

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS



Clackmannanshire
Council

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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.

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 community councillors. Only members who were elected at a regular, or interim election count for minimum membership to operate. 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	7members	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

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 conduct community council elections to allow a community to establish a community council. Clackmannanshire Council is committed to exploring with community councils innovative approaches including the use of modern ICT to encourage greater involvement in community council elections and to enhance the democratic process.
- 7.2. Election to community councils takes place through three methods, described in Paragraph 8. They are:
 - Regular elections, every four years to fill all places on all community councils
 - Interim elections, in the event that a community council's membership falls below the minimum membership to operate, 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 and interim elections will be conducted by Clackmannanshire Council. Co-options will be conducted by community councils.
- 7.4. In the event of exceptional circumstances which prevent the Council from conducting community council elections within a reasonable timescale, the Council's Monitoring Officer will have the authority to make decisions which allow a community council to maintain its membership in order to be able to fulfil its statutory function.

8. Election Methods

Regular Elections and Interim Elections

- 8.1. 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

- 8.2. 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.
- 8.3. Clackmannanshire Council shall set the schedule for regular elections. The first regular elections following the adoption of this Scheme are scheduled for September 2021.
- 8.4. Clackmannanshire Council may use digital methods to conduct community council elections where appropriate.

Regular Election Process

8.5. Step 1 Nominations

All places on all community councils are available. 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.

Interim Elections

- 8.9. In the event that a community council's membership falls below or is at risk of falling below the minimum membership to operate, it shall notify Clackmannanshire Council. Clackmannanshire Council will make reasonable arrangements for an interim election to be held to fill places left vacant at a regular or interim election and vacancies arising since a regular or interim election. Places filled at a regular, or previous interim election are not subject to interim elections, however, places filled by co-option are. An interim election within 6 months of a regular election will be at the discretion of Clackmannanshire Council.

Interim Elections Process

- 8.10. The process for an interim 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 an interim election will hold office until the next regular elections.

Co-option

- 8.11. Should a place filled through an election become vacant, community councils shall take 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 community councillors elected at a regular or interim election. Places not filled at a regular or interim election cannot be filled by co-option.
- 8.12. 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 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 or interim). Co-opted members do not count for minimum operating numbers.

Co-option Process

- 8.13. Community councils shall determine the process of co-option. 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 council area at least 14 days prior to the meeting at which 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 councils 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. Community councils may use digital meeting methods where appropriate to their community.
- 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.

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.

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.
- 13.3. Each community council is required to have an electronic means of communication available for contact from the Council and for contact from the residents of its area.

Community Council Liaison Officer

- 13.4. 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

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

Adopted: 16th December 2021

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