

# Public Document Pack



## SCOTTISH BORDERS COMMUNITY COUNCIL SCHEME REVIEW WORKING GROUP

**THURSDAY, 19 SEPTEMBER 2019**

The first MEETING of the SCOTTISH BORDERS COMMUNITY COUNCIL SCHEME REVIEW WORKING GROUP will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS on THURSDAY, 19 SEPTEMBER 2019 at 6.00 pm.

Tea/coffee and sandwiches will be available for the Working Group from 5.30 pm.

J. J. WILKINSON,  
Clerk to the Council,

12 September 2019

<b>BUSINESS</b>		
1.	<b>Welcome and Introductions</b>	
2.	<b>Apologies for Absence</b>	
3.	<b>Order of Business</b>	
4.	<b>Terms of Reference</b> (Pages 3 - 6) Consider proposed Terms of Reference for the Working Group and methodology for the Review. (Draft attached)	
5.	<b>Scottish Borders Community Council Scheme 2014</b> (Pages 7 - 56) Initial discussion on the current Scheme.  Papers attached: (a) Scottish Borders Community Council Scheme 2014; (b) Scottish Government Model Scheme for Community Councils; (c) Scottish Government Model Constitution; (d) Scottish Government Model Standing Orders.	
6.	<b>Dates of Future Meetings</b> Consider dates and timeline for future meetings.	
7.	<b>Any Other Business</b>	

## NOTES

**Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

---

### **Membership of the Working Group:-**

SBC Councillor S. Aitchison (Chairman)

#### Berwickshire

SBC Councillor H. Laing

Community Councillor L. Inglis

Community Councillor D. Russell (sub)

#### Cheviot

SBC Councillors E. Robson

Community Councillor M. Ladds

Community Councillor S. Turnbull (sub)

#### Eildon

SBC Councillor G. Edgar

Community Councillor J. Cleghorn

Village Committee Member J. Calvert (sub)

#### Teviot & Liddesdale

SBC Councillor W. McAteer

Community Councillor J. Scott

Community Councillor P. Kerr (sub)

#### Tweeddale

SBC Councillor S. Haslam

Community Councillor J. Taylor

---

Please direct any enquiries to Jenny Wilkinson, Clerk to the Council

Tel: 01835 825004 Email: [jjwilkinson@scotborders.gov.uk](mailto:jjwilkinson@scotborders.gov.uk)

---

**SCOTTISH BORDERS COMMUNITY COUNCIL SCHEME  
REVIEW WORKING GROUP  
DRAFT TERMS OF REFERENCE**

**Working Group Objectives**

- To ensure the Scottish Borders Scheme of Establishment for Community Councils is up to date and takes account of best practice as identified in any Model Scheme or other local authority scheme as appropriate.
- The Group should seek to identify the key issues facing Community Councils in terms of the Scheme.
- Through consultation with stakeholders as appropriate and in compliance with legislation (Section 53 of the Local Government (Scotland) Act 1973, as amended), it should identify any changes to be proposed to the existing Scheme.

**Method of Approach**

The Working Group will carry out a review by:

- (a) Discussing issues in relation to the application of the current Scheme to understand Community Council challenges;
- (b) Examining relevant documentation; and
- (c) Analysing the information collected to reach robust conclusions, examining options and putting forward recommendations.

**Membership of Working Group**

- SBC Councillor Sandy Aitchison (Chairman)  
Berwickshire
- SBC Councillor Helen Laing
- Community Councillor Logan Inglis
- Community Councillor Derek Russell (sub)  
Cheviot
- SBC Councillor Euan Robson
- Community Councillor Matthew Ladds
- Community Councillor Stuart Turnbull (sub)  
Eildon
- SBC Councillor Gordon Edgar
- Community Councillor Judith Cleghorn

- Village Committee Councillor Jill Calvert (sub)  
Teviot & Liddesdale
- SBC Councillor Watson McAteer
- Community Councillor John Scott
- Community Councillor Philip Kerr (sub)  
Tweeddale
- SBC Councillor Shona Haslam
- Community Councillor James Taylor

Officers in Support: Jenny Wilkinson, Clerk to the Council; Nuala McKinlay, Chief Legal Officer; Louise McGeoch, Democratic Services Team Leader; Clare Malster, Strategic Community Engagement Officer.

### **Quorum**

No business shall be considered at a meeting of the Working Group unless at least 3 SBC Councillors and 3 Community Councillors (or their substitutes) are present from 3 separate areas.

### **Scope**

The review will take account of:

1. The different sections/content within the current Community Council Scheme, identifying any areas on which the Scheme is silent or requires further detail.
2. The variation in size and make-up of Community Councils across the Scottish Borders.
3. The rural nature of the area including transport and digital connectivity.
4. The challenges faced by Community Councils.
5. The perceptions of other key stakeholders, including young people, of Community Councils.
6. Comments received from Community Councils, other community groups and members of the public.

### **Expectations**

- In light of their work, the Working Group is to draft a final report setting out appropriate recommendations and project proposals for consideration by Scottish Borders Council.
- The report will have clearly presented findings based on sound information and research, with practical and realistic outcomes, and SMART recommendations.
- It is anticipated that the final report will be available by the end of September 2020.

## **Assumptions**

It is assumed that:

- The information required for the review will be available timeously.
- People will be available to attend meetings, otherwise the timescale for the final report may be affected.

Local Government (Scotland) Act 1973, as amended – Section 53

### **53 Amendment of schemes.**

- (1) Having regard to changing circumstances and to any representations made to them, every local authority shall from time to time review schemes made and approved under section 52 of this Act and, where they consider that such a scheme ought to be amended, they shall give public notice of their proposals, inviting any community council concerned and the public to make to the local authority representations as respects the proposals.
- (2) The local authority shall consider any representations made under subsection (1) above and may amend the scheme in accordance with—
  - (a) the notified proposals; or
  - (b) those proposals as amended to take account of any such representations:

Provided that the scheme shall not be amended under paragraph (b) of this subsection unless public notice of the amendments to the proposals has been given with a further invitation to make representations under subsection (1) above.
- (3) A decision of the local authority—
  - (a) to review, under subsection (1) above; or
  - (b) to amend, under subsection (2) above,

a scheme, shall be by resolution passed by not less than two-thirds of the members voting thereon at a local authority meeting specially convened for the purpose with notice of the object.

This page is intentionally left blank

**LOCAL GOVERNMENT ETC. (SCOTLAND) ACT 1994**  
**SCOTTISH BORDERS COUNCIL**

**SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS**

**1.0 Introduction**

- 1.1 Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994, which produced the current system of unitary local authorities, made provision for the continuation of community councils.

Scottish Borders Council, in accordance with the terms of Section 22 of the Local Government etc. (Scotland) Act 1994 has adopted the following Community Council Scheme for the operation of Community Councils within the Scottish Borders Council area, and has revoked the previous Scheme adopted by Scottish Borders Council in 2007, with effect from midnight on 26 June 2014.

**2.0 Purpose of Community Councils**

- 2.1 In addition to any other purpose which a Community Council may pursue, the general purpose of a Community Council shall be to ascertain, co-ordinate and express to the Local Authority for its area, and to public authorities, the views of the community which it represents in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable.

**3.0 Procedure for Establishment of Community Councils**

- 3.1 In the event of not less than 20 electors in any one of the community council areas listed in Schedule 1 to this Scheme, and shown delineated on the maps (numbered 1 - 67) attached to the principal copy of this Scheme, with the exception of Bowden, for the reasons stated in Clause 3.2 below, making written application for the establishment of a Community Council for that area in accordance with this Scheme, the Scottish Borders Council shall, within six weeks from the date of the petition, invite nominations and thereafter, if necessary, organise an election for the establishment of a Community Council for that area.
- 3.2 Bowden Village Committee having requested that it be accepted by Scottish Borders Council in its present title and existing form of Constitution to act instead of a Community Council for the area No. 22 on the attached Map, comprising Bowden Village and its surrounding district, being part of Bowden Parish, Scottish Borders Council has determined that no Community Council is necessary for that area for the following reasons, namely:-
- a) that the Committee, being composed of members duly elected at a public meeting, is truly representative of the community which it serves;
  - b) that the Committee has shown Scottish Borders Council sufficient proof of its involvement with and activities on behalf of the community to

indicate that the establishment of a Community Council in addition to that Committee is unnecessary;

- c) that the Committee holds considerable funds and other property, including Bowden Common Land extending to 26 acres or thereby, in trust for the benefit of the community; and
- d) that the Committee gains certain advantages from its charitable status not presently enjoyed by Community Councils.

#### **4.0 Composition of Community Councils**

4.1 Community Councils shall be composed of:

- (a) the number of Members specified for that Community Council as detailed in Schedule 1 who have been elected in the manner detailed below;
- (b) the Scottish Borders Councillors for the area covered by the Community Council or part of it, who shall have ex officio membership of that Community Council during their period of office for the Authority but shall have no entitlement to vote or hold office in the Community Council. No Member of the Scottish Borders Council may simultaneously be a member of a Community Council other than in an ex officio capacity; and
- (c) may include co-opted members in the following circumstances:-
  - (i) Community Councils may co-opt further members with skills or knowledge which the Community Council consider would be of assistance to the Community Council in carrying out its functions. Such co-opted members shall not have voting rights and shall not hold office, and may be under eighteen years of age. Members co-opted for this purpose will serve for such time as decided by the Community Council at the time of their co-option or until the Community Council decide that their services are no longer required; and
  - (ii) When the elected membership is less than the maximum number of elected members (specified in Schedule 1) but is equal to, or more than one-half of that number, or where casual vacancies arise during a term of office, Community Councils may co-opt people who would be eligible for election to the Community Council as members in order to make up that number. However, the number of co-opted members cannot at any one time be more than one quarter of the maximum number of elected members (specified in Schedule 1). Members so co-opted may serve until the next ordinary election to the Community Council, qualifying for full voting rights after attending 3 meetings or 6 months after co-option (whichever is shorter).

#### **5.0 Method of Co-option of Members**

5.1 A proposal to co-opt a person or persons to a Community Council under paragraph 4.1 (c)(ii) requires to be included on the Agenda for the appropriate

meeting of the Community Council, this shall include the name and address of the person proposed to be co-opted, together with (where appropriate) that person's number on the current Electoral Register, and the names of the proposer and seconder who shall be elected Members of the Community Council.

## **6.0 Casual Vacancies**

6.1 A casual vacancy shall be deemed to arise in any of the following circumstances:

- (a) on the day when a member ceases to be entered in the Electoral Roll for the area covered by the Community Council;
- (b) on the expiry of a period of six calendar months during which a member of a Community Council has failed to attend a meeting of that Community Council, or of any Committee or other body constituted by such Community Council, unless leave of absence has been granted or other reason accepted by that Community Council; or
- (c) upon the receipt by a Community Council of a written notice of resignation from a member.

## **7.0 Term of Office**

7.1 Elected members of a Community Council shall serve for a term of office specified in the Constitution of that Community Council, subject to that term of office being a minimum of two years and a maximum of four years, and shall be eligible for re-election.

## **8.0 Nomination of Candidates**

8.1 A person seeking election to a Community Council must be aged 16 years or over and appear on the Electoral Roll for that Community Council area at the date of being proposed for membership of the Community Council or be able to provide proof of eligibility as advised by the Returning Officer. Each candidate must be nominated by a Proposer (who may be the candidate) and a Secunder, both being persons whose names appear on the Electoral Roll for the respective Community Council's area, or sub-division of that area, where applicable.

8.2 A person seeking election to a community council must not have served a prison sentence (including a suspended sentence) of three months or more in the five years before the election.

8.3 No person shall be entitled to propose or second more than one candidate.

8.4 When instructed to do so by the Scottish Borders Council in the case of initial elections, and by the Community Councils themselves once established, the Returning Officer shall give public notice of an invitation to submit nominations for membership of Community Councils, using the nomination form agreed by Scottish Borders Council, attached in Schedule 2. The nomination period shall not be less than 14 and not more than 28 days, 7 days will be allowed following this period for withdrawals.

- 8.5 Where the number of valid nominations, after any withdrawals, is more than the number of Community Council members specified in Schedule 1, a contested election shall be held in accordance with the procedure prescribed in this Scheme.
- 8.6 Where the number of valid nominations, after any withdrawals, is equal to, or more than half, the number of Community Council members specified in Schedule 1, the Returning Officer shall give public notice that the candidates validly nominated have been elected to the Community Council.
- 8.7 Where the number of valid nominations, after any withdrawals, is less than half the number of Community Council members specified in Schedule 1, no Community Council will be established and the Returning Officer shall give public notice that no Community Council shall be formed at that time. In such event, no further application for the establishment of a Community Council for that area shall be considered until the expiry of a period of at least three months after the nomination period started. In the event of such an application being received after that period, the Returning Officer shall issue a further invitation to submit nominations and the electoral process shall be repeated. If, after this second invitation, the number of valid nominations is still less than half the number of Community Council members specified in Schedule 1, no further applications for the establishment of a Community Council for that area shall be considered until the expiry of a period of at least six months after the date of public notice of that second invitation.
- 8.8 When a contested election takes place the Returning Officer shall publish, at least seven days before the election details of the election procedure to be employed, including the names and addresses of candidates and the place, dates and times fixed for the conduct of the poll and the count.

## **9.0 Returning Officer**

- 9.1 The Returning Officer for the first election to a Community Council shall be the Service Director for Customers & Communities of the Scottish Borders Council, or their appointed nominee and, for all elections after the establishment of a Community Council, shall be the person appointed by the Community Council concerned, subject to approval by the Service Director for Strategy & Policy. The Returning Officer for a Community Council election shall not be an elected member of that Community Council or a candidate in that election to that Community Council.

## **10.0 Voting Arrangements**

- 10.1 People included in the section(s) of the Electoral Roll for the Community Council and who would be entitled to vote in a Local Government election at the date of the Community Council election shall be entitled to vote in Community Council elections for that area.
- 10.2 Voting in a Community Council election shall take place by way of a secret procedure. The method of election shall be determined by the Returning Officer in consultation with the Community Council where applicable as:-

- (a) by ballot box, at a designated polling place or places using a simplified version of the prescribed procedure for Local Authority elections; or
- (b) by post in accordance with Scottish Borders Council guidelines.

An alternative of postal voting in connection with method a) above, shall be available at the discretion of the Returning Officer. There will be no provision for the issuing of poll cards or voting by proxy for either method of election.

- 10.3 The ballot papers to be used in Community Council elections shall be laid out in a style approved by the Scottish Borders Council.
- 10.4 Each eligible elector shall have available to him a number of votes equal to the aggregate number of seats being contested at that election, subject to the proviso that where a Community Council area is divided into sub-divisions, each eligible elector shall, unless the Constitution to be adopted by the Community Council determines otherwise, be entitled to vote only for candidates standing for seats within the sub-division in which the eligible elector resides, the number of votes available to each eligible elector in that event being equal to the number of seats being contested within that sub-division; and no elector shall cast more than one vote for any one candidate.
- 10.5 The hours of polling for ballot elections shall be determined for each Community Council area by the Returning Officer, taking account of local circumstances for the first election to a Community Council. The ballot shall be open for a minimum of four hours in total between 8 a.m. and 8 p.m, unless where voting is by post, in which case the period shall be determined by the Returning Officer. The number of vacant seats available shall be filled by the corresponding number of candidates receiving the highest number of votes. In the event of more than one candidate receiving the same number of votes for the last available seat or seats on the Community Council, the successful candidate(s) will be decided by lot.
- 10.6 A returned ballot paper shall contain only such information as is requested to identify the candidates chosen by the elector. Any ballot paper which at the counting of the votes is found to:-
- (a) contain any mark or other writing implying that the number of votes being cast is more than the designated number available to the elector; or
  - (b) contain any mark or other writing implying that more than one vote for any one candidate is being cast; or
  - (c) identify the elector,
- shall be deemed to be a spoilt paper, and shall be disregarded in the count.
- 10.7 The Returning Officer shall appoint and instruct persons to supervise the ballot or open the postal votes as appropriate and to conduct the count.
- 10.8 The Returning Officer, immediately after the counting of votes, shall complete a return to the Scottish Borders Council and the Community Council concerned, containing the names and addresses of members elected, details of the number of votes cast for each candidate, the number of ballot papers issued and

returned, the number of spoilt ballot papers and any other information as to the conduct of the election which may be required by Scottish Borders Council.

10.9 The Returning Officer shall, as soon as possible after the election, give public notice of the names and addresses of members elected.

## **11.0 General Provisions**

11.1 Within twenty-one days of the election of a Community Council where possible, the Returning Officer shall hold the first public meeting of the Community Council. At this meeting, which shall be chaired, until a Chairperson has been elected, by the Returning Officer or his nominee (who shall normally be an ex officio member, if available) the Community Council shall elect from its eligible members a Chairperson, to be known by such title as the Community Council decide, subject to approval of that title by the Scottish Borders Council, and such other office-bearers as the Community Council shall deem necessary. Office-bearers that are eligible for re-election, shall be elected or re-elected at the Annual General Meeting of the Community Council, or otherwise in accordance with the Constitution to be prepared in line with this Scheme.

11.2 Every Community Council may appoint a Secretary and a Treasurer (the offices may be combined) who shall hold office and may be eligible for re-appointment in accordance with the provisions of the Constitution to be prepared in line with this Scheme. The Secretary and Treasurer (but no other office-bearers) may be appointed from outwith the membership of the Community Council and may receive such remuneration as the Community Council may determine from the resources available to them, there being no extra funding available from the Scottish Borders Council for this purpose. Such appointees from outwith the membership shall be entitled to speak only on matters relating to their function as office-bearers and shall have no voting rights.

11.3 Following the first meeting after every election, each Community Council will lodge with the Service Director for Customers & Communities of the Scottish Borders Council a return specifying the full names, designations and addresses of the Community Council's office-bearers and Examiner(s) of their Accounts and subsequently advise, in writing, of all changes thereof.

11.4 Meetings of each Community Council shall be convened at intervals of not more than six months and at least three meetings shall be held annually, one of which shall be the Annual General Meeting. All meetings of the Community Council shall be open to members of the public. Community Councils shall comply with the principles of the Local Government (Access to Information) Act 1985 and any amending legislation, particularly in regard to the conduct of business in public unless permitted to be taken in private in terms of the Act, and also in regard to allowing sight of agenda papers and Minutes. A summary of its main provisions shall be provided to each Community Council.

11.5 Community Council members shall comply with the Scottish Borders Code of Conduct for Community Councillors, Schedule 3 of this document.

(a) Members shall be required, in advance, to declare pecuniary and non pecuniary interests relating to matters which might be under discussion

and after doing so shall take no part in their consideration. Failure to observe this may lead to suspension and repeated failure to observe may lead to expulsion.

- (b) Members shall be required to sign a declaration that they agree to abide by the Code of Conduct for Community Councillors. This shall be by way of the nomination form for elected Community Councillors and a separate declaration for those co-opted during the term of office of the Community Council.
- (c) The Community Council shall annually submit in writing its agreement to abide by the aforementioned Code of Conduct.

11.6 Only elected Community Council Members and those co-opted with full voting rights may vote at Community Council Meetings, including Annual General Meetings, the only exception being votes on the proposed contents of the Constitution and any proposed amendments, in which case all persons eligible to vote in local government elections, on the Electoral Roll for the Community Council area and in attendance at the meeting are entitled to vote.

11.7 The quorum for each Community Council shall be one third of the maximum number of elected members, subject to a minimum of three.

11.8 Every Community Council shall be able to convene special meetings in line with this Scheme, within the Community Council area for the purpose of considering matters of interest and importance, and for the purpose of agreeing or amending their Constitution.

11.9 Every Community Council shall, upon receipt of a requisition signed by twenty electors, convene a special meeting, to be held within twenty-one days of receipt of that requisition. This meeting should consider the business which must be specified in the requisition and in the notice calling the meeting. A shorter period for convening such a meeting may be specified in the Community Council Constitution,

## **12.0 Constitutions**

12.1 Within three months of the date of its first meeting, each Community Council shall draw up and submit to the Scottish Borders Council for approval, a Constitution for the regulation and management of its affairs. Each Constitution shall contain provision for the following:-

- (a) Name of the Community Council;
- (b) Size, composition, purpose, functions and quorum (as defined in paragraph 11.7 above) of the Community Council and of any Committees appointed by the Community Council;
- (c) Frequency of holding meetings, of which there shall be at least three in any twelve month period, to be convened at intervals of not more than 6 months, including provision for an Annual General Meeting, which shall be held not later than 60 days after the end of the Community Council's

financial year recognising the common election month set by Scottish Borders Council;

- (d) The Agenda for the Annual General Meeting shall include items for receiving the following, namely:-
  - (i) a report on the Council's activities for the previous year;
  - (ii) the scrutinised/approved Annual Statement of Accounts; and
  - (iii) proposals for the amendment of that Council's Constitution, where appropriate;
- (e) Rules whereby Community Council members shall be advised of the place, date and time of any meetings of the Community Council, Committees or Sub-Committees by means of written agendas, specifying the business to be conducted and sent either to their normal residence or place of work at least seven days before the due date of such meeting. Public notice shall be given by a copy of the agenda being affixed in a prominent and clearly visible position at the normal place where meetings of that Council are held and/or in such other manner or locations as may be prescribed in the Constitution. Community Councils should take proactive steps to engage with all members of the community fairly. All Community Council meetings should be held in accessible venues.
- (f) Rules for the keeping of Minutes which shall also provide that such Minutes shall be circulated to members of the Community Council not later than with the issue of the agenda for the next meeting, and that adequate arrangements shall be made for Minutes of any meeting to be available for inspection by members of the public within the Community Council's area not later than seven clear days prior to the next meeting of the Community Council;
- (g) Method and procedure for the nomination of candidates;
- (h) Term of office of members of the Community Council, recognising the common election month set by Scottish Borders Council;
- (i) Arrangements governing the election and/or appointment of office bearers and their term of office;
- (j) Appointment of ex officio (Scottish Borders Council) and co-opted members;
- (k) Procedure for filling of casual vacancies;
- (l) Holding of heritable property;
- (m) Rules or Standing Orders for the conduct of the business of the Community Council;
- (n) Provisions regulating the Finance and Accounts, including a provision specifying the financial year as running from 1 April to 31 March;

- (o) Rules to ensure that each member of the Community Council is given a copy of this Scheme at the commencement of membership, together with a copy of the Community Council's Constitution and Rules, and where applicable, Standing Orders;
- (p) Calling of extraordinary public meetings;
- (q) Rules governing alteration to the Constitution, including provision for agreement by the electors of the area at an Annual General Meeting or at a meeting convened for that purpose, prior to submission to the Scottish Borders Council for approval; and
- (r) A dissolution clause.

12.2 The Constitution to be adopted shall not conflict with the terms of this Scheme.

### **13.0 Financial Provisions**

13.1 Scottish Borders Council may provide grants for the purpose of assisting and promoting the interests of Community Councils within its area. The amount to be made available to each Community Council and the form of grant shall be at the sole discretion of the Scottish Borders Council and shall be intimated to each Community Council prior to 1st April each year. The payment of any such grant will be dependent on the receipt of annual accounts in line with paragraph 13.6 below. Any payment will be made in line with the Following the Public Pound Code of Practice once the Scottish Borders Council is content that the conditions below have been met:

- (a) The Community Council should not hold more than the equivalent of two years annual grant by way of reserves, excluding money ring fenced for specific initiatives.
- (b) The Community Council must submit in writing annually its agreement to abide with the Code of Conduct for Community Councillors in line with paragraph 11.5(c).

13.2 Community Councils may be eligible for other grants funded by Scottish Borders Council to carry out specific activities and initiatives.

13.3 In the event of any Community Council not being established, being in abeyance or becoming disestablished or dissolved, its share of any grant shall be retained by the Scottish Borders Council until such time as the Community Council is formed or re-formed, when a proportion of the grant appropriate to the portion of the Scottish Borders Council's financial year remaining shall be awarded.

13.4 Community Councils shall be empowered to raise funds for schemes, projects and other purposes within their stated objects.

13.5 All monies received by a Community Council, whether by way of grant, gift or loan, shall be applied to maintain its administrative structure and/or to further the objects of such Council.

- 13.6 Each Community Council shall keep an accurate record of its receipts and payments and the Treasurer or other nominated office-bearer shall prepare annually an Abstract of Accounts. The books and Abstract of each Community Council shall be scrutinised by an independent examiner, duly appointed for that purpose, who shall not be a member of that Community Council. A copy of the approved Abstract for each Community Council shall be submitted to the Service Director for Customers & Communities of Scottish Borders Council, or other designated Scottish Borders Council official, within seven days of the Annual General Meeting.
- 13.7 The Scottish Borders Council may, so far as is reasonably and financially practicable, provide, free of charge, accommodation to Community Councils within premises under the ownership and control of the Scottish Borders Council for the purposes of holding Community Council meetings, or, where such accommodation is not available, contribute towards the hire charges incurred.
- 13.8 In the event of the disestablishment or dissolution of a Community Council for any reason, such property and funds as are vested or under the control of said Community Council at the date of disestablishment or dissolution, shall be transferred to and vested in Scottish Borders Council and shall be administered and applied by them in such manner as the Scottish Borders Council, in line with the wishes of the Community Council in the aftermentioned asset register, may determine to be for the benefit of all or part of the Community Council area, said discretion including the power of sale.
- 13.9 A Community Council may lease or acquire heritable property, the title to which shall be taken in the names of such office-bearers as may be specified in the Constitution for that purpose, as Trustees for such Community Council and their respective successors in office.
- 13.10 Each Community Council shall keep an accurate record of any assets held and where they are kept indicating its wishes for the dispersment of these assets in the event of the Community Council being disestablished or dissolved. A copy of the register, and any subsequent changes, must be submitted to the Service Director for Customers & Communities of Scottish Borders Council within twenty one days of it being agreed by the Community Council.

#### **14.0 Common Election Date**

- 14.1 Scottish Borders Council reserves the right, if they in their sole discretion so determine, to establish a common election date in each year for Community Council elections and undertake to give to the Secretary of each Community Council appropriate prior written notice of their intention to exercise this right.

#### **15.0 Mutual Exchange of Information**

- 15.1 The Scottish Borders Council will electronically send at least seven days prior to a meeting, where possible, to each Community Council within its area:-

- (a) Agendas of full Council and Committee Meetings, including relevant Area Forum Meetings;
- (b) Copies of the Minutes of the appropriate Area Forum; and
- (c) Copies of such consultative documents as the Authority may from time to time decide.

15.2 Each Community Council shall submit to the Scottish Borders Council's Service Director for Customers & Communities draft copies of the Minutes of its meetings no later than within 21 days after each meeting and copies of the agenda for the subsequent meeting of the Community Council when being issued.

## Schedule 1

### Community Council Seats

Community Council Area		Number of Elected Members	Allocation of Seats on Community Council and Sub-Division of Areas as on Map where appropriate
<b>Berwickshire</b>			
1	Abbey St. Bathans, Bonkyl and Preston	12	---
2	Ayton	12	---
3	Burnmouth	8	---
4	Chirnside	8	---
5	Cockburnspath and Cove	10	---
6	Coldingham	10	---
7	Coldstream	12	
8	Lammermuir Community Council	10	Cranshaws - 3 Seats Longformacus - 7 Seats
9	Duns	12	---
10	Edrom, Allanton and Whitsome	9	---
11	Eyemouth Town	12	---
12	Foulden, Mordington and Lamberton	11	Foulden - 5 Seats Mordington - 3 Seats Lamberton - 3 Seats
13	Gavinton, Fogo and Polwarth	10	
14	Gordon and Westruther	9	Gordon - 5 Seats Westruther - 4 Seats
15	Grantshouse	8	---
16	Greenlaw and Hume	12	Greenlaw - 9 Seats Hume - 3 Seats
17	Leitholm, Eccles and Birgham	10	Leitholm - 4 Seats Eccles - 2 Seats Birgham - 4 Seats

18	Hutton and Paxton	8	Paxton Hutton	- 4 Seats - 4 Seats
19	Reston and Auchencrow	10	Reston Auchencrow	- 7 Seats - 3 Seats
20	St. Abbs	7	---	
21	Swinton and Ladykirk	9		
<b>Ettrick and Lauderdale</b>				
22	Bowden Village Committee	6		
24	Earlston	12		
25	Ettrick and Yarrow	12		
26	Galashiels	15		
27	Heriot	6		
28	Lauderdale	12		
29	Lilliesleaf, Ashkirk and Midlem	8		
30	Maxton and Mertoun	8		
31	Melrose and District	12		
32	Newtown and Eildon	10		
33	Oxton and Channelkirk	6		
34	Royal Burgh of Selkirk and District	12		
35	St. Boswells Parish	10		
36	Parish of Stow	12	Stow Fountainhall	- 10 seats - 2 seats
37	Tweedbank	12		
<b>Roxburgh</b>				
38	Ancrum	12		
39	Burnfoot	12		
40	Crailing, Eckford and Nisbet	9		
41	Denholm and District	10		

42	Ednam, Stichill and Berrymoss	9	
43	Floors, Makerstoun, Nenthorn and Smailholm	12	
44	Hawick	15	
45	Heiton and Roxburgh	12	
46	Hobkirk	9	
47	Jedburgh	12	
48	Jed Valley	9	
49	Kalewater	12	
50	Kelso	12	
51	Lanton	5	
52	Newcastleton	12	
53	Oxnam	9	
54	Southdean	10	
55	Sprouston	7	
68	Upper Liddesdale and Hermitage	6	
56	Upper Teviotdale and Borthwick Water	10	
57	Yetholm and District	11	
<b>Tweeddale</b>			
58	Carlops	6	
23	Clovenfords and District	12	
59	Eddleston	8	
60	Innerleithen and District	12	
61	Lamancha, Newlands and Kirkurd	12	
62	Manor, Stobo and Lyne	9	
63	Royal Burgh of Peebles and District	18	

64	Skirling	6	
69	Tweedsmuir	6	
65	Upper Tweed	10	
66	Walkerburn	9	
67	West Linton	9	

**Schedule 2**  
**SCOTTISH BORDERS COUNCIL**  
**COMMUNITY COUNCIL ELECTIONS 20XX**

-----COMMUNITY COUNCIL (note 1)

**NOMINATION FORM**

Please read notes overleaf and then complete Sections 1 and 2 in typescript or BLOCK CAPITALS

**SECTION 1 - CANDIDATE**

SURNAME (AS IN ELECTORAL REGISTER)	OTHER NAMES (AS IN ELECTORAL REGISTER)	MR/MRS/ MS/ MISS	ELECTORAL NUMBER ( <b>NOTE 2</b> )		ADDRESS (AS IN ELECTORAL REGISTER)
			Letter or Number	Electoral Number	

**SECTION 2 - PROPOSER AND SECONDER**

	SURNAME (AS IN ELECTORAL REGISTER)	OTHER NAMES	MR/MRS/ MS/MISS	ELECTORAL NUMBER ( <b>NOTE 2</b> )		ADDRESS (AS IN ELECTORAL REGISTER)
				Letter or Number	Electoral Number	
Proposer						
Secunder						

WE hereby nominate as a candidate for election the person named in Section 1 above, who, to the best of our knowledge and belief is eligible for such election, as a member of

..... Community Council

**(Note 1)**

in the ..... Sub-Division.

**(Note 3)**

**PLEASE NOTE THAT YOU MAY ONLY PROPOSE OR SECOND ONE PERSON**

Signature of Proposer .....

Signature of Secunder .....

ACCEPTANCE OF NOMINATION

I, the nominee for election, named in Section 1 above, consent to be nominated as a candidate for the abovementioned Community Council and, if elected, will accept office as a member of the said Community Council and agree to comply with the Code of Conduct for Community Councillors.

I confirm that I have not served a prison sentence (including suspended sentence) of three months or more in the five years before the election.

Signature of Candidate

.....Date.....

NOTES

1. Please insert the name of the Community Council
2. Please insert in the first column the distinctive number and letter if any, from the Register of Electors (e.g.) 21A. The number will be found next to "Polling District". Please insert in the second column the elector number which can be found next to the elector's name in the Register of Electors. These numbers will be provided by the Returning Officer, on receipt of the nomination form, if left blank.
3. Where, in terms of the new Scheme for the Establishment of Community Councils, a Community Council area consists of a number of sub-divisions the name of the sub-division should be given.

QUALIFICATIONS FOR ELECTION

A person seeking election to a Community Council must be aged 16 or over and appear on the Electoral Register for the Community Council area at the date of being proposed for membership of the Community Council, or provide proof of eligibility as advised by the Returning Officers. . Each Candidate shall be nominated by a Proposer (who may be the candidate) and a Seconder, both being persons whose names appear in the said Electoral Register for the respective Community Council area, or sub-division of that area, where applicable..

COMPLETED NOMINATION FORMS SHOULD BE LODGED WITH

.....

.....

**By no later than**.....

**Schedule 3  
Scottish Borders Council**

**CODE OF CONDUCT FOR COMMUNITY COUNCILLORS**

**1 GENERAL**

- 1.1 Community Councillors are expected to show the highest standards of personal conduct in the performance of their duties at all times.
- 1.2 Their duty is to the whole community served by their Community Council. This Code should be used to guide their conduct as a Community Councillor. It is their responsibility to make sure that they are familiar with this Code and that their conduct meets it.
- 1.3 Community Councillors should promote and support these principles by leadership and example, always acting in such a way as to protect public confidence in the Community Council.

**2 SERVICE TO THE COMMUNITY**

- 2.1 Community Councillors have a duty to act in the interests of the local community which they have been elected to represent. They also have a duty to act in accordance with the remit of Scottish Borders Council's Scheme for the Establishment of Community Councils as set out under the terms of the Local Government (Scotland) Act 1973).
- 2.2 They have a duty to establish and reflect, through the Community Council, the views of the community as a whole, on any issue, irrespective of personal opinion.
- 2.3 They should make sure that they are, within reason, accessible to their local community. Various mechanisms to allow the general community to express their views, i.e. internet, social media, suggestion boxes, community surveys and opinion polls should, where possible, be made available.

**3 DUTY TO UPHOLD THE LAW**

- 3.1 Community Councillors must uphold the law and act on all occasions in line with the public trust placed in them.
- 3.2 Community Councillors have a responsibility to play their part in ensuring that the Community Council uses its resources prudently and in accordance with the law.

**4 COMMUNITY INTEREST**

- 4.1 Community Councillors should act to assist the Community Council, as far as possible, in the interests of the whole community that it serves.

## **5 SELFLESSNESS**

- 5.1 Community Councillors should act only in the public interest. They should never use their position as a Community Councillor to gain for themselves, their family or friends, any financial benefits, preferential treatment or other advantage, or to grant such benefits, treatment or advantage improperly to others.

## **6 INTEGRITY AND PROPRIETY**

- 6.1 Community Councillors should not put themselves in a position where their integrity is called into question by any financial or other obligations. As well as avoiding actual impropriety they should avoid any appearance of it.

## **7 HOSPITALITY**

- 7.1 Community Councillors should record all gifts and hospitality, with a monetary value above £50, received in connection with membership of the Community Council. They should not accept gifts or hospitality that might reasonably be thought to influence, or be intended to influence, their judgement; or where to do so could bring discredit upon the Community Council.

## **8 DECISIONS**

- 8.1 Whilst Community Councillors may be influenced by the views of others, including particular interest groups, it is their responsibility to decide what view to take, and how to vote, on any question which Community Councillors have to decide.

## **9 ACCOUNTABILITY AND STEWARDSHIP**

- 9.1 Community Councillors are accountable through the community they serve for their actions and their part in reaching decisions and must submit themselves to whatever scrutiny is appropriate to their office.
- 9.2 Community Councillors should individually and collectively make sure that annual accounts are produced showing the financial undertakings of the Community Council. They must also make sure that all resources are used efficiently, effectively and fairly.

## **10 OPENNESS**

- 10.1 Community Councillors should be as open as possible about all their actions and their part in reaching decisions. They should seek to ensure that reasons are given for decisions of their Community Council.

- 10.2 When dealing with the media, members of the public, or other not directly involved in the Community Council all Community Councillors should make sure that that an explicit distinction is made between the expression of their personal views and opinions from any views or statement made about or on behalf of the Community Council.

## **11 CONFIDENTIALITY**

- 11.1 Community Councillors should ensure that confidential material, including material about individuals, is handled appropriately with regard to the public interests and is not used for private purposes.

## **12 PARTICIPATION**

- 12.1 Community Councillors may take part in the consideration of questions which come before the Community Council unless they have a private interest, which would cause their participation to raise questions as to their impartiality.

## **13 DECLARATIONS**

- 13.1 Community Councillors **must** declare any private interests relating to their Community Council duties and should take steps to resolve any conflicts arising in a way that protects the public interest. They should make relevant declarations of interest at meetings of the Community Council, Sub-Committees or Working Groups to which they are appointed, and in all circumstances where they are active in their role as a Community Councillor.
- 13.2 If Community Councillors have a private interest in a matter before their Community Council, they should consider whether it is appropriate for them to declare this interest and withdraw from discussion and decision making on that matter. In considering this they should have regard to the following criteria:-
- 13.2.1 That members of the public might reasonably think the private interest could influence them; and
- 13.2.2 That members of the public might reasonably think the private interest creates a real danger of bias on the part of the Community Councillor because it affects them or someone connected with them, more than any other person or more than the generality of other persons affected by the matter.
- 13.3 In the case of a private interest that meets neither of these criteria, there may be no reason to declare the interest or to take any further action.

- 13.4 In the case of a private interest which meets criteria 1, Community Councillors should declare their interest but they may decide to participate in the discussion and decision making on the matter.
- 13.5 In the case of a private interest which meets criteria 2, Community Councillors should declare their interest and withdraw from the discussion and decision making on the matter.
- 13.6 In the case of a private interest which meets both criteria 1 & 2 and if this private interest is of a continuing nature, it may be that it would cause a Community Councillor to withdraw from the consideration of business on such a frequent basis that they would be of little value to their Community Council. In this case, they should not seek to serve as a Community Councillor.
- 13.7 Private financial interests may be more likely to be of a nature that meet the above criteria however private non-financial interests may also meet the criteria. The fundamental principle to bear in mind is that Community Councillors should not do anything that they cannot justify to the public in terms of this code.

## **14 RESPECT**

- 14.1 Community councillors must respect their fellow Community Councillors and those that they represent, treating them with courtesy, respect and in a non-discriminatory manner at all times.

## **15 RELATIONS WITH SCOTTISH BORDERS COUNCIL COUNCILLORS**

- 15.1 Community Councillors should respect the role of Scottish Borders Council Elected Members and treat them in a way that engenders mutual respect at all times.

## **16 RELATIONS WITH SCOTTISH BORDERS COUNCIL EMPLOYEES**

- 16.1 Community Councillors should respect the role of officers of Scottish Borders Council who are directly responsible to Scottish Borders Council and treat them in a way that engenders mutual respect at all times.

## **17 POLITICAL AFFILIATIONS**

- 17.1 Whilst Community Councillors are free to have political affiliations, the Community Council itself is not a political body but exists to represent the interests of the whole community. Therefore, in participating in the business of the Community Council, the concern of Community Councillors must be to represent the interests of their community and not those of a particular political party or group.

## **18 PERSONAL CONDUCT**

- 18.1 Community Councillors' personal conduct should be such as not to bring the Council into disrepute. They should act courteously to fellow Community Councillors, Scottish Borders Council Elected Members and Officers, members of the public and other bodies.

# MODEL SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN SCOTLAND

## 1. Introduction

Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994, which produced the current system of unitary local authorities, made provision for the continuation of community councils. Under the legislation, every local community in Scotland is entitled to petition their local authority to establish a community council in their area.

The Model Scheme for Community Councils in Scotland is designed to enable the establishment of community councils across Scotland to provide a common minimum basic framework governing their creation and operation.

## 2. Statutory Purposes

The statutory purposes of community councils established under the Model Scheme are set out in Section 51 (2) of the Local Government (Scotland) Act 1973, as follows: -

***“In addition to any other purpose which a community council may pursue, the general purpose of a community council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable”***

## 3. The Role and Responsibilities of Community Councils

The general purpose of community councils is to act as a voice for their local area. This will involve them articulating the views and concerns of local people in their area on a wide range of issues of public concern and make representations to their local authority, other public sector bodies and private agencies on matters within their sphere of interest.

It is essential that these views be demonstrated to be accurately representative of the community. Accordingly, the community council will have in place, in consultation with the local authority, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sectors of the community.

Community councils have a statutory right to be consulted on planning applications. Licensing matters and any other matters may also be jointly agreed between community councils, the local authority and other public sector and private agencies.

Community councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objects of their Constitution and the terms of the Council's Scheme for the Establishment of Community Councils.

There should be mutual engagement in the establishment of working relationships with the local authority and other agencies.

In carrying out their activities community councils must at all times adhere to the law, the terms of the Council's Scheme for the Establishment of Community Councils and the Community Councillors' Code of Conduct.

Each community council is required to adopt a Constitution, based upon the Model Constitution (Appendix I), which has been produced for national use, together with Model Standing Orders (Appendix II), to encourage and maintain consistency for all community councils and to facilitate their proceedings being properly structured and regulated, to ensure that items of business relevant to the community are properly debated and decisions reached in a democratic manner. The community council's Constitution is required to be approved by the local authority.

Community councils have a duty under statute to represent the views of their local community. It is vital therefore, that they reflect the broad spectrum of opinion and interests of all sections of the community. In order to fulfil their responsibilities as effective and representative, community councils shall: -

- Inform the community of the work and decisions of the community council by posting agendas and minutes of meetings in public places, such as libraries and notice boards and, subject to the provisions contained within the Data Protection Act 1998, provide contact details of community council members.
- Agendas and draft minutes of community councils' meetings must be presented to the local authority within 14 days from the date of that meeting and be circulated to community council members, relevant elected members and other interested parties.
- Seek to broaden both representation and expertise by promoting the Associate Membership of the community council of persons for specific projects/issues.

- Make particular efforts to encourage young people and other under-represented groups to attend/participate in community council meetings and to ensure equality of opportunity in the way the community council carries out its functions.
- Maintain proper financial records and present financial reports at community council meetings. An example of a standard format for community councils' financial record-keeping is featured in the Guidance Notes accompanying the Model Scheme.
- Inform the local authority of any change in membership (resignations, Associate Membership, etc.) and circumstances, as soon as is practicable.

#### **4. Community Council Areas within Local Authority Areas**

The local authority has produced a list of named community council areas and a map or maps that define their boundaries. The list of community areas is attached as Appendix III to the Scheme.

#### **5. Membership of Community Councils**

There shall be minimum and maximum membership numbers of elected community councillors in a community council. Due to the diverse nature of local authority areas, where there may be areas of sparse population relative to geographical disposition, such as island communities, each local authority may set its own formula for the definition of a minimum and maximum number of community council members in any community council area.

The minimum age to stand for election as a community councillor is 16 years. Qualification for membership is by residency within the specific community council area. Community councillors and candidates for community council membership must also be named on the electoral register for the community council area in which they reside. There shall be provision made for non-voting Associate Membership for purposes as defined by each community council. For example, for persons under 16 years of age. Such persons will not be counted in terms of meeting a quorum, or towards the total number of community council members.

Elected members of the local authority and members of the Scottish, United Kingdom and European Parliaments are entitled to become *ex-officio* members of community councils, with no voting rights. A broad outline of the remit and responsibilities of each of these institutions is featured in the Guidance Notes accompanying the Model Scheme.

## **6. Establishment of Community Councils under the Model Scheme**

Upon the local authority's revocation of its existing Scheme for the Establishment of Community Councils and decision to make a new Scheme, it shall publish a Public Notice, which shall invite the public to make suggestions as to the areas and composition of the community councils. Thereafter, a consultation process shall be undertaken prior to its formal adoption by the local authority.

## **7. Community Council Elections**

### **Eligibility**

Candidates wishing to stand for election to a community council must reside in the local area and be named on the Electoral Register for that area. The same criteria shall apply to voters in a community council election.

Sixteen and 17 year-olds residing in the community council area and named on the Electoral Register for that area are also entitled to both stand for the community council and vote in any election. A supplementary electoral register may be compiled in circumstances relative to 16 and 17 year-olds and for new residents.

Any community council member who no longer resides within that community council area is deemed to have resigned from that community council.

Any individual who is elected to serve on this local authority, or the Scottish, UK or European parliament shall be ineligible to remain a community councillor, or to stand for election to a community council. Such persons, upon taking office, become *ex-officio* members of the community councils contained in whole or in part of their electoral constituency.

### **Nominations and Elections**

The first elections to be held under the Scheme shall be held on a date to be determined by the local authority.

Subsequent elections will be held on a four-yearly-cycle, outwith local government election years, on dates to be determined by the local authority. Where the number of established community councils exceeds a level to be determined by the local authority, elections for a proportion of the total number of established community councils within the 4-yearly cycle may be arranged. Should community councils' election cycle fall in the year of Scottish local government or parliamentary elections, the electoral proceedings will be held in the following year.

The local authority will administer all elections.

## Returning Officer

The local authority will appoint an Independent Returning Officer. The Independent Returning Officer must not be a current elected member of that community council nor intending to stand for election to that community council.

## Nominations

Individuals seeking election to a community council require to be nominated by a proposer and seconder, both of whom must be on the Electoral Register for that community council area. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.

A nomination form should be completed, the style of which will be described within the Guidance Notes. Nomination forms require to be submitted on the date set down in the election timetable. No nomination forms submitted after that date will be accepted.

## Process

On the expiry of the period for lodging nominations:

1. Should the number of candidates validly nominated equal or exceed **HALF**, but be less than or equal to the total maximum permitted membership as specified for the community council area in Appendix IV of the Scheme, the said candidates will be declared to be elected and no ballot shall be held.
2. Should the number of candidates validly nominated exceed the total maximum permitted membership as specified for the community council area, arrangements for a Poll shall be implemented. At the Poll, each voter shall be entitled to vote for candidates up to the number of vacancies on the community council.
3. Should the number of candidates elected, be below **HALF** of the total maximum permitted membership, as specified for the community council area, no community council will be established at that time. However, that does not preclude the local authority from issuing a second call for nominations for a community council area failing to meet the minimum membership requirement within 6 months of the closing date for the registration of the first call for nominations.

## Method of Election

Elections will be based on whole local authority areas or devolved administrative areas, as deemed appropriate. Ideally, elections will take place across whole local authority areas at one time. However, large local authorities may need to take an incremental approach to elections across their area, over a specified period of time or cycle. Community councils shall be elected on a simple majority basis.

## **Filling of casual places/vacancies between elections**

Casual vacancies on a community council may arise in the following circumstances:

- When an elected community council member submits her/his resignation;
- When an elected community council member ceases to be resident within that community council area;
- When an elected community council member has her/his membership disqualified (Clause 9).

Should a vacancy or vacancies arise on a community council between elections, it shall be a requirement that the community council undertake appropriate election arrangements, in consultation with the local authority. Filling a vacancy can be undertaken either through the process of an interim election or by co-option. However, should circumstances arise that lead to the number of elected community councillors falling below **HALF** of the maximum permitted membership, the local authority shall be informed and shall undertake arrangements for an interim election to be held, as described within the Guidance Notes.

## **Co-option to Community Councils**

Co-opted members must be eligible for membership of the community council as detailed in Section 5 of the Community Council Scheme. They must be elected onto the community council by a two-thirds majority of the elected (general and interim) community councillors present and voting. Such co-opted members shall have full voting rights, with the exception of voting on co-option of members, and will serve until the next round of elections (general and interim). Notice of any proposed co-option procedure is required to be intimated to all of that community council's members at least 14 days prior to the meeting when the matter will be decided.

The number of co-opted members may not exceed a **THIRD** of the current elected (general and interim) community council membership. Should the ratio of co-opted to elected community councillors become greater than one third, due to any circumstances, an interim election process shall be triggered.

## **Additional Membership**

### *Associate Members*

Associate members may be appointed by a community council where there may be a need for individuals with particular skills or knowledge. These individuals do not have voting rights. Associate members may serve for a fixed period as determined by the community council or for the term of office of the community council that has appointed them. Associate members may also include representation from other constituted local voluntary organisations.

### *Ex-Officio Members*

Local Authority Councillors, MPs, MSPs and MEPs whose wards or constituencies fall wholly or partly within the geographical area of the community council area shall be deemed ex-officio members of the community council. Ex-officio members shall have no voting rights on the community council.

## **8. Equalities**

Recognition should be given to the contribution of everyone participating in the work of the community council. Community councils must comply with Equal Opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.

## **9. Disqualification of Membership**

Membership of a community council is invalidated should a community councillor's residency qualification within that community council area cease to exist. If any member of a community council fails to attend any community council meeting, with or without submitting apologies, throughout a period of 6 months, the community council may terminate their membership. At the discretion of individual community councils, a period of leave of absence for community council members may be granted at any meeting of the community council.

## **10. Meetings**

The first meeting of a community council following a community council election, will be called by an independent Returning Officer approved by the local authority and will take place within 21 days of the date of the election, or as soon as practicable thereafter. The business of that meeting will include adoption of a Constitution and Standing Orders, appointment of office bearers and any outstanding business matters from the outgoing community council.

The frequency of meetings will be determined by each community council, subject to a minimum of one annual general meeting and 6 ordinary meetings being held each year. The annual general meeting shall be held in a month of each year to be determined by the local authority.

The quorum for community council meetings shall be one third of the current voting membership of a community council, or 3 voting members, whichever is the greater.

An outline for the content of business that community councils should adhere to when holding ordinary, special and annual general meetings is contained within the Model Standing Orders.

## **11. Liaison with the Local Authority**

In order to facilitate the effective functioning of community councils, the local authority has identified an official to act as a Liaison Officer with community councils. Unless there is a specific agreement or an issue is a specific departmental issue, all correspondence between the local authority and the community councils should, in the first instance, be directed through that official.

Community councils may make representations to the local authority and other public and private agencies, on matters for which it is responsible and which it considers to be of local interest. Representations should be made, in the case of statutory objections, such as planning or licensing matters, to the appropriate local authority official. On issues where a local authority department is consulting with community councils, representations should be made to the appropriate departmental officer.

Community councils shall provide copies of their agendas and minutes within prescribed timescales to the Council via the local authority's named official.

## **12. Resourcing a Community Council**

The financial year of each community council shall be provided for in the constitution of each community council and shall be from **(to be determined by the local authority)** to **(to be determined by the local authority)** in each succeeding year to allow for the proper submission of audited statement of accounts to the community council's annual general meeting on a specified date.

The Annual Accounts of each community council shall be independently examined by at least two examiners appointed by the community council, who are not members of that community council. A copy of the independently examined statement of accounts/balance sheet shall be forwarded immediately thereafter the statement is approved at the community council's annual general meeting, to a named official of the local authority.

The named official may, at their discretion and in consultation with the Council's Chief Financial Officer, require the community council to produce such records, vouchers and account books, as may be required.

Each community council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions.

Each community council shall be eligible to apply for grants for suitable projects through the local authority's grant system.

The local authority may provide an initial administrative grant to community councils to assist with the operating costs of the community council. The grant shall be fixed at a minimum flat rate of £ **(to be determined by the local authority)** with an additional minimal -p. **(to be determined by the local authority)** per head of population.

The local authority shall determine any additional support services/resourcing, such as: photocopying and distribution of community council minutes, agendas and free lets of halls for community council meetings, to suit local requirements. The local authority will review the level of annual administrative grant and other support to community councils following each local government electoral cycle.

The local authority's Liaison Officer shall facilitate advice and assistance to community councils and arrange for the establishment of a training programme for community councils on the duties and responsibilities of community council office bearers, the role of community councils, the functions of the local authority and other relevant topics.

### **13. Liability of Community Council Members**

A national scheme of insurance liability cover has been arranged. The insurance liability cover becomes effective upon the local authority advising the insurance underwriter of the establishment of a community council.

### **14. Dissolution of a Community Council**

The terms for dissolution of a community council are contained within the Model Constitution.

Notwithstanding these terms, should a community council fail to hold a meeting for a period of 3 consecutive prescribed meeting dates, or its membership falls below the prescribed minimum for a period of 3 consecutive prescribed meeting dates (during which time the community council and the local authority have taken action to address the situation), the local authority shall take action to dissolve that community council.

This page is intentionally left blank



<b>Clackmannanshire Total</b>			<b>1</b>	<b>1</b>		<b>1</b>		<b>2</b>
Dumfries & Galloway	CC	1		1	3			1
	Individual		1		1		1	
	LA							1
	Other					1		
<b>Dumfries &amp; Galloway Total</b>		<b>1</b>	<b>1</b>	<b>1</b>	<b>4</b>		<b>1</b>	<b>1</b>
Dundee	CC			1	1	1		
	LA							1
<b>Dundee Total</b>			<b>1</b>	<b>1</b>		<b>1</b>		<b>1</b>
E Ayr	CC						1	1
	Individual					1		
	LA							1
<b>E Ayr Total</b>						<b>1</b>	<b>1</b>	<b>2</b>
E Dunbartonshire	Individual					1		
	LA			1				
<b>E Dunbartonshire Total</b>				<b>1</b>			<b>1</b>	
E Lothian	CC	1			2			
	CC							
	Forum			1				
	Individual				1			1
	LA			1				
<b>E Lothian Total</b>		<b>1</b>	<b>2</b>	<b>1</b>	<b>2</b>			<b>1</b>
E Renfrewshire	CC			2	1		2	
	Individual	1						
	LA					1		
<b>E Renfrewshire Total</b>		<b>1</b>	<b>2</b>	<b>1</b>		<b>1</b>	<b>2</b>	
Edinburgh	CC					2	3	2
	CC							
	Forum			1				
	Individual			1				1
	LA					1		1



	Individual	1		2	1	1		1	
<b>Moray Total</b>		<b>2</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>		<b>1</b>	<b>2</b>
N Lanarkshire	CC	2	1	2					1
	LA								1
<b>N Lanarkshire Total</b>		<b>2</b>	<b>1</b>	<b>2</b>					<b>2</b>
no specific area	Individual								1
	Pol Party				1				
	Prof body								3
<b>no specific area Total</b>					<b>1</b>				<b>4</b>
Not known	CC	1	1						1
	Individual not known							1	4
			1						1
<b>Not known Total</b>		<b>1</b>	<b>1</b>	<b>1</b>				<b>2</b>	<b>6</b>
Orkney	CC				1				
	Individual				1	1	1		1
	LA				1				
<b>Orkney Total</b>					<b>3</b>	<b>1</b>	<b>1</b>		<b>1</b>
Perth & Kinross	CC	1	2		1	1	1		4
	Individual not known			2	2	1		1	
							1		
<b>Perth &amp; Kinross Total</b>		<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>4</b>
Renfrewshire	CC		1	1	1			4	1
	Individual								1
	LA not known			1					
									1
<b>Renfrewshire Total</b>		<b>1</b>	<b>1</b>	<b>2</b>			<b>4</b>		<b>3</b>
S Ayrshire	CC	1	2		2	1		1	4
	Individual					1		1	1



This page is intentionally left blank

# MODEL CONSTITUTION FOR COMMUNITY COUNCILS

## 1. Name

The name of the COMMUNITY COUNCIL shall be ..... (referred to as “the COMMUNITY COUNCIL” in this document).

## 2. Area of the Community Council

The area of the COMMUNITY COUNCIL shall be as shown on the map attached to the local authority’s Scheme for the Establishment of Community Councils.

## 3. Objectives

The objectives of the COMMUNITY COUNCIL shall be:

- (a) to ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of the people;
- (b) to express the views of the community to the local authority for the area to public authorities and other organisations;
- (c) to take such action in the interests of the community as appears to it to be desirable and practicable;
- (d) to promote the well-being of the community and to foster community spirit;
- (e) to be a means whereby the people of the area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.

## 4. Role and Responsibilities

In the discharge of their functions and the conduct of their business, the COMMUNITY COUNCIL and its membership shall have regard to their role and responsibilities as set out in paragraph 3 of the Scheme for the Establishment of Community Councils, approved by the local authority and the Community Councillors’ Code of Conduct.

## 5. Membership

The COMMUNITY COUNCIL’S membership is as governed by paragraph 5 of the Scheme for the Establishment of Community Councils and as determined from time to time by the local authority.

## 6. Method of Election

Election procedures shall be governed by the method of election laid down in paragraph 7 of the Scheme for the Establishment of Community Councils.

## 7. Casual Vacancies on the Community Council

Where a vacancy arises which does not result in the number of COMMUNITY COUNCILLORS falling below the minimum number as specified in paragraph 5 of the Scheme for the Establishment of Community Councils, and at least 6 months has passed since the last election, the COMMUNITY COUNCIL may, if it considers it to be desirable, agree to:-

- (a) an extraordinary general meeting be held in order that the vacancy (and any other outstanding vacancies) can be filled, on the basis that such vacancies would be publicised, nominations invited and an election held where the number of candidates exceeded the number of places available. Interim elections will be administered by the local authority.
- (b) the filling of a vacancy by co-option with voting rights to a maximum of one quarter of the total membership of the community council as governed by paragraph 7 of the Scheme for the Establishment of Community Councils.
- (c) the vacancy to be left unfilled until local public interest is expressed or until the next set of regular elections.

## 8. Voting Rights of Members of the Community Council

The right to vote at any meeting of the COMMUNITY COUNCIL or any committee thereof, shall be held by all COMMUNITY COUNCILLORS whether elected or co-opted, but not by Associate Members appointed for specific issues on a temporary basis, or *ex-officio* members. With the exception of circumstances which may arise under the **Scheme for the Establishment of Community Councils**: Clause 7 – Community Council Elections [Co-option]; and **Constitution**: Clause 16 – Alterations to the Constitution and its Clause 17 – Dissolution, all decisions of the COMMUNITY COUNCIL will be decided by a simple majority of those eligible to vote and present and voting.

In the event of a vote of the community councillors that results in a majority not being achieved, the chairperson shall have a casting vote.

## 9. Election of Office-Bearers

- (a) At the first meeting of the COMMUNITY COUNCIL after elections in the year when elections are held and at the Annual General Meeting in **(to be determined locally)** in the year when elections are not held, the COMMUNITY COUNCIL shall appoint a Chair, Secretary, Treasurer and other such office-bearers as it shall from time to time decide.
- (b) All office-bearers shall be elected for one year, but shall be eligible for re-election, without limitation of time.

- (c) Without the express approval of the local authority, no one member shall hold more than one of the following offices at any one time: Chairperson, Secretary or Treasurer.

## 10. Committees of the Community Council

The COMMUNITY COUNCIL may appoint representatives to committees of the COMMUNITY COUNCIL and shall determine their composition, terms of reference, duration, duties and powers.

## 11. Meetings of the Community Council

- (a) The quorum for COMMUNITY COUNCIL meetings shall be at least one third of the current eligible voting membership, or 3 eligible voting members, whichever is the greater.
- (b) Once in each year in the month of **(to be determined by the local authority)** the COMMUNITY COUNCIL shall convene an annual general meeting for the purpose of receiving and considering the Chairperson's annual report on the COMMUNITY COUNCIL, the submission and approval of the independently examined annual statement of accounts and the appointment of office bearers.
- (c) Including the annual general meeting, the COMMUNITY COUNCIL shall meet not less than 7 times throughout the year.
- (d) Dates, times and venues of regular meetings of the COMMUNITY COUNCIL shall be fixed at the first meeting of the COMMUNITY COUNCIL following ordinary elections and thereafter at its annual general meeting. Special meetings shall require at least 10 days public notice, either called by the Chairperson, or on the request of not less than one-half of the total number of COMMUNITY COUNCIL members. An officer of the local authority has the discretion to call a meeting of the COMMUNITY COUNCIL.
- (e) Copies of all minutes of meetings of the COMMUNITY COUNCIL and of committees thereof shall be approved at the next prescribed meeting of the COMMUNITY COUNCIL, but the draft minute shall be circulated within 14 days from the date of that meeting, to COMMUNITY COUNCIL members, other appropriate parties and the local authority's liaison officer for COMMUNITY COUNCILS.
- (f) The COMMUNITY COUNCIL shall abide by its Standing Orders for the proper conduct of its meetings.

- (g) The COMMUNITY COUNCIL has a duty to be responsive to the community it represents. Should the COMMUNITY COUNCIL receive a written request (petition), signed by at least 20 persons resident within the COMMUNITY COUNCIL area to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting within 14 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings called by the COMMUNITY COUNCIL.
- (h) The COMMUNITY COUNCIL can meet to discuss items of business in private where it considers it appropriate to do so. The decision to meet in private will be agreed in advance and decided by a majority vote. Notice of such a meeting will be given to the public in the usual way. However, the Notice will record that the meeting, or a part thereof, shall be held in private.

## **12. Public Participation in the Work of the Community Council**

- (a) All meetings of the COMMUNITY COUNCIL and its committees (subject to 11(h), above) shall be open to members of the public. Proper provision is to be made for the accommodation of members of the public and the opportunity should be afforded at each meeting to permit members of the public to address the COMMUNITY COUNCIL, under the guidance of the Chairperson.
- (b) Notices calling meetings of the COMMUNITY COUNCIL and its committees shall be posted prominently within the COMMUNITY COUNCIL area for a minimum period of ten days before the date of any such meeting, and, where possible, be advertised by other suitable means.

## **13. Information to the Local Authority**

The local authority's liaison officer shall be sent an annual calendar of the COMMUNITY COUNCIL'S prescribed meeting dates, times and venues, which should be agreed at the COMMUNITY COUNCIL'S annual general meeting, minutes of all meetings, the annual report, the annual financial statement and any other such suitable information, as may from time to time be agreed between the COMMUNITY COUNCIL and the local authority. When special meetings of the COMMUNITY COUNCIL are to be held, the local authority's liaison officer should be advised of the date, time venue and subject(s) of debate of such meetings, at least 10 days in advance of the meeting date.

#### 14. Control of Finance

- (a) All monies raised by or on behalf of the COMMUNITY COUNCIL or provided by the local authority and other sources shall be applied to further the objectives of the COMMUNITY COUNCIL and for no other purpose. The monies provided by the local authority in the annual Administrative Grant for administrative and other approved purposes shall be used only as prescribed. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the community council), or in the absence of such terms, for the furtherance of the objectives of the COMMUNITY COUNCIL.
- (b) The treasurer shall undertake to keep proper accounts of the finances of the community council.
- (c) Any two of three authorised signatories, who would normally be office-bearers of the community council, may sign cheques on behalf of the COMMUNITY COUNCIL. Authorised signatories may not be co-habitees.
- (d) A statement of accounts for the last financial year, independently examined by two examiners appointed by the COMMUNITY COUNCIL, who are not members of this COMMUNITY COUNCIL, shall be submitted to an annual general meeting of the COMMUNITY COUNCIL and shall be available for inspection at a convenient location.
- (e) The financial year of the COMMUNITY COUNCIL shall be from **(to be determined by the local authority)** until **(to be determined by the local authority)** the succeeding year. Examined accounts as received and approved by the COMMUNITY COUNCIL at the annual general meeting shall be submitted to the local authority following approval at the community council's annual general meeting.

#### 15. Title to Property

Property and other assets belonging to the COMMUNITY COUNCIL shall be vested in the Chair, Secretary and Treasurer of the COMMUNITY COUNCIL and their successors in these respective offices.

#### 16. Alterations to the Constitution

Any proposal by the COMMUNITY COUNCIL to alter this Constitution must be first considered by a meeting of the COMMUNITY COUNCIL and the terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued not less than ten days prior to the meeting. Any proposed alterations may not prejudice the terms and objectives contained within the Scheme for the Establishment of Community Councils.

If the proposal is supported by two-thirds of the total voting membership of the COMMUNITY COUNCIL and is approved in writing by the local authority, the alteration shall be deemed to have been duly authorised and can then come into effect.

## **17. Dissolution**

If the COMMUNITY COUNCIL by a two-thirds majority of the total voting membership decides at any time that it is necessary or advisable to dissolve, it shall agree a date for a public meeting to be held to discuss the proposed resolution to dissolve. It is a requirement that not less than ten days prior to the date of such meeting a public notice be given by means of notification in the local newspaper. If the resolution is supported by a majority of those persons present and qualified to vote and is approved by the local authority, the COMMUNITY COUNCIL shall be deemed to be dissolved and all assets remaining, subject to the approval of the local authority, after the satisfaction of any proper debts or liabilities shall transfer to the local authority who shall hold same in Trust for a future COMMUNITY COUNCIL representing that area.

In the event that the COMMUNITY COUNCIL is dissolved under the above procedure, and twenty or more electors subsequently wish the re-establishment of a COMMUNITY COUNCIL for the area, these electors shall submit a requisition to the local authority in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which the Returning Officer shall arrange for elections to be held in accordance with the Scheme for the Establishment of Community Councils.

Where for any reason, the number of COMMUNITY COUNCIL members falls below the minimum specified in the Scheme for the Establishment of Community Councils the local authority may, by suspending the Constitution of the COMMUNITY COUNCIL, cause the COMMUNITY COUNCIL to be dissolved and in this event, the procedures for the establishment of a new COMMUNITY COUNCIL being those identified in the immediately preceding paragraph hereof, shall be initiated.

**18. Approval and adoption of the Constitution**

This Constitution was adopted by .....  
COMMUNITY COUNCIL, on

.....

..... Signed: Chairman

..... Member

..... Member

..... Date

and was approved on behalf of ..... Council on

.....

..... Signed

..... Date



This page is intentionally left blank

## **MODEL STANDING ORDERS**

### **1. Meetings (all held in public)**

- (a) Ordinary meetings of the COMMUNITY COUNCIL shall be held in the months of ..... [to be entered]. Special Meetings may be called at any time on the instructions of the Chairperson of the community council on the request of not less than one-half of the total number of COMMUNITY COUNCIL members; or the receipt of a common written request (petition), signed by at least 20 persons, resident within the COMMUNITY COUNCIL area, to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting. A special meeting shall be held within 14 days of the receipt of the request made to the Secretary of the COMMUNITY COUNCIL. Annual general meetings are held annually.
- (b) The notice of ordinary and annual general meetings of the COMMUNITY COUNCIL, featuring the date, time and venue, shall be provided to each COMMUNITY COUNCIL member and the local authority's named official by the Secretary of the COMMUNITY COUNCIL, at least 10 days before the date fixed for the meeting.

### **2. Minutes**

Minutes of the proceedings of a meeting of the COMMUNITY COUNCIL shall be drawn up within fourteen days from the date of that meeting, distributed in accordance with paragraph 3 of the Scheme of Community Councils and shall, following their approval, be signed at the next meeting of the COMMUNITY COUNCIL by the person presiding thereat and retained for future reference.

### **3. Quorum**

A quorum shall be one-third of the current voting membership of the COMMUNITY COUNCIL, or 3 voting members, whichever is the greater.'

### **4. Order of Business**

#### **(i) Ordinary Meeting**

The order of business at every ordinary meeting of the COMMUNITY COUNCIL shall be as follows: -

- (a) Recording of membership present and apologies received.
- (b) The minutes of the last meeting of the COMMUNITY COUNCIL shall be submitted for approval.
- (c) Any other item of business, which the Chairperson has directed, should be considered.

- (d) Any other competent business.
- (e) Questions from the floor.
- (f) Chairperson to declare date of next meeting and close meeting.

**(ii) Annual General Meeting**

It will not be uncommon that the COMMUNITY COUNCIL has arranged for an ordinary meeting of the COMMUNITY COUNCIL to begin at the close of the annual general meeting, to enable any outstanding reporting on business matters to be heard; and for COMMUNITY COUNCIL members and members of the public to have an opportunity to bring matters to the attention of the COMMUNITY COUNCIL, possibly for inclusion on a future agenda.

The order of business at every annual general meeting of the COMMUNITY COUNCIL shall be as follows: -

- (a) Recording of membership present and apologies received.
- (b) The minutes of the last annual general meeting of the COMMUNITY COUNCIL shall be submitted for adoption.
- (c) Chairperson's Annual Report (and questions from the floor).
- (d) Secretary's Annual Report (and questions from the floor).
- (e) Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).
- (f) Demit of current office bearers/election of office bearers.
- (g) Chairperson to declare date of next annual general meeting and close meeting.

**(iii) Extraordinary General Meeting**

The order of business at every extraordinary general meeting of the COMMUNITY COUNCIL shall be as follows: -

- (a) Recording of membership present and apologies received.
- (b) Business for debate, as described in the calling notice for the special meeting.
- (c) Chairperson to close meeting.

## **5. Order of Debate**

- (a) The Chairperson shall decide all questions of order, relevancy and competency arising at meetings of the COMMUNITY COUNCIL and her/his ruling shall be final and shall not be open to discussion. In particular, the Chairperson shall determine the order, relevancy and competency of all questions from the public in attendance at meetings of the COMMUNITY COUNCIL raised at 4, above. The Chairperson in determining the order, relevance and competency of business and questions shall have particular regard to the relevance of the issue to the community and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Chairperson shall have the power, in the event of disorder arising at any meeting, to adjourn the COMMUNITY COUNCIL meeting to a time he/she may then, or afterwards, fix.
- (b) Every motion or amendment shall be moved and seconded.
- (c) After a mover of a motion has been called on by the Chairperson to reply, no other members shall speak to the question.
- (d) A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- (e) A motion or amendment which is contrary to a previous decision of the COMMUNITY COUNCIL shall not be competent within six months of that decision.

## **6. Voting**

- (a) Voting shall be taken by a show of hands of those present and eligible to vote, with the exception that, at an annual general meeting, the election of office bearers may be held by secret ballot.
- (b) The Chairperson of a meeting of the COMMUNITY COUNCIL shall have a casting vote as well as a deliberative vote.

## **7. Alteration of Standing Orders**

A proposal to alter these Standing Orders may be proposed to the local authority to be altered or added to at any time by the COMMUNITY COUNCIL, provided that notice of motion to that effect is given at the meeting of the COMMUNITY COUNCIL previous to that at which the motion is discussed. The local authority shall have final discretion on any proposed change.

## **8. Committees**

The COMMUNITY COUNCIL may appoint such committees as it may from time to time decide and shall determine their composition, terms of reference, duration, duties and powers.

## **9. Suspension of Standing Orders**

These Standing Orders shall not be suspended except at a meeting at which three-quarters of the total number of COMMUNITY COUNCIL members are present and then only if the mover states the object of his motion and if two-thirds of the COMMUNITY COUNCIL members present consent to such suspension.

---