



**REPORT TO: EDUCATION, COMMUNITIES AND ORGANISATIONAL
DEVELOPMENT ON 23 SEPTEMBER 2020**

**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 Committee to consider and approve the arrangements for the review of the Moray Council Scheme for the Establishment of Community Councils and the future Community Council elections.
- 1.2 This report is submitted to the Education, Communities and Organisational Development Committee following a decision of Moray Council on 17 June 2020 to agree a simplified committee structure as a result of the COVID-19 pandemic. In the case of this committee the combining of the delegated responsibilities of Children and Young People Services, Governance, Strategy and Performance, (para 9 of the minute refers).

2. RECOMMENDATION

- 2.1 It is recommended that the Council agree to approve the:-
- (i) **framework for the review of The Moray Council Scheme for the Establishment of Community Councils; and**
 - (ii) **arrangements for the Community Council elections, noting financial implications, as detailed in the report.**

3. BACKGROUND

- 3.1 The Local Government (Scotland) Act 1973 requires local authorities to set schemes for the establishment of Community Councils (CC) in their area outlining various arrangements including a framework for CC formation, meetings, boundaries and administration. Periodically it is appropriate to review the CC scheme, prior to CC elections, and any amendments made come into effect at the next scheduled election. The proposed timetable and an outline of review process are shown in **APPENDIX 1**, Part A.

- 3.2 During the administration of the current CC term 2017-2021 situations have arisen which perhaps required clarity in the scheme and review or amendments have been suggested. These are outlined in **APPENDIX 2**. These initial specific areas will form part of the review alongside any consultation responses. Members also have the opportunity to take part in the two stage consultation period.
- 3.3 None of the CC boundaries have been identified for amendment prior to the review; but will be part of the consultation process and suggested amendments may come forward.
- 3.4 During the review an amended scheme will be open for public consultation, as per the timetable noted. The review will be conducted with the assistance of the Community Council Liaison Officer (CCLO). Once this process is complete the final CC scheme, with any further amendment, will be brought back to a future meeting prior to the Scottish Parliament elections for final approval.

4. COMMUNITY COUNCIL ELECTIONS ARRANGEMENTS

- 4.1 CC elections are scheduled to be conducted from August -September 2021 with a poll date set in October 2021; an indicative timetable is outlined in **APPENDIX 1, Part B**.
- 4.2 The Scheme of Electoral Arrangements for Community Councils will be reviewed in consultation with the Returning Officer, alongside the review noted above.
- 4.3 Awareness of the CC elections will be undertaken by Democratic Services with the assistance of the CCLO utilising as far as possible existing avenues of communication. As with previous CC elections, CCs will be actively encouraged to engage in their own promotion and awareness of the CC elections with the support of the CCLO.
- 4.4 As an indication, during the 2017 CC elections, out of twenty CCs in Moray none were contested and no ballots were held. The costs of public notices came to £862. In 2013, five sub-divisions of four CCs were contested and resulted in postal ballots. Approximately 14,543 postal votes were issued and turnout varied across the areas, averaging 30.5%. The total cost of the 2013 CC election amounted to approximately £13,700, excluding staff time.

5. 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

Review of Scheme - There will be some limited financial implications from the review related to the statutory publication of public notices and general administration in corresponding with CC's and consultees estimated at £250.

Community Council Elections (Nominations) – There will be financial implications for year 2021/22 related to the production of nomination papers and from the publication of the notice of poll which will be provided in print and online for download by the public, and administration costs in corresponding with candidates. Costs are estimated at £1,000 based on 2017 CC Election costs.

Community Council Elections (Poll) in Year 2021/22 – There will be a financial implication relating to the production of further public notices and potentially postal votes, their postage and return in the event that a CC or sub-division is contested. This 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).

(e) Staffing Implications

There are staffing implications for Democratic Services and the CCLO in undertaking the review of the scheme and the administration of the election which will be met within existing resources.

Should any of the CCs be contested during the election in 2021/22 and a poll administered, additional staffing resources may be required for the purposes of preparation of the postal votes and the count. This requirement cannot be forecast at the present time as it is unknown how many, if any, of the CCs will be contested. However it is likely that this will be met through utilising existing resources in Democratic Services.

(f) Property

None

(g) Equalities/Socio Economic Impact

Equalities runs as a strong theme within the CC scheme, code of conduct and CC members' handbook. These provisions will be reviewed alongside other material in the scheme. 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 at this initial stage an Equalities Impact Assessment was not required.

(h) Consultations

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

5. CONCLUSION

- 5.1 The Council has a statutory duty to maintain a scheme for the establishment of Community Councils within their local authority area. Due to the scheduled Community Council elections in autumn 2021, it is pertinent to review the scheme in light of issues that have arisen in the current term. Thereafter elections will be held based on the amended scheme.**

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Background Papers: n/a
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