



SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

1. Introduction

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.

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

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: -

"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

Community councils have a duty under statute to represent the views of their local community. Clackmannanshire Council recognises Community Councils as appropriate bodies to consult on matters of community interest.

Community Councils have a statutory right to be consulted on planning applications which affect their area.

Community Councils are competent objectors for licensing applications.

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

The boundaries for Community Council areas, and names of the Community Council areas are as outlined below and shown in this Scheme.

There shall be minimum and maximum membership numbers of elected Community Councillors in a Community Council. These are detailed in the Constitution.

Community Council	Membership	Population
Alloa	16 members	13297
Alva	14 members	4915
Clackmannan	14 members	4289
Dollar	14 members	3041
Menstrie	14 members	2794
Muckhart	12 members	502
Sauchie & Fishcross	14 members	6546
Tillicoultry Coalsnaughton, Devonside	14 members	5989
Tullibody, Cambus, Glenochil	14 members	9167

5. Eligibility

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

- Be aged 16 or over and included in the roll of 16-18 year olds held by the Returning Officer
- Reside in the Community Council Area for which membership is sought and, if aged 18 or over, be included on the current electoral register for the Community Council Area
- Not be subject to any legal incapacity (as defined in Section 31 of the Local Government (Scotland) Act 1973, as amended from time to time
- 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

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.

An election will be held 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.

If nominations are received for less than 50% of the maximum membership number of elected community councillors, 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.

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.

Clackmannanshire Council will make reasonable arrangements to accommodate establishment of a new community council when a petition is made in the year a regular election is scheduled.

7. Methods of Election

Clackmannanshire Council is committed to exploring innovative election methods to encourage greater involvement in Community Council elections and to enhance the democratic process.

Clackmannanshire Council will, therefore, explore, in consultation with Community Councils, the possible use of alternative election methods for regular elections.

i) Regular Elections

Regular elections are held every four years and are arranged by Clackmannanshire Council.

For regular elections, the following method will be used:

Nominations

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.

Election Process

Where nominations are received for between 50% 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.

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.

Second Call for nominations

Should the number of candidates nominated be below HALF of the maximum membership as specified for the Community Council area, no Community Council will be established at that time. However, Clackmannanshire Council may, 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 membership requirement.

Places not filled at Regular Elections

At least half of the total number of members must initially be elected in regular elections. Places not filled at regular elections cannot be filled by co-option but may be filled at the next regular elections.

ii) Interim Elections

If the number of elected Community Councillors on a Community Council falls below half the maximum membership, the Community Council must notify the Returning Officer who will make arrangement for an Interim election to be held. The method for an Interim Election is that of a Regular Election. A Community Councillor elected at an Interim Election will hold office until the next Regular Elections.

8. Filling of casual vacancies between elections

Casual vacancies on a Community Council may arise in the following circumstances:

- When an elected Community Councillor submits her/his resignation;
- When an elected Community Council member ceases to be resident within that Community Council area;
- When an elected Community Council member has her/his membership disqualified under the terms of Paragraph 5 of the Constitution;
- On the death or legal incapacity of an elected member of the Community Council.

Should a vacancy or vacancies arise on a Community Council between elections, the Community Council shall undertake appropriate arrangements to fill the vacancy/vacancies, in consultation with Clackmannanshire Council. Filling a vacancy may be undertaken by co-option, as set out in Paragraph 9 of the Scheme.

9. Co-option to Community Councils

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 (general 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 general or interim). Notice of any proposed co-option procedure is required to be intimated to all of that Community Council's members at least 14 days prior to the meeting when the matter will be decided.

The number of co-opted members may not exceed ONE THIRD of the current elected (general and interim) Community Council membership. Should the ratio of co-opted to elected Community Councillors become greater than one third, an interim election process is triggered.

A Community Council must not co-opt further members if, as a result, the number of co-opted members would exceed the maximum number permitted under the Scheme.

10. Regular Election Periods

The first elections after the adoption of this Scheme will take place in September 2012. Subsequent elections will take place every four years at a time to be determined by Clackmannanshire Council. All serving Community Councillors will stand down and will be eligible for re-election.

11. Returning Officer

The Returning Officer for Community Council elections 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.

12. Term of Office

The term of every member elected at a regular election shall extend to 4 years.

For all Community Councillors, the term of office will end at midnight of the day prior to the scheduled polling day at the next regular election.

13. Disqualification

Members of Community Councils will become ineligible to hold office where they have:

- moved out of the area covered by the Community Council (unless they have less than six months of their office outstanding);
- failed to attend 3 consecutive meetings for reasons unacceptable to members of the Community Council;
- been elected as an MP, MEP, MSP or elected member of Clackmannanshire Council or of any other local authority.

Where this occurs the Community Council may apply in writing to the Returning Officer for that place to be declared vacant.

A Community Council may co-opt an individual into that vacancy. All members co-opted in this way must meet the qualification criteria for nomination at a regular election. Members co-opted in this way will hold office until the next regular election.

14. Dissolution

Notwithstanding the terms for dissolution of a Community Council contained in the constitution, Clackmannanshire Council may move to dis-establish a Community Council where:

- It does not meet for a period of six months;
- A request for dis-establishment, which has previously been voted on at an open meeting of the Community Council, is received from a Community Council;
- Following any regular election, less than 50% of the total complement of places are filled by direct election;
- 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.

15. First Meetings of Community Councils

The Returning Officer will call the first meeting of the Community Council after its establishment. This meeting will take place within 4 weeks of the election. The election of the Chairperson must be the first item of business at this meeting. Until the Chairperson is elected, the Returning Officer or a suitable deputy appointed in his/her place will chair the meeting.

16. Meetings of Community Councils

Community Councils will determine the frequency with which they meet subject to a minimum of one annual general meeting and 4 ordinary meetings per year. Community Council meetings will be held in public, with the place, date, time, agenda and minutes of the previous meeting advertised in the local area at least 7 days before the meeting.

All Community Councils will hold an annual general meeting by September of each year at which it will account for its activities in the previous year, present its audited accounts and elect its office bearers.

An outline for the business that Community Councils should adhere to when holding ordinary, special and annual general meetings is contained within the Model Standing Orders.

17. Constitution

Each Community Council is required to adopt a Constitution based upon the terms of the Council's model constitution for Community Councils. The Community Council's Constitution is required to be approved by Clackmannanshire Council.

18. Resourcing

Clackmannanshire Council will provide assistance to Community Councils to support their administrative needs. This assistance will be provided on the basis set out in the Protocol. Any financial assistance will be made available to Community Councils following approval of the audited accounts by the Director of Finance and Corporate Services.

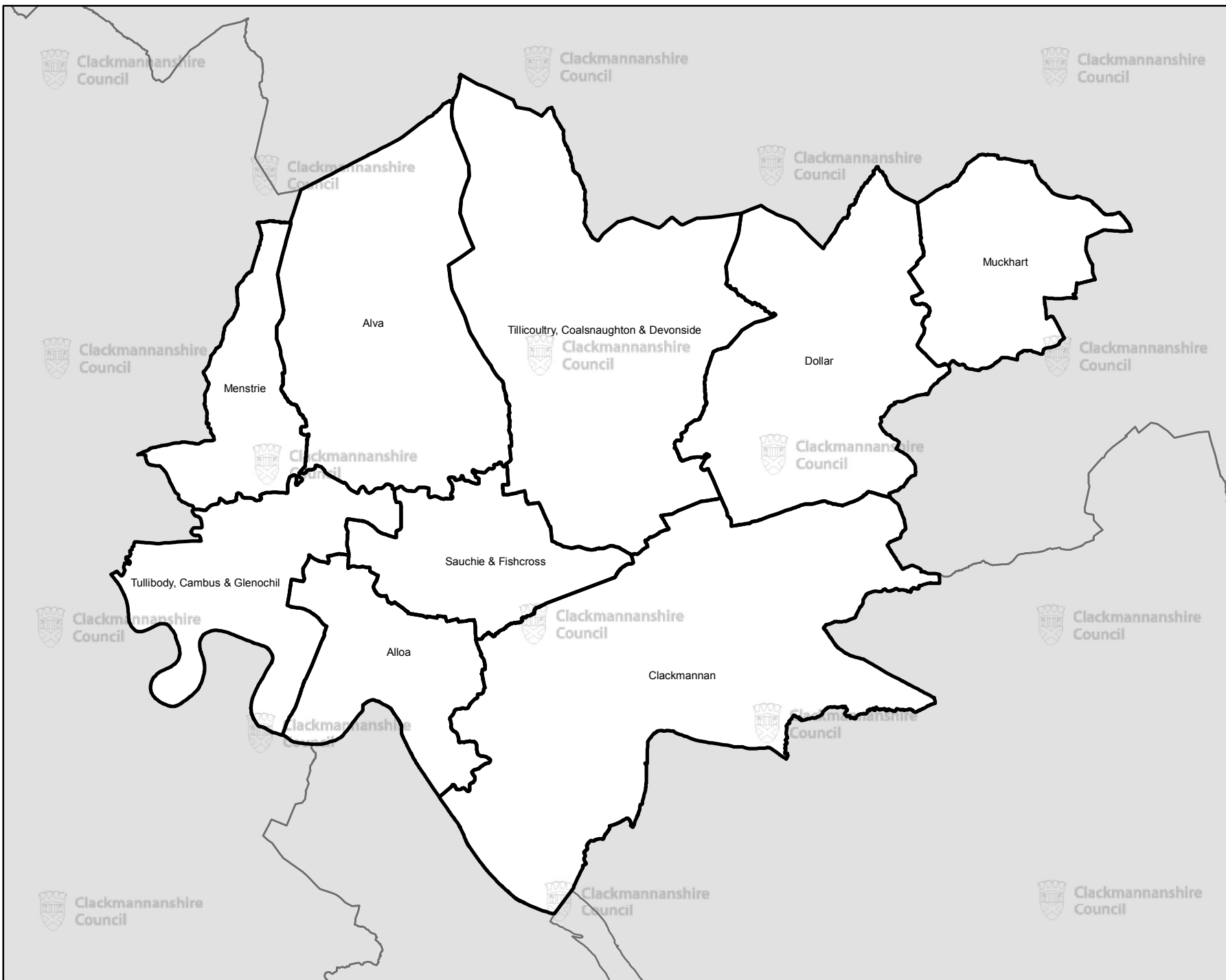
Each Community Council will open a bank or building society account for the receipt of grant funding and payment. Each Community Council will be responsible for maintaining proper accounts which will be independently examined annually by a person or persons approved by the Director of Finance and Corporate Services. Annual accounts will be presented as an item of business at the Annual General Meeting and will be made available for publication. Further details on resourcing arrangements are included in the Protocol which accompanies this Scheme.

19. Community Council Liaison Officer

Clackmannanshire Council will appoint a Liaison Officer who will have prime responsibility for monitoring the working relationship between Community Councils and the Council and ensuring that consultation mechanisms are operational.

Further details on the exchange of information between Community Councils and Clackmannanshire Council is contained in the Protocol which accompanies this Scheme.

Clackmannanshire Community Councils



Scale : 1:100,000
Paper Size : A4

Date : December 2011

 **Clackmannanshire Council**
www.clacksweb.org.uk

Services to Communities
Kilncraigs
Greenside Street
Alloa
FK10 1EB

Tel: 01259 450 000 Fax: 01259 727 452
development_services@clacks.gov.uk

Reproduced by permission of Ordnance Survey on behalf of HMSO.
© Crown copyright and database right 2011. All rights reserved.
Ordnance Survey Licence number 100020783.



0 2 4 6 8 10 Kilometres