

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

Public Consultation Responses received (2nd Round - Consultation)

Below follows a summary of all responses received to the 2nd round of the Review of the Community Council Scheme to 6 March 2017.

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8 February 2017

Dear Sir,

**REVIEW OF THE MORAY SCHEME FOR THE ESTABLISHMENT OF
COMMUNITY COUNCILS**

Members of Innes Community Council discussed the review document of the Moray Scheme for the Establishment of Community Council at their monthly meeting last night and I was asked to advise you of our opinions. In general the meeting agreed with the proposed amendments, many of which we believe the Council had noted from the rather unfortunate behaviour of former members of Innes Community Council following the Elections in 2013.

There were two areas that we were of the opinion needed strengthening in the proposed new scheme. On the question of a Constitution for new elected Community Councils, we suggest that either the Model Constitution holds precedent from the time of the appointment of the new Community Council until a full and proper Constitution is agreed by both the Community Council and the Moray Council. In the absence of that condition then the final agreed Constitution should have retrospective powers back to the date of the election and appointment of new Community Councillors. Our reason for that coverage goes back to our own experiences in 2013/14 when some newly elected Community Councillors carried out actions that were contrary to the model Constitution. When challenged they stated that as the Constitution had not been agreed by either Innes Community Council members or Moray Council, the Model Constitution held no powers and that any finally agreed Constitution could not have retrospective powers. The ensuing chaos took over 18 months and the intervention of the Chairman of the JCC to get matters resolved and Innes Community Council working as it should have done.

We note that a Community Councillor who resigns cannot stand for election for a period of 12 months following his resignation. Again, from our experiences of the 2013 Election, we would suggest that a Community Councillor who resigns should not be co-opted back on to a Community Council for a minimum period of 18 months following their resignation. We calculated this period of time as being the 12 month period following resignation whereby they could not stand for election plus the first 6 month after an election during which no co-option can take place. This would prevent a Community Councillor resigning with no intention of standing for re-election but trying to get back on to a Community Council by way of co-option. Such a situation did arise with Innes Community Council in 2013, when a former Community Councillor who resigned some 6 months before the election was co-opted back onto the Community Council at the second meeting after the election. His co-option added to and triggered the problems we later encountered.

Yours sincerely,
James A Mackie,
Member of Innes Community Council.

Received by email 13 February 2017

Comments on Scheme Review received from CCLO/JCC Working Group - 01022017

(Prior to Notice of Intention to review)

ATTENDANCE: Jane Martin (CCLO), Alastair Kennedy (Chair Elgin & JCC), Gordon Methven (Elgin), Iain Catto (Elgin), Karen Pryce (Strathisla), Aileen Marshall (Elgin)

APOLOGIES: Carole Ralph (Lossiemouth), Les Morgan (Findhorn & Kinloss)

Les Morgan wished to state that he disagrees with Cllr Tuke's suggestion that a residents place of work would serve as qualification for membership of a Community Council operating in that area.

He felt that this would be difficult to put into practice and monitor. The working group agreed.

The working group went through the review documents and have the following suggestions:

Scheme for the Establishment of Community Councils

1. 6 Membership of Community Councils – vi:

The group discussed this and felt that Elected Members are automatically *ex-officio* members. Most Elected members attend Community Council meetings regularly and their attendance at meetings is welcome. Therefore they felt that the word 'entitled' should be removed.

2. 8.2 Co-option to Community Councils – reference to Moray Council is made in this paragraph. The Moray Council should be replaced with Moray Council as 'The' has been removed from branding. This should be carried out throughout the document.

3. 10 Term of Office – The inclusion of 'Where a Community Council member resigns within a term, they shall not be eligible to stand for re-election for a minimum of 1 year'. The group discussed this and could see the relevance for inclusion however they felt it was restrictive. As an example, Elgin has had a member forced to resign because he moved just out-with the boundary and therefore had to resign; the member is looking to relocate back into Elgin and would like to be co-opted back onto the Community Council within the time limit of 1 year.

4. **15.3 Annual Administrative Grant iii** – This was added to the Scheme at the last review and was not consulted on. The group would like to know where this list has come from.

Scheme of Electoral Arrangements for Community Councils

1. **8.4 Candidates Personal Statements** – The word ‘Party’ should be inserted prior to Political. It was felt that Community Councils can often include Political issues, but should not be the views of a specific Political Party.
2. **8.7 Candidates’ Personal Statements** – The group felt that clarification should be made to where personal statements are available and not all members of the public have access online resources.

Conclusion

The working group agreed with all other changes made and were pleased and satisfied that suggestions from round one of the review were included.

1 March 2017

Dear Ms Patrick

Scheme of Community Councils 2017

Dyke Landward Community Council (DLCC) welcomes the opportunity to comment of the proposed 2017 Scheme for Community Councils. We offer the following comments.

Section 6.1 DLCC recognises that the voting age in Scotland is now 16 yrs. We also note that to be eligible to be elected to The Moray Council, Holyrood Parliament or the Westminster Parliament the minimum age limit is retained at 18 yrs.

At 16 yrs. the young person is still at school and has many commitments such as homework, exam study and other possible outside interests. Should this young person be an elected member of the CC then they would be liable to miss many meetings with the CC being at risk of not being quorate on a regular basis. On becoming 18 yrs. the member would be likely to leave the area to attend university, so be a CC member for less than two years.

(to give an actual example: DLCC has a youth member who, in addition to homework and exam study undertook his Duke of Edinburgh Award. During the early part of his membership DLCC were supportive of his frequent absences and recognised that these activities needed to take priority. Since the autumn of 2016 this person has been a regular attender and is an asset to the CC whereas his earlier absences would have been a liability to our small CC. In October 2017 he will leave to attend university)

DLCC believes that the elevation of 16 year olds to full elected membership of CCs is a wrong move and recommends that the role of Youth Representative be retained and the minimum age for elected member stay at 18 yrs.

Section 6.3 In general DLCC supports the principle that a CC member should reside within the CC boundary. On very rare occasions it should be possible for someone out with the CC boundary to nominate themselves for election to a CC.

(examples might include a very active Church Elder who lives just over the boundary from the church or a long-time resident who has moved just beyond the boundary. Similarly with strong connection to the CC area and is just having a home built there.)

Section 9.3 The role of Youth Member is a very valuable one and should be retained. A Youth Member has less responsibility than a full elected Member and so the role is more likely to draw a younger person to our CCs.

Appendix 2

7 The way that the revised Scheme is written a Community Councillor is not deemed to have resigned until the person puts this in writing. In most circumstances this good practice but what happens if a member walks out in anger and refuses to have anything else to do with that CC? If the member has not properly resigned then they are still a member and no-one else can be appointed in their place. DLCC would suggest that if the resignation is witnessed by the rest of the attending members of the CC, and no letter is forthcoming, then this is enough for the resignation to be accepted.

9 Retain “and Youth Members.....”

Thank you for allowing this consultation and Dyke Landward Community Council hopes that The Moray Council will find value in our comments.

Yours faithfully

David Shaw

Secretary, Dyke Landward Community Council

INDIVIDUAL – MR BOB GRAHAM

Email received 6 March 2017

Further to our telephone conversation I am writing to express concerns about certain aspects of the “Scheme”. Although I am a committee member of the Inchberry District Community Association (IDCA) I am writing this letter as an individual.

Most of my experience with CC’s has been as a result of having a static caravan at Findhorn Sands Caravan Park. My family and I spend 7 months of the year in Findhorn and have been doing so for the past 45 years. Findhorn (FKCC) highlights many of the issues that I have serious concerns about, cronyism, nepotism, verbal bullying and vested interests are just some of them.

One of the problems in Findhorn is the fact that there are so many different committees, FKCC, FBLNR, Dunes Trust, Findhorn Village Conservation Company, to name but a few. While I am acutely aware of the problem of getting good (seemingly not always a qualification) people to sit on these committees there are individuals who sit on at least 2, if not 3 of them. There are frequently overlapping interests both economically and politically, this results in situations where members who should declare “interests” - DON’T! Which brings me to my first recommendation

1) Individuals may not sit on the committee of a CC if they already sit on other committees in the same community where there exists, or where there is likely to exist, a conflict of interest.

I note that there is a recommendation that Chairpersons of CC’s should have the right to expel disruptive members of the public from meetings. There are several aspects of this that need further discussion. The most obvious one is that nearly all of the committee meetings are held in public buildings where the committee has no legal standing, therefore could not remove any individuals who they deem to be disruptive. Secondly, how can a chairperson decide what is disruptive in a fair and equitable manner. For example I have been shouted at and told to sit down and shut up by committee members, just because I was challenging an individual regarding their conduct. This really is a nest of vipers with no real answer. Certainly giving a chairperson any further disciplinary authority is a non-starter, because frequently he or she may be the source of the problem. My second recommendation is that

2) The Code of Conduct for CC’s is mandatory, and there needs to be proper enforcement.

Many of the problems that arise at the FKCC meetings are because they allow the public to speak prior to the main business of the meeting. Once the committee meeting is under way the public are not allowed to speak. Every other committee that I have had experience with allows the public to take part under the AOCB principal, at the very end of the meeting. I am convinced that the Findhorn “Cabal” have arranged this deliberately to prevent any opposing discussion or controversy.

Members of the public have to wait many weeks until the next meeting before they can ask any questions. So my third recommendation is that

3) *At all CC committee meetings members of the public should be allowed to speak at the end of each meeting.*

My fourth and final recommendation is that

4) *“Minute taking” at CC meetings should be specific, accurate and should reflect what has actually taken place, and not solely be at the discretion of the Chairperson.*

Yours sincerely

Bob Graham

ADDRESS AND CONTACT DETAILS REDACTED