

The Highland Council
Highland Council 25 June 2015

Agenda Item	16(i)
Report No	HC/26/15

Highland Community Council Scheme Amendments June 2015

Report by Head of Policy and Reform

Summary

The report provides Members with an update on topical issues for Community Councils including Community Council elections in November 2015. It asks for approval to amend certain aspects of the Scheme and proposes that the next full review of the Scheme does not begin until after May 2017 to allow new Community Councils an opportunity to settle in and to contribute to the discussions on their role in strengthening local democracy, with some new arrangements tested in some areas.

1. Background

- 1.1 Community Councils were formed under the 1973 Local Government (Scotland) Act and provision was also contained for their continuation under the 1994 Local Government (Scotland) Act. Each Local Authority creates a Scheme for Community Councils which provides the framework for their operation. There is provision within the legislation for making minor amendments, reviewing and revoking a Community Council Scheme. Advice from Legal Services is that any changes must be considered and approved by a full meeting of the Council and cannot be delegated to an alternative committee e.g. an Area Committee.
- 1.2 The Council's own Community Council Scheme allows for minor amendments to be made annually at the June meeting of the Council. This report provides an update on topical issues for Community Councils and identifies where changes to the Scheme are needed or would be beneficial.
- 1.3 The Highland Community Council Scheme of Establishment came into force in April 2011, with the first elections held under the new Scheme in November 2011. Since then, a review was undertaken on the operation of the Scheme, and minor amendments made by the Council in June 2013.

2. Community Council elections 2015

- 2.1 Elections to all Community Councils in Highland are held on a four yearly basis. The next pan-Highland elections are scheduled for November 2015.

2.2 The process for publicising the election will begin in mid-August with the Notice of Election being published on the Council's web-site on 21 September 2015. A ballot will be held from Tuesday, 25 October to Wednesday, 18 November 2015 for any Community Councils that are contested.

2.3 All Community Councillors are required to stand down for this election but are welcome to stand again. Community Councils will continue to operate until 23.59 the night before the ballot concludes (17 November 2015).

2.4 A report on the strategies for promoting the election, in general and specially amongst 16 and 17 year olds who are allowed to stand and vote, will be taken to the September meeting of the Community Safety, Public Engagement and Equalities Committee.

3. Strengthening Local Democracy and the alignment with the Scheme

3.1 As Members are considering how to strengthen local democracy this involves deliberation on the role for Community Councils. The Council has agreed for several experiments of localism to be tried between now and April 2017. In areas where new arrangements are to be tested it would be helpful if the Scheme can enable Community Councils to participate in any new arrangements affecting them. To enable this it is recommended that paragraph 14.3 of the Community Council Scheme which indicates that *minor amendments....would be considered annually at the Council meeting in June*, is removed to allow changes to be considered at any meeting of the Council.

4. Amending the Scheme to reflect population changes

4.1 One key element within the Scheme is the formula which dictates the size of individual Community Councils. The formula is based upon population and population density as a proxy for rurality. Each Community Council has a core membership of 7 with an additional member per 1000 of population but also an additional member should their population density be lower than the Highland average. The formula was designed to take into account the larger number of Community Councillors required for a Community Council with a large population but also recognising that often rural Community Councils are covering large geographical areas.

4.2 The current membership formula was calculated using the 2010 mid-year population estimates, the most recent population estimates available at the time the Scheme was approved. Since then, the 2011 Census has taken place and further mid-year population estimates made. Members will be aware that the 2011 Census demonstrated that there had been a significant increase in the Highland population. It is therefore recommended that Community Council populations are updated to reflect this.

4.3 Updating Community Council populations based on the 2013 mid-year

population estimates would have the following implications.

- 7 would receive an additional Community Councillor due to the increase in their population.
- 2 would receive an additional Community Councillor due to the decrease in their population resulting in a lower population density than the Highland average of 9.1 (persons per sq km).
- 2 (Kyleakin and Strathpeffer) would lose a Community Councillor, reducing from a membership of 8-7 and 9-8 respectively, because their increase in population no longer means that they have a low population density.

Details of the Community Councils impacted can be found at Appendix 1.

4.4 Should Members agree to updating these populations, current membership levels would remain until the 2015 Election.

5. Overall Scheme Review

5.1 There have been a small number of enquires, from Community Councils and Members, when the next overall review of the Community Council Scheme will take place. Concerns have been expressed about declining numbers of Community Councillors in some communities, or that membership levels are not high enough. Members have also expressed concerns about the sustainability of Community Councils in some areas as part of the discussions on strengthening local democracy.

5.2 Members will recall that the process prescribed in legislation for reviewing any Scheme. This involves a number of steps, including a minimum of two 12-week periods of public consultation; therefore it is not possible to do this in advance of the elections this year. In addition, given the discussions underway on strengthening local democracy and the proposal to amend the Scheme to allow some changes to be considered at any future meeting to support local experiments, it is proposed that an overall review does not commence before May 2017.

5.3 Depending on local discussions some new arrangements may be proposed for the Council meeting in September and in advance of the elections. All new Community Councils would be able to settle in and contribute to the discussions on their role in strengthening local democracy with further opportunity to experiment by 2017.

6. Conclusions

6.1 Members are asked to amend the Highland Community Council Scheme of Establishment as follows:

- Remove section 14.3 of the Community Council Scheme to enable

amendments to the Scheme to be taken to any meeting of the Highland Council, within the context of the strengthening local democracy approach.

- Amending all populations and population density as set out in Appendix 1 of the Highland Community Council Scheme. This would have the impact as outlined in paragraph 2.4 above.
- Amend paragraph 5.1 of the Scheme to reflect: amended populations from **November 2015**; the change in population density in Highland to **9.1 residents per square km** and that the population figures are updated in **June 2015**.
- That existing membership levels will continue until the November 2015 election.
- Should Members approve the following 2 reports on mergers affecting Inverness and Nairn Community Councils, that the Scheme also be amended to reflect the updated populations of these new Community Councils as follows:
 - Inverness Central Crown a membership of 13 OR Inverness Central Park a membership of 10.
 - Nairn Suburban West a membership of 11.

7. Implications

7.1 Legal and risk Implications:

Members are asked to agree the amendment as per the provisions contained within the 1973 Local Government (Scotland) Act and within Highland's own Scheme of Establishment for Community Councils.

7.2 Equalities Implications:

The arrangements to promote the involvement of 16 and 17 year olds in Community Councils will help us to meet our equality duties.

7.3 Climate Change/ Carbon CLEVER Implications:

There are no Climate Change/Carbon Clever Implications.

7.4 Gaelic Implications:

There are no Gaelic implications

7.5 Rural Implications:

There are no rural implications.

8. Recommendations

8.1 Members are asked to note that elections will take place for all Community Councils this year with the process beginning in August 2015.

8.2 Members are asked to agree to:

- amending the Highland Community Council Scheme of Establishment as outlined at section 6.1, which includes removing section 14.3 of the Scheme and updating populations and corresponding changes in membership formula; and
- That an overall review of the Community Council Scheme does not commence before May 2017 to enable new Councils to settle in and contribute to the discussions their role in strengthening local democracy, with some new arrangements tested in some areas over the next two years.

Designation: Head of Policy and Reform

Date: 1 June 2015

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Community Council Membership Changes***Increase in membership due to increase in population***

Community Council	Membership Change
Alness	12 – 13
Caol	9 – 10
Ferintosh	8 – 9
Inverness South	11 – 13
Nairn River	11 – 12
Nethy Bridge	8 – 9
Tain	10 – 11

Increase in membership due to falling population density*(i.e. population density has fallen below 9.1)*

Community Council	Membership Change
Dunnet	8 – 9
Lochalsh	7 – 8

Decrease in membership due to increasing population density*(i.e. population density has increased above 9.1)*

Community Council	Membership Change
Kyleakin	8 – 7
Strathpeffer	9 – 8