

**PROPOSED DEPARTURE TO THE SCHEME FOR THE ESTABLISHMENT OF
COMMUNITY COUNCILS REGARDING CO-OPTION**

1.0 EXECUTIVE SUMMARY

The report seeks to address the potential for our community councils to become inquorate due to a rule within the current Scheme for the Establishment of Community Councils which prevents the period for co-opted members to remain community councillors after a period of 6 months.

The rule states “Co-opted members may serve for a maximum of 6 months or until the next round of by-elections, whichever is sooner, at which point they will require to stand for election or step down from the role” The result of this will be that those co-opted in April, May or June 2017, will cease to be community councillors in October, November and December 2017. This will leave one community council inquorate and others only just quorate.

There are 2 ways to address this, the first that the Council runs an Autumn by-election to ratify co-option and to fill any vacancies which may have arisen since the opportunity earlier this year to co-opt. The second suggestion is that the Council do not enforce the 6 month time limit on co-option which will have the benefit of allowing this year’s co-optees a slightly longer period of time to decide whether they’d like to stand in the full elections taking place next year. To satisfy Section 53 of the Local Government (Scotland) Act 1973 which prevents amendments to the scheme which have not be subject to consultation, a consultation with community councils based on these 2 options has been carried out with the result being used to inform the recommendation to amend the Scheme by removing the time restriction on co-optees.

**PROPOSED DEPARTURE TO THE SCHEME FOR THE ESTABLISHMENT OF
COMMUNITY COUNCILS REGARDING CO-OPTION**

2.0 INTRODUCTION

- 2.1 This report raises an issue regarding the membership of our Community Councils following the decision to extend the current Scheme for the Establishment of Community Councils (the Scheme).

3.0 RECOMMENDATIONS

- 3.1 That the Council agree to amend the current Scheme to dispense with the requirement within the current Scheme which restricts co-opted community councilors from serving a term of more than 6 months to enable those co-opted to remain community councillors for the extended period of the current Scheme.

4.0 DETAIL

- 4.1 The current Scheme provides community councils with 2 opportunities per annum to increase their membership. The first opportunity is between 1st April and 30th June when members may be co-opted at the AGM and the second is at the annual by-election, normally held in October.
- 4.2 The Scheme states that “Co-opted members may serve for a maximum of 6 months or until the next round of by-elections, whichever is sooner, at which point they will require to stand for election or step down from the role” This is a locally agreed rule and does not reflect the model National Scheme which has no such limitation.
- 4.3 The effect of the Council decision on 18 May 2017 to continue the Scheme will mean that full elections must be held in Spring 2018 and as such, the cost in running a by-election so close to full elections may not be the best use of resources. However, without a by-election there would be no opportunity to ratify co-option, any member co-opted this year will cease to be a community councillor between October and December 2017.
- 4.4 There are 2 ways to tackle this issue and ensure that our community councils are best placed to continue to represent their communities for the period of the extended Scheme. The first is hold 2 electoral

processes within a period of roughly 6 months, the second is to amend the current Scheme to allow the co-opted members to continue for the remaining duration of the Scheme.

- 4.5 A consultation has been conducted with community councils to establish their preferences in terms of either holding a by-election or seeking an amendment to the current Scheme. Twenty six responses have been received as of the date of this report, broken down as follows:

In favour of amending the Scheme - 21

In favour of a by-election - 1

No requirement for a by-election and/or no co-optees affected - 4

5.0 CONCLUSION

- 5.1 Adhering to the current provision regarding co-option will mean that community council membership will decline, with no further opportunities to increase membership prior to an amended Scheme being introduced in Spring 2018. The Council should seek to address this to ensure that community councils are best placed to represent their communities until a new Scheme comes into effect in 2018 by endorsing the recommendation which is based upon views obtained from community councils.

6.0 IMPLICATIONS

- 6.1 Policy – The proposal recommended for approval would depart from the policy pertaining to community councils and as such, only the Council has the power to approve.
- 6.2 Financial – None
- 6.3 Legal – The proposal to amend suggests a pragmatic solution to address a temporary issue that could impact on membership levels
- 6.4 HR – None
- 6.5 Equalities – None
- 6.6 Risk – There is one community council which will become inquorate without amending the Scheme.
- 6.7 Customer Service – in agreeing to either of the proposal it is less likely that our community councils will become inquorate and unable to represent community views in the final months of the Scheme.

Douglas Hendry
Executive Director of Customer Services

Policy Leads – Councillors Robin Currie and Rory Colville
18 September 2017

For further information contact: Melissa Stewart, Area Governance Officer, Kilmory, Lochgilphead (Tel. No. 01546 604331)