

## **Review of Community Council Scheme Comments from second period of consultation 6 May – 31 May 2013**

I note my concerns regarding nominated members are not reflected in the proposed scheme.

I still object to the idea that nominated members need have no residency requirement and need not appear on the electoral role for the area served by the community council. I think it is vital that community councils represent physical areas and residents, and not interest groups, unless the interest group had some direct physical presence within the electoral area served by the community council and therefore contributed directly to it.

For example, [REDACTED] is a nominated member of Merchiston Community Council. He does not even live in Edinburgh. However that it quite acceptable to me because the local group he is representing, the Eric Liddell centre, is in the electoral area where it is an important community resource. It has a building and undertakes activities within our bounds.

But I have had applications from organisations like Changeworks to send a nominated member, and since this is a very vague organisation with no physical presence in our area, I would object to them sending a nominated member unless they could undertake to send someone who was also a resident in our bounds. This is because I perceive this to be a kind of political organisation which may not reflect the views of most residents on matters that are important to them. A similar organisation is Spokes. This is a lobbying organisation, and very powerful, but it represents only one sector of the community, which is occasionally in conflict with other sections of the community. If they had a workshop or something I would not object. But if they don't then I think they should send a member who is also a resident and on the electoral register.

I think this residential and physical criteria is a very important principle to establish, because local groups can be quite politicised. If they also have tenuous links with the area, that's a worry.

Please can you consider tightening up the eligibility criteria to require either residency of the member, or else a physical presence of the group, such as by having a building, workshop, meeting place, activities area, within the bounds of the community council area.

My reflections are theoretical. We currently do not have any non-residents members whose organisation is also non-resident. Some may think I am jumping the gun here. But I am thinking ahead to a possible scenario. And also to a scenario that might well exist in other parts of the city.

I hear stories about developers trying to influence community councils in this way, which is a real worry, since planning is probably the most important function community councils serve.

Thank you for the work on the draft scheme.

Having read it today, I fully support efforts to ensure that CCs are run properly across the city. The draft scheme, constitution and standing orders will help there to be confidence in active, transparent and representative CCs.

I am writing to express my support, in particular, of the changes to Portobello CC to 14 elected and 7 nominated roles.

I would like the following matter to be addressed in some way in the consultation if at all possible.

Like most things in life Community Councils are not immune to the fact that sometimes we can unfortunately have disagreements within the ranks of members within a Community Council ... we have unfortunately had one such disagreement which resulted in a member being reprimanded for his poor behaviours re breach of code in regard to comments made verbally, in writing and by email about other members of the Community Council ...

Our Community Council met I believe twice (members only meetings) the first meeting I believe to be in January 2012 to attempt to resolve all of the issues emanating from the issue and were met with what appeared to be a blank refusal of the individual member to attend these meetings, as I recall apologies being proffered on each occasion via a third party.

The result of that being that the individual member involved was found by the members to have breached the code of conduct, requested to desist and warned about his future conduct ... our community council believed that this would be the best way to avoid unnecessary embarrassment, move on and progress.

However the issue as I see it now given the date today and since that time, is that I believe that this individual community council member has only attended one or perhaps two meetings of the community council since the decision was taken on the matter, it is clear from comments made after this finding that he maintains his previously held ill feelings toward other members ... subsequently he has now moved into a process where he has apologies offered on his behalf on the night of the Community Council meeting by the same third party for every meeting!

This leaves us with a situation where we have one position in our Community Council being taken up by an individual who appears to have no intention of attending or participating in the meetings, one has to ask how this can be deemed as fulfilling the role we would all like to think is expected?

I believe that this area of the draft requires further review to attempt to resolve issues such as this.

At our meeting of Wednesday 15 May Grange/ Prestonfield Community Council discussed the current consultation on the Revised Scheme for CCs. We have the following comments:

1. We think the definition of an interest group, as supplied by EVOC, is satisfactory.
2. We recognise it is difficult to define what is meant by 'local' and therefore how well an interest group can 'represent the community'. For instance, a residents' association may span more than one CC area, as in our case with the Grange Association. We were mindful however that some city-wide interest groups may seek to be represented on a number of CCs across the city. We therefore recommend that no interest group may seek to be represented on more than three CCs.
3. We think the CC Scheme should include the criteria that appear on the application form for a local interest group.
4. We think that a CC should be informed by the CC Liaison Officer that an interest group has applied to join a CC - this obviously mostly applies between election periods. We should not just be informed after the event that an interest group has successfully applied and been appointed to our CC.
5. We considered whether we should be involved in deciding whether an interest group should be accepted. We thought however that this would leave us open to the temptation or accusation of being self-selecting. We therefore recommend that the decision whether an interest group should be accepted should be left to the CC Liaison Officer.
6. We think that the Nominated Member of an interest group must have an address within the CC to which they are nominated. This helps preserve the 'local interest'. This principle has consequences for various of the clauses in the Scheme and its appendices.
7. We note that it only becomes clear in the details about the meeting to select Nominated Members that Elected members can also attend and vote. We think this ought to be more explicitly stated elsewhere in the Scheme.
8. On disqualification of membership, we note that if a Nominated Member does not conform to the 6-month rule then their membership will automatically be revoked. We recommend that if this rule is applied, that the local interest group should also be struck off the list of members; i.e they cannot resurrect their membership with a new Nominated Member.

<p>What follows are my personal considerations and not something we discussed as a CC. Re Point 7 above on the meeting to elect Nominated Members; if Elected Members can attend and vote, can the process also not be accused of being self-selective (see Point 5)? Is there a reason, apart from the administrative costs, why, if an election is required, local interest groups could not be elected in a general ballot by all residents? In one of the few cases of a contested election, in Craigmillar, I think residents would have welcomed this opportunity. Indeed it was the opportunity to subvert the process of the election of local interest groups that led to the ongoing saga of Craigmillar CC in the mid-noughties. An election of local interest groups by all residents might lead to some interesting campaigning, as has happened in the Faith Decides events.</p>	<p>█ has also raised the following as a personal point of clarification. Clause 8 Disqualification. I assume that the 3rd sentence starting "Registered interest groups etc" when it states "conform to the clause above" means clause 7 above "Equality &amp; Diversity" and not the preceding paragraph of Clause 8 on absence. If my assumption is correct then I don't think the sentence is enforceable as it seeks to govern how an outside body behaves. It is the nominated members who must fulfill these criteria and they are governed by the Code of Conduct for Community Councillors. It lends added weight to our argument for publication of the criteria for local interest groups as they should promote equality and diversity in their membership and this should one of the criteria for acceptance.</p>	<p><b>I am concerned that you have ignored a number of my previous points and I would like an explanation as to why.</b></p> <p>I also note that on P11 a new clause (No 12) has been put it saying "when a local group ceases to operate, membership will be withdrawn..." Can you explain why this was suddenly introduced at this stage?</p> <p>The principle of this is makes sense but how will you ascertain that a group has "ceased to operate"? On whose say-so will you act to remove the group from the CC? As you know, malicious and false allegations were made about a group on PCC being a "zombie group", which is actually still active in the community. So how are you going to verify that a group really has "ceased to operate"? What will the process be for a group to be removed? How will you ensure that this principle is not used in a vexatious manner?</p> <p><b>Scheme point 3</b></p>
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"Community councils should be able to demonstrate how they are fulfilling their responsibilities as representative bodies by provision of an annual report and other forms of engagement such as newsletters, surveys, websites and use of social media."

No indication is given of how this is to be achieved and with what resources. Community councils need to be given more support and guidance on how this can be done, for example on questionnaire or survey design, provision of software packages (and training on these) for newsletters, templates for annual reports.

A note of caution should be sounded about the use of social media. By its very nature it can provide a distorted picture of public opinion. Their can often be an apparent majority shown by social media but in reality it is often those who shout loudest who hold sway and those who hold different opinions but are less aggressive in putting them forward can remain unheard. Some members of the community have posted "surveys", for which they have no formal training and in which they have no expertise, on interlocking Facebook pages which are actually used by only a handful of people, who tend to be of a similar mindset, and put the "results" of these forward to the planning department as though they were some kind of valid research, when in fact they only represent the views of people who like to frequent certain Facebook pages and are not representative of the wider community.

It also needs to be remembered that social media cuts out a whole swathe of people who do not have access to the internet or who do not use it. This results in inequality and under-representation of some people's views. CCs need to be given guidance on how to reach such community members.

We are continually told we have to consult but no-one has explained, for example, how CCs are supposed to consult over planning applications, which, although they do not require the pre-planning application process, can still be significant (e.g. developments of up to 49 flats). CCs are given three weeks within which they are supposed to interpret the plans, communicate them thoroughly and effectively, gather feedback and formulate a response by the deadline. **PLEASE TELL US HOW THIS IS TO BE ACHIEVED IN THE TIMESCALE.**

#### **Scheme point 11**

We are regularly asked to donate funds to other groups and we have, not with everyone's agreement, given sums of money to some groups in a haphazard way, with no criteria agreed for why we have given to one group but not another. At Christmas it was suggested that we pay hundreds of pounds for a temporary display of Christmas lights, when ironically the council itself said it had no funds to put towards better Christmas lights. **It should therefore be made more explicit what funds are to be used for and what they are NOT to be used for, in order to avoid confusion and conflict.**

This needs to be cross-referred to the Code of Conduct where under Objectivity it mentions "the award of grants". This phrase should be removed, as CCs are not grant-awarding bodies, or at least amended to say something along the lines of "in the few cases where CCs award grants".

You sent me two documents: one for the role of the treasurer and another with a list of appropriate items for expenditure but where do they sit within the scheme, as they are not within the information for consultation?

**You need to cross-refer to this information from the scheme or incorporate it into the scheme.**

#### **Scheme point 14**

With reference to the above point it needs to be made more explicit what the CC grant can and cannot be used for. It says "The money provided...for administrative and other approved purposes shall be used only as prescribed". However as far as I can see it is not prescribed anywhere as to how the money should or should not be spent. Our CC has been put under severe pressure at times to hand over large sums of money to certain community organisations, in one case £500 to a local boating club that was favoured by the Chair at that time (NOT the current Chair). We ended up giving £500 to this club, which was around 2/3 of our annual grant and clearly not a legitimate use of the money. We have no criteria for handing out money to local groups and if we give to one how can we deny another? **PLEASE draw up a list of things the money can and cannot be spent on to make this clearer and help prevent CCs being drawn into potential problems/conflict over expenditure of funds. THIS NEEDS TO BE PUT INTO THE SCHEME, NOT BE A SEPARATE DOCUMENT OR BE CLEARLY CROSS-REFERENCED FROM THE SCHEME.**

#### **Group membership**

Group membership should be retained as it is a way of achieving some diversity of representation and opinion on the CC. If CCs become all elected membership then it would be much easier for a cabal to take over the CC, rendering it much less representative of the community.

As you will know there is a currently a Facebook campaign going on in Portobello to encourage people to demand a reduction in the number of group places on PCC. This is being run by a certain faction to try and push groups they do not agree with off the CC at the next election. People have been given misinformation and encouraged to make representation on that basis and any such representations should be treated with great caution.

Group membership should be kept at the same level on PCC and if necessary and/or desirable increased for other CCs. Has anyone asked the other CCs whether they would like more group positions? Instead of reducing the number of groups on PCC there could be an increase in the number of group positions for all other CCs. If there is a concern about the proportion of elected members to group representatives why not increase the number of elected representatives?

How can arguing for fewer group representatives lead to greater diversity of representation on the CC? To try and reach as many people in the local community is one of the key aims of CCs but to reduce the number of groups would run counter to this aim. The situation on PCC is historical and was based on the large number of groups in the area at the time. There is still a large number of diverse and legitimate groups in the area. This is a sign of a vibrant and active community and should surely be encouraged, not squashed. A wider and more diverse range of groups and opinions on the CC will lead to greater engagement with local people and to reduce the number of groups would make the CC more homogenous and would be anti-democratic.

The point was made at our CC meeting the other night that CCs are being asked to do more and more and now, for PCC, that will be with fewer members.

#### **Code of conduct**

## **Objectivity**

This cross refers to points 11 and 14 of the scheme. There is mention of "award of grants" but CCs do not award grants from their annual administrative grant. This needs to be removed or it needs to be made very clear that any awarding of grant money does not mean that the administrative grant from the council to CCs should be used for these purposes.

## **Respect and General Conduct**

"Individually, community councillors should be supportive of the office bearers on the community council and refrain from trying to undermine their confidence or authority. It is unacceptable for community councillors to make personal remarks, or otherwise humiliate the other members either at meetings or in other settings such as internet forums."

**With reference to the above paragraph PLEASE insert the word "or orchestrate" before "make personal attacks", as there are many examples of CC members making the bullets for others to fire by misrepresenting what has been said or done at CC meetings.** The orchestration of attacks on PCC by certain members has done a great deal of damage to its reputation, as you well know and have been told on several occasions by a number of members. I have asked now on three occasions for this to be included. **CAN YOU PLEASE EXPLAIN WHY YOU HAVE NOT PUT THIS WORD IN?**

## **Enforcement of the code of conduct**

There needs to be more support given to CCs, especially office bearers, over enforcement of the code of conduct. I would suggest more detailed guidance for members on what is or is not acceptable behaviour as it makes it easier to identify when this has been transgressed. I would also suggest a more formal disciplinary process such as that used by employers so that it can be easily followed by the CC.

More support needs to be offered by council staff, whether it be advising on a course of action to be taken and/or attending disciplinary meetings where necessary.

## **When are you going to introduce a proper and clear disciplinary process for CCs?**

## **Special meetings**

All reference to timescales for calling these meetings should be taken out of the constitution and only appear in the Standing Orders, (reference can be made to the SOs in the constitution), which is the correct place for this information. This means the information is only in one place and does not have to be cross-checked.

**There also needs to be clearer guidance on what is competent business for a special meeting in the guidelines and if a petition or its motion is**

deemed not to be competent the meeting should not be held. This again should be made clear in the guidelines to prevent vexatious calling of special meetings by cliques with a certain agenda.

#### **Proposal for online voting**

I understand that the Facebook campaign is also pushing for online voting. **This should be avoided at all costs as it would be very easy to manipulate.** Many people have multiple IP addresses and devices (PCs, laptops, mobile phones, tablets) and could easily take names off the electoral register and vote numerous times. Also, online voting would exclude a significant number of people who do not have internet access. If paper voting is still seen as appropriate for political elections why should the CC elections be any different? Just because it would be easier for the council doesn't mean it is the right thing to do.

#### **CAN YOU PLEASE REPLY TO ME ON THIS POINT?**

Please take on board my comments and look forward to seeing the amended scheme.