

Review of the Moray Scheme of Establishment for Community Councils

Overview of Proposed Amendments

General

- Removal of the use of 'Local Authority' and replace with Moray Council throughout
- Replace the full use of the Scheme of Establishment of Community Councils with 'Scheme' throughout
- All sections now with numbered paragraphs throughout to aid reference
- References to MEPs removed

Foreword

Renamed 'Introduction' with additional introductory wording inserted

Section 2 – Establishment of Community Councils under the Scheme

- 2.3 Wording amendment to be consistent with wording in section 10.1

Section 4 - Role and Responsibilities of Community Councils

- 4.2 – insertion of the words communities to reflect that some community councils reflect a number of communities across a large area, insertion of reference to national standards of community engagement
- 4.37 insertion of wording for clarity over the approval of constitutions
- 4.41a /4.41b splitting of the first former clause into two, removal of reference to community council members, for data protection reasons, and reference made to the use of social media.
- 4.41d reference made to national standards of community engagement
- 4.41g insertion of reference to the Moray Community Councils Protection of Children & Vulnerable Adults Policy
- 4.41j additional clause relating to training

Section 6 – Membership of community councils

- 6.2 Restructuring of wording in clause to the same effect to reflect practice in electoral materials
- 6.6 and 6.7 – new clauses relating to supporting a community council unable to meet the minimum membership as set out in Appendix 1 and steps thereafter

Section 7 – Scheme of electoral arrangement

- 7.1 Additional wording for clarity defining the Returning Officer as appointed by Moray Council

Section 8 - Filling of casual places/vacancies between elections

- 8.1a and 8.1d - Additional wording for clarity
- 8.2.4 Minor wording change
- 8.2.6 as per consultation comments, requests to reduce the co-option to full member timing from 12 to 6 months

Section 10 – Term of Office

- 10.4 Minor wording amendment

Section 11 – Equalities and Inclusion

- 11.3 Updated wording

Section 12 - Disqualification of Nomination or Membership

- 12.1 and 12.2 Additional wording to clarify process of terminating membership
- 12.3 Additional wording to clarify process of granting leave of absence

Section 13 – Meeting Location and Frequency

- 13.2.1 Additional clause allow for remote meetings

Appendix 1 - Community Council names, membership numbers, sub-divisions and area description

- Amendments to reflect polling district code changes and boundary amendments following polling place and district review
- Proposed minor amendments of the boundary between Findhorn and Kinloss Community Council and Heldon Community Council to take an area into Findhorn and Kinloss Community Council at Upper Hempriggs

Appendix 2 – Model Constitution

- Minor formatting changes throughout for consistency
- Clause 10 – additional wording to allow the determination of term of office for office bearers by the Community Council
- Clause 12d – additional wording for clarity
- New Clause 12e to allow for the holding of remote meetings
- Clause 15a – addition of a cross reference with the scheme
- Clause 17 – addition of wording consistent with that agreed for some community councils during the last term that took title to property and amended their constitutions accordingly, now provided as a model.

- Clause 19 – minor amendments to the clauses relating to dissolution to reflect additional new clauses in the Scheme (6.6/6.7) in formally supporting Community Councils who are not achieving minimum membership.

Appendix 3 – Standing Orders

- Clause 1c and 4i addition of a clause for the holding of remote meetings
- Clause 5a/5b splitting of a clause into two clauses relating to the order of debate and reference to the Unacceptable actions policy inserted
- Clause 6c – inserted clause relating to procedure for voting during remote meetings.

Review of the Scheme of Electoral Arrangements for Community Councils

November 2020

Overview of Proposed Amendments

Section 1 – Returning Officer

- 1.6 Addition of clause to allow outsourcing of printing and other functions relating to the delivery of the election, e.g. in relation to the printing of postal votes, should large volumes be required for example
- 1.8 Moved clause from Section 11, with regards to omission, act or remedy (standard election clause in other major elections)

Section 2 – Election Timetable

- Changes to the wording for the time to submit nominations to standardise with other major elections.
- Change to the time from 5pm to 4pm for the application for a lost postal vote, to standardise with the other times within the election timetable
- Change to wording around the timing of the count for clarity

Section 3 – Requirement for Secrecy

- Moved from section 14, as the natural order and administration of elections
- All sections thereafter renumbered

Section 4 – Electoral Registration and the Electoral Register

- Change to section title
- Relocated section from later in the scheme

Section 5 – Publicity, Awareness & Guidance

- Change to section title
- 5.1 - minor wording change to same effect
- 5.2 – wording addition to allow the Community Council to disseminate and provide awareness to the community in their area about the election.
- 5.3 – changes to wording consistent with other elections

6 – Notices

- Change to section title to allow for clauses about all types of notices published during election
- 6.1 – move of clause within section

- 6.2 – Notice of Election expansion of clause for detail and addition of content to notice for information to the voter
- 6.2 - minor wording change to same effect

7 – Eligibility and Nominations

- Change of section title
- Removal of former clause 6.1 – superfluous
- 7.1 Moved from section 6
- 7.2 moved from section 6, removal of wording relating to MEP’s due to withdrawal from the EU
- Reordering of paragraphs thereafter
- 7.4 additional wording to ensure appropriate format of nomination forms are used during process
- 7.6 – Addition of words relating to the age of the witness following repeated enquiries during previous election
- 7.9 – additional wording for clarity
- 7. 11 – Additional and change of wording for clarity
- 7.15 – Additional wording for clarity and on the same terms as other elections documents

8 – Candidates’ Personal Statements

- 8.1 – change to wording to give the election timetable over-riding primacy
- 8.4 – minor change of wording to the same effect
- 8.5 – 8.8 – reordering of paragraphs for natural administrative order

9 – Unsuccessful Elections

- 9.1 – change of wording to reflect minimum membership number giving CC scheme primacy
- 9.3 – change in term from 6 month to 12 month to allow time to gather local interest to successfully form preventing repeated unsuccessful elections

10 – Contested Elections & Uncontested Elections

- 10.2.2 – change of wording to reflect minimum membership number giving CC scheme primacy

12 – The Poll & Ballot Papers

- 12.1 changes to wording for clarity
- 12.2 new clause to allow the method of casting a vote to be amended or combined if required. This would be pertinent should national or local circumstances such as

public health or pandemic concerns and also to allow for large scale elections to be delivered in such circumstances.

- 12.3 relates to 12.2 – information to be further contained in notices
- 12.4 change in wording relating to new clause in 12.2
- Deletion of former clause 11.3 in relation to the new clause 12.2
- 12.6 – reordering of words for administrative clarity but to the same effect.
- 12.8 – change of wording for gender neutrality
- 12.9 – change of wording to give the elections timetable the over-riding primacy
- 12.10 – additional wording for clarity
- Removal of former clause 11.10 to section 1

13 – Counting of Votes

- 13.2 - Change of wording for gender neutrality and clarity
- 13.5 - Change of wording for gender neutrality

Former Section 13 relocated to renumbered Section 3.

Section 16 – Declaration of Results

- 16.3 – Minor change in wording to reflect changing methods of communication for speed of information dissemination.

Section 17 - Post Election

- Additional two clauses to allow a Returning Officer to, following investigation, deem a contest null and void and rerun the election if required.

17 December 2020