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## NORTH AYRSHIRE COUNCIL

17 February 2020

### North Ayrshire Council

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**Title:** Operation of Community Councils during COVID-19

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**Purpose:** The report makes recommendations in respect of the application of some provisions within the Scheme for the Establishment of Community Councils during the current COVID-19 pandemic.

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**Recommendation:** That the Council agrees as follows:

- (a) in terms of community council elections, (i) that the 'ordinary' elections for Arran, Cumbrae, Dalry, Fairlie, Irvine, Kilbirnie & Glengarnock, Kilwinning, Largs, Skelmorlie and West Kilbride which were rescheduled to take place in Spring 2021, are further postponed until September/October/November 2021, (ii) to note that the existing 'ordinary' election arrangements for Beith & District, Saltcoats in Autumn 2021 and Stevenston Community Council in 2022 remain in place and (iii) that, in the event of a request from 20 electors to establish a community council in Ardrossan, Dreghorn, Girdle Toll & Bourtreehill or Springside, no action be taken prior to November 2021;
  - (b) that, in respect of any ordinary elections in 2021, authority be delegated to officers to make such adjustments to the election procedures set out in the Scheme as might be required in light of COVID-19;
  - (c) the term of office of existing community councils and their members which would otherwise have come to an end on 30 April 2021 in terms of the previous Emergency Governance decision, be extended until 30 November 2021 (or effectively until the postponed ordinary elections have taken place);
  - (d) in the interim, whilst community councils may meet on a remote basis, they are not required to do so, nor are they subject to the usual requirement to meet at least six times per year, and any decisions which community councils require to take during this period may be taken remotely
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via consultation with their members, including decisions relating to the appointment of new members; and

- (e) the Council will not exercise the power to dissolve a community council during this period.
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## **1. Executive Summary**

- 1.1 As a result of the developing COVID-19 pandemic, the decision was taken in April 2020 under Emergency Governance arrangements to suspend until 30 April 2021 those provisions within the Scheme for the Establishment of Community Councils which relate to the minimum number of meetings a community council would ordinarily require to hold over the course of a year and the minimum level of membership which would normally need to be maintained for a community council to remain active. In addition, a number of ordinary community council elections which would otherwise have taken place in Autumn 2020 were postponed until Spring 2021.
- 1.2 Given the ongoing impact of the pandemic, it is recommended that the elements of the Community Council Scheme mentioned above remain suspended until the end of November 2021 and that the ordinary elections originally postponed until Spring 2021 now take place in the Autumn (September/October/November) 2021 along with those ordinary elections already scheduled to be held at that time.

## **2. Background**

### Meetings and Membership

- 2.1 Paragraph 15 of the Scheme for the Establishment of Community Councils requires that community councils hold a minimum of six quorate meetings annually. Similarly, Annexe 1 to the Scheme sets the standard in terms of the minimum level of membership which must be maintained for a community council to remain viable. In terms of Paragraph 24 of the Scheme, where a community council's ordinary membership falls below the required minimum or where it fails to meet at least six times a year, the community council in question may be dissolved.
- 2.2 Although physical meetings cannot take place at the moment, the Scheme does not preclude community councils from meeting on a remote/virtual basis and, indeed, some are now doing so during the current COVID-19 restrictions. The circumstances of individual community councils and their members vary widely, however. While a great many are continuing to play an important role in supporting their communities during the pandemic, including as volunteers and key workers, formal meetings of the community council may not be considered feasible or a priority at this time. In recognition of this and of the challenges associated with filling any casual vacancies which might arise, it was agreed under Emergency Governance arrangements that:
- the term of office of existing community councils and their members which would otherwise have come to an end in 2020 be extended until 30 April 2021 (or effectively until ordinary elections take place);

- in the interim, community councils would not be subject to the requirement to meet at least six times per year and decisions which they required to take during this period could be taken remotely via consultation with their members, including the appointment of new members; and
- the Council would not exercise the power to dissolve a community council during this period.

## Community Council Elections

- 2.3 Paragraph 11 of the Scheme for the Establishment of Community Councils provides that, at the discretion of the Council, ordinary community council elections take place every four years, in September/October/November.
- 2.4 Arran, Cumbrae, Dalry, Fairlie, Irvine, Kilbirnie & Glengarnock, Kilwinning, Largs, Skelmorlie and West Kilbride Community Councils were originally due to hold their ordinary elections in Autumn 2020. In light of the COVID-19 pandemic, the decision was taken under Emergency Governance arrangements that these elections would be postponed until Spring 2021.
- 2.5 Ordinary elections for Beith & District and Saltcoats Community Councils are currently scheduled to take place in Autumn 2021. Stevenston Community Council will hold its next ordinary election in 2022.
- 2.6 Ardrossan, Dreghorn, Girdle Toll & Bourtreeside and Springside Community Councils are not currently active. In terms of paragraph 10 of the Scheme, on receipt of a request from 20 electors, Council would ordinary require to organise an initial election within 6 weeks.

## 3. Proposals

- 3.1 Clearly, the impact of the COVID-19 pandemic continues to be felt and associated restrictions are likely to remain in place for some time. It is recommended, therefore, that the Council continues to exercise its discretion to suspend those elements of the Community Council Scheme relating to membership, meetings and elections beyond the period originally agreed.
- 3.2 Given that some COVID-19 restrictions may still be in place in Autumn 2021, it is also recommended that officers are delegated authority, if required, to vary the election procedures set out in the Scheme, in order to allow the elections to be conducted safely, whilst respecting the integrity of the voting process.
- 3.3 The Council is, therefore, invited to agree as follows:

- (a) in terms of community council elections, (i) that the 'ordinary' elections for Arran, Cumbrae, Dalry, Fairlie, Irvine, Kilbirnie & Glengarnock, Kilwinning, Largs, Skelmorlie and West Kilbride which were rescheduled to take place in Spring 2021, are further postponed until September/October/November 2021, (ii) to note that the existing 'ordinary' election arrangements for Beith & District, Saltcoats in Autumn 2021 and Stevenston Community Council in 2022 remain in place and (iii) that, in the event of a request from 20 electors to establish a community council in Ardrossan, Dreghorn, Girdle Toll & Bourtreehill or Springside, no action be taken prior to November 2021;
- (b) that, in respect of any ordinary elections in 2021, authority be delegated to officers to make such adjustments to the election procedures set out in the Scheme as might be required in light of Covid-19;
- (c) the term of office of existing community councils and their members which would otherwise have come to an end on 30 April 2021 in terms of the previous Emergency Governance decision, be further extended until 30 November 2021 (effectively until the postponed ordinary elections have taken place);
- (d) in the interim, whilst community councils may meet on a remote basis, they are not required to do so, nor are they subject to the usual requirement to meet at least six times per year, and any decisions which community councils require to take during this period may be taken remotely via consultation with their members, including decisions relating to the appointment of new members; and
- (e) the Council will not exercise the power to dissolve a community council during this period.

#### **4. Implications/Socio-economic Duty**

##### **Financial**

- 4.1 None arising from the recommendations of the report. Administrative expenditure incurred by community councils continues to be met on a 'top up' basis following the usual audit of accounts. Costs associated with the administration of elections will be met at the appropriate time.

##### **Human Resources**

- 4.2 None arising from the recommendations of the report.

##### **Legal**

- 4.3 The Scheme for the Establishment of Community Councils provides the framework for the operation of community councils in North Ayrshire and includes the opportunity for the Council to apply a degree of discretion in terms of the application of its provisions.

### **Equality/Socio-economic**

4.4 There are no significant equalities, socio-economic or island-proofing impacts associated with the recommendations of the report.

### **Environmental and Sustainability**

4.5 None arising from the recommendations of the report.

### **Key Priorities**

4.6 None arising from the recommendations of the report.

### **Community Wealth Building**

4.7 None arising from the recommendations of the report.

## **5. Consultation**

5.1 The Council's Committee and Member Services team works closely with Connected Communities on matters relating to community councils. The recommendations set out in the report are intended to reflect the circumstances of community councils themselves and are also informed by the experience of the Community Council Liaison Officers group.

**Andrew Fraser**  
**Head of Democratic Services**

For further information please contact Melanie Anderson, Senior Manager (Committee and Member Services), on telephone number 07385 417274.

### **Background Papers**

The Scheme for the Establishment of Community Councils in North Ayrshire