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**Review of Scheme for Establishment of Community Councils – Short life Working Group**

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**1.0 EXECUTIVE SUMMARY**

This report follows on from the work of the Short Life Working Group (SLWG) established in January 2013 to review the Scheme for the Establishment of Community Councils. The group submitted recommendations to Council in June 2013 and a new scheme was agreed which provided the basis for the Community Council Elections in October 2013. Council also agreed to continue the life of the SLWG to investigate and further make recommendations relating to the extension of the electoral franchise for 16-17 year olds.

This report sets out the current position with regards to extension of the electoral franchise and in light of this Council is requested to consider if there is a requirement to continue the SLWG to further consider this matter.

The report outlines the current position on the extension of the electoral franchise to 16-17 year olds; it confirms that the register compiled for the Scottish referendum was legally restricted for that purpose only, clarifies the additional administration and resource requirements necessary to compile and maintain an extended electoral register and notes the feedback from other Councils who have adopted this approach with limited uptake. It also outlines the arrangements within the current Scheme to encourage greater participation by younger people. The most recent developments following upon the Smith Commission is that it is likely that legislation will be enacted to provide for 16/17 year olds to vote in Scottish Parliament and Council elections from a date yet to be determined.

In addition members should be aware of the impending Boundary Commission Review which may have an impact on the ward boundaries for the Council area and the likely requirement therefore to undertake a significant review of Community Council boundaries in 2017.

The report also invites members to note a recent request from Arrochar and Tarbet Community Council regarding proposals to change their name to include reference to Ardlui. As the request would require an interim review of the Scheme for the Establishment of Community Councils, and in view of the fact that this proposal was not put forward as part of the extensive review of the Scheme in 2013, the request should be rejected at this time but the Council may wish to give an undertaking to consult on the proposed name change as part of the 2017 review on the proviso that the forthcoming Boundary Commission Review does not affect the current Arrochar and Tarbet Community Council boundary.

It is advised that there is a logic to recognising the dependencies between new legislation on franchise, the review of boundaries and the consequent need to review the Scheme.

In light of the information provided within this report it requests Council to reconsider the requirement to continue the work of the SLWG, agree to the recommendation not to extend the electoral franchise for Community Council Elections at this time but to give effect to it, from and after the next review of the Scheme in 2017 and to note the request from Arrochar and Tarbet Community Council but to take no action on the proposals at this time.

23 April 2015

CUSTOMER SERVICES

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**2.0 INTRODUCTION**

- 2.1 This report follows on from the work of the Short Life Working Group (SLWG) established in January 2013 to review the Scheme for the Establishment of Community Councils. The group submitted recommendations to Council in June 2013 and a new scheme was agreed which provided the basis for the Community Council Elections in October 2013. Council also agreed to continue the life of the SLWG to to investigate and further make recommendations relating to the extension of the electoral franchise for 16-17 year olds.
- 2.2 This report sets out the current position with regards to extension of the electoral franchise and in light of this Council is requested to consider if there is a requirement to continue the SLWG to further consider this matter.
- 2.3 In addition, the report request that Members consider proposals from Arrochar and Tarbet Community Council to change the name of the Community Council to Arrochar, Tarbet and Ardlui Community Council.

**3.0 RECOMMENDATIONS**

- 3.1 It is recommended that Council:
- (a) Note the current position on the extension of the electoral franchise to 16-17 year olds and the feedback from other Councils.
  - (b) Agree that in light of the information provided within this report there is no further requirement to continue the work of the SLWG.
  - (c) Agree the recommendation not to extend the electoral franchise for Community Council Elections at this time but to give effect to it from and after the next review of the Scheme in 2017; to have effect at the next full election.
  - (d) Note the request from Arrochar and Tarbet Community Council to change the name of the Community Council and to agree to consult on this at the next scheduled review providing there are no changes to their current boundary from the impending Boundary Commission Review.

## **4.0 DETAIL**

- 4.1 In June 2013 the Council considered a report by the Short Life Working Group on the Review of Community Councils with regard to updating the Scheme as required and to ensure that it continued to underpin and support effective working arrangements. Council approved the revised Scheme for the Establishment of Community Councils 2013 and also endorsed in principle the intention to work towards the incorporation of 16-17 year olds within the electoral franchise for community councils. It therefore agreed to the continuation of the SLWG to investigate and further make recommendations relating to the extension of the electoral franchise for 16-17 year olds.
- 4.2 Since this period the Council has conducted Community Council Elections which have resulted in all 56 Community Councils being established. The current minimum age at which a person is entitled to stand for election, be elected, or be a member of a Community Council is 18 and although the review consultation process highlighted the desire for a wider spread of age and greater youth participation in the Community Councils there was no formal request to extend this to 16-17 year olds.
- 4.3 Under current legislation, a person must be 18 or over to vote in a General, European or Local Government election. There have been calls for a change in the law and reports on voting age by the Electoral Commission and the Power Commission in 2004 and 2006 respectively and in 2008 the Youth Citizenship Commission published a consultation paper seeking views on whether the voting age should be lowered to 16. There has since been a recommendation from the Smith commission on this matter.
- 4.4 The memorandum of agreement between the UK Government and the Scottish Government on a referendum on independence for Scotland made provision for a Section 30 Order which enabled the Scottish Parliament to legislate for the referendum. The Bill set out the franchise and both governments agreed that all those entitled to vote in Scottish Parliamentary and local government elections in Scotland should be able to vote in the referendum. The Scottish Government's consultation on the referendum had set out a proposal to extend the franchise to 16 and 17 year olds to vote; the memorandum of agreement stated that it would be for the Scottish Government to decide whether to extend the franchise.
- 4.5 The Act subsequently passed by the Scottish Parliament to extend the franchise to 16-17 year olds made provision for a separate electoral register for young voters. Each Electoral Registration Officer in Scotland was required to create and maintain a Register of Young Voters (RYV) and a form was sent out to households to ascertain whether anyone resident there was eligible to be on the RYV. The information was restricted, not published until specifically needed and only "merged" with the Local Government Register a short time before the information was needed for Poll Cards etc. The Polling list used for the Referendum was destroyed shortly after the date of the Referendum. The register had been assembled in such a manner as to prevent even the Returning Officer or her staff being able to identify young voters from the face of the register.
- 4.6 A key consideration therefore in considering an extension of the electoral franchise to 16-17 years olds is to recognize the outcome of the Smith Commission and the likely alteration in voting age for Scottish Parliament and Local Government elections although the effective date for this is not finally

settled. This would mean that the additional independent work to try and establish a register of 16/17 year olds would not fall upon the Council directly and would also resolve issues of data protection for young voters. West Dunbartonshire Council have recently undertaken this piece of work and have indicated that there is a significant workload associated with this process when it is done by a Council and not the ERO.

4.7 Information gathered to date from other Councils has identified 13 Councils where 16-17 year olds are allowed to stand as a Community Councillor and to vote.

- West Dunbartonshire
- Glasgow
- Renfrewshire
- East Ayrshire
- Stirling
- Clackmannanshire
- Highland
- North Lanarkshire
- Angus
- Dundee
- East Renfrewshire
- Edinburgh
- Fife

Not all the Councils have provided feedback as yet however West Dunbartonshire, Renfrewshire and East Ayrshire have indicated that there has been no interest expressed in standing as a Community Councillor nor has there been any requirement to run an election. Glasgow and Stirling Councils have indicated they have had one or two 16/17 years old take up a seat. Evidence suggests that an extension of the electoral franchise has therefore not necessarily encouraged greater participation by young people in Community Councils. Indeed anecdotal evidence from our own Community Councils is that there are few young adults in their 20's for instance who seek election to community councils despite being eligible to do so.

4.8 It should be noted that the revisions to the Argyll and Bute Council Scheme in 2013 made provision for greater participation by young people. Section 7 of the Scheme states:

*A community council may seek information or advice from any person who may have particular skills or knowledge relating to an issue which the community council is considering. A summary of the information or advice provided by such person will be recorded in the minutes of the meeting, and the final decision on any such issue will be taken only by the elected members of the community council.*

*Community councils are encouraged to use this facility to encourage younger people between the ages of 16-18 to engage with community council decisions and also encourage more interaction between community councils, schools and youth groups. Community councils will be required to make an annual return to the council highlighting actions they have taken in this regard, to facilitate on-going support and development.*

- 4.9 The Council also needs to recognise that the proposals from the Boundary Commission review will have an impact on the Community Council boundaries and in either case i.e. change of franchise or change of boundaries there would need to be a full review of the scheme to effect any change. There is a logic and efficiency in undertaking any changes during one review process only and that would therefore mitigate towards a review in 2017 to consult on change in franchise and any changes to boundaries to allow for elections to be held in the autumn of 2017 under any new boundaries and extended franchise.
- 4.10 The Council has also received a request from Arrochar and Tarbet Community Council to change the name from the current detail to include Ardlui on the basis that recent experience with the A82 pulpit rock issues suggests that there is a lack of understanding that the Community Council covers that area. It would require a change to the current Scheme to alter the name and this would require a full consultation and therefore for the reasons already detailed in respect of the franchise/boundary review issue it is proposed that any change of name should be consulted upon at the next scheduled review.

## **5.0 CONCLUSION**

- 5.1 It is evident that there would be some considerable complexities in extending the electoral franchise for community council elections at this time and in view of the legislative proposals likely to give effect to such a change in the near future and the interdependency of the boundary commission review and its possible impact on ward (and therefore possibly Community Council) boundaries there is a strong argument for the next review in early 2017 to be the vehicle to consult on and introduce a range of changes .
- 5.2 It would appear that there is limited value in re-establishing a SLWG to consider this matter further as much of the information is already available to Members therefore the recommendation is that this is a matter for Council to determine on how best to address the issue of the extension of the electoral franchise to 16-17 year olds in Community Council Elections. In light of the information provided the recommendation from Officers is not to extend the electoral franchise for Community Council Elections at this time but to include proposals to do so in the next scheduled review in early 2017. If members are minded to undertake the process prior to that date then an exercise to identify the costs of doing so should be presented to a future meeting.

## **6.0 IMPLICATIONS**

- 6.1 Policy - Potential impact on Scheme for Establishment of Community Councils.
- 6.2 Financial - resourcing costs associated with maintenance of separate electoral roll, and the possibility of multiple scheme reviews in a short period.
- 6.3 Legal -None
- 6.4 HR - Additional staffing input required to support maintenance of separate electoral roll if work undertaken before legislative change .
- 6.5 Equalities - none

- 6.6 Risk – risk associated with additional workload for election team and maintenance of accurate election roll.
- 6.7 Customer Service - none

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**APPENDICES - None**