a strong theme within the CC scheme, code of conduct and CC members' handbook. Standard provisions relating to accessibility of election materials will apply as in all other elections. In relation to this report, it was determined following consultation with the Equalities Officer that an Equalities Impact Assessment was not required.

**(h) Consultations**

Public consultation has taken place on the existing CC scheme, including elected members and CCs, from 24 September – 19 November 2020 and then again on the amended CC scheme between 18 December 2020 - 25 February 2021. Following response to the second round of consultation, additional amendments are proposed in the final proposed scheme. All comments were published as outlined in section 7.

Consultations in the preparation of this report have been undertaken with the Returning Officer, Democratic Services Manager, Communities Service Manager, Community Learning and Engagement Manager, Community Council Liaison Officer, Tracey Sutherland, Committee Services Officer and the Equalities Officer.

**9. CONCLUSION**

- 9.1 The Council has a statutory duty to maintain a scheme for the establishment of Community Councils within their local authority area. With scheduled Community Council elections in August/September 2021, it was pertinent to review and amend the current scheme to address issues that have arisen in the current term and take in the views of Community Councils and elected members during the consultation. Thereafter elections will be held based on the approved scheme for 2021-2025.**

Author of Report: Alison Davidson, Elections Officer

Background Papers: Education, Communities and Organisation Development  
committee; Item 9, 23 September 2020  
Moray Council Consultation on the Review of Scheme of  
Establishment of Community Councils – 24 September 2020  
and 18 December 2020

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