

# Review of The Moray Council Scheme for the Establishment of Community Councils 2017-2021

## Public Consultation Responses received (1<sup>st</sup> Round - Initial Consultation)

Below follows a summary of all responses received to the 1<sup>st</sup> round of the Review of the Community Council Scheme to 19 December 2016.

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## JOINT COMMUNITY COUNCIL (JCC) WORKING GROUP

Below follow a summary of the comments submitted by the above noted group. The comments were submitted via the Community Council Liaison Officer as tracked changes within a current copy of the Community Council Scheme. As the suggested amendments are spread throughout this lengthy document, they have been summarised below for the purposes of this overview.

Changes are **marked in red**.

Reasoning for amendment is highlighted in the boxed text.

### 28 September 2016

1. In section 4.1 – Investigate inserting a bullet point about the role of the CC in relation to the Community Empowerment Act.

*The working group felt that this should be included if appropriate.*

2. Section 4.2 Responsibilities, first bullet point, insert “ **online resources** ” after libraries.

*The majority of Community Councils use email, Facebook and websites to distribute agenda’s and minutes.*

3. Sections 6 – first bullet point, consider reducing voting age **to 16**.

*This would need to be considered if the voting age is 16*

4. Section 6 – second last bullet point remove words “ **entitled to become** ” in relation to ex officio members.

*The focus group felt that it was assumed that they were and most of the Elected Members attended and worked with the Community Councils*

5. Section 6 - Remove last bullet point in relation to Youth representation.

*If the voting age changes you representation would not need to be included*

6. Section 12 – Bullet point 5, sub section 2 remove words “ **United Kingdom, the Channel Islands, the Isle of Man or the Irish republic** ” in relation to convictions for disqualifications (i.e. convictions anywhere in the world).

*The working group felt that Moray has a diverse population with residents from all over the world.*

7. Section 12 – insert new bullet point at end to read

If a Community Council or an individual Community Councillor is believed to have breached the Code of Conduct the Complaints Procedure for Community Councils can be introduced. Sanctions will include

- Suspension from Community Council meetings and activities for a period of time.
- Censure of behaviour and a written undertaking to behave in accordance of the Scheme's Code of Conduct.
- Request by a majority of the Community Council members of the named Community Councillor to step down.
- In serious cases, and expulsion from the Community Council, approved by a unanimous vote of the panel.

*Community Councils, on occasions can have complaints and a Complaints Procedure has been written to deal with complaints. It is felt by the working group that this should be introduced into the Scheme so it can be upheld with all Community Councils in Moray.*

8. Section 13 – Meetings – introduced new sub section 13.5 – Conduct of Meetings to read as below

The conduct of the meeting shall be the responsibility of the Chair or whoever is fulfilling the role at the meeting and shall not be open to challenge. The Chair shall have the right to exclude a Community Councillor or a member of the public who in the view of the Chair is being persistently disruptive or disrupting the orderly conduct of the meeting.

*Conduct of meeting can get fractious with visitors or members not adhering to the Scheme. With this inclusion the Chair can have control of behaviour in the meeting.*

9. Section 14 - First bullet point change council 'may' to 'shall' provide an administration grant.

*The group felt that Community Councils cannot function without the grant.*

10. Section 14 – second bullet point – include reference to the how the grant is determined.

*The group felt for transparency that this should be included*

11. Section 14 – third bullet point – include in list "Printing of Community Council Handbook".

*The Community Councils receive administration grants; this should be included in the handbook, therefore saving Moray Council additional printing costs.*

12. New Section 16 re Community Council Complaints to read as follows

**In the event of a complaint about a Community Councillor or Community Councillors the Community Council should adhere to the Community Councils Complaints Procedure in Section 9 of the handbook.**

*The Community Council Complaints Procedure has been developed with the JCC and the CCLO to handle complaints and should be included in the scheme.*

13. Renumber Section 16 – Dissolution to read Section 17 as a result of above

14. Appendix 2 Model Constitution – in section 7a change one quarter to **one third**.

*This is to correspond with the Scheme.*

15. Appendix 2 Model Constitution – Section 8 remove reference to Youth Members.

*If the voting age changes*

16. Appendix 2 Model Constitution – Section 11d re public notice of special meetings change 10 days' notice to **7 days' notice**.

*The group felt that Agendas and minutes are often available online and sent by email.*

17. Appendix 2 - Model Constitution – Section 11e, addition to end of para to read - Ratified **minutes shall be sent to the CCLO within 14 days of ratification**.

*The CCLO quite often only receives draft minutes, this is for legal reasons that ratified minutes need to be received for archiving,*

18. Appendix 2 -Model Constitution – new Section 12c add section as below

**The conduct of the meeting shall be the responsibility of the Chair or whoever is fulfilling the role at the meeting and shall not be open to challenge. The Chair shall have the right to exclude a Community Councillor or a member of the public who in the view of the Chair is being persistently disruptive or disrupting the orderly conduct of the meeting.**

*See Item 8*

19. Appendix 2 Model Constitution – Add new section 17 – Process for resignations to read as below

Any member wishing to resign for the Community Council should submit their notice of resignation in writing stating the proposed effective date of resignation (which may not be retrospective) to the Chair in the first instance. (Notice by email is acceptable).

If the Chair is the member resigning then he or she should notify both the Vice-Chair and Secretary by the same means.

Should the Treasurer be the member resigning, the bank statements, account, and all other financial records pertaining to all the accounts which the COMMUNITY COUNCIL holds, shall be handed over by the Treasurer to whoever is appointed by the COMMUNITY COUNCIL for this purpose within five working days of the proposed effective date of resignation of the Treasurer, and in the interest of transparency the accounts shall be examined within 2 months of the resignation taking effect.

The notice of resignation will be placed on the Agenda and circulated to members of the COMMUNITY COUNCIL prior to the next scheduled COMMUNITY COUNCIL meeting, and will be considered by those members in attendance. Notice of resignation may be rescinded before the next scheduled COMMUNITY COUNCIL meeting in which case the matter would not be referred to at the meeting. Notice of resignation may also be rescinded at any point during the meeting at which consideration is being given to the resignation until the COMMUNITY COUNCIL has concluded consideration of the resignation and it has been formally noted.

Once the resignation has been minuted by the COMMUNITY COUNCIL it will be deemed final.

For the avoidance of doubt no resignation will be deemed effective until it has been noted at a formal meeting of the COMMUNITY COUNCIL.

The acceptance of the resignation will be recorded in the minutes of the meeting,

Any resignation which is accepted will then be notified by email or in writing by the Secretary to the COMMUNITY COUNCIL to the Community Council Liaison Officer (CCLO).

In the event that one or more resignation(s) causes the COMMUNITY COUNCIL to become non-quorate, item 18 within the Scheme for the Establishment of Community Councils will apply.

*The group felt that there was no formal process for resignations and this has caused problems in the past. The Chair of the JCC, the CCLO worked together on drafting this together to be included in the Constitution.*

20. Appendix 2 Model Constitution – Add new section 18 – Complaints to read as below

If the COMMUNITY COUNCIL or COMMUNITY COUNCILLOR should have a complaint made against them, The COMMUNITY COUNCIL should adhere to the COMMUNITY COUNCIL COMPLAINTS PROCEDURE in section 9 of the COMMUNITY COUNCIL handbook.

See item 12

21. Appendix 2 Model Constitution – Renumber Section 17 – Dissolution to take account of insertions above

22. Appendix 3 – Standing Orders – Section 1 – Meetings in 1b change 10 days to 7 days for notice of meetings.

See item 16

23. Appendix 3 – Standing Orders – Section 2 – add the words “and ratified minutes sent within 14 days” after the words “date of the meeting”.

See item 17

24. In Appendix 4 Code of conduct – section on Accountability and Stewardship insert at the last bullet point the following:

- If a Community Council or an individual Community Councillor is believed to have breached the Code of Conduct the Complaints Procedure for Community Councils can be introduced. Sanctions may be
  - Suspension from Community Council meetings and activities for a period of time to be agreed by a majority of the investigating panel.
  - Censure of behaviour and a written undertaking to behave in accordance of the Scheme’s Code of Conduct.
  - Request by a majority of the Community Council members for the named Community Councillor to step down.
  - In serious cases, an expulsion from the Community Council, approved by a unanimous vote of the Panel

*This was added as it is felt that there is not disciplinary if a Community Councillor did not adhere to the code of conduct. This forms part of the Complaints Procedure.*

## **CLLR CHRIS TUKE**

From: Chris Tuke  
Sent: 27 October 2016 10:53  
To: election enquiries  
Subject: RE: Community Council Scheme Review - 1st round

That a resident's place of work would serve as qualification for membership of a Community Council operating in that area. As an example, one of the RAF Representatives at Lossiemouth Community Council is applying for associate membership but would wish to be a full member. Most of his waking hours are spent within the Community Council Area but, under the current scheme, he cannot be a full member because his place of residence is just outwith the area.

Chris Tuke.

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## **DYKE AND LANDWARD COMMUNITY COUNCIL**

8 December 2016  
Moirá Patrick  
Democratic Services Manager  
The Moray Council  
High Street  
Elgin  
IV30 1BX

Dear Ms Patrick

### **The Moray Council Scheme for the Establishment of Community Councils Review of Scheme**

Thank you for your letter regarding the above. Dyke Landward Community Council discussed this at their meeting on 7 December and the feeling was that the existing Scheme of Establishment should be continued with no changes, as it appears to work very successfully as it stands.

Regards  
Carol Shaw, Chair DLCC