

REPORT TO ABERDEENSHIRE COUNCIL – 26 OCTOBER 2016

MID DEESIDE COMMUNITY COUNCIL

1 Recommendations

The Council is recommended to:-

- 1.1 Consider whether to approve the decision of Marr Area Committee made on 27 September 2016 to dissolve Mid Deeside Community Council.

2 Background / Discussion

- 2.1 On 27 September 2016 Marr Area Committee unanimously agreed that Mid Deeside Community Council (MDCC) be dissolved on the grounds of insufficiency of members. The Extract Draft Minute of the Marr Area Committee Meeting is attached as Appendix 1.
- 2.2 The report considered by the Marr Area Committee on 27 September 2016 is attached as Appendix 2.
- 2.3 In accordance with clause 17.3 of the Scheme of Establishment for Community Councils, MDCC made representations to the Marr Area Committee on 27 September, 2016 regarding the dissolution.
- 2.4 Written notice was given to MDCC of the decision of Marr Area Committee and the date of the next available meeting of Full Council being 26 October 2016.
- 2.5 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and any comments received have been incorporated within the report.

3 Equalities, Staffing and Financial Implications

- 3.1 An Equality Impact Assessment is not required as there is no differential impact on any of the protected characteristic groups.
- 3.2 There are no additional staffing or financial implications arising as a result of the report.

Ritchie Johnson
Director of Business Services

EXTRACT FROM DRAFT MINUTE OF MARR AREA COMMITTEE MEETING

27 SEPTEMBER, 2016

4. MID DEESIDE COMMUNITY COUNCIL

There had been circulated a report dated 19 September, 2016, by the Director of Infrastructure Services, which explained that Mid Deeside Community Council had an insufficiency members and had been given two opportunities to recruit new members with support from the Council. The Committee were asked to determine whether Mid Deeside Community Council should be dissolved on the grounds of insufficiency of members.

In line with the Scheme for the Establishment of Community Councils, Mid Deeside Community Council had been invited to make representations to the Area Committee regarding the proposed dissolution.

The Committee heard from Mr Bennett, Chair of Mid Deeside Community Council, who questioned what it would take for the Committee not to recommend dissolution of the Community Council. He indicated that he had three new membership applications which would bring the total membership of the Community Council to eleven. He asked Members to make their decision in a way that the electorate would want.

There were no questions for Mr Bennett. The Chair asked Mr Bennett if he felt he had been given a fair hearing and Mr Bennett indicated that he did not. When asked to clarify his response, Mr Bennett indicated that he did not wish to give a reason.

Members sought clarification in relation to the new membership applications and procedural matters. The Area Manager advised that, in accordance with the Scheme for the Establishment of Community Councils, the nomination forms could not be accepted as the closing date for nominations had passed but the Community Council could co-opt new members. The Committee heard that should it decide that the Community Council should be dissolved, a report would be taken to the Full Council and the Community Council could continue to operate until Full Council approved the decision.

After due consideration, the Committee **agreed**:-

- (1) to note that Mid Deeside Community Council had an insufficiency of members;
- (2) to note representations from Mid Deeside Community Council made at Committee;
- (3) that Mid Deeside Community Council should be dissolved on the grounds of insufficiency of members; and
- (4) to note that the decision to dissolve Mid Deeside Community Council would not take effect until approved by the Full Council.

REPORT TO MARR AREA COMMITTEE – 27 SEPTEMBER 2016

MID DEESIDE COMMUNITY COUNCIL

1 Recommendations

The Committee is recommended to:-

- 1.1 Note that Mid Deeside Community Council has an insufficiency of members;
- 1.2 Consider any representations from Mid Deeside Community Council made at Committee; and
- 1.3 Determine whether Mid Deeside Community Council should be dissolved on the grounds of insufficiency of members, and if so determined, note that the decision will not take effect until approved by the Full Council.

2 Background / Discussion

- 2.1 The Scheme for the Establishment of Community Councils and the constitution of Mid Deeside Community Council require that the membership of Mid Deeside Community Council (MDCC) shall be not less than 10 and not more than 15.
- 2.2 As of June 2016, Mid Deeside Community Council had seven members including one member who was due for re-election and one co-opted member. The Community Council was notified that they had insufficient members. The Community Council was given an opportunity to recruit new members with support from the Council.
- 2.3 An invitation for nominations for election to Mid Deeside Community Council was issued in the week ending 10 June, 2016 (Appendix 1). Ten vacancies were advertised and a closing date of 24 June, 2016 was given. The Area Manager (Marr) acted as the returning officer.
- 2.4 Three nominations were received. The Area Manager initially thought two nominations were received, but then clarified that in fact three nominations had been received. The two emails contained within Appendix 2, when read together, clarify the position. This brought the total membership of the Community Council to eight. Therefore, the Community Council still had insufficient members to meet the minimum number required.
- 2.5 It was recommended that the Community Council issue a second invitation for nominations to try and fill the vacancies. It was clarified that three nominations had been received. (Appendix 2)
- 2.6 The Area Manager, by email dated 5 August, 2016 addressed to the Community Councillors, made the Community Council aware that it was very important that the invitation for nominations was distributed widely throughout

the community as a failure to secure sufficient numbers could lead to the Community Council being dissolved. The Area Manager requested press releases be placed in the press.

- 2.7 A second invitation for nominations for election to Mid Deeside Community Council was issued in the week ending 12 August, 2016 (Appendix 3). One member was due for re-election and this vacancy was advertised, together with seven other vacancies, making a total of eight vacancies. A closing date of 26 August, 2016 was given. The Area Manager acted as the returning officer.
- 2.8 One nomination was received. This brought the total membership of the Community Council to eight.
- 2.9 Therefore Mid Deeside Community Council still has an insufficiency of members. As such, notice was given to Mid Deeside Community Council that a report would be taken to Marr Area Committee recommending that the Community Council be dissolved (Appendix 4).
- 2.10 Aberdeenshire Council has the following powers under the Scheme for the Establishment of Community Councils:-
 - “17.2 The Council shall have, in addition, powers to dissolve a Community Council in the event of insufficiency of members, financial irregularities, failure to meet agreed quality standards, loss of confidence of the Council electorate in the Community Council or such other circumstances which the Council in its discretion considers reasonable.
 - 17.3 Before taking action in terms of powers under 17.2 the Council shall first, by notice in writing to the Secretary and other known office bearer of the Community Council give notice that the matters of concern are attended to within a reasonable, specified period. The Council shall also offer the Community Council an opportunity to make representation regarding the proposed dissolution to an Area Committee meeting of the Council, and any dissolution under these provisions shall not take place until any decision of the Area Committee is approved by the Full Council. Public notice of dissolution, with effect from a stated date shall then be given in a newspaper circulating within the area of the Community Council.
 - 17.4 Notwithstanding the foregoing the Council may impose such other sanctions against the Community Council, short of dissolution, as it may consider appropriate, including withdrawal of recognition for a specified period, withdrawal of financial or other support, or otherwise as the Council may resolve.
 - 17.5 In the event of a Community Council being dissolved Aberdeenshire Council shall take custody of any papers, minute books and other assets, together with any outstanding funds in trust until a new Community Council is set up for the area, after which all of the foregoing shall be delivered to the safe keeping of the new Community Council.”

- 2.11 In line with the Scheme, the Community Council has been invited to make representations to the Area Committee regarding the proposed dissolution.
- 2.12 Should the Area Committee determine that the Community Council should be dissolved, the appropriate action would be to remit to Full Council with a recommendation to that effect.
- 2.13 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and any comments received have been incorporated within the report.

3 Equalities, Staffing and Financial Implications

- 3.1 An Equality Impact Assessment is not required as there is no differential impact on any of the protected characteristic groups.
- 3.2 There are no additional staffing or financial implications arising as a result of the report.

Stephen Archer
Director of Infrastructure Services

Report prepared by:- Janelle Clark, Area Manager (Marr) and Kirsty Macleod, Area Committee Officer (Marr)
19 September, 2016

Appendix 1

ABERDEENSHIRE COUNCIL

Mid Deeside Community Council

ELECTION OF COUNCILLORS

Nominations are sought from residents living in the Mid Deeside Community Council area which includes the communities of Dinnet, Glen Tanar, Kincardine O'Neil and Aboyne.

There are currently 10 vacancies.

Nomination forms and information on those eligible for election are available from Marr Area Office on 019755 64803 or email marr@aberdeenshire.gov.uk

Interested parties are encouraged to consider nomination.

Nomination forms must be completed and returned to the Marr Area Office at the following address by 12 noon on Friday 24 June 2016.

Marr Area Office, School Road, Alford, Aberdeenshire, AB33 8TY

If an election is required, it will not take place until after the school summer holidays and details will be published locally.

Appendix 2

From: Janelle Clark
Sent: 29 June 2016 15:04
To: 'Keith Bennett' <[REDACTED]>; Jennifer Rowland <[REDACTED]>
Cc: Kirsty Macleod <kirsty.macleod@aberdeenshire.gov.uk>
Subject: MDCC elections

Dear Keith and Jenny,

The closing date for nominations for MDCC has now passed. We have received 2 nomination forms. Therefore the members are as follows;

Current members

Diane Smith
Stephen Green
Jennifer Rowland
Keith Bennett
Andre Thomson – due for re-election August 2016.

Nominations forms

Raymond Markham
David Thomson

As your minimum number is 10 and you have not achieved this can I suggest we have another go at filing the vacancies before any further action is taken. Mrs Thomson is due for election in August and I would suggest that along with advertising this vacancy you also advertise that you have a further 8 vacancies but require a further 3 members as a minimum in order to remove the risk of the community council being dissolved. I am happy to act as the returning officer if you wish.

Can you confirm how you would like to proceed?

Many thanks

Regards

Janelle Clark
Area Manager (Marr)

Infrastructure
Marr Area Office
School Road
Alford AB33 8TY

From: Janelle Clark
Sent: 30 June 2016 15:11
To: Jennifer Rowland <[REDACTED]>
Cc: Keith Bennett <[REDACTED]>; Kirsty Macleod <kirsty.macleod@aberdeenshire.gov.uk>
Subject: RE: MDCC elections

Dear Jenny

You are perfectly correct. The form was misfiled therefore I have added this to the list of members.
Can you confirm how you would like to proceed based on the earlier email?

Many thanks

Regards

Janelle Clark
Area Manager (Marr)

Infrastructure
Marr Area Office
School Road
Alford AB33 8TY
janelle.clark@aberdeenshire.gov.uk

Appendix 3

ABERDEENSHIRE COUNCIL

Mid Deeside Community Council

ELECTION OF COUNCILLORS

Nominations are sought from residents living in the Mid Deeside Community Council area which includes the communities of Dinnet, Glen Tanar, Kincardine O'Neil and Aboyne.

There are currently 8 vacancies.

Nomination forms and information on those eligible for election are available from Marr Area Office on 019755 64803 or email marr@aberdeenshire.gov.uk

Interested parties are encouraged to consider nomination.

Nomination forms must be completed and returned to the Marr Area Office at the following address or by email at marr@aberdeenshire.gov.uk by 12 noon on Friday 26 August 2016.

Marr Area Office, School Road, Alford, Aberdeenshire, AB33 8TY

If an election is required details will be published locally thereafter.

Appendix 4

Our Ref: JC/KMAC/NN/CC07

7 September 2016

Mrs Jennifer Rowland



Please ask for: Janelle Clark
Direct Dial: 01467 536421

Janelle Clark

Area Manager Marr

Marr Area Office

School Road

ALFORD

Aberdeenshire

AB33 8TY

Tel 01467 536421

www.aberdeenshire.gov.uk

marr@aberdeenshire.gov.uk

**If you have difficulty reading this document please contact
Linda Milne on 01467 536421**

Dear Jennifer

I write to advise that the closing date for nominations for election to Mid Deeside Community Council has passed. One nomination form was received. The total membership of the Community Council is now eight, with the members being the following:-

1. Keith Bennet
2. Stephen Green
3. Raymond Markham
4. Jennifer Rowland
5. Diane Smith
6. William Sutherland
7. Andrea Thomson
8. David Thomson

This was the second invitation for nominations. Unfortunately there are still insufficient members to meet the minimum number of ten required by your constitution and the Scheme for the Establishment of Community Councils.

Given that the Mid Deeside Community Council has insufficiency of members, a report will now be prepared for the Marr Area Committee on a proposal to dissolve the Mid Deeside Community Council. The Community Council will be offered an opportunity to make representations to the Marr Area Committee meeting, and I will be in touch again shortly to advise you of the date of the relevant Marr Area Committee meeting.

If the Marr Area Committee were to make a decision to dissolve the Mid Deeside Community Council, such dissolution would not take place until the decision of the Marr Area Committee is approved by Full Council.

I will write to you again in due course to advise you further on arrangements in relation to this process.

Yours sincerely

Janelle Clark
Area Manager (Marr)

cc

Keith Bennet – Chair
Stephen Green – Treasurer
David Thomson – Vice Chair