

Review of the Moray Council Scheme for the Establishment of Community Councils

Consultation document on the proposed scheme for 2017-2021

Date of Publication: 9 January 2017
The Moray Council, Democratic Services

Contents

A.	Introduction	3
B.	Review Timetable.....	3
C.	Responding to the consultation.....	4
D.	Summary of Proposed Amendments to Scheme.....	5
E.	Commentary on revisions to the proposed scheme	8
E.1	Role and Responsibilities (Section 4 of Scheme)	8
E.2	Membership & Eligibility (Section 6 of Scheme).....	8
E.3	Filling of casual places/vacancies between elections (Section 8 of Scheme).....	10
E.4	Additional Membership (Section 9 of Scheme)	10
E.5	Term of Office (Section 10 of Scheme)	11
E.6	Disqualification of Nomination or Membership (Section 12 of Scheme)	11
E.7	Meetings (Section 13 of Scheme)/Appendix 3 - Standing Orders	13
E.8	Liaison with the Local Authority (Section 14 of Scheme)	13
E.9	Annual Administrative Grant (Section 15.3 of Scheme)	13
E.10	Community Council Complaints (New section) / Appendix 2 Model Constitution 14	
F.	Boundary Amendments.....	16
F.1	Elgin Community Council / Innes Community Council.....	16
F.2	Heldon and Laich Community Council/ Speyside Community Council.....	17
G.	Appendix 2 – Model Constitution	18
G.1	Casual Vacancies	18
G.2	Voting Rights of Members of CC	18
G.3	Meeting of the Community Council	18
G.4	Resignations (new Section 7)	18
H.	Appendix 3 – Standing Orders	19
I.	Appendix 4 – Code of Conduct	19
J.	Other Scheme Changes.....	19
J.1	Appendix 1 - Community Council Name & Numbers.....	19
J.2	Format Changes	19
J.3	Section and Clause Changes.....	19
K.	Amendments to Scheme of Electoral Arrangements	20

A. INTRODUCTION

The current Scheme for the Establishment of Community Councils 2013-2017 (hereinafter referred to as the 'scheme') is under review prior to next Community Council election in autumn 2017.

The scheme is modelled on the Scottish Government's best practice model Scheme and associated documents which were set out in 2009. The Moray scheme has some local modifications to incorporate local administration practice but in the main is a reflection of the model as currently promoted.

In October 2016, Moray Community Councils, elected members to The Moray Council, council officers and the wider public were invited for their views on any aspect of the current scheme that caused issue or concern which could be considered as part of this review.

Comments submitted to initial consultation have been made available on The Moray Council website at www.moray.gov.uk/communitycouncils.

Following consideration of these submissions, revisions have been made to the proposed scheme. This **consultation document** sets out the proposed amendments to the scheme and should be read in conjunction with:

- Appendix 1 – Revised Proposed Scheme for the Establishment of Community Councils 2017-2021 including scheme appendices
- Appendix 2 - Scheme of Electoral Arrangements

All amendments to the scheme have been 'tracked' within the document so amendments can be seen.

B. REVIEW TIMETABLE

The timetable for the review of the scheme is noted below and as approved by The Moray Council on 12 October 2016.

Publication of Notice of Review	24 October 2016
Initial public consultation phase commences	24 October 2016
Initial public consultation phase closes	19 December 2016
Representations and comments received reviewed and further amendments made to the scheme, if required. Scheme redrafted for second round.	
Second public consultation phase commences and second notice of review	9 January 2017
Second consultation phase closes	6 March 2017

C. RESPONDING TO THE CONSULTATION

Any representations or comments on the revised proposed scheme must be received by **Monday 6 March 2017**.

Responses to this round of consultation will be considered by Democratic Services and the proposed scheme may be further amended, as appropriate, before it is submitted to a meeting of The Moray Council for approval in March 2016.

When responding please ensure that you include the following information in your response:

- Your name, address and contact details;
- Whether your representation is an individual view or behalf of a Community Council or other organisation;
- Information / background to support any suggested amendment.

All written comments or representations should be addressed to:

CC Scheme Review

Democratic Services Manager

The Moray Council, Council Offices, Elgin, IV30 1BX

Those who wish to email their representations should send them to election.enquiries@moray.gov.uk.

Please note that all representations received will be published on the Council's website www.moray.gov.uk/communitycouncils at the end of the consultation. Each respondent's address and contact details will be anonymised for security and data protection.

D. SUMMARY OF PROPOSED AMENDMENTS TO SCHEME

Section 4 - Role and Responsibilities

- Amend Role (4.1) in relation to Community Empowerment Act 2015
- Amend Responsibilities (4.2i) to reflect the use of online resources for communication
- Amend Responsibilities (4.2ii) to reflect provision for ratified minutes

Section 5 – Community Council Areas

- Phrasing change to the section
- Boundary changes as noted in commentary on Appendix 1

Section 6 – Membership of Community Councils

- Reduce full membership eligibility to age 16
- Insert wording relating to electoral register and franchise
- Insert clause relating to election of CC member to The Moray Council
- Remove provisions in the scheme relating to youth membership

Section 8 - Filling of casual places/vacancies between elections

- Deletion of the word 'elected'
- Additional clause inserted relating to vacancy arising due to the election of a CC member to the local authority
- Additional clause relating to non-attendance

Section 9 – Additional Membership

- Remove provisions (9.2) in the scheme relating to youth membership

Section 10 – Term of Office

- Additional clause relating to re-election of a member who previously resigned

Section 12 – Disqualification of Nomination or Membership

- Insertion of the word Community Council for clarity

Section 14 – Liaison with the Local Authority

- Insertion of words at 14(i) in relation to information about membership and 14(ii) in relation to requests
- Insertion of clause relation to the Community Empowerment Act 2015
- Insertion of wording relating to complaints and dispute

Section 15 – Resourcing a Community Council

- Text amended in section 15.2 relating to 'nominated official'
- Text added to section 15.4 relating to 'external funding'

Over/

Appendix 1 – Community Council Names, membership, sub-divisions and area description

(1) Elgin Community Council

- Minor amendment to boundary at Linkwood to increase area
- Update to Polling District reference and area description

(4) Dyke Landward Community Council

- Update to Polling District reference and area description due to changes in coding of polling districts

(5) Finnerne Community Council

- Update to Polling District reference and area description due to changes in coding of polling districts

(9) Heldon Community Council

- Minor amendment to boundary near Shougle Farm at Brennach to increase area
- Update to Polling District reference and area description

(10) Innes Community Council

- Minor amendment to boundary at Linkwood to decrease area
- Update to Polling District reference and area description

(12) Buckie Community Council

- Update to Polling District reference and area description due to changes in coding of polling districts

(18) Speyside Community Council

- Minor amendment to boundary nr. Shougle Farm at Brennach to decrease area
- Update to Polling District reference and area description

Appendix 2 – Model Constitution

- Insertion of new section 7 relating to resignations
- Renumbering of sections 7-15
- Correction to section 8a (was section 7a) relating to vacancies to read 'one third'
- Amendment to section 9 (was 8) to remove information relating to youth members
- Amendment to section 12 (was 11) relating to ratified minutes
- Amendment to section 14 (was 13) relating to membership information
- Insertion of new section 16 relating to complaints
- Renumbering of sections 16 onwards

Appendix 3 – Standing Orders

- Change from 10 days to 7 days notice of meetings
- Insertion of new clause 7 – Obstructive and Offensive Conduct
- Renumbering of sub-sections 7-10 to accommodate above

Appendix 4 – Code of Conduct

- Insertion of text relating to the agreement to the code

Other

- Formatting - Where appropriate bullet points (clauses) have been numbered within the scheme
- Renumbering – numbering has been updated to reflect insertions or deletions and update cross-references
- Minor re-wording is noted where not listed above

E. COMMENTARY ON REVISIONS TO THE PROPOSED SCHEME

Following the initial consultation, revisions are proposed to the scheme in a number of areas. Commentary, on both the proposed changes and where changes have been considered but not implemented, is provided below.

E.1 ROLE AND RESPONSIBILITIES (SECTION 4 OF SCHEME)

E.1.1 ROLE OF COMMUNITY COUNCIL

Due to the introduction of the Community Empowerment Act 2015, the role of the CC has been amended to reflect these provisions, albeit that the regulations under this Act are still emerging to date. Representation was also received about this point.

E.1.2 RESPONSIBILITIES OF COMMUNITY COUNCIL

Representation was received regarding the use of 'online resources' such as social media and websites relating to how CC's inform the community about their work. An amendment has been made to the scheme in section 4.2(i) to reflect this.

Representation was received regarding the provision of ratified minutes to the Community Council Liaison Officer which has posed some issues in maintaining records. An amendment was made to the Scheme in section 4.2(ii) in relation to this issue.

E.2 MEMBERSHIP & ELIGIBILITY (SECTION 6 OF SCHEME)

E.2.1 FULL MEMBERSHIP – REDUCTION IN AGE

Recent legislation¹ has amended the franchise for local government to allow 16 and 17 year olds to vote in local government elections, which also applies in terms of eligibility for membership of CC's under the current scheme.

As data is now routinely collected by the Electoral Registration Officer (ERO) to compile these registers and 16 / 17 years olds are full electors and not attainers on the electoral register.

As a result, in section 6 references to 18 year olds have been amended to 16 year old. This allows any registered eligible voter, 16 years old or over to become a full member of the CC.

Representation was also received about this point.

E.2.2 FULL MEMBERSHIP – REFERENCES TO THE ELECTORAL REGISTER

For clarity and in relation to E.2.1, the clause relating to a CC member being named on the electoral register has been amended to stipulate the franchise being used.

¹ The Scottish Local Government Elections Amendment Order 2016

E.2.3 FULL MEMBERSHIP – EXCLUSION OF LOCAL AUTHORITY ELECTED MEMBERS

For clarity, a clause has been inserted in Section 6 of the proposed scheme relating to the membership of a CC member who becomes elected to The Moray Council. This covers elected or co-opted members elected by a scheduled election or by-election.

E.2.4 FULL MEMBERSHIP – QUALIFICATION BY EMPLOYMENT IN COMMUNITY COUNCIL AREA

Representation was received during consultation that the qualification for full membership to a Community Council *“should be extended to resident's place of work would serve as qualification for membership of a Community Council operating in that area”*.

Under the Local Government (Scotland) Act 1973 the qualification of electors to become a CC member is set by the scheme established by the local authority.

Currently part of the qualification for full membership is to reside and be on the current electoral register in the CC area. This is as per the model scheme set out by the Scottish Government in 2009.

Qualification of a member is confirmed by a home address in the CC area which is supported by a valid electoral register entry at the same address, both within the CC area. Whilst the spirit of the proposed amendment is well intentioned to be inclusive to potential CC members, there are a number of issues to be considered.

- During elections or co-options, there is an issue as to how the employment qualification would be validated by the Returning Officer or the Community Council secretary to confirm whether it is true and current. Residency is confirmed by the entry on the electoral register which is re-confirmed annually through a legal process (canvass) administered by the Electoral Registration Office. There is no clear method of validating a statement made by a candidate regarding their employment.
- With regard to place of employment being within a CC area, would this mean that an office or workplace has to be within the CC area, a person may be employed by an employer based in a head office elsewhere in the UK but the employee may be a mobile worker who works in the CC area. Furthermore an employee may work a small number of hours per week in the CC area, against someone who works full-time in the area, would this need to be taken into account?
- During elections or co-options, could it be justified that in a contested postal vote election, candidate(s) that are not resident in the area but employed in the CC area gain seat(s) over a local resident(s) and then be able to vote on local matters that affect those residents. The candidate from outside the CC area, would also not be able to take part in the vote itself as they would not be eligible as they are not on the electoral register.
- Would this employment qualification extend to those that live out with Moray but work in a CC area in Moray? Neither the Returning Officer nor the CC secretary have legal

access to the electoral register outside that Local Authority area or CC area respectively to confirm any of the other qualifications.

- Amending the qualification to extend to employment would not be line with practice set out in the Scottish Government’s model scheme nor by practice by any other Scottish local authority for their respective CC Schemes.
- Whilst employment in a ward area is a qualification for a local government councillor, these qualifications are set in statute and are also subject to election offences if false statements are made.

There is provision within the current scheme at section 9.1 for Associate Members to accommodate members with skills, knowledge or interest to the CC, the only difference being that they do not have voting rights. It is considered that the CC, during debate and discussion at their meetings, would take into account the views of Associate Members whilst voting in any case.

Given the discussion above and the *Associate Member* provision within the scheme, this suggested amendment has not been drafted into the proposed scheme.

E.3 FILLING OF CASUAL PLACES/VACANCIES BETWEEN ELECTIONS (SECTION 8 OF SCHEME)

As noted in E.2.3 a clause has been inserted relating to the election of a CC member to local authority and thus resulting in a casual vacancy.

In addition, a further clause has been added regarding a vacancy due to the non-attendance of a CC member. This is for completeness as non-attendance of a member is dealt with elsewhere in the scheme.

E.4 ADDITIONAL MEMBERSHIP (SECTION 9 OF SCHEME)

E.4.1 EX-OFFICIO MEMBERS

Representation was received that the words ‘*entitled to become*’ in relation to ex-officio members be removed from the scheme. In reasoning it was assumed that they were automatically ex-officio members and most of the elected local authority councillors attended and worked with the Community Councils in any case.

The wording at Section 9.2 relating to an ex-officio member is currently “*shall be deemed ex-officio members*” and this provision relates to not just councillors but also MPs, MSPs and MEPs.

As this proposal is a deviation from the model and has effect to other ex-officio members other than local authority councillors this suggestion has not been taken forward.

E.4.2 YOUTH MEMBERSHIP

Noting the reduction in full membership age above in E.2.1, the age for youth membership was revisited. Revisiting discussions from the previous scheme review with the Council’s Director of Education & Social Care and the Head of Integrated Children’s Services, the

council has a duty of care in relation to safeguarding children. It is considered by reducing the membership age to include ages of 14 -15 years olds would lead to the requirement for Community Councils to implement child protection policies and associated Protecting Vulnerable Groups (PVG) legislation.

Additionally, as might be seen with other adults working with youth groups or organisations, police or background checks are not taken on Community Council members, associate members or visitors to any meetings or events that youth members may attend with or on behalf of the Community Council. It is felt that it is not appropriate at this time that adult Community Council members are asked to undergo this type of check in respect of eligibility for community council membership.

E.5 TERM OF OFFICE (SECTION 10 OF SCHEME)

A suggested amendment has been inserted into Section 10 which relates to prevent someone who has resigned previously from standing again during an election. This has the effect of barring someone which may have caused an election in the first place and perhaps the dissolution of a Community Council, standing in a further election for a period of time.

This clause has been seen in practice in other local authority schemes.

Comments on this suggested clause are invited from consultees as to whether they consider this to be appropriate.

E.6 DISQUALIFICATION OF NOMINATION OR MEMBERSHIP (SECTION 12 OF SCHEME)

E.6.1 ELECTORAL REGISTER

In section 12(i) the words 'Community Council' have been added for clarity in relation to a part of the electoral register.

E.6.2 DISQUALIFICATION FROM NOMINATION – CONVICTIONS

Representation has been received that the words "*United Kingdom, the Channel Islands, the Isle of Man or the Irish republic*" in relation to convictions for disqualifications at nomination should be removed therefore widening the disqualification to convictions of an offence from anywhere in the world.

The clauses in Section 12 relating to nomination disqualification which includes convictions, sequestration and bankruptcy is as appears in the Scottish Government's model scheme and mirrors the Local Government (Scotland) Act 1973 (s.31) provisions for local government candidates.

Whilst this provision in the Scheme could be amended to anywhere in the world there are no means by which to verify this disqualification against a person's identity as the nomination has to be taken on face value save the standard residency and electoral checks that are undertaken.

This suggested amendment has not been drafted into the proposed scheme.

E.6.3 COMPLAINTS PROCEDURE, SUSPENSION AND EXPULSION OF COMMUNITY COUNCIL MEMBERS

Representation has been received that the following text should be inserted into Section 12 of the Scheme to reflect the complaints procedure reference and to seek additional sanctions against CC members. (see also section E.10).

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.*

There have been a small number of incidences over the last term of office that saw some difficulties between CC members within a number of CCs. In some cases this has caused protracted difficulties in conducting CC business, aggression and offence noted during meetings and in some cases the collapse of working relationships or the community council itself.

The *Code of Conduct* is a voluntary code albeit when candidates are nominated they sign a declaration to abide by this code. Each individual CC member is responsible for their behaviour and has a duty to comply with the *Code of Conduct*.

The Local Government (Scotland) Act 1973 s.52(c) provides that the local authority can make provisions within the scheme relating to the qualification of electors, composition, meetings etc. There is no provision for sanctions or removal of CC member(s).

Furthermore there are no CC member sanctions within the Scottish Government's model scheme (2009) and as a result within the Moray Council Scheme 2013 -2017. In examining practice elsewhere in Scotland, no other local authority would appear to have provided for sanctions either.

CCs have made a representation that they require additional tools as part of self-regulation to place sanctions on CC members who do not abide by the *Code of Conduct*. Whilst there is an appreciation of the frustration that CC member disputes can cause, there is no provision that would allow the Local Authority (or a panel of CC members which is suggested) to suspend or expel a CC member from a CC.

The *Complaints Procedure* (section E.10) goes some way to address and mediate the issue of CC member's non-compliance with the code, should an individual choose to complain about a CC member's conduct. In addition, Section 14 of the Scheme regarding liaison with the Local Authority an additional paragraph has been inserted with regard to guidance and support from the CCLO.

E.7 MEETINGS (SECTION 13 OF SCHEME)/APPENDIX 3 - STANDING ORDERS

Representation has been received that the following text should be inserted into the scheme as a new sub-section in Section 13 – relating to the conduct of meeting and also repeated within the model constitution.

“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.”

Comment was received “that the 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”.

The amendment to the scheme was considered, however this is not matter that should be included within the body of the main scheme but could be included within *Appendix 3 – Model Standing Orders* which relate to the conduct and administration of meetings.

A new sub-section **(7) – Obstructive and Offensive Conduct**, is proposed in the *Model Standing Orders*. Text has been inserted in the spirit of the suggested text above, but specifies that the removal of a person from the meeting must have the support of the majority of members of the meeting.

The sub-sections thereafter have been renumbered to accommodate this amendment.

E.8 LIAISON WITH THE LOCAL AUTHORITY (SECTION 14 OF SCHEME)

Further to changes already noted above in Section E.6.3, in addition further reference to the Community Empowerment Act has been made similar to that described in Section E.1.1.

E.9 ANNUAL ADMINISTRATIVE GRANT (SECTION 15.3 OF SCHEME)

E.9.1 PROVISION OF GRANT

Comment was received that the wording should be changed from ‘*may provide*’ to ‘*shall provide*’ in the provision of an administration grant by The Moray Council to CCs.

In the Local Government (Scotland) Act 1973 (s.55) the provision of the grant by the Local Authority is set out as follows:

55 - Assistance to community councils.

Councils for local government areas may make such contributions as they think fit towards the expenses of community councils within their areas, may make loans to those councils and may, at the request of such community councils, provide them with staff, services, accommodation, furniture, vehicles and equipment, on such terms as to payment or otherwise as may be agreed between the councils concerned.

As the wording is specifically 'may', for the scheme to remain consistent with the Act and the model Scheme provided by the Scottish Government, this suggested amendment has not been taken forward.

E.9.2 ANNUAL ACCOUNTS

Wording has been amended in this section (15.2) from 'named official' to 'nominated official'. This relates to the nominated person within the council that receives the CC accounts.

E.9.3 GRANT DETERMINATION

Comment was received that reference to the *how the grant is determined should be included within the scheme for transparency.*

The CC grant determination is reviewed annually and in line with other budget/grants administered by the Community Planning section. Given that the grant determination is reported to Council on this basis in line with any current guidance, it is not appropriate that this level of detail is contained within the CC scheme which is reviewed every four years. This suggested amendment has not been taken forward.

E.9.4 ADMINISTRATION GRANT COSTS

Representation was received that within the lists of costs that the administration grant covers that "*Printing of Community Council Handbook*" should be included within the list.

It is considered this type of printing is already covered in the list by the point "*Production and circulation of minutes, agendas and annual reports or other CC documentation*". This suggested amendment has not been taken implemented.

E.9.5 OTHER FINANCIAL RESOURCES

Wording has been added in this section (15.4) which recognises the CC's power to secure 'external funding'.

E.10 COMMUNITY COUNCIL COMPLAINTS (NEW SECTION) / APPENDIX 2 MODEL CONSTITUTION

Representation was received that there should be a new section in the scheme relating to community council complaints that should read as below.

"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."

CCs are self-regulatory bodies that operate with support and advice, where appropriate, from the local authority. As CC's are not part of the local authority it is not applicable that complaints about a CC are made through the Moray Council's own complaint procedure.

The CC Complaints procedure (procedure) has been developed with the Joint Community Councils of Moray (JCC) and the Community Council Liaison Officer (CCLO) to handle

complaints arising about CCs. The procedure is not a 'Moray Council' or formally approved document but was developed, and is used as a self-policing and mediating process by the CC's themselves.

It is not considered appropriate that this is referenced or included within the main body of the *scheme* but is instead referenced within the *Model Constitution*. CC's then can, by adopting the *Model Constitution* also choose to adopt the procedure developed, administrated and overseen by the JCC in conjunction with the CCLO. The procedure remains a separate document, which will be reviewed and maintained separately via the JCC in consultation with the CCLO.

Amendments are proposed within *Appendix 2 – Model Constitution* by inserting a new section 16 and re-numbering thereafter.

F. BOUNDARY AMENDMENTS

Extensive amendments have been made to the CC ward boundaries during the two previous scheme reviews.

There are four local government ward boundary amendments which come into force on 4 May 2017. Two CC boundary amendments are proposed below which reflect these changes.

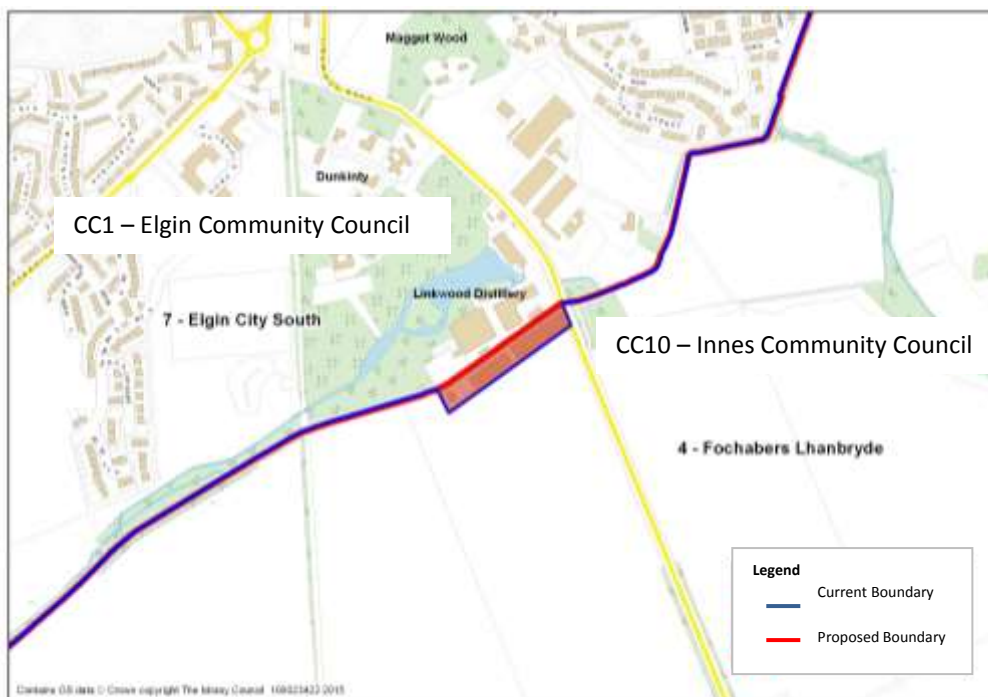
In some instances, aligning recently reviewed local government ward and CC boundaries, prevents future fracturing of boundaries / communities and minimises CC's covering several smaller areas covering several wards.

In two other cases, the boundaries have already been extended to cover the ward changes. Firstly a local government ward boundary change (between Wards 5 and 6) in the Hamilton Gardens area of Elgin is not reflected below as Elgin CC area already takes in this area when the CC boundaries were reviewed in 2013. Similarly a local government ward boundary change (between Wards 3 and 4) at Westerton Cottages, Arradoul is not reflected below as the Buckie & District CC area already takes in this area.

The revised CC boundaries will not come into effect until October 2017 when new community councils are elected and this proposed scheme comes into force.

F.1 ELGIN COMMUNITY COUNCIL / INNES COMMUNITY COUNCIL

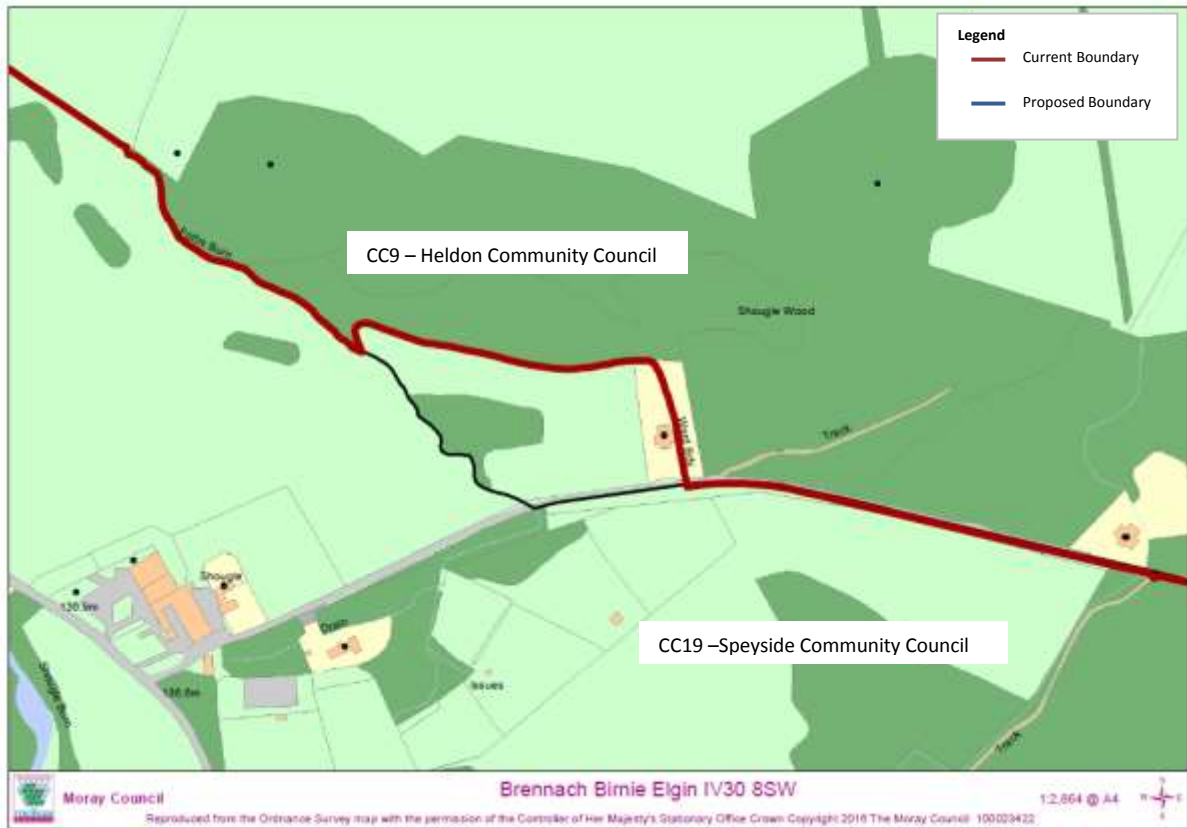
Map 1 shows the proposed amendment to the boundary between Innes CC and Elgin CC. This affects one property Burnside Cottage which would move from Innes CC area to Elgin CC area. The current CC boundary passes through the middle of a distillery complex with houses at Linkwood, IV30 8RD. The proposed amendment rectifies this situation so all residential properties in this area are in one CC area.



Map 1: Proposed amendment to the CC boundary between Elgin CC / Innes CC (Area at Linkwood Distillery)

F.2 HELDON AND LAICH COMMUNITY COUNCIL/ SPEYSIDE COMMUNITY COUNCIL

Map 2 shows the proposed amendment to the boundary between Speyside CC and Heldon CC. This affects one property 'Brennach' which would move from Speyside CC to Heldon CC. The current CC boundary cuts through the middle of a property at Brennach, Birnie, IV30 8SW which has been built since the boundary was last revised. The proposed amendment rectifies this situation.



Map 2: Proposed amendment to the CC boundary between Speyside CC and Innes CC (Brennach)

G. APPENDIX 2 – MODEL CONSTITUTION

These amendments below are made as a result of changes within the scheme noted above. Representation was also received on some these points.

G.1 CASUAL VACANCIES

In section 7a (renumbered 8a) relating to Casual Vacancies on the CC, the wording '*one quarter*' has been corrected to correctly read '*one third*'. This is a correction to the previous scheme 2013-2017 which read incorrectly.

G.2 VOTING RIGHTS OF MEMBERS OF CC

In Section 8 (now renumbered 9) – Voting Rights of Members of the CC, remove references to youth members as a result of changes noted in section E.2.

G.3 MEETING OF THE COMMUNITY COUNCIL

In Section 11 (now renumbered 12) – Meetings of the Community Council, changes have been made which reflect amendments to the scheme in relation to provision of ratified minutes as noted in section E.1.2

G.4 RESIGNATIONS (NEW SECTION 7)

Representation was received that a new section should be inserted in the *Model Constitution* which relates to a procedure that CC member and CC's must follow for resignations.

During the current term 2013-2017, there have been issues with the receiving and recording of resignations, often under difficult circumstances or during member conflict within a community council. In some instances this has led to division or even the dissolution of community councils where resignations have been received from more than one CC member at once, effective dates have not been recorded clearly or minuted and resignations withdrawn thereafter.

The amendment proposed in to the *Model Constitution* was lengthy in nature and went into some detail about procedure during the meeting of the Community Council which, in part, may be more suited to become part of the *Standing Orders* rather than the *Model Constitution*. The amendment was intended to allow a period of discussion or perhaps 'cooling off' when resignations or conflict had arisen and allow opportunity for mediation and resolution.

Considering the above a revision has been made to the *Model Constitution* inserting a new section relating to resignations at Section 7 and renumbering the further sections thereafter. No change has been made to the *Model Standing Orders*, as a notice of resignation would be discussed in the normal order of business and minuted which is already provided for in Appendix 3 (s.4).

H. APPENDIX 3 – STANDING ORDERS

The model *Standing Orders* have been amended with a new section added in relation to complaints. Please refer to the earlier section E.7 for more information.

There is also a new section 7 relating to Obstructive and Offensive Conduct as previously noted above in section E.6.3.

Representation was received that in terms of notice of meetings, that 7 days instead of the current 10 days was sufficient. This is due to the use of social media and online resources which increases accessibility and immediacy of information. Therefore a proposed amendment is noted throughout the *standing orders* to reduce notice from 10 to 7 days.

I. APPENDIX 4 – CODE OF CONDUCT

A small paragraph has been inserted into the introductory text to emphasise to CC members that they formally agree to the *Code* when they are nominated and elected, when they are also provided with a copy of the same.

This point will need to be taken forward during the course of the term, to ensure that co-opted members also go through the process of formally agreeing to the *Code* and being provided with a copy.

This is relevant should a complaint ever be made against the CC member in relation to observance of the *Code*.

J. OTHER SCHEME CHANGES

J.1 APPENDIX 1 - COMMUNITY COUNCIL NAME & NUMBERS

Appendix 1 to the *Scheme* has been updated to reflect the proposed boundary changes to CC areas noted in section F of this document.

Some references to polling districts have also been updated, in the Buckie area in particular. This reflects electoral register changes and has no effect to boundaries.

J.2 FORMAT CHANGES

Where bullet points have been used clauses in some sub-sections of the scheme, for ease of reference and administration, these bullets have been numbered, allowing precise identification of paragraphs.

J.3 SECTION AND CLAUSE CHANGES

Where sections and clauses have been inserted, numbering and cross-referencing has been updated throughout the document to accommodate these amendments.

K. AMENDMENTS TO SCHEME OF ELECTORAL ARRANGEMENTS

Below are listed the proposed amendments to the Scheme of Electoral Arrangements for Community Councils.

- section 1.5 – Amendment to responsibilities of the Returning Officer (RO) to reflect the wider tasks undertaken, removal of the reference to proxy which is surplus in this section.
- section 2.2 – Substitution of the word ‘will’ with ‘may’ which reflects the wording in the proposed CC scheme 2017-2021 at Section 8.2(vii).
- section 2.3 – wording changes for clarity and removal of extra wording not required.
- section 2.5 – changes to the election timetable to bring it in line with recognised election administration practice for other statutory elections and to reflect extended time periods for the conduct of an election. Insertion of wording for clarity for the ‘withdrawal of nomination by a candidate’.
- section 2.6 – addition of wording relating to the voter and public holidays for clarity and in line with recognised election administration practice.
- section 6 – reduction of age of candidature to reflect proposed amendments to the CC Scheme as noted in E.2.1.
- section 7.2, 7.10 & 7.14 – addition of words allowing the submission of the nomination paper by email. This may be trialled at the next election with agreement of the Returning Officer.
- section 7.6, 7.8 & 7.12 – minor amendment to wording
- section 8.3 onwards – reordering of clauses
- section 8.4 – 8.7 – amendment to wording relating to candidates statement submission following issues in 2012 elections
- insertion of section 8.8 – addition of wording relating to the candidates statement and the amendment of the same in the situation that it breaches rules
- section 10.3 – changes to wording to reflect changes noted above

- section 11.1 – addition of wording relating to co-option during election, inserted for clarity.
- Insertion of section 11.2 – insertion of wording which related to practice during interim election as per elections held in 2013.
- section 11.3 – insertion of word ‘full’ for clarity
- section 12.2 – amendment to wording to reflect practice and for clarity
- section 12.5 – amendment to show partial addresses on the ballot paper only and other misc. wording changes.
- section 13.2 – changes to wording for substitution of a candidate at the count, as per normal electoral administration practice
