

# Communities and Neighbourhoods Committee

10.00am, Tuesday, 10 May 2016

## Governance Protocol for Community Council Elections - referral from the City of Edinburgh Council

Item number	7.6
Report number	
Wards	All

### Executive summary

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The City of Edinburgh Council on 10 March 2016 considered a report on the protocol which had been developed jointly by the Local Community Planning and elections team. The report was referred to the Communities and Neighbourhoods Committee for information.

### Links

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<b>Coalition pledges</b>	See attached report
<b>Council outcomes</b>	See attached report
<b>Single Outcome Agreement</b>	See attached report
<b>Appendices</b>	See attached report

# Terms of Referral

## Governance Protocol for Community Council Elections

### Terms of referral

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- 1.1 The City of Edinburgh Council on 10 March 2016 considered a report on the protocol developed jointly by the Local Community Planning and Elections Team which provided a framework for community council elections and was complementary to the Scheme for Community Councils.
- 1.2 The City of Edinburgh Council agreed:
  - 1) To agree the governance protocol for Community Council elections.
  - 2) To refer the report to Communities and Neighbourhoods Committee for information.

### For Decision/Action

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- 2.1 The City of Edinburgh Council has referred the attached report to the Communities and Neighbourhoods Committee for information.

### Background reading / external references

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Minute of the City of Edinburgh Council 10 March 2016

#### **Kirsty-Louise Campbell**

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## Links

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**Coalition pledges**      See attached report

**Council outcomes**      See attached report

**Single Outcome Agreement**      See attached report

**Appendices**              See attached report

# The City of Edinburgh Council

10am, Thursday, 10 March 2016

## Governance Protocol for Community Council Elections

Item number	8.6
Report number	
Executive/routine	
Wards	All

### Executive Summary

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The current [Scheme for Community Councils](#) was approved by the City of Edinburgh Council on 22 August 2013. At that time the Council decided that future community council elections would be governed by a protocol.

This report sets out the protocol developed jointly by the Local Community Planning and Elections Teams. The protocol provides a framework for community council elections and is complementary to the Scheme for Community Councils.

### Links

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Coalition Pledges	<a href="#">P33</a>
Council Priorities	<a href="#">CO23</a> , <a href="#">CO24</a>
Single Outcome Agreement	<a href="#">SO4</a>

## Governance Protocol for Community Council Elections

### 1. Recommendations

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- 1.1 Agrees the governance protocol for community council elections;
- 1.2 Agrees to refer this report to the Communities and Neighbourhoods Committee for information.

### 2. Background

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- 2.1 Community councils were first established in Scotland following the Local Government (Scotland) Act 1973. Under the Act each Local Authority is required to produce a Scheme for Community Councils (CCs) which provides a framework for their creation and operation.
- 2.2 The current [Scheme for Community Councils](#) was approved by the City of Edinburgh Council on 22 August 2013. At that time the Council agreed the development of a governance protocol to aid the administration of future community council elections.
- 2.3 To comply with the Scheme for Community Councils, the next triennial elections will take place in September/October 2016. The development of the protocol provides the opportunity to formalise the process based on custom and practice for these and future elections.

### 3. Main report

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- 3.1 The governance protocol, attached as Appendix 1, has been developed jointly by the Local Community Planning and Election Teams. It provides detail in relation to the election process including:
  - 3.1.1 the election timetable;
  - 3.1.2 detail on nominations;
  - 3.1.3 detail on actions required in the event of a contested election;
  - 3.1.4 polling arrangements; and
  - 3.1.5 document storage after the elections.
- 3.2 As part of the development process, a draft of the governance protocol was issued to all community councils and two sessions were held enabling community

councillors to review and comment on the proposed approach. A total of 26 community councillors participated in sessions and the feedback informed the final protocol. During the sessions a number of issues were raised in relation to the Scheme for Community Councils. As any changes to the Scheme are subject to a statutory consultation process, these have been noted at this stage and will be addressed when the Scheme is next reviewed.

- 3.3 The governance protocol is complementary to the Scheme for Community Councils and does not alter it.

#### **4. Measures of success**

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- 4.1 The next opportunity for community council elections is September\October 2016. Success will be measured by ensuring that the elections are administered effectively and that, as a result, the experience of participants is a positive one.

#### **5. Financial impact**

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- 5.1 There are no direct financial implications arising from this report.

#### **6. Risk, policy, compliance and governance impact**

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- 6.1 There are no perceived risks or policy impacts associated with this report.

#### **7. Equalities impact**

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- 7.1 The governance protocol for community council elections will enhance the Council's ability to meet its General and Public Duties under equalities legislation.

#### **8. Sustainability impact**

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- 8.1 There are no adverse environmental impacts associated with this report.

#### **9. Consultation and engagement**

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- 9.1 The governance protocol has been developed taking account of feedback from community council members with two dedicated sessions having been held in January and February 2016.

#### **10. Background reading/external references**

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- 10.1 [Scheme for Community Councils](#)

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## **11. Links**

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<b>Coalition Pledges</b>	P33 - Strengthen Neighbourhood Partnerships and further involve local people in decisions on how Council resources are used
<b>Council Priorities</b>	CO23 - Well engaged and well informed – Communities and individuals are empowered and supported to improve local outcomes and foster a sense of community  CO24 - The Council communicates effectively internally and externally and has an excellent reputation for customer care
<b>Single Outcome Agreement</b>	SO4 - Edinburgh's communities are safer and have improved physical and social fabric
<b>Appendices</b>	Appendix 1 – Governance Protocol for Community Council Elections

**GOVERNANCE PROTOCOL FOR  
FOR THE CITY OF EDINBURGH  
COMMUNITY COUNCIL ELECTIONS**

## **Contents**

- 1. Introduction**
- 2. Returning Officer**
- 3. Electoral Register**
- 4. Election Frequency and Timetable**
- 5. Publicity and Guidance**
- 6. Candidate Eligibility**
- 7. Nominations**
- 8. Unsuccessful Elections**
- 9. Uncontested Elections**
- 10. Contested Elections**
- 11. Candidates' Personal Statements**
- 12. The Poll & Ballot Papers**
- 13. Counting of Votes**
- 14. Rejected Ballot Papers**
- 15. Equality of Votes**
- 16. Requirements of Secrecy**
- 17. Declaration of Results**
- 18. Post Election**
- 19. Eligibility, Appointment and Role of Nominated Representatives**
- 20. Relevant Notices**

## 1. Introduction

- 1.1 The purpose of this document is to support the City of Edinburgh Council Scheme for Community Councils and describe the arrangements for operating the triennial community council elections.
- 1.2 The arrangements refer only to the election of members to community councils. The process of nominating members from local interest groups is contained in Schedule 2 of The City of Edinburgh Council Scheme for Community Councils.

## 2. Returning Officer

- 2.1 The City of Edinburgh Council will administer all community council elections as set out in the City of Edinburgh Council Scheme for Community Councils.
- 2.2 The City of Edinburgh Council will approve an independent Returning Officer for community council elections as set out in the City of Edinburgh Council Scheme for Community Councils.

## 3. Electoral Register

- 3.1 An Electoral Register will be prepared for each community council area based on the current Electoral Register for local government elections.
- 3.2 Only those persons whose names appear on the Community Council Electoral Register current for the month prior to the election will be eligible to vote in that election with the exception of some young people under the age of 16 $\frac{3}{4}$  who may not appear on the electoral register. In these circumstances registering can be confirmed by other means such as school registration.

## 4. Election Frequency and Timetable

- 4.1 Normal elections will be held periodically as set out in the City of Edinburgh Council Scheme for Community Councils.

### Timetable

Event	Day
Notice of Election (start of nomination period)	-52
Close of Nominations (forms to Returning Officer)	-31 4pm
Withdrawal of Nominations	-31 4pm
Candidates' personal statements	-21
Notice of Poll (if required)	-21
Polling Day	0

- 4.2 The Returning Officer reserves the right to vary the election timetable to take account of local circumstances, events or other polls in order to facilitate the election effectively.

## 5. Publicity and Guidance

- 5.1 In addition to publication of the notices; information and posters regarding the community council election will be made available on the City of Edinburgh Council website and by other means as deemed appropriate.
- 5.2 Guidance and information about the election and the nomination process will be provided to current community councils to disseminate throughout their area.
- 5.3 The Returning Officer will not be responsible for promoting any candidate for election, or any costs or charges incurred by the candidate or anyone acting on their behalf.

## 6. Candidate Eligibility

- 6.1 A person shall be eligible to stand for election to a community council:
- if they are 16 years old or over;
  - and reside within the community council area;
  - and are named on the Electoral Register for the area for which they are nominated.

Some young people under the age of 16¾ may not appear on the electoral register so registering can be confirmed by other means such as school registration.

## 7. Nominations

- 7.1 Each candidate must submit a separate nomination paper which must be lodged as a hard copy with the Returning Officer, no later than the time and final date for submission of nominations, as specified in Section 4 above. Nominations can be lodged by the candidate, proposer or seconder.
- 7.2 The nomination form must be signed by the proposer, seconder and candidate and include:
- the full name and address of the candidate
  - the full name and address of the proposer
  - the full name and address of the seconder
- 7.3 Each elector may propose **ONLY** one nominee and second **ONLY** one nominee.
- 7.4 Nominations require to be submitted with the candidate's consent.
- 7.5 A candidate cannot propose or second him\herself.

- 7.6 Only one valid nomination paper can be submitted per candidate and the candidate may only stand in respect of one vacancy in one community council area. Where more than one nomination paper is submitted, the first valid nomination paper received will be accepted and all others will be disregarded.
- 7.7 It is the candidate's responsibility to ensure that a valid nomination form is received within the time limit. No responsibility will be taken for items lost or delayed by any courier or postal service or packets or envelopes submitted to any Council office that do not have clear indication of the contents and their urgency.
- 7.8 Nomination forms submitted after the deadline time and date stated in the electoral timetable will not be accepted.
- 7.9 The Returning Officer shall, as soon as practicable after the delivery of the nomination paper, advise each candidate of the decision whether a nomination paper is valid or invalid.
- 7.10 The Returning Officer will be entitled to hold a nomination paper invalid if it does not comply with the requirements of Sections 7.1 to 7.6.
- 7.11 The Returning Officer's decision that a nomination paper is valid or invalid shall be final.
- 7.12 At close of nominations, the Returning Officer will arrange to advise all candidates as soon as practicable of all valid nominations lodged within their area, and give clear notice of whether or not the election will proceed to a poll.
- 7.13 A candidate may only withdraw their candidature by a signed letter of withdrawal delivered to the Returning Officer at the place for the submission of nomination papers, not later than the time and final date for the withdrawal of nominations, as specified in the published election timetable.

## **8. Unsuccessful Elections**

- 8.1 Where the total number of valid nominations for election to any community council received by the Returning Officer by close of nominations is less than HALF of the total maximum permitted elected membership as specified for the area, no community council will be established at that time.
- 8.2 In the event that the circumstances in 8.1 occur, then the Returning Officer will publish a Notice of Failure to Establish a Community Council on the City of Edinburgh Council website.

8.3 If the election is unsuccessful this does not prevent a further request from 20 electors to the City of Edinburgh Council to make arrangements for the establishment of a community council under the terms of Section 52 (7) of the Local Government (Scotland) Act 1973 and set out in the City of Edinburgh Scheme For Community Councils.

## **9. Uncontested Elections**

9.1 In community council areas if, after the expiry time for the withdrawal of nominations;

- the number of candidates remaining validly nominated is equal or exceeds half, but is less than or equal to the total maximum permitted membership as specified for the community council in the City of Edinburgh Scheme for Community Councils, the candidates will be declared as elected.

9.2 The Returning Officer will intimate the outcome of the nomination process to candidates as soon as practicable and publish the appropriate notice on the City of Edinburgh Council website and by other means as deemed appropriate.

## **10. Contested Elections**

10.1 In community council areas if, after the expiry time for the withdrawal of nominations;

- the number of candidates remaining validly nominated exceeds the total maximum permitted membership as specified for the area, arrangements for a poll shall be implemented.

## **11. Candidates' Personal Statements**

11.1 In the event of a contested election all candidates will be invited to submit a written personal statement of not more than 100 words in support of their candidacy. This must be lodged with the Returning Officer, no later than 4:00pm on the final date for submission of candidates' personal statements, as specified in the published election timetable.

11.2 No pictures, photographs diagrams or logos may be incorporated into the personal statement.

11.3 Any candidate personal statement submitted which is greater than the word limit stipulated will be truncated to the maximum limit by the Returning Officer.

11.4 A candidate's personal statement will be published along with their name and address.

11.5 Copies of all candidate's personal statements will be made available to electors and published on the City of Edinburgh Council website and by other means as deemed

appropriate as soon as is practicable when ballot papers are due to be issued for the election.

- 11.6 All material contained in personal statements will be the sole responsibility of the relevant candidate and neither the Returning Officer nor the City of Edinburgh Council will be responsible for the content.
- 11.7 It will be the responsibility of the candidate to ensure that their personal statement does not contain any material which is political, obscene, defamatory or otherwise likely to cause offence.
- 11.8 The Returning Officer, after consultation with the candidate, may amend candidate statements to ensure the statement does not breach these rules.
- 11.9 The Returning Officer reserves the right to refrain from publishing any personal statement which is in breach of these rules.

## **12. The Poll and Ballot Papers**

- 12.1 The poll will be conducted by secret ballot of local electors, organised by the Returning Officer approved by the City of Edinburgh Council in accordance with the Scottish Local Election Rules but subject to modification and simplification as deemed necessary by the City of Edinburgh Council.
- 12.2 The poll will be conducted by a method determined by the City of Edinburgh Council and may take the form of online, postal or polling place voting, or a combination of these.
- 12.3 Where applicable, full details of the electoral arrangements will be contained in the Notice of Poll.
- 12.4 Postal ballot papers will be in the format as used for other major elections with the appropriate security marking and ballot paper number and will contain:
  - the names and addresses of the candidates as shown on their nomination papers arranged alphabetically in order of their surnames;
  - where there are two or more candidates with the same surname, the names and addresses of the candidates will be arranged alphabetically in order of their other names.
- 12.5 Each voter will be entitled to cast a number of votes up to the number of prescribed vacancies for election, but will not give more than one vote to any one candidate and will not give an order of preference among candidates (although the recording of preferences would not in itself spoil an otherwise valid ballot paper).
- 12.6 Where a postal voter claims either to have lost, spoiled or not received their postal ballot paper the voter may apply to the Returning Officer by 5pm on polling day for a

replacement ballot paper. Such an application shall include evidence of the voter's identity. Where a postal voter exercises this entitlement any ballot paper previously issued shall immediately be cancelled by the Returning Officer.

- 12.7 In the event that a candidate dies, the poll will proceed at the discretion of the Returning Officer. This will not apply if, on the death of a candidate, the total number of candidates no longer exceeds the maximum permitted members within the community council area as the poll will become an uncontested election.

## **13. Counting of Votes**

- 13.1 The Returning Officer will make arrangements for the counting of votes and will notify the candidates of the place and time at which the Count will commence.

- 13.2 No person other than:

- the Returning Officer and their staff;
- the candidates; or
- any person representing a candidate who is not present, may attend the counting of votes, unless expressly permitted by the Returning Officer.

- 13.3 All persons that attend the count are bound by the Requirements of Secrecy noted in Section 16.

- 13.4 Candidates shall be elected on a simple majority basis. The result will be determined by counting the votes given to each candidate and the candidates with the highest number of votes, equal to the maximum permitted membership, will be declared to have been elected.

- 13.5 A candidate or their representative may, if present when the counting of the votes is completed, request the Returning Officer to have the votes re-counted, but the Returning Officer may refuse to do so if in his\her opinion the request is unreasonable.

## **14. Rejected Ballot Papers**

- 14.1 A ballot paper on which the vote(s) is/are marked:

- elsewhere than in the proper place;
- otherwise than by means of a cross;
- or where the voter has indicated an order of preference, will not, for such reason alone, be deemed to be null and void.

- 14.2 Any ballot paper:

- on which votes are given for more candidates than the prescribed number of vacancies;

- on which anything is written or marked by which the voter can be identified;
- which is want of an official mark; or
- which is unmarked or null and void for uncertainty, will not be counted.

14.3 The decision of the Returning Officer on any question arising in respect of a ballot paper will be final.

## **15. Equality of Votes**

15.1 Where, after the counting of votes (including any re-count) is completed, an equality of votes is found to exist between any candidates and the addition of a vote would entitle any of those candidates to be declared elected, the Returning Officer will decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

## **16. Requirements of Secrecy**

16.1 All persons involved in the election, including candidates, are required to maintain and aid in maintaining the secrecy of voting.

16.2 No person shall interfere with or attempt to interfere with a voter when the voter is recording their vote.

16.3 No person shall communicate at any time to any person any information obtained as to the candidate or candidates for whom a voter is about to vote for or has voted for.

16.4 No person shall communicate to any person at any time any information obtained as to the number or other unique identifying mark on the back of any ballot paper sent or issued to any person.

## **17. Declaration of Results**

17.1 In a contested election, the Returning Officer will declare the candidates receiving the highest number of votes, equal to the number of available vacancies, to be elected.

17.2 In an uncontested election, following the expiry of time for the withdrawal of nominations, the Returning Officer will declare the candidates remaining validly nominated to be elected.

17.3 As soon as practicable after declaration, the Returning Officer will publish the results by displaying a Notice to that effect in appropriate public office(s) and on the City of Edinburgh Council website and the candidates, being either successful or unsuccessful, will be informed as soon as practicable, about the outcome of the poll.

## **18. Post Election**

- 18.1 On completion of the election, whether unsuccessful, uncontested or contested, all nomination papers and ballot papers will be sealed within packets endorsing on each packet a description of its contents, the date of the election to which they relate and the name of the community council area for which the election was held.
- 18.2 The Returning Officer shall arrange to forward to the Proper Officer of the Council the packets of ballot papers and nomination papers in the Returning Officer's possession.
- 18.3 No person shall be allowed to inspect any rejected or counted ballot papers, or open any sealed packet in the possession of the Proper Officer of the Council.
- 18.4 The Proper Officer of the Council shall retain, for one year, all documents mentioned within this Section.
- 18.5 The election records will only be available to the Returning Officer or appointed representative if, following the election, there is any accusation of misconduct or fraud which requires investigation.

## **19. Eligibility, Appointment and Role of Nominated Representatives**

- 19.1 Nominated representatives may be appointed by local interest groups registered with the City of Edinburgh Council.
- 19.2 The procedure for the appointment of community council nominated members is set out in Schedule 2 of the City of Edinburgh Council Scheme for Community Councils.

## **20. Relevant Notices**

### **20.1 Notice of Election**

The Returning Officer shall publish a notice advising that an election for the community council will take place and inviting nominations.

The Notice of Election shall state:

- (1) the number of members to be elected to the community council;
- (2) the place and time for the lodging of nominations;
- (3) the qualification to stand as a candidate or to propose or second a nomination;
- (4) that if the number of candidates exceeds the number of places to be filled, a poll will be held on a particular date; and
- (5) the method(s) of voting.

### **20.2 Notice of Failure to Establish a Community Council**

In the event that the number of candidates validly nominated is less than minimum number of places to be filled, the Returning Officer shall publish a Notice of Failure to Establish a Community Council.

The Notice of Failure to Establish a Community Council shall state:

- (1) that, the number of candidates validly nominated, being less than one half of the total number of members of the community council, no community council shall be established.

### 20.3 Notice of Uncontested Election

In the event that the number of candidates validly nominated exceeds the minimum number of places to be filled, but is less than or equal to maximum number of places to be filled, the Returning Officer shall publish a Notice of Uncontested Election.

The Notice of Uncontested Election shall:

- (1) list the candidates in alphabetical order of surname and state their addresses;
- (2) state that the number of candidates validly nominated being less than the number of places to be filled, but greater than the number required to establish the community council, those candidates are deemed to be elected on the date of the notice.

### 20.4 Notice of Poll

In the event that the number of candidates validly nominated exceeds the number of places to be filled, the Returning Officer shall publish a Notice of Poll.

The Notice of Poll shall:

- (1) list the candidates in alphabetical order of surname and state their addresses;
- (2) specify the date and hours of the Poll;
- (3) specify the location of the polling station; and
- (4) state the method(s) of voting.

20.5 Publication means publication on the City of Edinburgh Council website or such additional methods as the Returning Officer may think fit, including publication in a newspaper or posting on notice boards at Council premises and in the area of the community council.