

Public Document Pack



SCOTTISH BORDERS COMMUNITY COUNCIL SCHEME REVIEW WORKING GROUP

THIS "MEETING" CONTAINS COPIES OF OTHER LOCAL AUTHORITIES' SCHEMES OF ESTABLISHMENT FOR COMMUNITY COUNCILS. The documents are published for reference during the Review of the Scottish Borders Scheme.

J. J. WILKINSON,
Clerk to the Council

BUSINESS		
1.	Aberdeen City Council (Pages 5 - 76) Documents attached – <ul style="list-style-type: none">• Scheme of Establishment• Appendix 1 – Names and Area Descriptions• Appendix 2 – Constitution• Appendix 3 – Standing Orders• Appendix 4 – Code of Conduct• Appendix 5 – CC Complaints Procedure•	
2.	Aberdeenshire Council (Pages 77 - 138) Scheme for the Establishment of Community Councils attached.	
3.	Angus Council (Pages 139 - 178) Documents attached – <ul style="list-style-type: none">• Scheme for the Establishment of Community Councils• Appendix 1 – Model Constitution• Appendix 2 – Model Standing Orders• Appendix 3 – Model Code of Conduct• Appendix 4 – Nomination Paper• Schedule 2 – Elected Member Composition• Schedule 3 – Scheme of Electoral Arrangements	
4.	Argyll & Bute Council (Pages 179 - 246) Documents attached – <ul style="list-style-type: none">• Scheme of Establishment 2018• Administrative Grants• Best Practice agreement• Boundary maps• Complaints Procedure	

5.	Clackmannanshire Council (Pages 247 - 254) Scheme for Establishment of Community Councils attached.	
6.	Dumfries & Galloway Council (Pages 255 - 286) Scheme for Establishment of Community Councils attached.	
7.	Dundee City Council (Pages 287 - 300) Revised Scheme for the Operation of Community Councils and Code of Conduct for Community Councils attached.	
8.	East Ayrshire Council (Pages 301 - 326) Documents attached – <ul style="list-style-type: none"> • Scheme for Community Councils • Code of Conduct for Community Councils • Constitution for Community Councils • Standing Orders for Community Councils 	
9.	East Dunbartonshire Council (Pages 327 - 344) Scheme for the Establishment of Community Councils attached.	
10.	East Lothian Council (Pages 345 - 356) Scheme for Community Councils attached.	
11.	East Renfrewshire Council (Pages 357 - 398) Documents attached – <ul style="list-style-type: none"> • Scheme for the Establishment of Community Councils • Code of Conduct for Community Councils • Community Councils Privacy Statement • Model Constitution for Community Councils • Model Standing Orders for Community Councils 	
12.	Edinburgh City Council (Pages 399 - 424) Scheme for Community Councils attached.	
13.	Falkirk Council (Pages 425 - 450) Documents attached – <ul style="list-style-type: none"> • Scheme for the Establishment of Community Councils • Code of Conduct for Community Councils • Community Council Meeting Key Actions • Community Council Model Constitution • Community Councils Standing Orders • How to set up a Community Council 	
14.	Fife Council (Pages 451 - 474) Scheme for the Establishment of Community Councils attached.	
15.	Glasgow City Council (Pages 475 - 636) Documents attached – <ul style="list-style-type: none"> • Scheme of Establishment for Community Councils • Guidance for Community Councils 	

	<ul style="list-style-type: none"> • Induction for Prospective & New Community Councillors 	
16.	<p>Highland Council (Pages 637 - 686) Scheme for the Establishment of Community Councils attached.</p>	
17.	<p>Inverclyde Council (Pages 687 - 762) Documents attached –</p> <ul style="list-style-type: none"> • Scheme of Establishment of Community Councils • Community Council Co-option Form • Getting Involved • Handbook 	
18.	<p>Midlothian Council (Pages 763 - 774) Handbook for Scheme for Community Councils attached.</p>	
19.	<p>Moray Council (Pages 775 - 812) Scheme for Establishment of Community Councils attached.</p>	
20.	<p>North Ayrshire Council (Pages 813 - 920) Guide to Community Council Scheme attached.</p>	
21.	<p>North Lanarkshire Council (Pages 921 - 936) Scheme for Community Councils attached.</p>	
22.	<p>Orkney Council (Pages 937 - 954) Scheme for Orkney Community Councils attached.</p>	
23.	<p>Perth and Kinross Council (Pages 955 - 992) Scheme of Establishment for Community Councils 2019/20 attached.</p>	
24.	<p>Renfrewshire Council (Pages 993 - 1028) 2019 Scheme attached.</p>	
25.	<p>Scottish Borders Council (Pages 1029 - 1050) Scottish Borders Community Council Scheme 2014 attached.</p>	
26.	<p>Shetland Council (Pages 1051 - 1054) Community Council Scheme attached.</p>	
27.	<p>South Ayrshire Council (Pages 1055 - 1162) Community Councils Handbook attached.</p>	
28.	<p>South Lanarkshire Council (Pages 1163 - 1196) Scheme for the Establishment of Community Councils attached.</p>	
29.	<p>Stirling Council (Pages 1197 - 1232) Community Council Scheme attached.</p>	

30.	<p>West Dunbartonshire Council (Pages 1233 - 1262) Scheme of Establishment – Community Councils, attached.</p>	
31.	<p>West Lothian Council (Pages 1263 - 1346) Documents attached –</p> <ul style="list-style-type: none"> • Code of Conduct • Constitution and Standing Orders • Engaging Communities Toolkit • Final Names and Sizes • Guidance Notes 	
32.	<p>Western Isles Council (Pages 1347 - 1354) Community Councils Scheme of Establishment attached.</p>	
33.	<p>Scottish Government (Pages 1355 - 1364) Model Scheme for the Establishment of Community Councils attached.</p>	

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

Scheme for the Establishment of Community Councils

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Additional documents to the Scheme (separate)

Area Descriptions

Constitution

Standing Orders

Code of Conduct

Complaints Procedure

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.

Community Councils are voluntary bodies which exist within a statutory framework and which have been granted statutory rights of consultation.

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.

They can complement the role of the local authority although they are not part of local government.

The Scheme will come into operation from 25 October 2018 when the new term for Community Councils begins in Aberdeen City. The Scheme will be subject to review periodically prior to each new term.

1. Statutory Purposes

The statutory purposes of Community Councils established under the 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.

2. Establishment of Community Councils

2.1 Areas

2.1.1 Aberdeen City Council has produced list of community council areas including a full written description. These are available as a separate document. Maps which outline their boundaries can be requested by contacting the Community Council Liaison Officer at communitycouncils@aberdeencity.gov.uk

2.2 Existing Community Councils

2.2.1 Aberdeen City Council shall organise elections for all Community Councils in October every three years.

2.3 Where no Community Council exists

2.3.1 To establish a new Community Council, an application submitted by 20 residents, who are on the electoral register for that area must be submitted to the Community Council Liaison Officer. On receipt of the application form, Aberdeen City Council shall arrange an election for that area.

3. Role and Responsibilities

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 the Local Authority, other public sector bodies and private agencies on matters within their sphere of interest.

Community Councils should have in place mechanisms to encourage public involvement and feedback to secure greatest possible involvement from all sectors of the community which may include consultations, questionnaires, public meetings and effective means to publicise the determinations of the community council.

3.1 Role

- 3.1.1 Community Councils have a statutory right to be consulted on planning applications and licensing applications.
- 3.1.2 Community Councils are a type of community participation body as defined under the Community Empowerment Act 2015. They have the authority to make participation requests to a public service authority to permit them to participate in an outcome improvement process.
- 3.1.3 Community Councils should develop robust and effective working relationships with the City Council and other agencies.
- 3.1.4 Community Councils may be consulted on any other matters by the Local Authority, Community Planning Partnership and other public sector and private agencies.
- 3.1.5 Community Councils may carry out other activities that are in the general interests of the communities they represent, provided those activities fall within the objectives of their Constitution and the terms of the Scheme for the Establishment of Community Council.
- 3.1.6 In the case of complex planning applications, it may be impractical for Community Councils to perform a full consultation affecting the whole community where the proposal might benefit from a formal consultation, collate the feedback and lodge a meaningful representation within the timescales allowed. In this case Community Councils may lodge representations based on material considerations affecting the interests of their community provided they have also advertised the application in their community and encouraged members of the community to make their own representations.
- 3.1.7 In carrying out their activities Community Councils must at all times comply with their statutory duties; the terms of the Scheme; Constitution; Standing Orders; and the Community Councillors' Code of Conduct.
- 3.1.8 Each Community Council is required to adopt a Constitution, Standing Orders and the Code of Conduct. The Community Councils Constitution is required to be approved by the Local Authority. The purpose of these documents is to:
- encourage and maintain consistency for all Community Councils,
 - facilitate properly structured and regulated proceedings, and
 - ensure that items of business relevant to the community are properly debated and decisions are reached in a democratic manner.

3.2 Responsibilities

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 the community.

In order to fulfil their responsibilities and in being effective and representative, Community Councils shall:

- 3.2.1 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, notice boards and online, subject to the provisions contained within the General Data Protection Regulation (GDPR) which will apply from 25 May 2018.
- 3.2.2 Provide publicly available contact information such as names, addresses, telephone numbers, email addresses and website links to enable members of the public to contact them.
- 3.2.3 Allow members of the public to attend all meetings of the Community Council and ensure they have the opportunity to address the Community Council.
- 3.2.4 Send agendas and draft minutes of Community Council meetings to Community Council members, the Community Council Liaison Officer and to relevant elected members and other interested parties.
- 3.2.5 Have in place consultative mechanisms to encourage public involvement to secure greatest possible involvement from all sectors of the community it represents. This could be in form of consultations, questionnaires, public meetings and providing information to the community.
- 3.2.6 Seek to broaden both representation and expertise by promoting the Associate Membership of the Community Council of persons for specific projects/issues.
- 3.2.7 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.
- 3.2.8 Maintain proper financial records and present financial reports at Community Council meetings.
- 3.2.9 Inform the Community Council Liaison Officer of any change in membership (resignations, associate members) and circumstances, as soon as is practicable.

4. Membership of Community Councils

- 4.1 There shall be a minimum and maximum membership number of elected Community Councillors in a Community Council.
- 4.2 The minimum age to stand for election as a Community Councillor is 16 years of age.
- 4.3 Qualification for membership is by residency within the specific Community Council area.
- 4.4 Community Council candidates for membership must be named on the current electoral register for the Community Council area in which they reside as a local government elector.
- 4.5 There shall be provision made for non-voting Associate Membership for purposes as defined by each Community Council.
- 4.6 No elected member of Aberdeen City Council shall be eligible to be a member of a Community Council. If a member of a Community Council is so elected, they will be deemed to have resigned from the Community Council the day after the result of the Local Government election is declared.
- 4.7 Elected members of the Scottish, United Kingdom and European Parliaments are entitled to become ex-officio members of Community Councils, with no voting rights.

5. Community Council Elections

5.1 Eligibility for Membership and Voting

- 5.1.1 Voting shall be open to any individual elector aged 16 and over, within the area of the Community Council and whose name appears on the Electoral Register and are registered as a local government elector on the day of Poll.
- 5.1.2 For membership, all candidates and witnesses at the date of the nomination are required to be registered as a local government elector at an address within the relevant community council boundary.

5.2 Frequency of Elections

- 5.2.1 The first elections for Community Councils in terms of this Scheme shall be held on 25 October 2018.
- 5.2.2 Elections will be held in October on a three yearly basis on dates to be determined by the Returning Officer.

5.3 Returning Officer

The Returning Officer for Community Council Elections shall be appointed by the City Council.

5.4 Nominations

5.4.1 The Returning Officer shall make Nomination forms widely available by publication on the Aberdeen City Council website and in City Council offices, libraries and Community Centres. It shall not be necessary to use such a form, provided that the nomination is submitted in writing and:-

- (a) is signed by the candidate, confirming his/her eligibility and willingness to stand and to serve as a member of the Community Council if elected;
- (b) states the Candidate's full name and address, together with any commonly used name or names, by which he/she wishes to be described in the Notice of Poll and Ballot Paper, where a candidate has requested that their address is not published on the Notice of Poll or Ballot paper, the address field will state 'address within the xxx community council area';
- (c) states the full name and address and is signed by the witness.

5.4.2 The nomination form will contain a section to allow candidates to submit a written statement in support of their nomination which will appear alongside the ballot paper. Where no statement is provided, the following text will appear on a separate paper for candidate statements and provided to voters together with the ballot paper:

"This candidate chose not to submit a statement in support of their nomination".

5.4.3 The Returning Officer shall reject any Nomination:-

- (a) which does not contain the information prescribed in section 5.4.1;
- (b) which is submitted after the deadline for the receipt of nominations;
- (c) where, on checking, it appears that the candidate or witness is not registered as a local government elector at the address stated on the form; or
- (d) where any address stated on the form is outwith the area of the Community Council.

5.4.4 The Returning Officer shall not be obliged to carry out any further investigation as to the eligibility of a person to be nominated.

5.4.5 Nominations may be lodged in person by the candidate or witness, or by post. Delivery to any address other than that stated in the Notice of Election shall not be sufficient and the onus shall be on the candidate to prove that any nomination paper delivered was properly delivered.

5.5 Method of voting

5.5.1 Voting shall be by secret ballot.

5.5.2 Voting methods will be determined by the Returning Officer. They will be designed to ensure a properly run election and accurate count. Chosen voting methods

should also increase accessibility and participation and wherever possible will include electronic methods.

5.5.3 Community Councils within Aberdeen City shall be elected on the Single Transferable Vote (STV) method of election.

5.5.4 Where a By Election is called due to the numbers of Community Councillors falling below that of the minimum required, only the vacant positions for that Community Council will be advertised, allowing the current elected membership to remain in place.

5.6 Stages Common to All Elections

5.6.1 Timetable

Publication of Notice of Election	Not less than eight weeks before Date of Poll
Time for Lodging Nominations	A period of not less than four weeks commencing the day after publication of the Notice of Election and ending as near as may be, four weeks before the Date of Poll. Nominations may be lodged at the Election Unit between the hours of 10.00 and 16.00 on any working day during this period
Statement of Persons Nominated	As soon as may be after close of nominations
Time for withdrawal of Nominations	During the period for Lodging Nominations and not later than one week after at 16:00hrs
Notice of Poll, Notice of Uncontested Election (with, in either case, statement of persons validly nominated) or Notice of Failure to Establish a Community Council	Not later than the third working day after the close of the period for Withdrawal of Nominations
Date of Poll	The date fixed by the Returning Officer in terms of paragraph 5.2 Polling shall be between the hours of 08:00 and 20:00 on that day
Counting of Votes	As soon as possible after the Close of Poll
Publication of Result	Not later than the third day after the completion of the Counting of Votes

5.6.2 Notice of Election

The Returning Officer shall publish notice advising that an election for the Community Council will take place and inviting nominations.

The Notice of Election shall state:-

- (a) the number of members to be elected to the Community Council;
- (b) the place and time for the lodging of nominations;

- (c) the qualification to stand as a candidate or to be a witness; and
- (d) that if the number of candidates exceeds the number of places to be filled, a poll will be held on a particular date.

5.6.3 Notice of Poll, Notice of Uncontested Election or Notice of Failure to Establish a Community Council

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

A Notice of Poll shall:-

- (a) list the candidates in alphabetical order of surname;
- (b) state the address of the candidate or where the candidate has requested their address is not listed to state an address within the xxx community council area;
- (c) specify the date and hours of the Poll;
- (d) specify the method for voting; and
- (e) specify the location of the polling station if applicable.

A Notice of Uncontested Election shall:-

- (a) list the candidates in alphabetical order of surname
- (b) state the address of the candidate or where the candidate has requested their address is not listed to state an address within the xxx community council area; and
- (c) state that the number of candidates validly nominated being less than the number of places to be filled, but greater than the number required to establish the Community Council (or in the case of a by-election, to maintain it), those candidates are deemed to be elected on the date of the notice.

A Notice of Failure to Establish a Community Council shall state:-

- (a) that the number of Candidates validly nominated, being less than the minimum number of members of the Community Council (or, in the case of a by-election, less than one half when taken with the existing members of the Community Council), the Community Council has not been established (or has been dis-established as the case may be); and
- (b) that no further petition for the establishment shall be competent for a period of three calendar months (or twelve calendar months in the case of a second failed election).

5.6.4 Withdrawal of Nomination

A candidate may withdraw his/her nomination by notice in writing, to the Returning Officer. Such notice must be signed and dated by the Candidate and shall be signed by one witness who shall add his/her full name and address. A nomination which has been withdrawn cannot be re-instated except that, where the withdrawal has been made during the nomination period, a fresh nomination of the same individual shall be competent if made before the last time for lodging nominations.

5.6.5 Counting of votes

The Returning Officer shall arrange for the counting of votes following the Poll. In normal circumstances this will be the first working day following the date of Poll.

5.7 Request to Establish a Community Council between Election Years

5.7.1 The City Council, on receipt of a written application by not less than twenty electors, shall conform to Section 52(7) of the Local Government (Scotland) Act 1973, in respect of a Community Council area, shall within not more than six weeks from the date of the application, acknowledge and set a date for an election for establishing the Community Council for that area in accordance with this Scheme. The City Council shall fix the date of the election.

6. Terms of Office of Members of Community Councils

6.1 The first term of office of members of Community Councils shall extend to the day prior to the next election date as determined by the City Council.

6.2 The term of office of members of Community Councils shall expire on a date in October every third year thereafter to be determined as aforesaid.

6.3 Retiring members of Community Councils, if not otherwise disqualified under the provisions of this Scheme, shall be entitled to stand for re-election.

7. Filling of Vacancies

7.1 Casual Vacancies

7.1.1 Casual vacancies on a Community Council may arise in the following circumstances:-

- (a) When an elected Community Council member submits his/her resignation;
- (b) When an elected Community Council member ceases to be registered on the electoral register within the Community Council area;
- (c) When an elected Community Council member has his/her membership disqualified (Section 9)
- (d) When a Community Councillor is elected as a Local Councillor, MSP or MP;
or

- (e) Due to unreasonable non-attendance by a Community Councillor at scheduled Community Council meetings for a period of six months

7.2 Co-option to Community Councils

- 7.2.1 Filling a vacancy can be undertaken through co-option. However, should circumstance arise that lead to the number of elected Community Council members falling below half of the maximum permitted membership, Aberdeen City Council shall be informed and may undertake arrangements for a by-election, where appropriate, to be held.
- 7.2.2 Co-opted members must be eligible for membership of the Community Council as detailed in Section 4 of the Community Council Scheme. All proposed co-options must be provided to Aberdeen City Council so that appropriate checks can be made relating to the eligibility.
- 7.2.3 Co-opted members must be elected onto the Community Council by a two-thirds majority of the elected Community Council members present and voting.
- 7.2.4 Co-opted members will have full voting rights and will serve until the next round of elections.
- 7.2.5 The number of co-opted members may not exceed a third of the current elected Community Council membership. Should the ratio become greater due to any circumstances, Aberdeen City Council shall be informed and may determine arrangements thereafter for a by-election, where appropriate.
- 7.2.6 After 12 months from the date of their co-option to the Community Council, the co-opted member will become a full member and will no longer be counted within the ratio of co-opted members.

7.3 Associate Members

- 7.3.1 Associate members may be appointed by a Community Council where there may be a need for individuals with particular skills and knowledge. These individuals do not have voting rights.
- 7.3.2 Associate members may include representation from other local organisations and may serve for a period determined by the Community Council, but will terminate no later than the next community council election.
- 7.3.3 A Community Council can appoint any number of Associate members and they do not count towards the total number of Community Councillors.

7.4 By-Elections

- 7.4.1 Where the number of elected community councillors falls below the minimum requirement or co-option has not been possible, a by-election may be called.

7.4.2 Only the vacant positions will be advertised to be filled.

7.4.3 Successful candidates will become full members.

8. Equalities

8.1 Recognition should be given to the contribution of everyone participating in the work of the Community Council.

8.2 The City Council further acknowledges that Community Councillors are volunteers who give up their own time to undertake the work of Community Councils.

8.3 Community Councils must comply with the 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.

8.4 See also the Code of Conduct.

9. Disqualification of Nomination or Membership

9.1 Membership is invalidated should a Community Councillor's name be removed from the electoral register.

9.2 If any member of a Community Council fails to attend any Community Council meeting, with or without submitting apologies, throughout a period of six months, the Community Council may terminate their membership.

9.3 At the discretion of individual Community Councils, a period of leave of absence for Community Council members may be granted ensuring that the active membership remains above the minimum number required.

10. Meetings

10.1 First Meeting

10.1.1 The first (inaugural) meeting of every newly established Community Council shall be convened by the Community Council Liaison Officer and attended and chaired by them or a person appointed by them for that purpose.

10.1.2 The business of the first meeting for all Community Councils will include the appointment of Chairperson, Vice-Chairperson, Secretary/Minute Secretary and Treasurer and to consider the Constitution and Code of Conduct.

10.1.3 Adoption of a Constitution by the Community Council and approval by the Local Authority should follow within three months of the inaugural meeting.

10.2 Meeting Frequency

10.2.1 The frequency of meetings will be determined by each Community Council, subject to a minimum of one Annual General Meeting and six ordinary meetings being held each year.

10.3 Quorum

10.3.1 The quorum for Community Council meetings shall be one third of the current voting membership or four members, whichever is the greater.

11. Liaison with the City Council

11.1 Aberdeen City Council have in place a Protocol which outlines the expectations and standards for the way in which Community Councils and the Council can work together to improve communication and participation across the City.

11.2 Aberdeen City Council have in place a Planning Process Agreement with Community Councils which outlines how the Community Councils and Aberdeen City Council will work together to ensure that the views of local communities are taken into account in the planning process.

11.3 In order to facilitate the effective functioning of Community Councils, Aberdeen City Council has appointed a Community Council Liaison Officer (CCLO) to act as a liaison officer with Community Councils.

11.4 The CCLO shall have the right to attend any meetings of Community Councils.

11.5 Community Councils shall provide copies of their agendas and minutes within prescribed timescales to the CCLO.

11.6 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.

11.7 Representations should be made, in the case of statutory objections, such as planning or licensing matters, to the appropriate City Council official.

11.8 On issues where the City Council is consulting with Community Councils, representations should be made to the appropriate City Council officer.

11.9 The CCLO 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 City Council and other relevant topics.

12. Resourcing a Community Council

12.1 Financial Year

12.1.1 The financial year of each Community Council shall be from January to December to allow for the proper submission of audited statement of accounts to the Community Council's annual general meeting to be held within two months of the end of the financial year.

12.2 Annual Accounts

12.2.1 The Annual Accounts of each Community Council shall be independently examined by one examiner appointed by the Community Council, who is not a member of that Community Council.

12.2.2 A copy of the independently examined statement of accounts and/or balance sheet shall be forwarded immediately after the accounts are approved at the Community Council's Annual General Meeting, and by the 31 March of each year, to the CCLO to enable the annual grant to be calculated.

12.2.3 The CCLO in consultation with the City Council's Finance Team may require the Community Council to produce such records, vouchers and account books.

12.3 Annual Administrative Grant

12.3.1 The City Council may provide an administrative grant to Community Councils to assist with the operating costs of the Community Council.

12.3.2 The grant is to be determined by the City Council shall be fixed at a rate which will be reviewed on an annual basis.

12.3.3 The administration grant is available to cover the cost in administering Community Council business which includes:

- Auditors' fees
- Stationery
- Postage
- Travel costs
- Accommodation lets (where meetings are held outwith Council premises)
- Bank charges
- Advertising
- General publicity and promotional materials
- Consultation with the community
- Financial assistance to local groups and projects within the Community Council area

12.4 Other Resources

12.4.1 Each Community Council shall have the power to secure resources for projects consistent with its functions.

12.4.2 Community Councils can organise a photocopying account at their local library and are entitled to 200 single sided sheets per month.

12.4.3 Community Councils shall be given access to Council owned buildings (Schools, Community Centres and Community Learning Centres) for their meetings via the letting process free of charge. This does not include leased Community Centres as the Management Committee will be responsible for any bookings and may charge a fee for using the room.

13. Liability of Community Council Members

13.1 A scheme of insurance liability cover has been arranged. The insurance liability cover becomes effective upon the City Council advising the insurance underwriter of the establishment of a Community Council.

14. Dissolution of a Community Council

14.1 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 proposal to dissolve.

14.2 If the proposal is supported by a majority of those persons present at the public meeting and is approved by Aberdeen City Council, the Community Council shall be deemed to be dissolved. All financial liabilities shall be paid with the remaining balance transferred to Aberdeen City Council who shall hold the funds for a future Community Council representing the area.

15. Amendment of Schemes

15.1 The City Council, having regard to changing circumstances and to any representations made to them, shall from time to time review this Scheme and where they consider that the Scheme ought to be amended, shall proceed in accordance with the procedure specified in Section 53 of the Local Government (Scotland) Act 1973.



Aberdeen City Council

Area Descriptions

Including:
Population Estimates
Membership Numbers
Written Boundary

Document Version	1.2
Document Status	Approved
Document Date	February 2018

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
1. Ashley and Broomhill	9393	Minimum 6 Maximum 12	Starting at Cromwell Road, continuing onto Union Grove, to the junction with Holburn Street, along Holburn Street to just after Broomhill Avenue, along to Anderson Drive up to the junction with Cromwell Road.
2. Braeside and Mannofield	5888	Minimum 6 Maximum 12	Starting at Countesswells Road, continuing onto Seafield Road to the roundabout, along South Anderson Drive to the railway line. Follow the railway line to the junction of Pitfodels Station Road, along to North Deeside Road, along to Bairds Brae, along to the junction with Craighton Road, along to Airyhall Avenue, up to the junction with Countesswells Road.
3. Bridge of Don	19089	Minimum 10 Maximum 20	At its junction with the unclassified road at Lochgreens Cottage, following the city boundary in a south-easterly direction to its furthestmost point at the shoreline south of Blackdog Rock. Following the coastline southwards to the Don Estuary.
4. Bucksburn and Newhills	7712	Minimum 6 Maximum 12	At the boundary of the Scottish Agricultural College at Forrit Brae with the A96, travel along Inverurie Road until the path to take you to Greenburn Road. Continue along Greenburn Road until the junction with Greenburn Drive. Follow Greenburn

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			<p>Drive to the point it meets the weir and follow the weir northwards to a point just west of the houses on Waterton Road. Follow Waterton Road to the west of the houses to the point at the Allotment Gardens. Follow the railway line southwards to the point it meets Greenburn Drive. Continue eastwards until the junction with Stoneywood Road.</p> <p>Following the A947 Stoneywood Road southwards to a point where it meets the River Don west of Lower Persley Farm. Follow the River Don eastwards to the Persley Bridge. From the centre line of the Persley Bridge follow the A90 to the Haudagain Roundabout. Following the A96 Auchmill Road in a northwards direction to its junction with Manor Drive. Follow Manor Drive to the boundary line south of the dwelling houses between the A96 and Manor Park Caravan Park and the allotments, following westwards to the boundary with the football grounds and then following an unclassified path through open land north of Heathryfold Circle to Westerton of Auchmill. Follow the boundary line to the junction of Provost Rust</p>

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			<p>Drive and follow a boundary line/ drain in a north-westerly direction to Howes Road.</p> <p>Follow the Howes Road southwards and then at the weir adjacent to Howes Cottage, follow the Bucks Burn westwards to the corner of woodland and following the boundary line northwards to an unclassified track towards Overhills. At a point level with the unclassified road which runs south of Overhills, take a line westwards to the unclassified road. Following the unclassified road westwards to its junction with an unclassified track near Dykeside Steading. Follow the unclassified track north of Dykeside Steading westwards to the southernmost boundary of Brimmond Country Park to the picnic site at the south-east corner and then along the boundary path northwards to the picnic site at the entrance from the unclassified road leading to Wynford Farm. Following the unclassified road past Wynford Farm and then taking the unclassified road leading to Tulloch and thence on to Ashtown Farm.</p> <p>Follow the unclassified road southwards then eastwards</p>

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			<p>to a junction with the unclassified road which leads to Chapel of Stoneywood. Follow the unclassified road to a point level with woodland lying to the east of the road. Take a line to the corner of the woodland and follow the boundary to a point level with a drain running northwards. Follow the drain northwards for a short distance and then take a line to the drain which runs in a west to east direction to Eastside of Craibstone. Following the boundary line of the SAC in a north-easterly direction and following woodland at Forrit Brae to the junction at the A96.</p>
<p>5. Castlehill and Pittodrie</p>	<p>9301</p>	<p>Minimum 6 Maximum 12</p>	<p>Starting on King Street at the junction of Linksfield Road, continuing across Kings Links Golf Course to the Esplanade to the shore line, along the shoreline down to encompass the North Pier. Travel along the Quay area to the junction of Victoria Road, up to North Esplanade West, along Market Street to the junction with Guild Street, along Trinity Quay, onto Virginia Street. Travel northwards along Marischal Street onto King Street, along King Street to West North Street, along Mounthooly Way, along to the junction with</p>

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			King Street and continue down King Street to the junction with Linksfield Road.
6. City Centre	6037	Minimum 6 Maximum 12	<p>Starting at the junction of Carden Place and Albert Street, continue along Carden Place onto Skene Street continuing onto Woolmanhill to the roundabout, across to St Andrew Street, onto Crooked Lane, continuing along to Berry Street, continuing onto Gallowgate and along northwards until the start of the Greyfriars Carpark.</p> <p>Continue onto West North Street to the junction with King Street, along King Street, onto Castle Street, across to Marischal Street (right hand side), continue down Marischal Street onto Virginia Street to the junction with Market Street.</p> <p>Continue along Market Street to the junction with Palmerston Road, continue across the railway line to Wellington Place, continue onto Springbank Terrace onto Willowbank Road to the junction with Holburn Street, continue northwards along Holburn Street to the junction with Union Street, continue in an eastwards to the junction with Victoria Street, continue to the</p>

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			junction with Waverly Place, continue along Waverly Place to the junction with Carden Place.
7. Cove and Altens	6806	Minimum 6 Maximum 12	At a point level with the southernmost corner boundary of the Kelder Water Treatment Works, follow the coastline to Horse Shoe Point and the City boundary. Follow the City boundary to a boundary point mid way along the roundabout forming the Charlestown Flyover. Follow the A965 Wellington Road northwards to its junction with Craigshaw Drive. Follow Craigshaw Drive to Greenbank Crescent and follow the unclassified path southwards to the boundary of Loirston Country Park and the caravan park. Follow the unclassified path to Cat Cairn and on to and including Baron's Cairn. Follow the unclassified path to the access entrance at the railway line and take a line in a westerly direction to the coastal boundary at Kelder Water Treatment Works.
8. Craigiebuckler and Seafield	6438	Minimum 6 Maximum 12	Starting a point west of the A944 roundabout, along Skene Road to the junction of Groats Road, along to Hazlehead Avenue, along to the roundabout, along Queen's Road to the

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			<p>junction with Anderson Drive.</p> <p>Continue along to the junction with Seafield Road, along Seafield Road and continuing onto Countesswells Road, along to a point on Countesswells Road, following a track in a northerly direction to its junction with the A944.</p>
9. Culter	4888	Minimum 6 Maximum 12	<p>At the junction of the City boundary on the Leuchar Burn, just south of Garlogie Inn, follow the City boundary to a point west of North Lasts Quarry at a junction with a fenceline/ dyke leading to Northlasts Manor.</p> <p>Follow the boundary line southwards between woodland and open ground to an unclassified road leading to the junction with Contlaw Road. Following Contlaw Road to the junction with Culter House Road. Following Culter House Road southwards to an unclassified track heading in a south easterly direction to the boundary of the Albyn School playing fields at the North Deeside Road.</p> <p>Follow the North Deeside Road southwards to the junction with Pittengullies Brae. Follow Pittengullies Brae to the City boundary</p>

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			on the River Dee. Follow the City boundary along the River Dee westwards and onwards to the junction on the Leuchar Burn.
10. Cults, Bielside and Milltimber	11103	Minimum 8 Maximum 16	<p>At the A944 Alford Road, adjacent to Bishopsdam Bridge follow the A944 Alford Road eastwards to its junction with the unclassified track adjacent to Jessiefield Piggery. Follow an access track southwards through woodland, head west along an unclassified road before heading south along an access track to Countesswells Road. Follow Countesswells Road eastwards to the easternmost boundary of the Robert Gordon's College playing fields. Following the boundary of Robert Gordon's playing fields to Craigton Road and then in a south westerly direction to Bairds Brae. Follow Bairds Brae southwards to North Deeside Road to its junction with Pitfodels Station Road.</p> <p>Follow Pitfodels Station Road to Inchgarth Road and follow the boundary of Inchgarth House ground to a path adjoining Scottish Water's Inchgarth Reservoir compound which forms the Ward boundary to its junction with the River Dee.</p>

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			<p>Follow the River Dee westwards along the City boundary to a junction with a drain adjacent to Wedderburn to Pittengullies Brae. Following Pittengullies Brae to its junction with the North Deeside Road, following the North Deeside Road to an unclassified track to the west side of Albyn School's playing fields. Follow the unclassified track in a north westerly direction through woodland to its junction with Culter House Road. Follow Culter House Road to Contlaw Road. Follow an unclassified road from its junction with Contlaw Road to Northlasts Steading. At Northlasts Manor follow the boundary to the Ord Burn.</p> <p>Follow the Ord Burn to Mill of Brotherfield and then on to the Brodiach Burn to the A944 Alford Road, adjacent to Bishopsdam Bridge.</p>
11. Danestone	4067	Minimum 6 Maximum 12	At a point starting at the southernmost boundary of the Todhill Sewage works and city boundary with the River Don, follow the city boundary eastwards to the junction with Whitestripes Road, follow the Whitestripes Road southwards to Whitestripes

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			<p>Avenue and on to the roundabout on the A90 Parkway.</p> <p>At the roundabout follow the ward boundary for Danestone southwards to Brae of Cairnfield and back to the Diamond Bridge. At the Diamond Bridge follow the ward boundary along the River Don to the Todhill Sewage Works.</p>
<p>12. Dyce and Stoneywood</p>	<p>6486</p>	<p>Minimum 6 Maximum 12</p>	<p>From a starting point at the City boundary where it crosses the railway line at Kinaldie, follow the City boundary along the River Don to the Todhill Sewage works and follow the River Don to Lower Persley.</p> <p>Cross the River Don at Lower Persley and follow the A947 Stoneywood Road northwards to the junction with Market Street. Follow Market Street to the junction with Wellheads Drive, follow Wellhead Drive to the junction with Dyce Drive. Follow southwards down Dyce Drive. Back on to the junction with the Inverurie Road. Continue along Inverurie Road to Forrit Brae Drain.</p> <p>Follow the line of the Forrit Brae Drain, past the buildings on the west side at Eastside of Craibstone to the unclassified road which</p>

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			<p>runs between Chapel Farm and Newhills. Take the unclassified road south towards Newhills until its junction with the unclassified road to Ashtown Farm. Take the unclassified road in a westerly direction to Littlemill Burn. Follow the course of Littlemill Burn in a northerly direction to where it becomes the Black Burn. Follow the Black Burn to its junction with the A96. Follow the A96 in a southerly direction to the Clinterty Roundabout and take a northerly route from the roundabout, along the B973 to its junction with an unclassified road towards Caskieben. Follow the unclassified road to a T junction with another unclassified road. Follow the unclassified road in a westerly direction to where it meets the Black Burn. Follow the Black Burn to the railway line at Kinaldie and its joining point with the River Don.</p>
<p>13. Ferryhill and Ruthrieston</p>	<p>10040</p>	<p>Minimum 6 Maximum 12</p>	<p>Starting on Willowbank Road (south side of road), continue along onto Springbank Terrace, continue across the railway line onto Palmerston Road and continue along to the junction with Market Street.</p> <p>Continue along Market</p>

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			Street to a point just past the Victoria Bridge Roundabout, follow the River Dee along North Esplanade West, onto Riverside Drive onto Stonehaven Road, continue to the roundabout at the junction with Anderson Drive, continue along Anderson Drive to the path just before Broomhill Avenue, continue eastwards to Holburn Street, continue along Holburn Street back to the junction with Willowbank Road.
14. Froghall, Powis and Sunnybank	4387	Minimum 6 Maximum 12	Starting from the St Machar roundabout continuing southwards to Hermitage Avenue; eastwards along the south side of Hermitage Avenue; southwards along Firhill Road; eastwards along Sunnybank Road projected southwards along Froghall View to Mounthooly Way excluding all properties and their curtilage to the east on the Spital, Boa Vista Place and Kings Crescent; continue along to Causewayend. Continue along to Powis Place onto Powis Terrace then north to St Machar Drive; and eastwards to St Machar roundabout.
15. Garthdee	5459	Minimum 6 Maximum 12	Starting at the junction of Pitfodels Station Road, continue eastwards onto the path continuing along to the

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			<p>junction with Anderson Drive, continue southwards across the roundabout at the Holburn Street junction onto Stonehaven Road, continue to the River Dee, follow the River Dee in a westerly direction until a point just south of the RGU university and follow the path along and then take a northwards turn and continue to Inchgarth Road, continue until the junction with Pitfodels Station Road and continue back to the starting point.</p>
16. George Street	7246	Minimum 6 Maximum 12	<p>Starting at the junction of Powis Place and Belmont Road, follow Powis Place, onto Causewayend (west side) Mounthooly Way, continue to the roundabout onto West North Street, continue to the start of the Greyfriars Carpark and along to the Gallowgate onto Berry Street to the roundabout and down towards Crooked Lane., travel northwards towards St Andrew Street to the roundabout. Follow Skene Square on to Caroline Place, onto Berryden Road and back to the starting point.</p>
17. Kincorth and Leggart	8047	Minimum 6 Maximum 12	<p>At the boundary of the River Dee and the playing fields to the east of the King George VI Bridge following the boundary of the playing</p>

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			<p>fields to Abbotswell Road. Following Abbotswell Road in a south-westerly direction to the roundabout at West Tullos Road. Following West Tullos Road in a southerly direction to the boundary of Kincorth Hill and the properties on Rosewood Avenue.</p> <p>Following the boundary around Kincorth Hill adjoining the properties on the northern side of Redmoss Road and then following the boundary in a north-westerly direction to the north-westerly corner boundary of Parkhead Farm. Following a fenceline bordering the northern edge of Loirston Country Park to a boundary line west of Parkhead Farm and following a line to a boundary fence north of a covered reservoir and to the corner of Clerk Maxwell Crescent.</p> <p>Following Clerk Maxwell Crescent to its junction with the A90 and following the A90 in a southerly direction to a boundary fence to the City boundary. Following the City boundary in a northerly direction to the City boundary at the River Dee.</p> <p>Following the centre point of the River Dee in a north-</p>

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			<p>westerly direction to the boundary of the River Dee and the playing fields to the east of the King George VI Bridge.</p>
<p>18. Kingswells</p>	<p>5559</p>	<p>Minimum 6 Maximum 12</p>	<p>Starting at the A944 junction, follow the City boundary northwards to the unclassified track south of Winford Farm to the unclassified road to the west of Brimmond Country Park. Following the boundary line of Brimmond Country Park eastwards, following the unclassified track south of the reservoir and north of Dykeside Steading to the corner boundary to the south east of Overhills.</p> <p>Following the unclassified track southwards and following field boundaries in a southerly direction to Fernhill Cottage and thence on to the junction with the A944 Alford Road, following the A944 westwards to its junction with an unclassified track leading between Whitemyres Holdings and Maidenstead Steadings to the corner of Maidencraig Wood. Following the northern boundary of Maidencraig Wood to its junction with Skene Road.</p> <p>Following Skene Road on to the A944 Alford Road to the City boundary.</p>

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
19. Mastrick, Sheddocksley and Summerhill	14472	Minimum 8 Maximum 16	Starting at the junction of Springhill Road and Provost Fraser Drive, continue along eastwards to the roundabout and go along Anderson Drive southwards to a point just east of Campsie Place, go along Campsie Place, onto Summerhill Road, go along Summerhill Road to the junction with Summerhill Terrace, continue onto Stronsay Place, onto Eday Road, continue along to a point just past Eday Court and follow the path along the Den Burn and along northwards to the junction with the Lang Stracht, travel eastwards then follow the path northwards then follow the track along to the junction with Springhill Road, along northwards back to the junction with Provost Fraser Drive.
20. Nigg	1524	Minimum 6 Maximum 12	At the junction of West Tullos Road and Craigshaw Street, following Craigshaw Street to its junction with Craigshaw Drive and following Craigshaw Drive in a westerly direction to Wellington Road. Following Wellington Road in a southerly direction to a point mid-way along the roundabout forming the Charlestown Flyover. Follow the City boundary to a boundary fence at a point

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			<p>west of the A90 and level with the northern end of Clerk Maxwell Crescent and following the boundary fence to the A90, following the A90 in a northerly direction to its junction with Clerk Maxwell Crescent and following a line to a boundary fence north of a covered reservoir.</p> <p>Following a fenceline bordering the northern edge of Loirston Country Park to a boundary line west of Parkhead Farm. Following the boundary of Parkhead Farm and along the properties on the northern side of Redmoss Road to a point with Abbotswell Crescent and following Abbotswell Crescent in a northerly direction to the junction with West Tullos Road and Craigshaw Street.</p>
21. Northfield	12246	Minimum 8 Maximum 16	<p>Starting at the Haudagain Roundabout, follow North Anderson Drive to the roundabout leading to Provost Fraser Drive. Follow Provost Fraser Drive to its junction with Springhill Road. Follow Springhill Road in a southerly direction to the path which follows the boundary to Sheddocksley Sports Centre. Follow the unclassified path to the boundary with Fernhill reservoir. Follow the</p>

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			<p>boundary line to its junction with the unclassified track leading from Greenferns and in a northerly direction to the Bucks Burn. Follow the Bucks Burn to a field boundary running from a north-westerly point on Howes Road to the turning circle at the corner of Provost Rust Drive.</p> <p>Follow the existing boundary line to the houses on Bonnyview Drive and open land to include the Heathryfold area to the unclassified path adjacent to Auchmill Terrace to the A96 at Auchmill Road. Follow Auchmill Road in an easterly direction to the Haudagain Roundabout.</p>
22. Old Aberdeen	5172	Minimum 6 Maximum 12	<p>Starting from a point in the centre of Bridge of Don; thence southwards to enclose the west side of King Street until its junction with Mounthooly Way; westwards to enclose the north side of Mounthooly Way to Kings Crescent; northwards to the immediate west of Kings Crescent (both sides) and the Spital up to Froghall Terrace; west along Froghall Terrace and north along Froghall View to Sunnybank Road to enclose all properties and their curtilage facing onto the Spital including Boa-Vista Place; westwards onto</p>

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			Sunnybank Road then northwards along Firhill Road to Hermitage Avenue including Old Aberdeen Medical Centre and the boundary of the University lands; westwards along north side of Hermitage Avenue then north along Bedford Road to St Machar Drive enclosing the east side of Tillydrone Avenue up to and including the Benholme Lodge (Wallace Tower); northwards along the western boundary of Seaton Park to the River Don describing a line along the centre of the River Don from the western boundary to Seaton Park to the Bridge of Don.
23. Queen's Cross and Harlaw	7453	Minimum 6 Maximum 12	Starting at the roundabout junction of Queen's Road and Kings Gate, continue along Kings Gate, across the Kings Cross roundabout, continuing down Kings Gate onto Beechgrove Terrace, along to the junction of Craigie Loanings, continue in a southwards onto Albert Street, continued onto Waverley Place, onto Rubislaw Place and down to the junction with Albyn Place and along Holburn Street until the junction of Union Grove, continue onto Cromwell Road to the roundabout, along Anderson

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			Drive northwards to the roundabout at the junction with Queen's Road, continue along westwards until the roundabout at the junction with Kings Gate.
24. Rosehill and Stockethill	10737	Minimum 8 Maximum 16	<p>Starting at Rosehill Roundabout, travel along Rosehill Drive and long Hilton Avenue to the junction with Clifton Road, travel along Clifton road to the junction with Leslie Road and travel along to the roundabout. Travel along St Machar Drive to the point it meets the railway line. Follow the railway line to Powis Terrace and then follow the path south of Belmont Road to the junction with Berryden Road. Travel along Berryden Road to the roundabout at Elm Place.</p> <p>Travel along Elm Place to the junction with Laurelwood Avenue. Travel along Laurelwood Avenue to the junction with Ashgrove Road. Travel westwards long Ashgrove Road onto Ashgrove Road West to the junction with North Anderson Drive. Travel North along North Anderson Drive back to the Rosehill Roundabout.</p>
25. Rosemount and Mile End	10874	Minimum 8 Maximum 16	Starting at the junction of North Anderson Drive and Ashgrove Road West, travel

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			<p>eastwards onto Ashgrove Road until the junction with Berryden Road.</p> <p>Travel Southwards on Berryden Road, onto Caroline Place, onto Skene Square to the roundabout, follow Woolmanhill onto Skene Street to the junction with Albert Place, continue northwards to Whitehall Place.</p> <p>Go northwards along Craigie Loanings to the junction with Rosemount Place. Continue westwards onto Beechgrove Terrace, onto Kings Gate to the roundabout and then northwards back to the junction with Ashgrove Road West.</p>
26. Seaton and Linksfield	4675	Minimum 6 Maximum 12	<p>Starting a point on King Street at the River Don, follow the River Don eastwards towards the shoreline. Follow the shoreline along the Esplanade to a point in line with Linksfield Road. Travel along Linksfield Road to the junction with King Street and continue along King Street back to the starting point.</p>
27. Tillydrone	5572	Minimum 6 Maximum 12	<p>Starting at the end of the Diamond Bridge, follow the River Don eastwards and then southwards to a point beside Tillydrone Road.</p>

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			<p>Follow Tillydrone Avenue to the St Machar roundabout. Travel westwards towards the railway line. Follow the railway line and then northwards towards the starting the point.</p>
28. Torry	10360	Minimum 8 Maximum 16	<p>Starting at the mid-point of the Queen Elizabeth Bridge, follow the River Dee along its mid-line towards the harbour entrance. Following the coastline in a south-easterly direction, incorporating the south breakwater and following the coastline to Bay of Nigg.</p> <p>At a point level with the southernmost corner boundary of the Kelder Water Treatment Works, follow a line westwards to the railway line. Follow an access entrance and unclassified path through Loirston Country Park, excluding Baron's Cairn towards Cat Cairn. From Cat Cairn follow an unclassified path to the boundary path between Loirston Country Park and the caravan park. Follow the unclassified path towards Greenbank Crescent.</p> <p>Follow Greenbank Crescent and take a southerly line to Craigshaw Drive. Follow Craigshaw Drive, across the A956, Wellington Road,</p>

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			<p>along Craigshaw Street to West Tullos Road. At the roundabout follow Abbotswell Road to the corner boundary to the industrial estate. Follow the perimeter boundary to the centre point of the River Dee, opposite the boating lake in Duthie Park and then follow the River Dee towards the Queen Elizabeth Bridge.</p>
29. Woodend	1800	Minimum 6 Maximum 12	<p>Starting at a point at the wedge of Maidencraig Woods just north of Skene Road, travel eastwards along the path onto Eday Road, continue along Eday Road onto Stronsay Place, continue onto Summerhill Terrace to the junction with Summerhill Road.</p> <p>Continue southwards towards Campsie Place and follow along to North Anderson Drive. Continue southwards to the roundabout at the junction with Kings Gate. Continue along Kings Gate to the roundabout and onto Hazlehead Avenue. Continue along to Groats Road, continue northwards onto Skene Road. Follow Skene Road westwards back to the starting point.</p>
30. Woodside and Hilton	7009	Minimum 6 Maximum 12	<p>Starting at the Persley Bridge, follow the River Don to a point just beyond</p>

Community Council Name	Approx Population of CC Area	Membership	Outer Boundaries of CC Area
			Jacobs Ladder. Continue Southwards onto the railway line. Follow the railway line to the point it meets St Machar Drive, head westwards onto Leslie Road until the junction with Clifton Road. Travel along Hilton Avenue onto Rosehill Drive. Follow Anderson Drive down to Great Northern Road and cross the Haudagain onto the A90 to the start point at Persley Bridge.

Allocation of Community Councillors

Average Population Numbers	Minimum and Maximum
1,000 – 10,000	6 and 12
10,001 – 15,000	8 and 16
15,001 – 20,000+	10 and 20

Population figures are based on the current data zones and allocated as close to the Community Council area as possible.

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Aberdeen City Council
Constitution for Community Councils

(Name of Individual Community Council)

This constitution should be read in conjunction with the
Scheme for the Establishment of Community Councils

Document Version	1.2
Document Status	Approved
Document Date	May 2018

1. Name

- 1.1 The name of the Community Council shall ***be (insert name of individual Community Council)***, which will subsequently be referred to as 'the Community Council' in this Constitution.

2. Area of the Community Council

- 2.1 Aberdeen City Council had produced a list of approved Community Council areas and maps which outline their boundaries. Access to maps can be requested by contacting the Community Council Liaison Officer on 01224 522723 or by accessing them via the website:
<http://www.aberdeencity.gov.uk>

3. Objectives

The objectives of the Community Council shall be to:

- 3.1 Have in place mechanisms to encourage public involvement and feedback to secure greatest possible involvement from all sectors of the community which may include consultations, questionnaires, public meetings and effective means to publicise the determinations of the community council.
- 3.2 Express fairly the views, and diversity of opinions of the community (where received in relation to 3.1 above) to Aberdeen City Council and other public or private organisations.
- 3.3 Act as a voice for their local area on matters affecting the community's welfare and environment.

4. Roles and Responsibilities

- 4.1 The role and responsibilities of the Community Council is governed by Section 3 of the Scheme.

5. Membership

- 5.1 The membership of the Community Council is governed by Section 4 of the Scheme.
- 5.2 The constituted membership of the Community Council ***is (insert number based on table below)***
- 5.3 The number of members will vary per community council area based on the approximate population count as follows:

Average Population Numbers	Minimum and Maximum
1,000 – 10,000	6 and 12
10,001 – 15,000	8 and 16
15,001 – 20,000+	10 and 20

6. Method of Election

6.1 The election procedure for the Community Council is governed by Section 5 of the Scheme.

7. Vacancies on the Community Council

7.1 Where a vacancy arises which does not result in the number of Community Council Members falling below the minimum number of the elected membership the Community Council can agree to fill the vacancy by co-option.

7.2 The Community Council can only have one third of the total membership as co-opted members.

7.3 Where a by election is called due to the numbers of Community Councillors falling below that of the minimum required, only the vacant positions for that Community Council will be advertised, allowing the current elected membership to remain in place.

8. Associate Members

8.1 Associate members may be appointed by a Community Council where there may be a need for individuals with particular skills and knowledge. These individuals do not have voting rights.

8.2 Associate members may include representation from other local organisations and may serve for a period determined by the Community Council, but will terminate no later than the next community council election.

9. Voting Rights of Members of the Community Council

9.1 The right to vote at any meeting of the Community Council or any sub-committee thereof shall be held by all Community Councillors, but not by associate members.

9.2 In the event of a vote of the Community Councillors that results in a majority not being achieved, the chairperson shall have the casting vote in addition to their deliberative vote.

10. Election of Office Bearers

10.1 At the first meeting of the Community Council following an election the Community Council shall appoint a Chairperson, Secretary and Treasurer and any other office bearers as necessary eg Minute Secretary, Planning Officer, Licensing Officer.

10.2 All office bearers will be elected for three years unless they decide to step down from the role.

No single Community Councillor shall hold more than one of the following positions at any one time; Chairperson, Secretary or Treasurer, without written approval from Aberdeen City Council.

10.3 In the event of a vacancy arising in any of the positions, the Community Council shall appoint an office bearer at its next available meeting.

10.4 The Community Council may appoint a member of the public to record the minutes of the meetings on behalf of the Community Council.

11. Sub Committees of the Community Council

11.1 The Community Council may appoint community councillors to sub committees of the Community Council and shall determine their composition, terms of reference, duration, duties and powers.

12. Meetings of the Community Council

12.1 The Community Council shall abide by the Scheme, Code of Conduct and Standing Orders to ensure the proper conduct at meetings.

12.2 The quorum for Community Council meetings shall be a third of the total membership or four whichever is the greatest.

12.3 The Community Council shall arrange regular meetings with a minimum of six and one Annual General Meeting per year.

12.4 The Constitution is to be adopted formally and signed by the Chairperson and one member of the Community Council. Within three months of the first meeting following an election, the Community Council shall review, may introduce minor amendments to reflect local circumstance if desired, but must agree and sign the Constitution and submit to the Community Council Liaison Officer for approval on behalf of Aberdeen City Council within the three month timeframe.

- 12.5 The Annual General Meeting will be held within 2 months of the end of the Financial Year (31 December of each year) for the purpose of presenting the annual accounts for approval.
- 12.6 Dates, times and venues for regular meetings of the Community Council shall be fixed at the first meeting of the Community Council following an election and thereafter at its Annual General Meeting. All dates can be modified where required.
- 12.7 Copies of all minutes of meetings of the Community Council and any of its committees shall be approved at the next meeting of the Community Council.
- 12.8 A draft minute shall be circulated at least seven days prior to its next meeting to all Community Council members, Elected Members, Aberdeen City Council and any other parties as agreed by the Community Council.
- 12.9 Should the Community Council receive a written request signed by 20 residents in the Community Council area to convene a Special Meeting for a particular matter, it shall call such a meeting within four weeks of receipt of such a request. Special Meetings shall require at least seven days public notice.

13. Public Participation in the Work of the Community Council

- 13.1 All meetings of the Community Council shall be open to members of the public and the opportunity should be afforded at each meeting to permit members of the public to address the Community Council.
- 13.2 Notices calling meetings of the Community Council shall be posted within the Community Council area for a minimum period of seven days before the date of the meeting, eg noticeboards, website, social media, local library.

14. Information to Aberdeen City Council

The Community Council Liaison Officer shall receive:

- (a) The completed data permission form for every Community Councillor
- (b) The calendar of meeting dates to include times and venues
- (c) The agendas and minutes for all meetings
- (d) The independently examined accounts on an annual basis

Any Local Library within the Community Council Boundary shall receive:

- (a) The calendar of meeting dates to include times and venues
- (b) The agendas and minutes for all meetings

15. Control of Finance

- 15.1 The Community Council will maintain proper financial records and present regular financial reports at scheduled Community Council meetings. The Treasurer shall keep proper accounts of the finances of the Community Council.
- 15.2 The monies provided by Aberdeen City Council in the annual Administrative Grant shall be for Community Council Administration and other approved purposes.
- 15.3 The Community Council shall have a minimum of three bank signatories, usually from amongst the office bearers, of which any two can sign cheques on behalf of the Community Council. The Treasurer would automatically be a bank signatory.
- 15.4 A statement of accounts for each financial year, examined by a competent independent examiner appointed by the Community Council, shall be submitted to the Annual General Meeting for approval.
- 15.5 The independent examiner shall not be a member of the Community Council which includes associate members.
- 15.6 The financial year of the Community Council shall be from 1 January to 31 December of each year.
- 15.7 The annual grant for the Community Council will consist of a basic grant of £600 and 7p per head of population in the area.
- 15.8 Once approved at the Annual General Meeting, the annual statement of accounts shall be submitted to the Community Council Liaison Officer no later than 31 March of each year to enable the annual grant to be calculated.
- 15.9 If a Community Council submits the annual accounts later than the prescribed time unless there is exceptional circumstances that have been notified to the CCLO, a pro rata grant will be calculated and issued. The grant will reduce for each month the accounts are late.

16. Complaints

- 16.1 In the event of a complaint being received about the Community Council or its members, the Community Council shall refer to the Community Council Complaints Procedure.

17. Alterations to the Constitution

- 17.1 Where a Community Council wishes to amend the Constitution after it has previously been signed and submitted, any proposal by the Community Council to amend the Constitution must be first considered and minuted at a meeting of the Community Council before representation is made to Aberdeen City Council.
- 17.2 Any proposed amendments may not conflict with the Scheme for the Establishment of Community Councils and the objectives contained within the Constitution.
- 17.3 If the proposal is supported by two-thirds of the total voting membership of the Community Council and is approved in writing by Aberdeen City Council, the amendment shall be deemed to have been duly authorised and will come into effect.

18. Dissolution of the Community Council

- 18.1 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 proposal to dissolve.
- 18.2 If the proposal is supported by a majority of those persons present at the public meeting and is approved by Aberdeen City Council, the Community Council shall be deemed to be dissolved. All financial liabilities shall be paid with the remaining balance transferred to Aberdeen City Council who shall hold the funds for a future Community Council representing the area.

Approval and Adoption of the Constitution

This Constitution was adopted by _____

Community Council, on _____ (DATE)

Signed _____ Chairperson

Print _____

Date _____

Signed _____ Member

Print _____

Date _____

And was approved on behalf of Aberdeen City Council, on _____ (DATE)

Signed _____

Print _____

Position _____



Aberdeen City Council Standing Orders for Community Councils

This document should be read in conjunction with the
Scheme for the Establishment of Community Councils

Document Version	1.2
Document Status	Approved
Document Date	May 2018

1. Meetings

- 1.1 All meetings of Community Councils are open to members of the public. The Community Council shall have the right to discuss items of business in private where it considers it appropriate to do so.
- 1.2 The Chairperson shall notify those present why an item will be considered in private and the reason will be formally recorded in the minute of meeting.
- 1.3 The frequency of meetings will be determined by each Community Council, subject to a minimum of one Annual General Meeting and six ordinary meetings being held each year.
- 1.4 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, Elected Members and the Community Council Liaison Officer by the Secretary of the Community Council at least seven days before the date of the meeting.
- 1.5 Special meetings may be called at any time on the instructions of the Chairperson or on receipt of not less than half of the total number of Community Councillors or if requested to do so in writing by 20 residents in the Community Council area. Special meetings shall be held within four weeks of receipt of such request and shall require at least seven days public notice.

2. Minutes

- 2.1 Minutes of all Community Council meetings shall be drafted timeously and distributed to members of the Community Council at least seven days prior to the next meeting. All minutes shall be submitted for approval to the next meeting of the Community Council.

3. Quorum

- 3.1 The quorum for all Community Council meetings shall be one third of the current voting membership of the Community Council or four voting members, whichever is the greater.

4. Order of Business

4.1 Ordinary Meetings

The order of business for ordinary Community Council meeting should include:

- (a) Recording of those present and apologies received
- (b) Police Report if present
- (c) Minutes from previous meeting submitted for approval
- (d) Any matters arising not on the agenda for discussion
- (e) Correspondence

- (f) Reports from Office Bearers
- (g) Elected Member reports/updates
- (h) Consideration of any other agreed item of business as directed by the Chairperson
- (i) Members of the Public
- (j) Date of next meeting

4.2 Annual General Meeting

The Annual General Meeting can be held prior to the commencement of an ordinary meeting. The minutes should be presented to the next ordinary Community Council meeting for the purposes of establishing accuracy however they will remain in draft form until the following Annual General Meeting.

The order of business at the Annual General Meeting should include the following:

- (a) Recording of those present and apologies received
- (b) Minutes of previous Annual General Meeting for approval
- (c) Chairperson's annual report (this can be written or verbal), questions from the floor
- (d) Treasurer presents the Annual Accounts, questions from the floor
- (e) Office Bearer positions if required
- (f) Close of meeting.

4.3 Special Meeting

The order of business at Special Meetings of the Community Council shall be as follows:

- (a) Recording of those present and apologies received
- (b) The nature of the Calling Notice for the Special Meeting
- (c) The business for debate, as described in the calling notice
- (d) Close of meeting.

5. Order of Debate

- 5.1 In instances where the Chairperson is absent, the meeting should proceed through the Vice Chairperson or other interim Chairperson (if the Vice Chairperson is absent) as agreed by the members present.
- 5.2 The Chairperson shall decide the order of questions, relevancy and competency arising at meetings of the community council and their ruling shall be final and not open for discussion.
- 5.3 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.

- 5.4 In the event of disorder arising at any meeting, the Chairperson can adjourn the meeting to either the next scheduled meeting of the Community Council or another date and time.
- 5.5 Every Community Councillors motion or amendment shall be proposed and seconded.
- 5.6 A motion or amendment once made and seconded shall not be withdrawn without the consent of the proposer and seconder thereof.
- 5.7 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, unless an error or new information becomes available which requires further consideration.

6. Voting

- 6.1 Voting shall be taken by a show of hands of those present and eligible to vote with the exception of the appointment of office bearers which may be held by secret ballot.
- 6.2 The Chairperson of a meeting of the Community Council shall have a casting vote as well as a deliberative vote.
- 6.3 In the absence of the Chairperson, the casting vote shall be transferred to the Vice Chairperson or other interim Chairperson (if the Vice Chairperson is absent) as agreed by the members present.

7. Obstructive and Offensive Conduct

- 7.1 In the event that any member of the Community Council or member of the public is disregarding the authority of the Chairperson or any other person present at the meeting, or conducts themselves in a disruptive, obstructive or offensive manner, a motion may be moved and seconded to remove the individual(s) from the remainder of the meeting.
- 7.2 Such a motion will be put to the meeting without discussion and if supported by a majority of the members of the Community Council present and voting, the motion will be declared carried. The individual will be required to leave the meeting immediately.

8. Alteration of Standing Orders

- 8.1 A proposal to alter the Standing Orders may be proposed to Aberdeen City Council at any time by the Community Council, provided that a notice of a motion to that effect is given at the meeting of the Community Council prior to submitting to Aberdeen City Council.
- 8.2 Aberdeen City Council shall have the final discretion on any proposed change of the Standing Orders.

9. Sub Committees

- 9.1 The Community Council may appoint sub committees as it may from time to time decide and shall determine their composition, terms of reference, duration, duties and powers.

10. Suspension of Standing Orders

- 10.1 These Standing Orders shall not be suspended except at a meeting at which two-thirds of the total number of Community Council members are present and then only if the proposer states the object of their motion and if two-thirds of those members present consent to such suspension.

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ABERDEEN
CITY COUNCIL

Aberdeen City Council Code of Conduct for Community Councils

This Code of Conduct should be read in conjunction with the
Scheme for the Establishment of Community Councils

Document Version	1.1
Document Status	Approved
Document Date	May 2018

Code of Conduct for Community Councillors

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

Community Councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct.

The Code of Conduct and its principles, shall apply to all Community Councillors and those representing the Community Council. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

When appointed to the Community Council, members formally agree to abide by the Code of Conduct.

Service to the Community

- As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent.
- You also have a duty to act in accordance with the remit of the Aberdeen City Council Scheme for the Establishment of Community Councils, as set out Aberdeen City Council under the terms of the Local Government (Scotland) Act 1973.
- You 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.
- You should ensure that you are, within reason, accessible to your local community and local residents. Community Councils should encourage the general community to express their views whenever possible by making use of available mechanisms such as suggestion boxes, community surveys, opinion polls, websites and social media.

Selflessness

- You have a duty to take decisions solely in terms of the interest of the community that you represent.
- You must not use your position as a Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

- You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community.
- If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.
- You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Council.

Objectivity

- In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.
- You may be appointed or nominated by your Community Council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.
- You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

Accountability and Stewardship

- You are accountable for the decisions and actions that you take on behalf of your community through the Community Council.
- You must ensure that the Community Council uses its resources prudently and in accordance with the law.

- Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to the Council's Scheme for the Establishment of Community Councils and this Code of Conduct.
- Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Councils Scheme for the Establishment of Community Councils.
- They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Council business and for no other purpose.
- Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting.
- Any breach of the Scheme for the Establishment of Community Councils as set out by Aberdeen City Council under the terms of the Local Government (Scotland) Act 1973 should be reported via the Community Council Complaints Procedure.

Openness

- You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate.
- You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.
- If you have dealings with the media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.
- If you are present at a meeting where any item of business in which you have financial or other interest is to be dealt with, you shall disclose your interest as soon as possible after the start of the meeting.

Honesty

- You have a duty to act honestly.
- You also have an obligation to work within the law at all times.
- You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

Leadership

- You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area.
- You must also promote social inclusion and challenge discrimination in any form.
- You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves.
- Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

Respect

- You must respect fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, or member of staff within any organisation or body regardless of their position that you have dealings with in your capacity as a Community Councillor.
- Recognition should be given to the contribution of everyone participating in the work of the Community Council.
- You 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.
- You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

Breach of Code of Conduct

- If any member of the Community Council is deemed to be in breach of the Code of Conduct then the matter must be reported via the Community Council Complaints Procedure.

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Aberdeen City Council
Community Council
Complaints Procedure

Document Version	1.4
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Introduction

Community Councils should aim to represent all people in the area without prejudice and be non-party political and non-sectarian. Any person 16 years or over and resident in the Community Council area, can be nominated to join their local Community Council.

Community Councils are regularly consulted by the local authority and public bodies on a wide range of issues which affect their area, such as planning, environment and health. All Community Council meetings are open to the public.

More Information on Community Councils can be found at:

http://www.aberdeencity.gov.uk/council_government/councillors/community_councils/elr_community_councils.asp

From time to time, complaints may be made about Community Councils and individually against Community Councillors.

Community Councils should adhere to the Code of Conduct as detailed in the Aberdeen City Council Scheme of Establishment for Community Councils.

If you are dissatisfied or have concerns about a standard of service, actions or lack of action provided by your Community Council or one or more of its members, these can be reported through the Community Council Complaints Procedure.

Please note that Aberdeen City Council have a separate Complaints Handling Procedure to record and manage complaints by members of the public in relation to Council Services and/or Officers of the Council and this should not be confused with the Community Council Complaints Procedure. You can find information relating to complaints by going to <https://www.aberdeencity.gov.uk/index.php/services/have-your-say/make-complaint>

This Procedure is for making complaints against Community Councils or its members and can be used by members of the public, Community Councillors or elected members.

What is a Community Council complaint?

A Community Council complaint is an expression of dissatisfaction or concern relating to the actions of a Community Council or its members. This may be about the conduct, standard of service, actions or lack of action by a Community Council or its members.

Who can complain?

Anyone who is affected by a Community Council can make a complaint. Sometimes you may be unable or reluctant to make a complaint on your own. We will accept complaints brought by third parties as long as you have given personal consent.

If you are under 16 and wish to complain, you may contact us yourself or if you would prefer, you can ask a trusted adult such as a parent, older sibling or a guardian to contact us for you.

If you believe yourself to be a vulnerable adult, you may contact us directly or if you would prefer, you can ask someone you trust to contact us on your behalf.

Anonymous Complaints will not be accepted.

What can I complain about?

You can complain about things such as:

- Treatment by, or attitude of, a Community Councillor when dealing with a Community Council issue;
- Breaches to the Aberdeen City Council Scheme for the Establishment of Community Councils;
- Financial irregularities or fraud;
- Breaches in confidentiality;
- Misuse of social media, email or letters for the purpose of personal and/or financial gain; or
- Bringing the Community Council into disrepute.

What can't I complain about?

There are some things Community Councils can't deal with, these being:

- Decisions of Aberdeen City Council;
- Complaints regarding Aberdeen City Council services or officers
- A request for compensation on a decision the Community Council has made

How do I complain?

You can complain by email or in writing to the Secretary of the Community Council or in person to the Chairperson of the Community Council.

If the complaint relates to the Secretary then contact the Chairperson and vice versa.

If you feel that it is not appropriate for the Community Council to deal with the complaint, you can contact the Community Council Liaison Officer for Aberdeen City Council for guidance on how to proceed.

Community Council Contact	Aberdeen City Council Contact
<p>As the secretaries may change, the most up to date contact information can be found on the website at:</p> <p>http://www.aberdeencity.gov.uk/council_govern-ment/councillors/community_councils/elr_community_councils.asp</p>	<p>Community Council Liaison Officer, Aberdeen City Council, Corporate Governance, Town House, Broad Street Aberdeen, AB10 1AQ</p> <p>Communitycouncils@aberdeencity.gov.uk</p> <p>01224 522723</p>

When complaining, please provide the following information:

- Your full name, address and email address (if applicable)
- As much detail as you can about the complaint
- How you would like us to resolve the issue

How long do I have to make a complaint?

You must make your complaint within 6 months of the incident you want to complain about.

It is expected that most complaints will be submitted immediately or within two to three months from the date of the incident. In exceptional circumstances, we may be able to accept a complaint after the time limit. If you feel that the six month time limit should not apply to your complaint, please tell us why by contacting us.

What happens when I have complained?

Our complaint procedure provides two opportunities to resolve complaints:

Stage 1 – Frontline Resolution

Stage 2 – Investigation by Panel

These have been outlined below.

Stage 1 – Frontline Resolution

We aim to resolve complaints quickly by the Community Council. This could mean an explanation or where appropriate an apology if something has clearly gone wrong. In such circumstances, steps will be taken to prevent such a problem re-occurring.

Process

1. The complaint should be made in writing to the Secretary of the Community Council or in person to the Chairperson.
2. The Secretary will pass the complaint to the Chairperson, or another appropriate officer bearer (if the complaint relates to the Chairperson).
3. The Chairperson will determine whether to uphold or not uphold the complaint and send a response to the complainant within five working days.
4. Where the Chairperson determines that the complaint is not upheld the matter will be noted and no further action will be taken other than providing a response to the complainant.
5. Where the Chairperson determines that the complaint is upheld, appropriate action will be taken to address and resolve the complaint. This could be an explanation of the circumstances or where appropriate an apology or referral to stage 2.
6. If your complaint is more complex and requires a more detailed investigation it will be escalated to stage 2 of the complaints process. If we do this, we will notify you within five working days.
7. If you are unhappy with the frontline resolution response you can ask us to consider your complaint at stage 2 by contacting the Community Council or the Community Council Liaison Officer.

Stage 2 – Investigation by Panel

Stage 2 deals with two types of complaints:

- those that have not been resolved at frontline resolution; and
- those that are complex and require a detailed investigation from the outset.

Stage 2 investigations will be referred to a Panel of Community Councillors from within the pool of members. The Panel will consist of five members who will have been trained in basic mediation and conflict resolution.

Process

1. The Panel Chair will acknowledge receipt of the complaint in writing within five working days.
2. On receipt of all paperwork in relation to the complaint, the Panel will determine whether further interviews are required or if a decision can be made using the information before them.

If Further Information is Required

1. The Panel will arrange to meet with you to discuss your concerns and to review any evidence provided. Questions at this time shall be for clarification purposes and notes will be taken by the Panel Members.
2. Where the subject of the complaint relates to a Community Council's actions or decisions, the Panel will meet with the Office Bearers of the Community Council to discuss the complaint and to give them the opportunity to put forward their position and to answer any questions.
3. Where the subject of the complaint relates to the behaviour of a Community Councillor, the Panel will meet with the individual concerned to explain the nature of the complaint and to seek their position in relation to the complaint.

Outcome

1. We will provide you with a full written response detailing the final outcome of the complaint as soon as possible but within 30 days, unless we have contacted you to advise that your complaint will take longer to resolve.
2. The decision by the panel will be the final decision in respect of your complaint. If you require further clarification then you can contact the Chair of the Panel via the Community Council Liaison Officer.

Permitted Sanctions

The Panel can make the following decisions:

1. Where the complaint is in relation to a Community Council:
 - Guidance given in relation to the issue
 - Mentoring offered, where appropriate
 - Training given, where appropriate
 - Censure of behaviour and a written warning to behave in accordance with the Code of Conduct contained in the Scheme for the Establishment of Community Councils.

2. Where the complaint is in relation to a Community Councillor's behaviour or actions:
 - Training given, where appropriate
 - Suspension from Community Council meetings and activities for a period of time to be agreed by the majority of the Panel
 - Censure of behaviour and a written warning to behave in accordance with the Code of Conduct contained in the Scheme for the Establishment of Community Councils

In serious cases only:

- Request by the majority of the Panel that the Community Councillor resign from the Community Council
- To remove the Community Councillor with immediate effect only by unanimous decision of the Panel.

Quick Guide to our Complaints Procedure

Complaints Procedure

- You can complain in writing or by email to the Secretary of Community Council or in person to the Chairperson;
- We have a two stage complaints procedure – Frontline Resolution and Investigation by Panel. We will try to deal with your complaint quickly but if it's clear the matter will require a detailed investigation and it will take longer we will notify you of progress.

Stage 1 - Frontline Resolution

- We will always try to resolve your complaint as soon as possible (within five working days);
- If you are unhappy with the frontline resolution response, you can ask us to consider your complaint at stage 2;
- We will determine whether to uphold or not uphold your complaint.

Stage 2 - Investigation by Panel

- We will acknowledge your complaint within five working days;
- We will consider complex complaints;
- We will consider complaints where you are unhappy with the frontline resolution response;
- We will determine whether to uphold or not uphold your complaint;
- We will give you our decision in writing within 30 working days unless we have notified you that your complaint will take longer to resolve.

Further Advice

If after receiving your final decision at Stage 2, you are still dissatisfied or require further clarification you can seek further guidance from the Panel Chair via the Community Council Liaison Officer.

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From mountain to sea

Scheme For The Establishment of Community Councils

1 April 2018



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Community Councils

Introduction

Community Councils are voluntary bodies, which exist within a statutory framework, and which have been granted statutory rights of consultation. The general purpose of a Community Council is to ascertain, co-ordinate and express the views of the community within its agreed boundaries. Community Councils can help ensure that the Council is as fully informed as possible about the circumstances, needs and wishes of local communities. The duties, role and responsibilities of Community Councils are contained in this Scheme.

Community Councils are non-party-political and non-sectarian in its discussions and in its decision-making.

Community Councils, unlike other community organisations, are statutorily included in the consultation process for all planning applications affecting its area. There are also specific powers in relation to liquor licensing.

Community Planning emphasises the need for the Council to develop its relationship with Community Councils as part of its engagement with our local communities. The Community Empowerment (Scotland) Act 2015 will help to empower the communities of Aberdeenshire by strengthening its voice in the decisions that matter to them. It will also improve outcomes for communities by improving the process of community planning, ensuring that local service providers work together even more closely with communities to meet the needs of the people who use them. Community Councils are valued stakeholders in this process.

As part of its commitment to working with Community Councils, in addition to the discretionary statutory funding (the annual grant), the Council will do its best within available resources to make funds available to assist Community Councils to carry out its various responsibilities. Where feasible, the Council will also make its premises available for use by Community Councils for its meetings, such use being free of charge.

The Council also believes that there are issues which benefit from shared discussion with Community Councils. A suitable forum for Community Council engagement will be established in each of the Council's six administrative areas and be supported by the local Area Manager and their staff. This will provide a basis for the discussion of issues of mutual interest and a means by which the Community Plan for each area can be influenced. In Schedule 4 there is a useful table, explaining the different roles within the Council and how they relate to Community Councils.

The Council are committed to helping, supporting and collaborating with Community Councils especially when they are struggling to achieve its aims, meet its responsibilities or maintain membership numbers. Being able to maintain membership is a democratic necessity and the Council recognises that this can be an issue for some Community Councils. This is why the Council does not immediately dissolve Community Councils (as in the Scottish Government model scheme) when numbers go below the required minimum. Instead, the Council has decided to take a more innovative and supportive route and so works with the community council members to get numbers back to the minimum required. This is called a supported status and the community council then operate as a steering group.

The Scheme sets out guidance for the mutual exchange of information between the Council and each Community Council and provides guidance on other administrative and practical matters.

The Scheme document sets out the procedures and provisions for the formation and operation of Community Councils and:

Schedule 1: provides how to determine membership numbers, a reference map of Community Areas and the name of each Community Council

Schedule 2: contains the various forms that are required in respect of election procedures

Schedule 3: provides a 'model' constitution that meets the requirements of the Scheme and incorporates Standing Orders

Schedule 4: contains the tables of Duties, Roles and Responsibilities of the Council

Schedule 5: provides the Code of Conduct for Community Councils

Schedule 6: details the Code of Practice for the Exchange of Information and Guidance Notes

Schedule 7: contains the Community Council Appeal Hearing Procedure

Schedule 8: contains the Glossary of Terms

in force from 01.04.2018

The terms and expressions used throughout this document, shall have the meanings as defined in the Glossary of Terms.

1 Introduction

- 1.1 The Aberdeenshire Council, (“the Council”) in accordance with the terms of Section 22 of the Local Government etc. (Scotland) Act, 1994 has adopted this Scheme for the Establishment of Community Councils (“the Scheme”) within the Aberdeenshire Council area and has revoked the Scheme made by the Council in March 2007, with effect from midnight on 31st March 2018. All Community Councils in the Aberdeenshire Council area shall be required to operate within the terms of this Scheme from 1st April, 2018.
- 1.2 Any assets, liabilities, and bank accounts pertaining to any existing Community Councils established under the Scheme made in March 2007 whose boundaries shall be changed or amended by this Scheme shall transfer to any new Community Councils covering its area on the adoption of this Scheme by the Council. Where more than one Community Council covers the area of a former Community Council then the assets, liabilities and bank accounts will be divided pro rata according to population figures, except where these assets liabilities and bank accounts are specific and identifiable to a particular part of the Community Council Area, as recommended by the Community Council and agreed by the Council.
- 1.3 Where an existing Community Council established under the Scheme made in March 2007 shall continue, under this Scheme, to operate within existing boundaries, the said Community Council shall inherit the assets, liabilities and bank accounts of the existing Community Council on the adoption of this Scheme by the Council.
- 1.4 The Scheme has precedence over any other document including the constitution of a Community Council with the exception of variance from the model constitution contained within an approved constitution.
- 1.5 When making decisions in relation to Community Councils, the Area Manager shall consult the Community Council, engage with the Community Councillors and take all reasonable steps to ensure that the facts, circumstances and situation in relation to the requirement for the decision are clear. This applies in relation to the whole Scheme, where appropriate. It is mandatory that the Area Manager consult in person in relation to supported status and dissolution in Sections 14 and 15.

2 Statutory Purposes

- 2.1 The statutory purposes of Community Councils established under the 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

- 3.1 The role and responsibilities of a Community Council in Aberdeenshire shall be to proactively identify and assess issues of importance to its local community. Taking into account views expressed by the public and any other relevant evidence, it should either take such action as it considers to be suitable or convey its findings and conclusions to the relevant authority for consideration.
- 3.2 Community Councils have a statutory right to be consulted on planning applications and some licensing matters that affect its Community Council Area or adjoining community council area. Other matters for consultation may also be jointly agreed between Community Councils, the Council and other public sector and private sector agencies.
- 3.3 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 its Constitution and the terms of this Scheme
- 3.4 There should be mutual engagement in the establishment of working relationships between Community Councils, the Council and other agencies.
- 3.5 In carrying out its activities Community Councils and Community Councillors must at all times adhere to the law, the terms of the Scheme, its constitution and the Community Councillors' Code of Conduct.
- 3.6 Each Community Council is required to adopt a Constitution, based upon the Model Constitution which incorporates standing orders (Schedule 3). The aim is to encourage and maintain consistency for all Community Councils and to facilitate its proceedings being properly structured and regulated. The Community Council's Constitution is approved by the Area Manager. Any changes to a Community Council's Constitution, approved by a Community Council in terms of this Scheme, shall be submitted to the Area Manager for approval and shall not come into force until the Area Manager approves the changes. An Area Manager cannot approve a change to a constitution that conflicts with this Scheme.
- 3.7 Community Councils have a duty under statute to represent the views of its local communities. It is vital therefore, that they reflect the broad spectrum of opinion and interests of all sections of the community. In order to fulfil its responsibilities as effective and representative, Community Councils shall endeavour to:
 - 3.7.1 Seek to broaden both representation and expertise by promoting the Associate Membership of the Community Council for persons for specific projects/issues.
 - 3.7.2 Make particular efforts to promote Junior Memberships, encourage, where possible, 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.
 - 3.7.3 Make publicly available details of how Community Council members can be contacted. How this is done is at the discretion of each Community Council.
 - 3.7.4 Inform the community of the work and decisions of the Community Council by making public agendas and minutes of meetings. This can be done through the provision of information in public places, such as libraries, notice boards, editorials in the local press and appropriate social media. This will be subject to the provisions contained within the Data Protection Act 1998 and the Council's social media policies. If running a website, Community Councils shall keep this up to date.

- 3.7.5 To enable the Area Manager to be up to date, it is requested that draft Minutes Community Council meetings are sent to the Area Manager as soon as practicable after the meeting. When minutes are approved (which shall be at the meeting immediately following the meeting minuted), the approved minutes shall be circulated to Community Council members, relevant Aberdeenshire Councillors, any other interested parties and the Area Manager within 10 working days from the date of the meeting at which they are approved.
- 3.7.6 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. It is good practice for the bank balance to be reported at every meeting of the Community Council.
- 3.7.8 Produce and maintain up to date membership records for sharing with the Area Manager.
- 3.7.9 Encourage all Community Councillors to participate in any training provided by the Council for the benefit of Community Councils.
- 3.7.10 Comply with the Code of Practice for the Exchange of Information in Schedule 6.

4 Community Council Areas within Council Areas

- 4.1 The Council has produced a list of named Community Council areas and a reference map that defines its boundaries. Any future boundary changes will go to the Area Committee(s) for approval. The reference map and list of Community Council areas is in Schedule 1 to the Scheme but does not form part of the Scheme and can be amended as a result of Area Committee decisions in relation to boundaries

5 How to establish a Community Council

- 5.1 Where there is no established Community Council for an area, twelve or more electors may request that elections are held to establish a Community Council for the area. The twelve electors may submit a petition to the Area Manager in accordance with Section 52(7) of the Local Government (Scotland) Act 1973 or subsequent legislation and on receipt of a petition the Council shall arrange for elections to be held in accordance with the Scheme.

6 Community Council Elections

6.1 Eligibility

- 6.1.1 To be eligible to be a Community Councillor, individuals must:
 - a. be aged 16 years or over, and
 - b. reside in the area of the Community Council and be on the Electoral Register, or
 - c. have had their ordinary or principle residence in the area of the Community Council for at least three months prior to nomination, and
 - d. not be a member who is elected to serve on Aberdeenshire Council, or the Scottish, UK or European Parliaments.
- 6.1.2 It is at the discretion of each Community Council whether to allow individuals to become a Community Councillor who do not reside in the area of the Community Council. This must be clearly stated in the constitution. Such individuals must;

- a. be permanently employed, or carry out regular self-employed work or voluntary work in the area of the Community Council; or
- b. own a business in the area of the Community Council.

6.1.3 In terms of 6.1.2 above it is also at the discretion of each Community Council if a serving Community Councillor from another Community Council can serve on that Community Council as well.

6.1.4 A maximum of two Community Councillors who do not reside in the area of the Community Council is permitted as part of the maximum membership number specified in the constitution of the Community Council.

6.2 Elections

6.2.1 Elections will be held if there are more nominations than vacancies and Community Councils will advertise vacancies before the Annual General Meeting in accordance with sections 6.3, 6.4 and 6.5 below

6.2.2 The Council will administer all elections.

6.3 Returning Officer

6.3.1 The Area Manager will be the Returning Officer for the election of each Community Council unless the Area Manager appoints another person to act as the Returning Officer on their behalf. That person must not be a serving Community Councillor within that Community Council, nor intending to stand for election to that Community Council but can be an ex officio member of the Community Council.

6.3.2 The Returning Officer shall appoint and instruct persons to administer the election and to conduct the counting of the vote as they see fit.

6.3.3 The Returning Officer, immediately after the counting of votes and the declaration of the result, shall submit a return to the Council and to the Community Council concerned, containing the names and addresses of all members elected, detailing the number of votes cast for each candidate, and any other information as to the conduct of the election which may be required by the Council.

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

6.3.5 Community Councillors shall hold office for 3 years and provided that they meet the eligibility criteria in 6.1 above shall be free to seek re-election.

6.4 Nominations

6.4.1 When required to do so in accordance with any election rules, the Returning Officer shall give public notice of election and invite nominations for membership of Community Council(s).

6.4.2 The period in the public notice of election must be not less than 10 working days and not more than 20 working days from the date of the public notice of election.

6.4.3 Any person seeking election to a Community Council shall submit a nomination paper in the form set out in Schedule 2. That nomination must be lodged within the period specified in the public notice of election.

6.4.4 Nominations must be submitted by the date set down by the election timetable. Nominations submitted after that date will not be valid.

6.5. Process

After the deadline for receipt of nominations has passed:

- 6.5.1 should the number of candidates validly nominated equal or exceed the minimum number required but be less than or equal to the total maximum permitted membership as specified in the constitution of that Community Council, the said candidates will be declared to be elected.
- 6.5.2 should the number of candidates validly nominated exceed the maximum permitted membership as specified in the constitution of that Community Council, arrangements for an election shall be put in place. At any such election each eligible elector shall be entitled to vote for candidates up to the number of vacancies on the Community Council.
- 6.5.3 should the number of candidates elected be below the minimum permitted membership as specified for the Community Council area in accordance with Schedule 1, no Community Council will be established at that time. However, the Council may issue a second call for nominations for a Community Council that has failed to meet the minimum membership requirement within 6 months of the closing date for the registration of the first call for nominations.

7 Membership of Community Councils

7.1 Community Councils shall be composed of:

- a. the number of Community Councillors for that Community Council as determined in accordance with the provisions of Schedule 1 and as set out in the constitution of that Community Council; and such Community Councillors shall have full voting rights;
- b. the Aberdeenshire 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 Council but shall not be eligible to vote or hold office in the Community Council. No Aberdeenshire Councillor may be a member of a Community Council other than in an ex officio capacity; and
- c. Associate, Junior and Co-opted Members in the following circumstances:

i. Associate Members:

Community Councils may engage Associate Members with skills, knowledge and interests which the Community Council consider would be of assistance to the Community Council in carrying out its functions. Associate Members shall not have voting rights and shall not hold office within the Community Council. Associate Members will serve for such time as may be determined by the Community Council at the time of their engagement or until the Community Council decide that their services are no longer required and do not form part of the quorum or maximum or minimum numbers specified in accordance with Schedule 1 and the constitution of that Community Council.

ii. Junior Members

A Community Council will provide two or more places in addition to its maximum general membership, for persons aged 14 and 15 who live and/or are educated within the Community Council Area. Such persons will have full voting rights but shall not hold office within the Community Council. Such persons cannot be counted as part of any quorum or the minimum and maximum number of the Community Council. The Community Council may determine how to deal with an interest of more than two persons in the two places and if they wish to have an increased number of junior membership places this can be set out in its constitution.

iii. Co-opted Members:

1. Community Councils may, where its elected membership is not below the minimum number of Community Councillors specified in Schedule 1 and set out in the constitution of that Community Council, co-opt persons who would be eligible for election to the Community Council as Community Councillors. The number of Co-Opted Members co-opted cannot at any time exceed one quarter of the maximum number of Community Councillors specified in the constitution of that Community Council.
2. Co-opted Members must be eligible for membership of the Community Council as detailed in Section 6.1 above. They must be elected onto the Community Council by a two thirds majority of the Community Councillors present and voting. Such Co-opted Members shall have full voting rights and will serve until the next round of elections. Notice of any proposed co-option procedure, including the candidate's name, is required to be intimated to every member of the Community Council and the Area Manager at least 10 working days prior to the meeting when the matter of co-option will be decided.

7.2 Within 15 working days of the election of a Community Council, the Returning Officer shall convene 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 their nominee, the Community Council shall elect from its eligible members a Chairperson and such other office-bearers as the Community Council shall deem necessary. At the discretion of the Community Council; these office-bearers may be eligible for re-election and shall be elected or re-elected at the Annual General Meeting of the Community Council in accordance with the provisions of the Community Councils' Constitution.

7.3 Every Community Council may elect a Secretary and a Treasurer (which offices may be combined) who shall hold office and may be eligible for re-election in accordance with the provisions of the Constitution. 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 it. 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.

7.4 Filling of casual vacancies between elections

- a. Casual Vacancies on a Community Council may arise in the following circumstances:
 - i. When an elected Community Council member resigns;
 - ii. When an elected Community Councillor ceases to be eligible in terms of Section 6.1 above.
 - iii. When an elected Community Council member has their membership disqualified in accordance with Section 9;

- iv. On the death of an elected Community Council member.
- b. Should a casual vacancy or casual vacancies arise on a Community Council between elections, it shall be a requirement that appropriate arrangements be undertaken by interim election or by co-option. Should circumstances arise that lead to the number of Community Councillors of the Community Council falling below the minimum permitted membership specified in Schedule 1, the Council shall be informed as soon as reasonably practicable and the Council shall undertake arrangements for an interim election to be held, as described in the Guidance Notes.

8 Equalities and Diversity

- 8.1 Community Councils must comply with Section 149 of The Equality Act 2010 also known as the Public-Sector Equality Duty. A Community Council is required to comply with the provision of the Equality Act 2010 as it is a public authority in accordance with Schedule 19, Part 3 of the Act. This legislation makes it unlawful to discriminate against persons or groups on the grounds of race, gender, gender recognition, disability, age, sexual orientation, and religion or belief.
- 8.2 Community Councils should consider, in particular, how they can contribute towards promoting equality on the basis of the above-named grounds.
- 8.3 Community Councils should recognise and value diversity in its membership and in its communities and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.
- 8.4 Community Councils must encourage members to participate in any Equalities training offered by the Council.

9 Disqualification of Membership

- 9.1 Membership of a Community Council is disqualified in the following circumstances:
 - a. When a Community Councillor's eligibility qualification within that Community Council Area ceases to exist, their membership will be automatically terminated.
 - b. If a Community Councillor of a Community Council fails to attend three successive Community Council meetings, with or without submitting apologies, the Community Council may terminate their membership provided that the termination of the membership must be an item on a meeting agenda and must be carried with a two thirds majority vote of those present and voting provided that at the discretion of individual Community Councils, a period of leave of absence of up to six months for Community Councillors may be granted and minuted at any meeting of the Community Council. This period may be reviewed by the Community Council.

10 Meetings

- 10.1 In accordance with Section 7.4 above, the first meeting of a Community Council following a Community Council election will be called by the Returning Officer and will take place within 15 working days of the date of the election. The business of that meeting will include, as appropriate, the adoption of a Constitution, election and appointment of office bearers and any outstanding business matters from the outgoing Community Council. Following this meeting the Community Council shall lodge with the respective Area Manager a return specifying the full names, designations and addresses of the Community Council's office-bearers and the independent verifier of its accounts and must subsequently advise the Area Manager, in writing, of all changes.

- 10.2 The frequency of meetings will be determined by each Community Council, subject to a minimum of one Annual General Meeting and five ordinary meetings being held each year. The Annual General Meeting shall be held in June.
- 10.3 All members of the Community Council including ex officio members must be invited to each meeting.
- 10.4 The quorum for Community Council meetings shall be at least one third of the current eligible voting membership or three eligible voting members, whichever is greater.
- 10.5 All meetings of the Community Council, shall be open to members of the public, unless it is necessary in terms of requirements of confidentiality in respect of a particular item of business for the item to be taken in private.
- 10.6 Agendas of meetings shall be made available for public access within the Community Council area at least 3 working days prior to the holding of any meeting.
- 10.7 Minutes of Community Council meetings shall be approved at the next meeting of the Community Council. Approved minutes of Community Councils' meetings shall be presented to the Area Manager within 10 working days from the date of the meeting at which the minutes were approved and be made available for public access by the Community Council within the Community Council Area.
- 10.8 Every Community Council shall, upon receipt of a requisition signed by twenty electors within the Community Council area, convene a special meeting, to be held within 15 working days of receipt of that requisition, or such shorter period as may be specified in the Community Council's Constitution, to consider the business which must be specified in the requisition and in the notice calling the meeting.

11 Liaison with the Council

- 11.1 In order to facilitate the strategic development of Community Councils, the Council will identify a Community Council Liaison Officer (CCLO). The CCLO is an officer who works with Community Councils in all six areas and has a specific remit as set out in Schedule 4.
- 11.2 When a Community Council makes initial contact about a Community Council matter this can be with the Area Office and the Area Office will assist the Community Council in the first instance. If appropriate, the Area Officer will direct the Community Council to a service of the Council or the CCLO. The Community Council also has the option of using the Contact Centre and where appropriate contacting Council Services directly to report issues and matters of concern.
- 11.3 Community Councils should seek to develop positive working relationships with a range of key Area-based service representatives. The Area Office will support the Community Council with this responsibility.
- 11.4 Community Councils may make representations to the Council and other public and private agencies, on matters for which it is responsible and which it considers to be of local interest. In the case of statutory objections, such as planning or licensing e, representations should be made to the appropriate Council official. On issues where a Council service is consulting with Community Councils, representations should be made to the appropriate service officer.

12 Community Council Finances

- 12.1 The financial year of each Community Council shall commence on 1 April. This shall allow for the proper submission of a verified Statement of Accounts to the Community Council's Annual General Meeting in June.

- 12.2 The accounts of each Community Council shall be independently verified by a verifier appointed by the Community Council, who is not a member of that Community Council. A copy of the independently verified Statement of Accounts shall be forwarded to the Area Manager as soon as practicable after the Community Council's Annual General Meeting.
- 12.3 The Area Manager may, at their discretion and following consultation with the Council's Chief Financial Officer, require the Community Council to produce such bank statements, records, vouchers and account books, as may be necessary from time to time.
- 12.4 Each Community Council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions.
- 12.5 The Council will provide an administrative grant to Community Councils to assist with the operating costs of the Community Council.
- 12.6 The Council will, within available resources, provide a Community Council Legal Fund to enable Community Councils to access independent legal advice, in certain circumstances (See Guidance Note).
- 12.7 The Council will review the level of annual administrative grant and other financial support to Community Councils annually and the Community Council Liaison Officer shall facilitate advice and assistance to Community Councils in this regard.
- 12.8 The title to all and any heritable property which may be acquired by or for the purpose of the Community Council shall be taken in the name of the Chairperson, and Secretary of the Community Council and their successors in their respective offices as trustees for the Community Council.

13 Insurance and Community Councils and Community Council Members

- 13.1 A Community Council must have sufficient and adequate insurance to cover the Community Council in the event of any claim being made against the Community Council and must be able to demonstrate to the Council that this insurance cover is in place.
- 13.2 The Community Council is responsible for:
 - a. the full disclosure of all material facts to the insurance provider and keeping the insurance provider up to date;
 - b. reviewing the insurance cover to ensure that they have appropriate insurance in place and
 - c. the insurance premium
- 13.3 The Council currently facilitate the payment of the insurance premium of Community Councils to the current insurance provider by deducting the premium from the annual grant payment of each Community Council. The Council will endeavour to continue to provide this administrative support but cannot be compelled to do so. This is not a provision of insurance. The Council cannot advise on or provide insurance as the Council is not regulated to do so by the Financial Conduct Authority.

14 Membership of Community Councils

- 14.1 Where for any reason, the number of Community Council members falls below the minimum number of members for a Community Council to remain established as determined by the provisions in Schedule 1, the Area Manager will initiate a Community Council going into supported status in accordance with Section 14.3 provided that the Area Manager shall consult the Community Council in accordance with 1.5 above before taking any decision.

- 14.2 In any other circumstances, the Area Manager, after reasonable consideration and following consultation with the Head of Legal and Governance, may determine that a Community Council is not complying with the requirements of the Scheme. The Area Manager may take action in accordance with Section 14.3 to initiate a Community Council going into supported status provided that the Area Manager shall consult the Community Council in accordance with 1.5 above before taking any decision. A Community Council may request that the Director of Business Services initiate an appeal of the decision of the Area Manager in accordance with 14.8 below.
- 14.3 In order for Community Council to be in supported status, the Area Manager will give written notification of supported status to the Community Council stating the reasons and that the Community Council will be in supported status from a date being 5 working days after the date of the written notification for a period of three months. The Area Manager will report the supported status to the Area Committee.
- 14.4 When in supported status the Community Council will become a steering group whose main task will be to consider such matters, and take such action, as is necessary to ensure that the Community Council will in future be able to comply with the requirements of the Scheme and continue ongoing projects with the support of the Area Manager.
- 14.5 Upon the steering group satisfying the Area Manager that the Community Council will in the future be able to comply with the requirements of the Scheme, then re-instatement to full Community Council status will be granted by written notice from the Area Manager and the Area Manager will inform the Area Committee by report.
- 14.6 If the steering group is demonstrating sufficient progress towards satisfying the Area Manager that the Community Council will in the future be able to comply with the requirements of the Scheme, then the period of supported status can be extended by an additional three months or such other period or periods as the Area Manager may from time to time determine, with a view to fully satisfying the Area Manager that re-instatement to full Community Council status can be achieved.
- 14.7 If a steering group is unable to satisfy the Area Manager that the Community Council will be able to comply with the requirements of the Scheme within a period of three months from the date being in supported status or within an agreed extended period of time, then at the end of the said period of three months or the said agreed extended period of time, the Area Manager may recommend to the Area Committee to determine dissolution of the Community Council in accordance with Section 15.
- 14.8 If a Community Council is put into supported status in accordance with Section 14.2 above then the Community Council may request in writing that the Director of Business Services initiate an appeal of the decision of the Area Manager. The Community Council may do this by:
- a. Within 20 working days of the notice of supported status, submitting a request in writing to the Director of Business Services setting out the reasons for the appeal of the decision.
Following receipt of the request;
 - i. The Director of Business Services will take a formal report to the relevant Area Committee and shall endeavour to ensure that the report goes to the next available meeting.
 - ii. The Area Committee will review and determine the decision of the Area Manager to put the Community Council into supported status.
 - iii. For the avoidance of doubt, notwithstanding the review of the Area Manager's decision, the Community Council will be in supported status until determined otherwise at the meeting of the Area Committee.

15 Dissolution of a Community Council

- 15.1 Upon the number of members of the Community Council or steering group becoming less than the quorum then the Community Council is deemed to be automatically dissolved with immediate effect. The Area Manager will report the automatic dissolution to the Area Committee.
- 15.2 In any other circumstances, the procedure to dissolve a Community Council requires a formal report from the Area Manager to the Area Committee and a determination by the Area Committee. The determination to dissolve by the Area Committee will only occur after reasonable consultation and suitable notice to the Community Council or steering group by the Area Manager or appropriate officers of the Council. When considering the decision to dissolve a Community Council, the Area must give the Community Council or steering group the opportunity to be heard in accordance with the Standing Orders of the Council. The decision of the Area Committee shall be final and the date of any dissolution shall be determined by the Area Committee.
- 15.3 Where the Area Manager has reasonable grounds to believe that a Community Council has committed a serious breach of the requirements of the Scheme, then they may recommend dissolution of that Community Council to the Area Committee in accordance with Section 15.2 above without considering supported status as detailed in Section 14.
- 15.4 The dissolution of a Community Council must be intimated by public notice, by the Area Manager, within 5 working days of dissolution.
- 15.5 In the event of the dissolution of a Community Council, within 10 working days of the date of dissolution, the former office bearers of the Community Council must:
- deliver all papers, minute books, digital information and assets to the Area Office;
 - electronically transfer all funds to the Council;
 - close the bank account(s) and
 - close down Community Council social media accounts.
- Provided that when the assets and funds that are vested in the Community Council at the date of dissolution are transferred to the Council they shall be held for safekeeping until a new Community Council for the area is established.
- 15.6 After dissolution of the Community Council the former members must not engage in or use any media or social media purporting to be representatives of the steering group or Community Council.

16 Voluntary Dissolution by Resolution of the Community Council

- 16.1 If the Community Council by a two-thirds majority of the present and voting membership resolves at any time that it is necessary or advisable to dissolve the Community Council, it shall agree a date for a Special Meeting to discuss the resolution and the Special Meeting shall be properly called in accordance with the Constitution and Standing Orders of the Community Council.
- 16.2 It is a requirement that not less than 5 working days prior to the date of such a Special Meeting, public notice be given by means of notification in appropriate local newspapers, venues and/or websites, or other social media.

- 16.3 If the resolution is supported by a two thirds majority of the present and voting membership present at the Special Meeting the Community Council shall be deemed to be dissolved with immediate effect. The decision must be notified to the Area Manager within 3 working days.
- 16.4 The provision in Sections 15.4, 15.5 and 15.6 above will apply to voluntary dissolution.
- 16.5 In the event that the Community Council is dissolved under the above procedure then a new Community Council can be established in accordance with the procedure set out in Section 5 above.

in force from 01.04.2018

Schedule 1

COMMUNITY COUNCIL MEMBERSHIP NUMBERS

1. The minimum membership of a Community Council will be as follows:

Electorate of Community Council Area	Minimum Membership
Less than 5,000 electorate	5
5,000 electorate or more	7

2. The Council's **recommended maximum membership for Community Councils** is based on the following formula which takes into account, electorate, locality and the size of the Community Council's area.

Locality	Condition	Additional Members
Urban Community Area		
Urban 1	Population > 5,000	1 per 1,000 of electorate and part thereof
Urban 2	Population < 5,000	1 per 750 of electorate and part thereof
Rural Community Area		
Rural 1	Area > 10,000 HA	1 per 500 of electorate and part thereof 1 per 10,000 HA or part thereof
Rural 2	Area < 10,000 HA	1 per 500 of electorate and part thereof

3. The following conditions apply in terms of the figures stated in this schedule and the membership of Community Councils:
- no Community Council can have the same minimum and maximum number of Community Councillors and
 - if a Community Council has the same minimum and maximum number then the maximum number will be the minimum plus 2 Community Councillors
 - These membership numbers do not include Associate, Ex-officio and Junior Members
4. The recommended maximum membership of each Community Council is calculated using the formula in paragraph 2 above and the results are set out in the table below. A Community Council can request an alternative maximum membership number by applying to the Area Manager with the reasons for the change. If the Area Manager refuses the Community Council's request, the Community Council has the right to appeal the decision to the Area Committee. The same process shall apply as in Section 14.8 of the Scheme.
5. The Community Council shall state its membership numbers in its constitution.
6. The map and tables below detail the current electorate and boundaries and do not form part of the Scheme. If boundary changes are approved by an Area Committee or an official change in electorate numbers require an operational change to the table, this administrative matter will be dealt with by the Area Manager.

Banff & Buchan

Name	Class	Band	Electorate	Geo Area	MIN	ADD (ELECT)	ADD (GEO)	ADD (TOP)	REC MAX
Aberchirder & Marnoch *	Rural	2	1,375	6,068 HA	5	3	0	0	8
New Aberdour Tyrie & Pennan	Rural	2	764	7,971 HA	5	2	0	0	7
Alvah & Forglen	Rural	2	567	6,301 HA	5	2	0	0	7
Banff & Macduff	Urban	1	6,668	6,057 HA	7	7	0	0	14
Cornhill & Ordiquhill	Rural	2	356	1,941 HA	5	1	0	1	7
Fordyce, Sandend & Rural District	Rural	2	573	5,221 HA	5	2	0	0	7
Fraserburgh	Urban	1	9,073	672 HA	7	10	0	0	17
Invercairn	Rural	2	1,268	971 HA	5	3	0	0	8
King Edward & Gamrie	Rural	1	2,061	15,536 HA	5	5	2	0	12
Portsoy & District	Rural	2	1,503	1,820 HA	5	4	0	0	9
Rathen, Memsie & Cortes	Rural	2	1,625	5,113 HA	5	4	0	0	9
Rosehearty	Rural	2	1,011	441 HA	5	3	0	0	8
Sandhaven & Pitullie *	Rural	2	715	1,541 HA	5	2	0	0	7
Whitehills & District	Rural	2	1,294	2,879 HA	5	3	0	0	8

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Buchan

Name	Class	Band	Electorate	Geo Area	MIN	ADD (ELECT)	ADD (GEO)	ADD (TOP)	REC MAX
Boddam & District	Rural	2	994	767 HA	5	2	0	0	7
Buchan East	Rural	2	2,325	8,504 HA	5	5	0	0	10
Cruden	Rural	2	2,700	6,434 HA	5	6	0	0	11
Deer	Rural	1	5,042	22,756 HA	7	11	3	0	21
Longside & District	Rural	2	1,478	6,456 HA	5	3	0	0	8
Mintlaw & District	Rural	2	2,217	574 HA	5	5	0	0	10
New Pitsligo	Rural	2	887	2,067 HA	5	2	0	0	7
Peterhead	Urban	1	14,894	3,018 HA	7	15	0	0	22
Strichen & District	Rural	2	1,659	8,008 HA	5	4	0	0	9

Formartine

Name	Class	Band	Electorate	Geo Area	MIN	ADD (ELECT)	ADD (GEO)	ADD (TOP)	REC MAX
Auchterless, Inverkeithney & Fisherford	Rural	2	950	9,979 HA	5	2	0	0	7
Belhelvie	Rural	2	3,850	5,064 HA	5	8	0	0	13
Ellon	Urban	1	8,078	768 HA	7	9	0	0	16
Foveran	Rural	2	2,095	4,787 HA	5	5	0	0	10
Fyvie, Rothie & Monquhitter	Rural	1	3,715	19,027 HA	5	8	2	0	15
Meldrum, Bourtie & Daviot	Rural	2	3,712	7,877 HA	5	8	0	0	13
Methlick	Rural	2	1,141	6,307 HA	5	3	0	0	8
Slains & Collieston	Rural	2	419	3,934 HA	5	1	0	1	7
Tarves	Rural	2	1,711	5,901 HA	5	4	0	0	9
Turriff & District	Urban	2	4,751	6,930 HA	5	7	0	0	12
Udny	Rural	2	1,919	4,552 HA	5	4	0	0	9
Ythan	Rural	1	1,348	11,081 HA	5	3	2	0	10

Garioch

Name	Class	Band	Electorate	Geo Area	MIN	ADD (ELECT)	ADD (GEO)	ADD (TOP)	REC MAX
Bennachie	Rural	1	5,298	19,337 HA	7	11	2	0	20
Cluny Midmar&Monymusk **	Rural	1	2,064	13,853 HA	5	5	2	0	12
Echt & Skene	Rural	2	1,459	7,656 HA	5	3	0	0	8
Fintray	Rural	2	581	2,283 HA	5	2	0	0	7
Kinellar *	Rural	2	2,386	1,686 HA	5	5	0	0	10
Inverurie	Urban	1	11,492	6,007 HA	7	12	0	0	19
Kemnay	Urban	2	3,553	3,641 HA	5	5	0	0	10
Kintore & District	Urban	2	3,957	3,652 HA	5	6	0	0	11
Newmachar	Urban	2	3,245	4,536 HA	5	5	0	0	10
Westhill & Elrick	Urban	1	9,167	1,450 HA	7	10	0	0	17

Kincardine & Mearns

Name	Class	Band	Electorate	Geo Area	MIN	ADD (ELECT)	ADD (GEO)	ADD (TOP)	REC MAX
Arbuthnott	Rural	2	275	3,801 HA	5	1	0	1	7
Benholm & Johnshaven	Rural	2	680	2,107 HA	5	2	0	0	7
Catterline Kinneff & Dunnottar	Rural	2	973	5,960 HA	5	2	0	0	7
Crathes, Drumoak & Durris * and **	Rural	1	2,143	13,232 HA	5	5	2	0	12
Gourdon	Rural	2	673	810 HA	5	2	0	0	7
Mearns	Rural	1	6,315	32,592 HA	7	13	4	0	24
Newtonhill, Muchalls & Cammachmore	Rural	2	2,894	787 HA	5	6	0	0	11
North Kincardine Rural	Rural	2	1,913	9,086 HA	5	4	0	0	9
Portlethen & District *	Urban	1	7,412	1,435 HA	7	8	0	0	15
Royal Burgh of Inverbervie	Rural	2	1,836	180 HA	5	4	0	0	9
St Cyrus ***	Rural	2	1,300	3,528 HA	5	3	0	0	8
Stonehaven & District	Urban	1	8,987	6,448 HA	7	9	0	0	16

Marr

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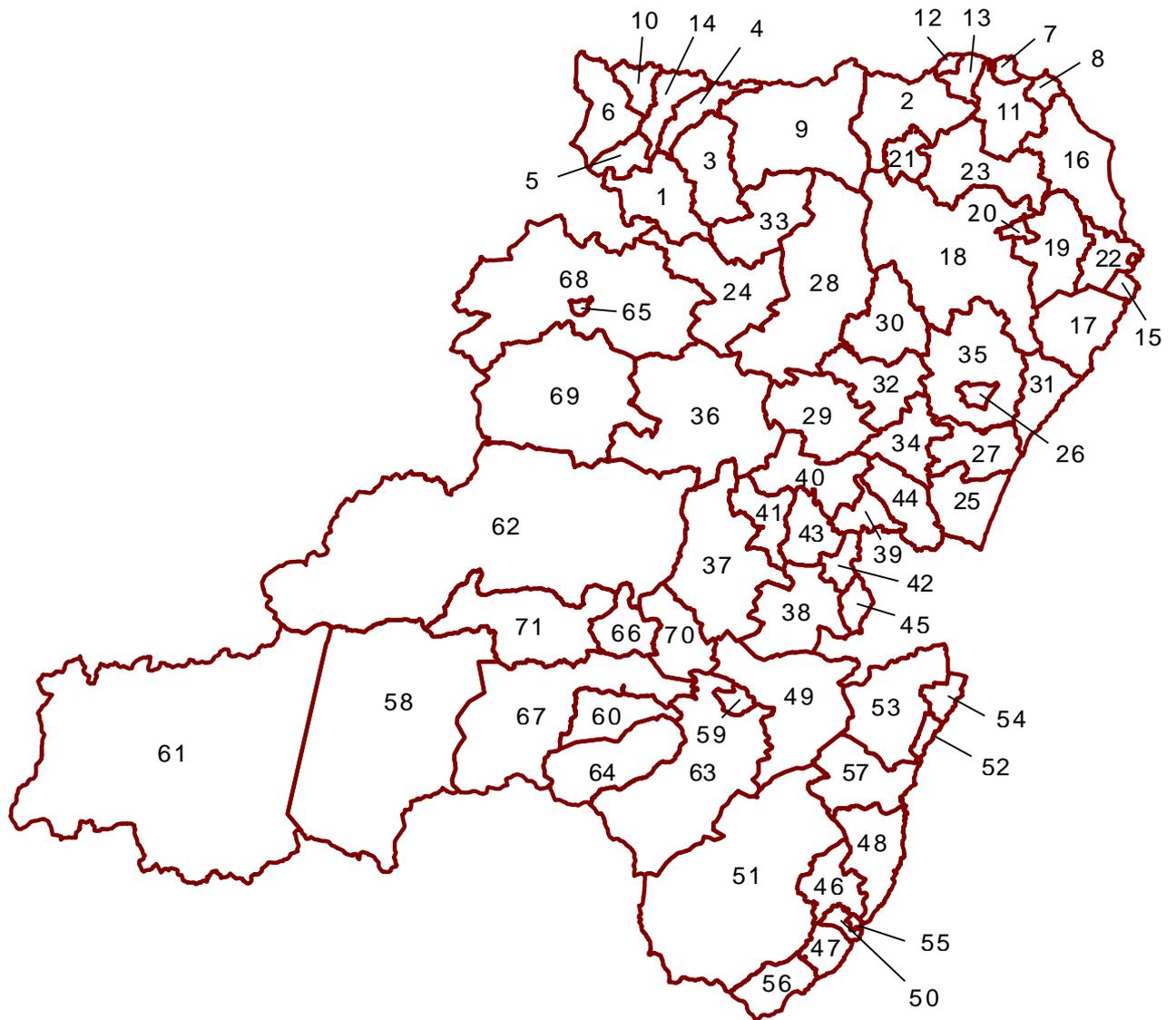
Name	Class	Band	Electorate	Geo Area	MIN	ADD (ELECT)	ADD (GEO)	ADD (TOP)	REC MAX
Ballater & Crathie	Rural	1	1,636	39,424 HA	5	4	4	0	13
Birse & Ballogie	Rural	2	340	4,595 HA	5	1	0	1	7
Banchory	Urban	1	5,948	901 HA	7	6	0	0	13
Braemar	Rural	1	436	63,954 HA	5	1	7	0	13
Cromar	Rural	1	1,228	11,784 HA	5	3	2	0	10
Donside	Rural	1	5,233	61,150 HA	7	11	7	0	25
Feughdee West	Rural	1	1,362	20,244 HA	5	3	3	0	11
Finzean	Rural	2	329	8,295 HA	5	1	0	1	7
Huntly	Urban	2	3,522	271 HA	5	5	0	0	10
Lumphanan	Rural	2	822	3,472 HA	5	2	0	0	7
Mid-Deeside	Rural	1	2,955	19,313 HA	5	6	2	0	13
Strathbogie	Rural	1	1,873	27,230 HA	5	4	3	0	12
Tap O'Noth	Rural	1	1,403	20,105 HA	5	3	3	0	11
Torphins	Rural	2	1,615	5,171 HA	5	4	0	0	9

* Community Council awaiting re-establishment

** Community Council Area is in two Aberdeenshire Council Areas

*** in the process of being established following receipt of valid petition from residents

MAP AND TABLE OF COMMUNITY COUNCIL NAMES AND BOUNDARIES



<p>Banff & Buchan</p> <p>1. Aberchirder & Marnoch 2. New Aberdour, Tyrie & Pennan 3. Alvah & Forglen 4. Banff & Macduff 5. Cornhill & Ordiquhill 6. Fordyce, Sandend & Rural District 7. Fraserburgh</p>	<p>Buchan</p> <p>8. Invercairn 9. King Edward & Gamrie 10. Portsoy & District 11. Rathen, Memsie & District 12. Rosehearty 13. Sandhaven & Pitullie 14. Whitehills & District</p> <p>15. Boddam & District 16. Buchan East 17. Cruden 18. Deer 19. Longside & District 20. Mintlaw & District 21. New Pitsligo</p>
<p>Formartine</p> <p>24. Auchterless, Inverkeithny & Fisherford 25. Belhelvie 26. Ellon 27. Foveran 28. Fyvie, Rothie & Monquhitter 29. Meldrum, Bourtie & Daviot 30. Methlick</p>	<p>Garioch</p> <p>31. Slains & Collieston 32. Tarves 33. Turriff & District 34. Udry 35. Ythan</p> <p>36. Bennachie 37. Cluny, Midmar & Monymusk 38. Echt & Skene 39. Fintray 40. Inverurie 41. Kennay</p> <p>42. Kinellar 43. Kintore & District 44. New Machar 45. Westhill & Elrick</p>
<p>Kincardine & Mearns</p> <p>46. Arbuthnott 47. Benholm & Johnshaven 48. Catterline, Kinneff & Dunnottar 49. Crathes, Drumoak & Durris 50. Gourdon 51. Mearns</p>	<p>Marr</p> <p>52. Newtonhills, Muchalls & Cammachmore 53. North Kincardine Rural 54. Portlethen & District 55. Royal Burgh of Inverbervie 56. St Cyrus 57. Stonehaven & District</p> <p>58. Ballater & Crathie 59. Banchory 60. Birse & Ballogie 61. Braemar 62. Donside 63. Feughdee West 64. Finzean</p> <p>65. Huntly 66. Lumphanan 67. Mid Deeside 68. Strathbogie 69. Tap O'Noth 70. Torphins 71. Cromar</p>

1	Community Council Election	Nomination paper
----------	-----------------------------------	-------------------------

ELECTION OF A COMMUNITY COUNCILLOR for	
	Community Council
Day and date of electionday,, 20.....

I, the undersigned, am hereby nominated as a candidate at the said election.

Candidate's Details	
Candidate's surname	
Other names in full	
Commonly used surname (if any)	
Commonly used forenames (if any)	
Home address in full	

I, the nominee for election, consent to being nominated as a candidate for	
	Community Council

I declare that I am qualified to be elected in terms of Section 6.1 of Aberdeenshire Council's Scheme for the Establishment of Community Councils

I am 16 years or over

and / or	<p>a. I am on the Electoral Register and I reside in the area of the Community Council</p> <p>My electoral number is: _____ or</p> <p>I have had their ordinary or principle residence in the area of the Community Council for at least three months prior to nomination</p>
and / or	<p>[add depending on constitution of the community council]</p> <p>b. I am permanently employed, or carry out regular self-employed work in the area of the Community Council</p>

and / or	c. I own a business in the area of the Community Council
Candidate's signature	
Date	
Witness: I confirm the above-mentioned candidate signed the declaration in my presence.	
Witness's signature:	
Witness (name in full):	
of (address in full):	
Date	

Deliver to the **Returning Officer** by no later than 4pm on the last day for the delivery of nominations.
A candidate who is qualified by more than one qualification may select all of those that may apply.

FAIR PROCESSING NOTICE

WHO MAY PROCESS YOUR PERSONAL DATA?

The information which you provide on this form will be processed by the the Returning Officer, which is a Data Controller of this information for the purposes of the Data Protection Act 1998.

WHAT PERSONAL DATA WILL BE COLLECTED?

The information which you provide on this form. This includes:

- Name and Address (candidate and witness)
- Electoral Details (candidate only)
- Qualification for nomination under Aberdeenshire Council's Scheme for the Establishment of Community Councils (candidate only)

FOR WHAT PURPOSES WILL YOUR PERSONAL DATA BE USED?

The information which you provide on the attached form will be used by the Returning Officer, for the following purposes:

- For the consideration of nominations to Community Councils under Aberdeenshire Council's Scheme for the Establishment of Community Councils

WILL THE RETURNING OFFICER DISCLOSE YOUR PERSONAL DATA TO ANYONE ELSE?

Anyone is entitled to see the nomination papers of a validly-nominated candidate at a public election.

IF YOU HAVE ANY QUERIES REGARDING COMPLETION OF THIS FORM, OR REQUIRE FURTHER ASSISTANCE, PLEASE CONTACT:

The local Area Office on: Tel: **insert number of relevant local office**

CONSENT

(Please tick to confirm)

I confirm that I have read and understood the fair processing notice

I understand that I have the right to withdraw consent in the future

Candidate Witness

Name (Candidate)

Date

Signature

Name (Witness)

Date

Signature

Schedule 3

MODEL CONSTITUTION

This Model Constitution has been prepared to assist Community Councils in drawing up a constitution which accords with the requirements of the Scheme and the circumstances particular to each Community Council. Whilst this model is illustrative, Community Councils are encouraged to follow the model as far as possible. The Area Manager has to approve the new constitution and any changes to that constitution. However, the Area Manager may only approve changes that are consistent with the Scheme. Use of the Standing Orders in Appendix 1 is encouraged. It is up to the Community Council to decide generally how to use the standing orders. The ultimate decision rests with the Chairperson on how to implement the Standing Orders during the meeting.

[XXX] COMMUNITY COUNCIL CONSTITUTION

NAME

1. The name of the Community Council shall be XXX COMMUNITY COUNCIL (“the Community Council”)

OBJECTS AND FUNCTIONS

2. The objects and function of the Community Council shall be:
 - 2.1 To proactively identify and assess issues of concern to its local community. Taking into account views expressed by the public and any other relevant evidence, it should either take such action as it considers to be suitable or convey its finding and conclusions to the relevant authority for consideration.
 - 2.2 To promote the well-being of the community resident within the Community Council boundaries (“the Community Council Area”) and comply with equal opportunities legislation that makes it unlawful to discriminate against persons or groups on the grounds of race, gender, gender recognition, disability, age, sexual orientation and religion or belief.
 - 2.3 To be a means whereby the people of the Community Council Area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.
 - 2.4 Provided that the Community Council shall be non-party political and non- sectarian in its discussions and decision making and shall comply with data protection and other relevant legislation.

MEMBERSHIP OF COMMUNITY COUNCIL

3. The Community Council shall consist of not fewer than [5/7] and not more than [[X] persons elected by persons resident within the Community Council Area.(“the Community Councillors”) and such persons shall be eligible in accordance with Section 3.1 below. In addition to the Community Councillors the Community Council shall consist of Junior Members and Ex-Officio Members and the Community Council may appoint Associate Members.
 - 3.1 Community Councillors should:
 - a. be aged 16 years or over, and
 - b. reside in the Community Council Area and be on the Electoral Register, or

- c. have had their ordinary or principle residence in the Community Council Area for at least three months prior to nomination, and
- d. not be elected to serve on Aberdeenshire Council, or the Scottish, UK or European Parliaments.

[to be added or deleted and renumbered if the CC decides to allow non-resident Community Councillors]

3.1.1 Provided that the Community Council has a maximum of two places available for Community Councillors who do not reside in the Community Council Area and

- a. are permanently employed, or carry out regular self-employed work or voluntary work in the Area of the Community Council; or
- b. own a business in the Area of the Community Council.

[3.1.2 In terms of 3.1.1 above a Community Councillor who does not reside in the Community Area cannot be a serving community councillor of another community council]

3.1.x Any Community Councillor who no longer meets the eligibility set out in this section, in Section 3.7 below and/or has been disqualified in accordance with Section 9 of the Scheme for the Establishment of Community Councils (“the Scheme”) is not eligible to be a Community Councillor of the Community Council

3.1.x Any serving Community Councillor who is elected to serve on Aberdeenshire Council, or the Scottish, UK or European Parliaments shall be ineligible to remain as a Community Councillor.

3.2 Junior Members

The Community Council will provide two [or more places] in addition to its maximum general membership, for persons aged 14 and 15 who live and/or are educated within the Community Area. Such persons will have full voting rights but shall not hold office in the Community Council. Such persons cannot be counted as part of any quorum or the minimum or maximum number of the Community Council.

3.3 Ex-Officio Members

The Aberdeenshire Councillors for the area covered by the Community Area shall have ex officio membership of the Community Council during their period of office for the Council but shall not be eligible to vote or hold office in the Community Council. No Aberdeenshire Councillor may be a member of a Community Council other than in an ex officio capacity; and

3.4 Associate Members:

The Community Council may engage Associate Members with skills, knowledge and interests which the Community Council consider would be of assistance to the Community Council in carrying out its functions. Associate Members shall not have voting rights and shall not hold office within the Community Council. Associate Members will serve for such time as may be determined by the Community Council at the time of their engagement or until the Community Council decide that their services are no longer required and do not form part of the quorum or minimum or maximum number of Community Councillors.

3.5 Co-option of Members

- a. The Community Council may, when its elected membership is above the minimum number of Community Councillors specified in Section 3 above may co-opt persons who would be eligible for election to the Community Council as Community Councillors in accordance with Section 3.1. The number of Community Councillors so co-opted may not at any time exceed one quarter of the maximum number of Community Councillors.
- b. The proposed members must be elected onto the Community Council by a two thirds majority of the Community Councillors present and voting. Such co-opted members shall have full voting rights and will serve until the next round of elections. Notice of any proposed co-option procedure is required to be intimated to all of the Community Council's members and the Area Manager at least 10 working days prior to the meeting when the matter of co-option will be decided.

3.6 The allocation of Community Councillors between the areas within the Community Area shall be as follows

[insert splits]

3.7 Membership of the Community Council is disqualified in the following circumstances-

- a. When the Community Councillor's eligibility qualification within that Community Council area ceases to exist.
- b. If any Community Councillor of the Community Council fails to attend three successive Community Council meetings, with or without submitting apologies, the Community Council may terminate their membership provided that the termination of the membership must be an item on a meeting agenda and must be carried with a two thirds majority vote of those present and voting provided that at the discretion of the Community Council, a period of leave of absence of up to six months for the Community Council member may be granted and minuted at any meeting of the Community Council. This period may be reviewed by the Community Council

ELECTIONS

- 4.1 Vacancies will be advertised in accordance with the Scheme before the Annual General Meeting and an Election will be held if there are more nominations than vacancies.
- 4.2 The Council will administer all elections and will appoint a Returning Officer at the commencement of the election period.
- 4.3 Except as otherwise provided by this paragraph, Community Councillors shall hold office for 3 years and shall be eligible for re-election.
- 4.4
 - a. Persons seeking election to the Community Council shall be nominated as prescribed in the Scheme and nominations shall be lodged with the Returning Officer by a prescribed time and date.
 - b. In the event of the number of persons remaining validly nominated for election to the Community Council exceeding the number of vacancies, the election shall be by a secret ballot paper containing a list of the persons validly nominated. The said election shall be arranged by the Council in consultation with the Community Council in terms of the Scheme.
 - c. In the event of any casual vacancy or vacancies the Community Council in consultation with Aberdeenshire Council shall arrange to hold an election in the prescribed way.

- d. The Community Council may, where its elected membership is at or above the prescribed minimum number and does not comprise the maximum number of Community Councillors, co-opt persons who would be eligible for election to the Community Council as members. The number of members so co-opted may not at any time exceed one quarter of the maximum number of Community Councillors.
- e. Co-opted members must be elected onto the Community Council by a two-thirds majority of Community Councillors being present and voting. Notice of any proposed co-option procedure is required to be intimated to all that Community Council's members at least 10 working days prior to the meeting when the matter will be decided.
- f. Members so co-opted may serve until the next ordinary election to that Community Council, with full voting rights.
- g. The Community Council may also engage Associate Members to the Community Council being any person or persons (resident either within or without the Community Area) and
 - i. such persons shall be engaged only for such period or respective periods as shall be agreed by the Community Council at their time of engagement or until the Community Council decides that their services are no longer required and
 - ii. such person or persons shall not be entitled to vote.

MEETINGS

- 5.1 During the month of June in each year the Community Council shall convene an Annual General Meeting (AGM), the agenda for which shall include items for receiving the Community Council's Annual Report and the independently verified Statement of Accounts, reports on any elections, provision when necessary for considering and voting on proposals for amendment of the Community Council's Constitution all in accordance with Appendix 1 below.
- 5.2 The Community Council shall meet throughout the year at intervals [here state frequency, not less than five ordinary meetings and one AGM in any twelve-month period]; the dates of regular meetings during the remainder of the year shall be agreed at the AGM.
- 5.3 The Community Council shall, upon receipt of a requisition signed by twenty electors within the Community Area, convene a special meeting, to be held within 15 working days of receipt of that requisition, or such shorter period as may be specified by the Community Council, to consider the business which must be specified in the requisition and in the notice calling the meeting.

OFFICERS OF THE COMMUNITY COUNCIL

- 6.1
 - a. The Community Council, at its first meeting after the initial and subsequent elections, shall elect one of its members to be Chairperson and may elect one of its members to be Vice-Chairperson. [Provided that... insert limits, if required on how many terms they can serve]
 - b. The Chairperson and Vice-Chairperson shall continue in office until their respective successors are elected.
 - c. The Community Council shall appoint and shall have power to dismiss a Secretary and a Treasurer whether or not from among its Community Councillors. The offices of Secretary and Treasurer, but no other office-bearers may be combined.
 - d. The office of Chairperson shall not be combined with any other nor shall one person hold more than two positions.

- e. The Community Councillor or Community Councillors of the Community Council appointed as Secretary or Treasurer or Secretary/Treasurer shall not be entitled to remuneration but the Community Council may, at its discretion, award honoraria to such Community Councillors together with expenses actually incurred and supported by receipts or vouchers. The Community Council may pay appropriate remuneration to a Secretary and Treasurer or Secretary/Treasurer appointed outwith its own membership.
- f. The Community Council shall appoint a representative(s) to the local forum or equivalent who shall be entitled to vote in respect of any matters raised at a meeting of the forum or equivalent. Area based forums will facilitate engagement on local community planning issues.

STAFF

7. In addition to the offices of Secretary and Treasurer or Secretary/Treasurer the Community Council shall have power to appoint and dismiss such other staff as it may from time to time determine, subject to the observance of employment law.

COMMITTEES AND SUB-COMMITTEES

8. The Community Council shall have powers to appoint such Committees and/or Sub-Committees or sub-groups as it may from time to time decide and shall determine their terms of reference, powers, duration and composition.

FINANCE

9.
 - a. All monies raised by or on behalf of the Community Council shall be applied to further the objects of the Community Council and to maintain its administrative structure.
 - b. The Community Council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions and shall be eligible to apply for grants for suitable projects.
 - c. The Council will provide an administrative grant to the Community Council to assist with the operating costs of the Community Council.
 - d. The Treasurer or Secretary/Treasurer shall arrange for a bank account(s) to be held in the name of the Community Council and shall have responsibility for:
 - i. the proper management of the Community Council's financial affairs; and
 - ii. keeping proper books of account showing the finances of the Community Council.
 - e. The Community Council shall appoint an independent verifier, acceptable to Aberdeenshire Council, to independently verify the accounts of the Community Council annually.
 - f. Independently verified Statement of Accounts of the Community Council for the last financial year shall be submitted by the Community Council to the Annual General Meeting. The Community Council's financial year shall run from 1 April.
 - g. The Title to all and any heritable property which may be acquired by or for the purpose of the Community Council shall be taken in the name of the Chairperson, and Secretary of the Community Council and their successors in their respective offices as trustees for the Community Council.
 - h. The Community Council must comply with Section 13 of the Scheme and must have sufficient and adequate insurance to cover the Community Council in the event of claims

being made against the Community Council and must be able to demonstrate to the Council that this insurance cover is in place.

RETURN OF OFFICE- BEARERS AND OTHERS

10. Following the first meeting after each election the Community Council shall lodge with the Area Manager for the Area of Aberdeenshire Council in which located a return specifying the full names, addresses and designations of:
- a. office-bearers;
 - b. elected, co-opted, and associate members; and
 - c. independent verifier
- and shall notify the Area Manager in writing any change to office-bearers, members and independent verifier/s.

AMENDMENT OF CONSTITUTION

11. a. Any proposal to amend the Constitution must be delivered in writing to the Secretary of the Community Council at least 20 working days before the date of the meeting at which the proposal is first to be considered.
- b. Subject to the provisions of paragraph 4 any alterations to the Constitution will require approval of:
- i. a majority of two-thirds of those present and voting in favour thereof at an Annual General Meeting or a Special Meeting convened for that purpose, and
 - ii. the Area Manager on behalf of Aberdeenshire Council
- c. Notice of any General Meeting at which a proposal to change the Constitution of the Community Council is to be considered shall be given 10 working days prior to the date of the meeting and such notice shall detail the wording of the proposed alteration.

SUPPORTED STATUS AND DISSOLUTION

12. Supported Status, Dissolution and Voluntary Dissolution of the Community Council will only take place in accordance with the Scheme for the Establishment of Community Councils.

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

13. The Community Council shall not do anything which is inconsistent with Aberdeenshire Council's Scheme for the Establishment of Community Councils and in the event of any inconsistency, the Scheme for the Establishment of Community Councils shall take precedence.

DISCIPLINARY PROCEDURES

14. In the event of a complaint by a member of the Community Council or a third party that the Community Council or a member of the Community Council is in serious breach of the Community Councillors' Code of Conduct or has otherwise brought the Community Council into disrepute it shall be dealt with in accordance with the Complaints and Appeals Procedure in Schedule 7 of the Scheme for the Establishment of Community Councils.

APPENDIX 1

STANDING ORDERS

The Standing Orders contain the rules which regulate the business and proceedings of the Community Council.

1. Meetings

1.1 First meeting after election

- 1.1.1 The first Meeting of a Community Council after an election shall be held within 15 working days of the election date (or as soon as practicable thereafter). The business of that meeting shall include:
- a. Determination of any amendments to the constitution and standing orders.
 - b. Appointment of office bearers (Chairperson, Vice Chairperson, Secretary, Treasurer)
 - c. Any outstanding business matters from the outgoing Community Council.
- 1.1.2 The Returning Officer appointed in respect of the election shall convene the first meeting. This meeting shall be chaired by the Returning Officer, until a Chairperson has been elected by the eligible voting members of the Community Council.
- 1.1.3 Following the first meeting after an election, each Community Council shall lodge with the respective Area Manager a return specifying the full names, designations and addresses of the Community Council's office-bearers and verifier of its accounts and must subsequently advise the Area Manager, in writing, of all changes.

1.2 Ordinary Meetings

- 1.2.1 The frequency of meetings will be determined by each Community Council, subject to a minimum of five ordinary meetings and one Annual General Meeting being held each year.
- 1.2.2 All Community Council Meetings shall be held at the times and locations detailed in accordance with the programme approved by the Community Council.

1.3 Annual General Meeting

- 1.3.1 The Annual General Meeting (AGM) of a Community Council shall be held in June each year.

The business shall include:

- a. Consideration of the Community Council's Annual Report
- b. Consideration and approval of the independently verified Statement of Accounts
- c. Election reporting
- d. The election / re-election of any Office Bearers
- e. The approval of the Community Council's Annual Budget
- f. Voting on any proposals for amendment to the Community Council's Constitution.

1.3.2 Following the approval of the independently verified Statement of Accounts at the AGM, a copy of these will be forwarded as soon as practicable to the Area Manager.

1.4 Special Meetings

1.4.1 A Special Meeting may be called:-

- a. by the Chairperson, or,
- b. by one-fourth or more of the current eligible voting membership of Community Council
- c. By requisition signed by twenty electors within the Community Council area.

1.4.2 The Special Meeting shall be held within 15 working days

1.5 Calling Meetings

1.5.1 For all Meetings (with the exception of a Special Meeting in terms of Section 11 of the constitution) a notice will be published at least 3 working days before the date of the Meeting, which will:-

- a. detail the time and place of the Meeting; and,
- b. if it is a Special Meeting, name the members who have called the Meeting and the business which is to be considered.

1.5.2 The notice and agenda of meetings shall be placed in a suitable public place.

1.5.3 In addition to the notice, all members of the Community Council including associate, junior and ex officio members must be invited to each meeting.

1.5.4 If a meeting is adjourned to a new day, notice and summons will be issued in accordance with section 1.5.1 above.

1.6 Cancelling Meetings

The Chairperson may cancel or reschedule any meeting because of a lack of business or in exceptional circumstances, notice of the cancellation must be given as soon as practicable, all members (including associate, junior and ex-officio members) should be advised and a public notice confirming the cancellation should be displayed at the meeting venue as well as on the Community Council's website.

2. Members attendance At Meetings

2.1 Quorum

2.1.1 There must be a minimum number of Community Councillors present at a Meeting. This is known as the quorum. The quorum for each Meeting shall be at least one-third of the current eligible voting membership of a Community Council or three current eligible voting members, whichever is the greater. No business can be determined at a Meeting unless a quorum is present.

2.1.2 If at any time during a Meeting there is a question about whether or not there is a quorum, the Chairperson will, after allowing an interval of ten minutes, ask the Secretary to count the number of members present. If a quorum is not present, the Meeting will be adjourned.

2.1.3 If, ten minutes after the time set for the start of a Meeting a quorum is not present, the Meeting will be abandoned and the Secretary will record that no business was considered because there was no quorum.

2.2 Substitute Members

Community Council members may not appoint substitutes to attend any Meetings in their place.

3. The Agenda, Notices of Motion and Written Questions

3.1 Agenda

3.1.1 Agendas of Meetings shall be made available for public access within the Community Council area at least 3 working days prior to the holding of any meeting.

3.1.2 Community Councils shall provide copies of its agendas within the prescribed timescales to the Council via the Area Manager.

3.1.3 Community Councils displaying its agendas online should ensure that these are displayed online at least 3 working days prior to the holding of any meeting

3.2 Notices of Motion

3.2.1 A member may submit a Notice of Motion for consideration by the Community Council.

3.2.2 The motion must be in a recorded format, identified as being from a member, and given or sent to the Secretary of the Community Council to be received by noon, 5 working days before the next ordinary meeting.

3.2.3 If the Chairperson determines that the notice of motion is admissible, this will be included on the Agenda for the next ordinary meeting. Notices of motion will be listed on the agenda in the order in which they have been received. If the Chairperson considers the notice of motion deals with the same subject as an item of business otherwise on the agenda the subject matter of the notice of motion will be considered as part of the item of business.

3.2.4 If the Chairperson determines that the notice of motion is inadmissible, at the request of the proposer, it will be included on the agenda with the reasons for inadmissibility subject to any modification considered necessary by the Chairperson.

3.2.5 If a member who has given a notice of motion is absent when it is to be considered at the Meeting for the first time, it shall be put on the agenda of the next ordinary meeting. If, at the next ordinary meeting, the member is again absent, the notice of motion shall fall.

3.3 Written questions

3.3.1 Any member of the Community Council may, at any ordinary meeting of the Community Council, put a question to the Chairperson of the meeting concerning any relevant or competent matter provided that the member shall have given notice of the question in writing, duly signed, to the Chairperson and Secretary not later than 5 working days before the date of the Meeting.

- 3.3.2 Questions and any written answers, numbered in the order in which they have been received, will be circulated as part of the agenda for the Meeting. It shall be for the Chairperson to determine whether the question, or any supplementary question, is admissible. If the Chairperson determines that the question is inadmissible, at the request of the proposer, it will be included on the agenda with the reasons for inadmissibility subject to any modification considered necessary by the Chairperson.
- 3.3.3 The member who asked the original question may ask one supplementary question to clarify the answer given.
- 3.3.4 No further discussion will be allowed, and it will not be competent to move any motion arising from a question or the answer given.
- 3.3.5 Written questions, supplementary questions and any written answers and supplementary answers will be recorded in the minutes.

4. DURING MEETINGS

4.1 Arrangements for Chairing Meetings

- 4.1.1 At a Meeting the Chairperson, if present, will preside.
- 4.1.2 If the Chairperson is absent from a Meeting, the Vice Chairperson will preside; if they are both absent, another member of the Community Council chosen by the majority of the Community Councillors present, shall preside as Chairperson.
- 4.1.3 At all times during a Meeting, members will respect the authority of the Chairperson. If the Chairperson speaks, any member who is speaking to the Meeting will stop.
- 4.1.4 The Chairperson's duty is to preserve order at the Meeting and ensure that members are given a fair hearing. If two or more members try to speak at the same time, the Chairperson will decide who is to speak first.
- 4.1.5 The Chairperson will decide all matters of order, admissibility and urgency and that ruling will be final.
- 4.1.6 The Chairperson will ensure that the decision of the Meeting is clear with regard to all matters which form the business of the Meeting.
- 4.1.7 If a member persistently misbehaves by disregarding rulings by the Chairperson, or behaves improperly or offensively, or wilfully obstructs the business of the Meeting, the Chairperson may take the following courses of action sequentially:-
- a. Warn the member about their behaviour,
 - b. Tell the member not to speak during the remainder of the debate on the item being discussed,
 - c. Move that the member should not speak again during the Meeting. The motion, if seconded, will be decided without discussion; if the motion is carried the member will not speak again during that Meeting,

- d. Move that the member should be suspended for the remainder of the Meeting. The motion, if seconded, will be decided without discussion; if the motion is carried, the member will leave the Meeting immediately,
- e. Adjourn the Meeting for a short time as seems reasonable to the Chairperson in the circumstances.

4.1.8 If there is disorder at any Meeting, the Chairperson will be entitled to adjourn the Meeting to later that day. If that is not practicable, the Meeting may be adjourned to another date and time as the Chairperson may decide then or afterwards.

4.2 Business at Meetings

4.2.1 The business of the Community Council at any meeting shall proceed in the order of the agenda except that the Chairperson may, at their discretion, alter the order of business at any stage. Agendas and minutes of the Community Council shall be made available in advance at an appropriate place.

4.2.2 No item of business shall be transacted at a meeting of the Community Council unless it is specified in the notice calling the meeting, or any supplementary notice, unless the Chairperson is of the opinion, by reason of special circumstances which shall be specified in the Minutes, that an additional item should be considered at the meeting as a matter of urgency.

4.3 Rules of Debate and how motions and amendments are moved and decided

4.3.1 Every motion and amendment must be moved and seconded.

4.3.2 Where the Chairperson rules any purported motion or amendment as irrelevant or incompetent, it shall not be put to the meeting.

4.4 How votes are taken

4.4.1 A vote can be taken by calling the roll or by show of hands, the names will not be recorded in the Minute.

4.4.2 When there is more than one amendment to the motion, then, unless the Chairperson decides otherwise in order to avoid inconsistency in voting, the last amendment shall be put against the amendment immediately preceding. The amendment which is carried shall be put against the next preceding amendment. This process will continue until there is only one amendment remaining. A vote will then be taken between the motion and the remaining amendment, and whichever is carried will be the decision of the Meeting.

4.4.3 In the case of an equality of votes, the Chairperson will have the right to a second or casting vote.

5. PUBLIC PARTICIPATION AT MEETINGS

The Community Council welcomes public participation at its Meetings. The following arrangements are designed to enhance and regulate public participation at Meetings.

5.1 Public Access to Meetings

- 5.1.1 Every Community Council meeting will be open to the public, except in the special circumstances set out in 3-5 below.
- 5.1.2 No person or body shall be permitted, without the permission of the Meeting, to tape record, photograph, video, film or use any other form of electronic, digital or computerised sound or visual recording system during any Meeting.
- 5.1.3 The public must be excluded from a Meeting when an item of business is being considered if it is likely, because of the business itself or what might be said at the Meeting, that confidential information (as meant by the relevant law¹) would be given to members of the public.
- 5.1.4 The Community Council may decide, by passing a resolution at any Meeting, to exclude the public when it is considering an item of business if it is likely, because of the business itself or what might be said at the Meeting, that exempt information (as meant by the relevant law as referred to in 5.1.3 above) would be given to members of the public. The resolution to exclude the public will make clear the proceedings or which part of the proceedings of the Meeting it applies to and state the description of the exempt information.
- 5.1.5 The Community Council, in order to stop or prevent disorderly conduct or other misbehaviour at a Meeting, may exclude or eject members of the public whose presence or conduct is impeding or is likely to impede the Meeting. If a member of the public interrupts any Meeting, the Chairperson may warn the person. If they continue the interruption the Chairperson may order that they immediately leave the Meeting.

5.2 Petitions and Requests to Speak at Meetings

- 5.2.1 Members of the public may submit a Petition or request to speak for items on an agenda and not on an agenda to the Community Council as soon as practicable before the meeting at which they wish to attend and/or speak at.
- 5.2.2 If, in the opinion of the Chairperson, the subject matter of the Petition and/or the request to speak is a matter in which the Community Council has a general interest and it is competent and relevant for them to consider, the member of the public shall address the Meeting.
- 5.2.3 If a member of the public is attending a Meeting, it is at the discretion of the Chairperson to allow the person to speak to the Meeting.

6. AFTER THE MEETING

6.1 Minutes of Meetings

- 6.1.1 Minutes of Community Council meetings must be approved at the next meeting of the Community Council. Approved minutes of Community Council's meetings must be presented to the Council within 10 working days from the date of the meeting at which the minutes were approved and shall be made available for public access by the Community Council within the Community Council area.
- 6.1.2 No discussion or amendment will be competent on a Minute submitted at any Meeting for approval other than any amendment or discussion to the effect that they are not a correct

¹ Section 50A and Schedule 7A of the Local Government (Scotland) Act 1973

record. Any amendment will include the words of the alteration which is proposed to the Minute. An objection to the correctness of a Minute will be dealt with by way of an amendment to a motion to approve the Minute.

- 6.1.3 Only Community Councillors who were present at the Meeting to which a Minute relates may vote on the correctness of the Minute.
- 6.1.4 Approved minutes should be signed by the Chairperson and retained for future reference.
- 6.1.5 Community Councils shall provide copies of draft minutes and approved minutes within prescribed timescales to the Council via the Area Manager.
- 6.1.6 Community Councils displaying minutes online should ensure that the approved minutes are added to the website and that this is done within 10 working days of the meeting at which the minutes are approved.

7. SUSPENSION OF STANDING ORDERS

- 7.1 These Standing Orders shall not be suspended except at a meeting at which three quarters of the total number of elected Community Councillors are present and only if the mover states the object of the motion and if two thirds of the Community Councillors present consent to such a suspension.

in force from 01.04.2018

Schedule 4

Duties, Roles and Responsibilities of the Council

<p>Area Manager</p>	<p>Powers that are delegated from Full Council and are contained in the Council's Scheme of Governance, Part 2B - List of Officer Powers</p> <ul style="list-style-type: none"> • Offer support, advice and assistance to Community Councils. • Approve Community Council constitutions and changes to Community Council Constitutions provided that the provisions of the constitution do not conflict with this Scheme. • Approve the maximum number of a Community Council. • Put Community Councils into Supported Status. • Re-instate steering groups to Community Council status. • Act as returning officer or appoint an alternative returning officer. • Administer Community Council elections. <p>Operational matters</p> <ul style="list-style-type: none"> • Manage the Area Office team. • Support, inform, engage and collaborate with the Community Councils in their Area. • Take account of the Code of Practice for the Exchange of Information in Schedule 6. • Liaise with CCLO. • Arrange Appeal Hearings in terms of the Community Council Appeal Hearing Procedure in Schedule 7. • Recommend dissolution of a Community Council to an Area Committee. • Report to Area Committees, formally and informally. • Ensure that Community Councils use council premises for meetings free of charge. • Approve changes to boundary map and recommended number table.
<p>Area Committee</p>	<p>Powers that are delegated from Full Council and are contained in the Council's Scheme of Governance, Part 2A - List of Committee Powers</p> <ul style="list-style-type: none"> • Determine Supported Status of Community Councils. • Dissolve Community Councils. • Determine Boundary Changes. • Determine the appeal on maximum membership numbers.
<p>Full Council</p>	<ul style="list-style-type: none"> • Review/amend/revoke/replace/adopt the Scheme for the Establishment of Community Councils.

Community Council Liaison Officer	<ul style="list-style-type: none"> • CCLOs work at a strategic level and at a local level. They engage with Area Office colleagues in each Council Area giving advice and support to the officers and they - • Liaise with the Scottish Government and thereafter provide relevant information to Community Councils and Area Offices • Represent the Council at national forums. • Engage with external agencies such as Improvement Service. • Develop and provide training for Community Councillors. • Capture and pass on information that is relevant to Community Councils via the Area Office.
Area Office	<ul style="list-style-type: none"> • The Area Officer is managed by the Area Manager. Generally, Area Committee Officers will be the main point of contact for a Community Council in that Council Area. Its role is to engage with, advise and assist Community Councils. The Area Office will ensure that a Community Council is directed to the correct service in the Council to assist with any queries. • Annually review the electorate roll numbers and advise Community Councils of any requirement to review its membership numbers and amend constitutions.

in force from 01.04.2019

Schedule 5

Code of Conduct

MODEL CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

1. INTRODUCTION TO THE CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

- 1.1 Community Councils have a key role to play in supporting a decentralised pattern of local government and service delivery and the Scheme provides a framework within which they and the Council can co-operate and work together. The Council is committed to ensuring successful consultation and working together with Community Councils in all areas of the Council's responsibilities.
- 1.2 Community Councils are voluntary bodies, which exist within a statutory framework. The role and function of a Community Council in Aberdeenshire shall be to proactively identify and assess issues of concern to its local community. Taking into account views expressed by the public and any other relevant evidence, it should either take such action as it considers to be suitable or convey its findings and conclusions to the relevant authority for consideration. 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 Council and other public sector and private sector agencies.
- 1.3 Community Councils are non-party political and non-sectarian in its discussions and in its decision-making.
- 1.4 The Members of Community Councils – "Community Councillors" are not covered by the Codes of Conduct, enforced by the Standards Commission for Scotland, which apply to Councillors elected to Local Authorities and MSPs. However, it is expected by Aberdeenshire Council that Community Councils adopt the following Code of Conduct as applying to its members.

2. KEY PRINCIPLES OF THE CODE OF CONDUCT

- 2.1 The public has a high expectation of its representatives including members of Community Councils and the way in which they should conduct themselves in undertaking its duties. You must meet those expectations by ensuring that your conduct is above reproach at all times.
- 2.2 As a Community Councillor, it is your responsibility to make sure that you are familiar with, and that your actions comply with, the provisions of this code.
- 2.3 The general principles upon which this Code of Conduct is based are:-

Duty

You have a duty to act in the interests of the Community Council as a whole and of all members of the communities served by it. You should be accessible to all the people of the area for which you have been elected or adopted to serve, and to represent their interests conscientiously.

Selflessness

You should take decisions solely in terms of the public interest. You must not act in order to gain financial or other material benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties, or the taking of decisions at Community Council meetings.

Accountability and Stewardship

You are accountable for your decisions and actions to the public. You should consider issues on their merits, taking accounts of the views of others, and you must ensure that the Community Council uses its resources prudently and in accordance with the law.

Openness

You must be as open as possible about your decisions and actions, giving reasons for your decisions (and restricting information only when the wider public interest clearly demands).

Honesty

You must act honestly. You must declare any private interests which affect your public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

You should lead by example and maintain and strength the public's trust and confidence in the integrity of the Community Council and its Councillors in conducting public business.

3. General Conduct

- 3.1 The principles of good conduct in this section must be observed in all situations where you act as a Community Councillor, including representing the Community Council on official business.
- 3.2 You must respect all Aberdeenshire Councillors and Council employees and the role they play and treat them with courtesy at all times. It is expected that they will show the same consideration in return.
- 3.3 You must respect the Chairperson, your colleagues, invited guests and any members of the public present during meetings of the Community Council or other formal proceedings of the Council whether or not you agree with their views and treat them with courtesy at all times. You must comply with rulings from the Chairperson in the conduct of the business of the Community Council.

- 3.4 You must not, at a meeting of the Community Council raise your voice unduly, shout, interrupt other speakers, use offensive language, assault other members or members of the public, disregard the authority of the chair, or otherwise disrupt the proceedings at a meeting.
- 3.5 Community Council proceedings and printed material are generally open to the public. This should be the basis on which you normally work but there may be times when you will be required to treat discussions, documents or other information relating to the Community Council in a confidential manner in which case you must observe such requirements for confidentiality. Members should in particular be mindful of the need to protect confidential personal information to which they may have access to avoid breaching the Data Protection Act.
- 3.6 You may be appointed or nominated by the Community Council as a member of another body or organisation. If so, you will be bound by the rules of conduct of these organisations and your responsibility for any actions taken by you as a member of such an organisation will be through the organisation in question. You must also continue to observe the rules of this code in carrying out the duties of that body. In the event of a conflict of interest between the two bodies or organisations the principles set out in Section 4 shall apply.

4. DECLARATION OF INTERESTS

- 4.1 The key principles of the code, especially those that specify integrity, honesty and openness are given further practical effect by the requirement for you to declare interests (either personal or financial, at meetings which you attend). The rules on declaration of interest are intended to produce transparency in regard to interests which might influence, or be thought to influence, your actions as a Community Councillor.
- 4.2 It is your responsibility to make decisions about whether you have to declare an interest or make a judgement as to whether a declared interest prevents you from taking part in any discussions or voting. You are in the best position to assess your personal circumstances and to judge how these circumstances affect your role as a Community Councillor in regard to a particular matter. In making decisions for which you are personally responsible you are advised to err on the side of caution. In the event of a clear conflict of interest, for example, if you have a personal interest as applicant or close relative of an applicant, owner of land, or neighbouring proprietor or occupier in a planning issue being discussed, then you should withdraw from the meeting so as not to inhibit discussions.

5. SUSPENSION FROM COMMUNITY COUNCILS

- 5.1 Community Councils may within its constitution introduce provisions whereby members who consistently or flagrantly breach an adopted Code of Conduct for Community Councillors (including repeated non-declaration of interests) or may be suspended as a member of the Community Council for a period not exceeding six months.

- 5.2 Additionally, the Community Council constitution may provide for permanent expulsion or suspension for a stated period of time of a member who is guilty of theft of Community Council assets, or who is guilty of any other offence which is deemed to affect their ability to participate in the activities of the Community Council or who may have brought the Community Council into disrepute by their actions or activities.

(“Members” in this code of conduct means Community Councillors, Junior and Associate Members)

in force from 01.04.2018

Schedule 6

CODE OF PRACTICE FOR EXCHANGE OF INFORMATION

Code of Practice for the Exchange of Information between Community Councils and Aberdeenshire Council

Preamble

It is for the mutual benefit of Aberdeenshire Council ('the Council'), Community Councils in the Aberdeenshire area and the communities they serve that constructive discussion, consultation and information exchange takes place in a positive and meaningful way. This Code of Practice for the Exchange of Information between the Council and Community Councils is intended to help ensure that these organisations exchange reliable information, explanations and guidance in a way that will be beneficial for the whole community.

This Code of Practice shall be monitored and reviewed by the Council.

Aberdeenshire Council: Checklist of Good Practice

The Council shall:

1. consult directly with Community Councils on all issues where consultation with the public is a statutory requirement.
2. advise a Community Council directly, and in advance of press advertisement, of planning applications within a Community Council's area, through circulation of the Weekly List of Applications and also with regard to Pre-determination Hearings.
3. advise a Community Council of major works proposed by the Council, or of major utility works of which the Council is aware and of any changes to timing or duration of those works, within a Community Council's area.
4. provide appropriate support to empower Community Councils to make informed decisions on matters of concern.
5. provide access to Community Councils with; updated lists of Councillors; officials; all appropriate Council agendas and minutes; and public meeting dates.
6. nominate an officer of the Council to act as a liaison between the Council and Community Councils.
7. endeavour to meet reasonable requests for officer attendance at Community Council meetings.
8. encourage effective, full and careful consultation with Community Councils over matters of common interest by providing sufficient information in adequate time to allow a considered response.
9. ensure that Community Councils are provided, where requested, with reasons for decisions taken (this would be consistent with the Code of Guidance on Openness which COSLA has developed), and that in all cases they are informed about reasons for decisions on cases where they have expressed a view.
10. involve Community Councils in any consultations arranged through public meetings.
11. acknowledge written communications from Community Councils within 5 working days and reply within 20 working days, and encourage the use of the Council's Contact Centre and subsequent feedback process.
12. give Community Councils the opportunity to participate in the processes that lead to decision making on issues relating to their areas.

13. ensure that Community Councils continue to be involved effectively in decentralisation schemes and that decentralised structures are complementary to the role of Community Councils.

Community Councils: Checklist of Good Practice

Community Councils shall:

1. advise Aberdeenshire Council on local opinion concerning matters of interest to that authority.
2. bring to the attention of Aberdeenshire Council matters requiring its attention or action.
3. actively seek the views, opinions and aspirations of the full cross-section of the Community and be able to demonstrate that steps have been taken to consult the local community when appropriate, and in all cases be sure as far as possible that the views they express are representative of those of the community they serve.
4. express the views of its community on proposed plans or projects for that community and applications going before Aberdeenshire Council, its Committees or Sub-Committees and to Licensing Boards. This should include positive support for acceptable schemes as well as criticism for those which are opposed by the local community. Where appropriate, suggestions for changes should also be put forward.
5. inform Aberdeenshire Council in advance of any consultations being arranged through public meetings.
6. invite representatives of statutory bodies and other organisations, when appropriate, to attend meetings of the Community Council.
7. encourage the public to use their Community Council as a vehicle of communication with Aberdeenshire Council.
8. contact Aberdeenshire Council as soon as practicable regarding matters where the information/action required cannot be provided by the Community Council alone.
9. respond to written communications from Aberdeenshire Council within a reasonable time and encourage the use of an initial acknowledgement system of reply.
10. identify a contact point through whom consultation on planning, licensing, etc. can be co-ordinated.
11. embrace the role, as defined within the Community Empowerment Act 2015, as a community participation body and work with the Council to participate in improvement processes.

NOTE – the Guidance in Schedule 6 does not form part of the Scheme. It is for information only.

GUIDANCE NOTE: Filling of Interim Vacancies

- Community Councillors are democratically elected and as such the process of appointment has to be transparent. This guidance details the process which should be followed to comply with the Council's Scheme for the Establishment of Community Councils and to demonstrate an open and democratic process.
- All Community Councils should maintain an up-to-date record of membership and vacancies occurring, for whatever reason, should be reported to its Area Manager to allow for updating of records. Community Councils are asked to fill vacancies as soon as possible. All Community Councils should advertise the vacancies before the Annual General Meeting.
- When a vacancy occurs, the Community Council should contact the Area Office to commence the process of filling vacancies. The number of vacancies and the dates of the next two meetings is required to allow nomination forms to be prepared.
- In preparation for the first meeting of the Community Council for this purpose, the Notice advertising the meeting should include a section on filling vacancies and the agenda should include an item – Filling of Vacancies. The notice, as for all meetings of the Community Council to be posted in a minimum of 3 places at least 10 working days prior to the meeting.
- Nomination forms will be prepared by the Council and made available for the first meeting of the Community Council. Nomination forms will be available from the Council and can be made available locally from suitable public premises e.g. public library or from secretary/Chairperson. Freepost return envelopes are provided with all nomination forms.
- The Council will check and validate all forms and inform all candidates and the Community Council of the position at the closing date for nominations, i.e. if nominations are valid and if the candidates are to be elected unopposed (the same or less nominations than vacancies) or if a ballot election is required (more valid nominations than vacancies).
- If fewer valid nominations than vacancies are received the Community Council should have an item on the agenda for the second meeting – Filling of Vacancies, where the results of the call for nominations will be announced and candidates elected unopposed, as Community Councillors of the Community Council.
- If more valid nominations than vacancies are received a ballot election will be arranged and undertaken by Council. The results of the ballot will be announced as soon as possible thereafter.
- The Community Council will announce the results of the election at the third meeting and confirm newly Community Councillors.

GUIDANCE NOTE: Financial Record Keeping

Accounting Procedures – Cash

- Each Community Council should have a cash book and all income and expenditure should be recorded in it. The date, description, amount and receipt number should also be recorded.
- The Community Council should nominate three unrelated office bearers to act as signatories to the Community Council bank accounts. All cheques and withdrawals should require two from three signatures. Any changes to authorised signatories should be approved by the Community Council.
- The level of cash held should not be excessive and should be in proportion to the monthly expenditure.
- Banking should be transparent. All income received should be banked and should not be used to meet expenditure. If funds are required for incurred expenditure they should either be paid by cheque or alternatively cash should be withdrawn from the bank.
- Once a banking has been made the stamped bank pay-in slip should be retained and checked against the bank statement or bank book to ensure that the income has been credited correctly.
- It is acceptable that Community Councils can determine to use internet banking provided that governance and monitoring procedures are put in place.

Accounting Procedures – Expenditure

- All expenditure must be approved in advance by the Community Council and set out in the minutes.
- All expenditure must be accompanied by proof of purchase, either an expenditure voucher or receipted invoice.
- Receipts should be given a sequential number and filed accordingly.
- Details of the expenditure should be recorded in the cash book as soon as the expenditure is incurred. Where a receipt is not available, the person making the purchase should give the following information in writing; the nature of the expenditure, amount of expenditure and explanation of the circumstances. This should be authorised by a member of the Community Council committee.
- A current account will normally be used for day to day transactions with a further deposit and/or saving account, as required, so that interest may be attracted on accumulated funds.
- The treasurer should await the bank statements and once received should carry out a bank reconciliation to ensure that the bank balance agrees with the balance recorded in the cash book. All bank statements should be retained.
- Where petty cash is issued all petty cash vouchers should be signed by the person requesting the money and countersigned by the treasurer or other authorised signatory - this must not be the person who is requesting the expenditure. All receipts for items of expenditure should be retained and attached to the appropriate petty cash voucher.

- Reimbursement of travel expenses should only be available to persons on official Community Council business where this has been agreed by the Community Council. Claimants should submit a detailed record of dates, times, destination, reason for travel and mode of transport. Reimbursement of travel expenses (for example bus, taxi, train, parking fees etc.) should only be awarded if accompanied by an appropriate receipt.
- If the Community Council requires telephone calls to be made, reimbursement of expenses can be made at the discretion of the Community Council. The person making the claim should submit the itemised telephone statement highlighting the calls claimed. Reimbursement will be authorised by the Community Council.

Accounting Procedures - Annual Accounts

The following paragraphs merely reinforce income and expenditure matters dealt with earlier in this guidance.

- An annual income and expenditure statement of all accounts including all income and expenditure must be prepared at the end of the Community Council's financial year and must be independently verified.
- The independently verified accounts must be presented to the Community Council and as soon as practicable a copy passed to the Area Office of the Council.

Accounting Procedures – Inventory

The Community Council must maintain an inventory detailing all the assets of the Community Council. The inventory should be updated on an ongoing basis for additions and deletions. Depreciation can be noted.

Community Council Statement of Accounts

Income Expense Account For period of _____ to _____

	£'s	£'s
Balance brought forward		
Income		
Admin Grant	0.00	
Discretionary Grant	0.00	
Bank Interest	0.00	
		<u>0.00</u>
Expenditure		
Additional Insurance	0.00	
Accommodation Costs	0.00	
Independent Verifier's Fees	0.00	
Subscriptions	0.00	
Travel Expenses	0.00	
Publication of Minutes & Agendas	0.00	
Publication of Newsletters	0.00	
Stationery	0.00	
Photocopying	0.00	
Postage Costs	0.00	
Telephone Costs	0.00	
Other Expenses	0.00	
Other Expenditure	0.00	
		<u>0.00</u>
Balance Surplus		<u>0.00</u>

Represented by:

Cash in Bank

Cash in Hand (Treasurer's Float)

As prepared:

Verifier's Details

Name: _____

Designation: _____

Organisation: _____

Address: _____

Telephone: _____

The above statement has been compiled from the available books and records and explanations.

Signed: _____

(Verifier)

Date: _____

Signed: _____

(Chairperson)

Date: _____

Signed: _____

(Treasurer)

Date: _____

in force from 01.04.2018

GUIDANCE NOTE: The Benefits of having a young person on your Community Council

There is a significant body of evidence which would suggest that not only do young people want to be involved in decisions which affect them, but also that in those areas where this happens effectively the community benefits. Young people, as the adults of tomorrow, contribute towards the economic and social development of their communities today.

Young people make up a significant proportion of the community. They can bring unique perspectives and experiences to the table and also bring innovative ideas and dynamic perspectives about the future

Organisations can serve young people better if they have a good understanding of the needs and aspirations of this group. This also improves the image of the organisations that engage with young people.

Creating a young people-friendly organisation inspires the confidence of young users and enhances the reputation and credibility of the organisation.

Involving young people as decision-makers signals that the organisation is serious about dealing with young people respectfully and encourages young people to assume a variety of roles.

FOR YOUNG PEOPLE

The young people benefit from undertaking decision-making roles as it enables them to plan their careers, build CVs and gain skills that will be valuable in their future working lives.

Involving young people in decision-making also assists with the inter-generational partnerships that benefit the whole community. It also builds the young person's commitment to a whole range of organisations that serve communities in so many different ways.

HOW DO WE MAKE THIS HAPPEN?

There are two places available on your Community Council for 14 and 15 year olds. It is up to each Community Council how they engage with the community to fill those spaces. If a young person approaches your Community Council there is a duty to engage with them and fill the spaces on the Community Council. If a Community Council is in the fortunate position to have more than two young people willing to join, then it is for that Community Council to decide how to deal with this situation.

What else can we do?

- Be certain that members of your Community Council are willing and able to collectively support the young people participating.
- Create an environment that is welcoming, friendly and accommodating to young people.
- Schedule meetings at times when young people can attend and ensure that the location of the venue is not a barrier to their participation.
- Check that the young people have their own transport available or can use public transport to take them to and from the venue if required. Travelling expenses could be offered to ensure this is not a barrier to their participation.
- Dedicate a slot in the agenda of the first meeting the young people are to attend. This will allow time for an introduction, provision of some background information about the Community Council, its membership, area covered, and type of business discussed at meetings.
- Designate a member who will ensure the young person can get advice or help if required and knows who to ask.

- Ensure that the young people are fully aware of details of the role you are inviting them to take on and what this will involve.
- Provide them with a copy of the Community Council's Constitution and Map.
- Include them in the circulation of Community Council Minutes and Agendas and other relevant documents.
- Be prepared to listen to, and value the voice of young people.
- Be prepared to treat young people as equal participants in the decision-making process. Young people must feel that their active participation is welcomed and respected and that they are not merely token representatives.
- Discuss and inform the young people about the issues they will be asked to make decisions about.
- Recognise that there is likely to be a turnover in young people and that it may be necessary to replace them more frequently than their adult counterparts. The young person may well be able to help find a replacement once they are ready to move on.
- Evaluate your success in terms of the impact on the Community Council, the young people and the community.
- Ensure that the contributions of young people are generously acknowledged both publicly and privately.
- Recognise that when they turn 16 years old, they can become a Community Councillor of the Community Council, this is an opportunity to add to membership numbers.

Involving young people in meetings of the Community Council does not require members to join the Protection of Vulnerable Groups scheme, however, should circumstances change and the young people become involved in project delivery or other activities, guidance should be sought from Disclosure Scotland before the Community Council proceeds. Here is the link to the Disclosure Scotland website:

www.disclosurescotland.co.uk/disclosureinformation/guidance.htm

GUIDANCE NOTE: Guidelines for Accessing the Legal Advice Fund

Who can access the fund?	The Community Council Legal Fund ('the Fund') is for Community Councils in Aberdeenshire, available in very exceptional circumstances, once other avenues of support have been explored.
What is the purpose of the fund?	The Fund is only to be used to assist with the cost of independent legal advice required when Community Councils find themselves exposed to legal challenge or has legal issues regarding internal, operational or constitutional matters.
Can the fund be used to pay for any other type of legal advice?	No. If legal advice is required for any other purpose, including situations where a Community Council wishes to mount its own legal challenge to a decision of a third party (including Aberdeenshire Council) then this must be funded by the Community Council itself. The fund cannot be used to pay for independent financial advice in this regard.
How can the fund be accessed?	By writing to the relevant Area Manager in the first instance, detailing the issue and the reason for legal advice being sought, along with details of attempts to secure funding by other means and details of Community Council funds that are available for payment of independent legal advice.
How much of the cost can be obtained from this fund?	The amount of any funds granted will depend on the circumstances of the application. Each application will be considered on its own merits.
How will any approval be issued?	The authority to determine (i) if the funds are required to obtain independent legal advice because the Community Council finds itself exposed to legal challenge or has legal issues regarding internal, operational or constitutional matters and (ii) the amount of funding to be released are both delegated to Aberdeenshire Council's Head of Legal & Governance.
Monitoring	Aberdeenshire Council will monitor the use of the Fund and any Community Council making a successful application will require to submit a receipted invoice from the provider of the legal advice in order to receive the funding. If an invoice is for a sum more than that approved for the Community Council from the Fund, the Council will only pay up to the original amount granted. If a Community Council are not in funds to pay an invoice, this must be included in the application.

Schedule 7

Community Council Complaints and Appeal Hearing Procedure

Community Council Complaint Hearing

In the event of a complaint by a member of the Community Council or a third party that a member of a Community Council is in breach of the Community Councillors' Code of Conduct or has otherwise brought the Community Council into disrepute it shall at first instance be for the Chairperson of the Community Council (or if the complaint is against the Chairperson, then the Vice-Chairperson or other Officer Bearer) to acknowledge the receipt of the complaint by letter or e-mail and inform them that the complaint will be investigated in accordance with Stage 1.

In the event of a complaint by a member of the Community Council or a third party that a Community Council is in breach of the Community Councillors' Code of Conduct or has brought it into disrepute then the matter will be dealt with by going to Stage 2 below.

Stage 1

Stage 1 of the investigation will take the form of an Extraordinary General Meeting (EGM) of the Community Council which shall be arranged by the Chairperson or Vice Chairperson within 5 working days of receiving the complaint.

The minimum number of attendees at the EGM shall be 3 and shall be held in private. Minutes will be taken in accordance with the Standing Orders in the Scheme for the Establishment of Community Councils.

The EGM will discuss the allegations and decide whether there is a breach. Where there is no breach, the matter will be noted and not acted upon. The meeting shall be adjourned and all minutes shall be shared with the local Area Manager of Aberdeenshire Council.

The complainant shall be advised by the Secretary of the Community Council's decision within 5 working days of the EGM.

Where a breach has been alleged to have occurred, the appropriate action will be decided upon i.e. an apology or the complaint can be escalated to a Stage 2 investigation. Where a breach is about the conduct of a Community Councillor, they shall be immediately suspended (interim suspension), and informed in writing of the decision of the EGM.

It should be noted that the interim suspension is not an accusation of guilt and is to enable all parties to gather material regarding the alleged breach in an impartial, fair and equitable manner.

The local Area Manager of Aberdeenshire Council shall be informed of this decision.

Stage 2

Stage 2 of the investigation will be carried out by a panel of Community Councillors from outwith the Community Council involved in the complaint.

A meeting between the Panel and the complainant will be arranged to discuss their concerns and to review any evidence provided. Questions at this time shall be for the clarification of the Panel who shall make notes of the meeting to be shared by all parties within 5 working days of the meeting.

5 working days' notice shall be given for the Community Council/Councillor to share all materials available to the Panel prior to the meeting.

All material from either side shall be provided to all named parties no later than 24 hours before the meeting. Late material shall not be accepted, nor shall material provided on the day or at the meeting unless exceptional circumstances can be cited and this shall be at the discretion of the Panel.

Where the complaint is about a Community Council's action or decisions, the Panel shall meet with the Chairperson and Secretary of the Community Council to discuss the complaint and its content.

If the complaint is about an individual Community Councillor, alleged to have breached the Code of Conduct, they shall be entitled to have support at the meeting. The support person may not speak at the meeting.

The Panel will consist of no less than 3 Community Councillors and at least 1 shall have relevant training.

When the process is complete, the Panel shall meet with the local Area Manager of Aberdeenshire Council to make a decision on addressing the complaint.

The decision of the Panel shall be communicated to the Community Council/Councillor by Recorded Delivery letter.

Advice and mentoring will be given to the Community Council by Aberdeenshire Council in relation to the complaint.

The following sanctions can be made for an individual Community Councillor:

- Suspension from Community Council meetings and activities for a period of time to be agreed by the majority of the Panel
- Censure of behaviour and a written undertaking to behave in accordance with the Code of Conduct
- Request by a majority of the Community Council members for the named Community Councillor to step down
- In serious cases, an expulsion from the Community Council, approved by a unanimous vote of the Panel

When a complaint against the Community Council is substantiated by the Panel, the Supported Status or Dissolution of a Community Council may be implemented in accordance with Section 14.2 or Section 15 of the Scheme for the Establishment of Community Councils. Provided that the right to appeal in Section 14.2 to the Area Committee shall not be available to the Community Council. The appeal procedure below will apply.

The decision of the Panel by a majority decision shall be final.

The complainant shall be advised of the decision of the Panel in writing within thirty working days of the initial complaint on the decision being reached.

All meetings will be in private and all materials from the complaint will be sent to the local Area Manager of Aberdeenshire Council for archiving.

Notice of Appeal against decision of a Complaint Hearing

In the event that a hearing finds that a complaint has been substantiated, either in whole or in part, then following the decision in this regard the member complained against (the appellant) may lodge an appeal within 10 working days of the date of written confirmation of the decision with the local Area Manager of Aberdeenshire Council who shall arrange for the appeal to be heard and a final decision reached. An appeal must be lodged in writing by the appellant addressed to the local Area Manager of Aberdeenshire Council, giving reasonable notice of the grounds of appeal.

Acknowledgement of Appeal against a decision of a Complaint Hearing

Within 5 working days of receipt of any notice of appeal, the Area Manager will issue an acknowledgement of the appeal to the appellant and give notification of it to the relevant Community Council.

Membership of the Appeal Hearing Panel

The Area Manager shall arrange for the appeal to be heard at an Appeal Hearing.

The appeal will be heard by a panel of three independent Chairpersons from Community Councils within the Aberdeenshire area provided that the Chairperson of the Community Council that the appellant is a member of cannot sit as a member of the Appeal Hearing Panel.

Clerk to the Community Council Appeal Hearing

The Appeal Hearing shall have the services of a clerk. The clerk will be the Area Manager (or another appropriate Council officer nominated by the Area Manager) who will be responsible for arranging the Appeal Hearing, circulating papers, liaising with the parties to the appeal and ensuring the smooth and fair running of the Appeal Hearing. The clerk will be responsible for the production of a record of the Appeal Hearing. The clerk will remain with the members of the Appeal Hearing Panel when they consider their decision, but only for the purpose of offering advice on procedure. The clerk will fix the date and location of the Appeal Hearing, having regard to any views expressed by the appellant and the members of the Appeal Hearing Panel.

The clerk will endeavour to ensure the Appeal Hearing takes place within 3 months of the notice of appeal being acknowledged.

Appeal Hearing – Procedures in advance of a Hearing

The Appeal Hearing will afford the appellant an opportunity of appearing and making representations to the members of the Appeal Hearing Panel.

The appellant will be notified in writing at least one month in advance of the Appeal Hearing of the allocated date, time and location of the Appeal Hearing and that they have the right and responsibility:-

- to provide fair notice to the Community Council of the grounds of the appeal;
- to appear or be represented at the Appeal Hearing;
- to be accompanied at the Appeal Hearing by up to two people including the person (if any) representing the appellant;
- to lodge written representations with the Area Manager at least 10 working days prior to the date of the Appeal Hearing which should be consistent with and not go beyond the grounds of appeal outlined in the notice of appeal sent to the Area Manager; and
- to allow the presentation of their case to rest only on written representations, should the appellant so wish.

The notification will state that in the event the appellant fails to appear or be represented at the Appeal Hearing, the Hearing may proceed in their absence and a final decision may be made.

The Community Council may be represented at the hearing. The Community Council will be notified in writing at least one month in advance of the Appeal Hearing of the allocated date, time and location of the Appeal Hearing and that it has the right and responsibility:-

- to be provided with fair notice of the grounds of the appeal;
- to provide a copy of the Community Council hearing decision to the Area Manager at least 10 working days prior to the date of the Appeal Hearing; and

- to be heard and to respond to any representations made by the appellant.

The notification will state that in the event the Community Council representative fails to appear or be otherwise represented at the Appeal Hearing, the Hearing may proceed in their absence and a final decision may be made.

Appeal Hearings must be heard in private but observers may be present if agreed upon by members of the Appeal Hearing Panel.

Appeal Hearing – Procedures at the Hearing

Prior to hearing the appeal, members of the Appeal Hearing Panel should appoint from their number a Chairperson of the Appeal Hearing Panel and determine whether it will allow any observers to be present, if requested.

The procedures at the hearing are as follows:-

- Presentation of the case for the Community Council.
- Questioning by the appellant.
- Questioning by the members of the Appeal Hearing Panel.
- Presentation of the case for the appellant.
- Questioning by the Community Council.
- Questioning by the members of the Appeal Hearing Panel.
- Summing up by the Community Council.
- Summing up by the appellant.

In presenting their respective cases, the Community Council and the Appellant must have regard to any written documentation they have provided in advance of the Appeal Hearing. Both parties must be conscious of their responsibility to provide fair notice of representations they intend to make and not to make representations that go beyond the scope of the documentation they provided in terms of fair notice.

The Appeal Hearing is not an evidential hearing; there is no provision within the procedure for witnesses to attend and the Panel will not reconsider the original complaint. The purpose of the Appeal Hearing is to determine whether the sanction applied by the Disciplinary Hearing was fair and appropriate in all the circumstances.

Appeal Hearing Panel Decision

After consideration, the Chairperson of the Appeal Hearing Panel will either announce the decision to the Appellant and the Community Council, or inform them that a written decision will be notified to them within 10 working days of the Appeal Hearing. The clerk will provide written reasons for the decision within 10 working days of the Appeal Hearing.

Record of proceedings of the Appeal Hearing

The clerk to the Appeal Hearing will keep a note of the proceedings, the attendance, the decision and the reasons for the decision. Such documents will not be public.

Schedule 8

Glossary of Terms

A

"Act"	Means an Act of Parliament or any amendment, replacement or variation thereof including subordinate legislation made thereunder.
"Adjournment"	Means an agreed suspension to a Meeting.
"Agenda"	Means the list of items outlining the date, time, location and order of business of any Meeting.
"Annual Accounts"	Means the yearly accounts of the Community Council demonstrating proper stewardship of the Community Council's financial affairs.
"Area"	Means the geographical area covered by the jurisdiction of the Council or may refer to an administrative area. The Council has 6 administrative areas known as Banff and Buchan; Buchan; Garioch; Formartine; Kincardine and Mearns; and Marr.
"Area Committee"	Means an Area Committee comprised of Ward Members from within the applicable Area.
"Area Manager"	Means the Chief Officer, or another officer at any time delegated by the Area Manager or the Chief Executive to fulfil the role of the Area Manager, of the Council who manages one of the Council's areas as above and when used in the Scheme means the Area Manager for the Area that the respective Community Council is contained within.
"Assets"	Means money, property, vehicles, equipment, furniture and all other items under the control of the Community Council.
"Associate Member"	Means Members with skills, knowledge and interests which the Community Council consider would be of assistance to the Community Council in carrying out its functions and such a member has no voting rights.
"Authorised Signatory"	Means an officer who has been duly authorised to sign documents on behalf of the Community Council or Aberdeenshire Council.

B

"Bye-law(s)"	Means a regulation made by the Council and confirmed by the Scottish Ministers relating to the Aberdeenshire area.
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C

"Chairperson"	Means the person duly appointed to preside at a Meeting.
"Community Council Area"	Means the area that a Community Council represents as set out in the reference map in Schedule 1.

“Community Council”	Means the voluntary body, independent of the Council, set up in terms of either the Local Government (Scotland) Act 1973 or the Local Government etc. (Scotland) Act 1994 with the role of representing, channelling and expressing the views of the local community.
“Community Council Legal Fund”	Means the fund to which Community Councils can apply to assist them in accessing private legal advice.
“Community Councillor”	Means a person that is elected or co-opted onto a Community Council.
“Community Councillors’ Code of Conduct”	Means the code of conduct in Schedule 5 of the Scheme.
“Community Planning”	Means a process ensuring public agencies work together with the community to plan and deliver better services.
“Confidential information”	Means information as defined in Section 50A (2) and (3) of the Local Government (Scotland) Act 1973, which cannot be made available to the press or public.
“Constitution”	Means the document that sets out the rules and regulations that sets out the governance arrangements of the Community Council.
“Co-opted Member”	Means a member of the Community Council that has joined by the process of co-option.
"Council"	Means the Aberdeenshire Council constituted by virtue of and incorporated under the Local Government etc. (Scotland) Act 1994.
D	
E	
“Elected Member/ship”	Means an eligible person or group of eligible persons that has been elected or co-opted onto the Community Council to serve as a Community Councillor.
“Eligible Elector”	Means a person who resides in the Community Council Area of the Community Council and is legally eligible to vote.
“Ex-Officio”	Means a member of a body (a board, committee, council, etc.) who is part of it by virtue of holding another office.
“Exempt Information”	Means information which is exempt under Sections 50J and Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 and therefore cannot be made available to the press or public.
F	
G	
“Governance”	Means the way in which the Community Council is directed and controlled.
H	
“Honoraria”	Means a small amount of money being paid in recognition of acts or professional services for which there is not the usual expectation of being paid.

I

“Independent Verifier” Means qualified accountants currently in employment; retired accountants and other people familiar with financial matters who can demonstrate experience and expertise in accounting matters.

“Interim Election” Means an election that is called when a Community Council is below the minimum number of members or a casual vacancy arises and the Community Council choose to fill it by interim election.

J

“Junior Member” Means a 14 or 15-year old person who lives in and/or is educated in a Community Council Area and is a member of that Community Council.

K

L

“Local Community Plans” Means a plan which brings together the plans of a range of public services, community groups and voluntary organisations and sets out the actions and priorities for a local area for the next 3 years.

M

“Meeting” Means a meeting of the Community Council.

“Member” Means a member of a Community Council including elected member, co-opted member, associate member, junior member and ex-officio member.

“Members of the Public” Means a member of the public and/or representatives of the press or media industries.

“Minute” Means the formal written record of the decisions taken at a Meeting.

N

“Not complying with the Scheme” includes but is not limited to financial irregularities such as misuse of Community Council funds, and failing to keep proper accounts, persistent breaches of the Public-Sector Equality Duty, regularly not making public the meeting agendas and minutes, breach of data protection legislation, and failure to meet agreed standards. This is not an exhaustive list.

"Notice" Means advance notice in writing or sent by email or any other electronic means.

O

"Officer" Means an employee of the Council.

“Ordinary Election” Means an election called in accordance with the Scheme’s provision for the three-yearly cycle.

“Ordinary Meeting(s)” Means a Meeting included within the annually agreed schedule of Meetings of the Community Council.

P

“Points of Order”	Means an appeal to the Chairperson for clarification or for a ruling on a matter of procedure.
“Poll”	Means the process of voting in an election.
"Public Holidays"	Means 1 January, 2 January, Good Friday, May Day, Christmas Day and Boxing Day.
“Public Sector Equality Duty”	Means the duty of a public authority to eliminate discrimination, harassment, victimisation, advance equality of opportunity and to foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Q

“Quorum”	Means the minimum number of members required to be present to validate the proceedings of a Meeting.
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R

“Report”	Means a report to a Committee of the Council that is an item on an agenda, a bulletin for a Committee, an update on the Council’s ward pages and an update by email to the Council’s Councillors.
“Request to Speak”	Means a request from a member of the public (including a petition), in terms of Standing Orders, to speak in front of a Meeting.
“Returning Officer”	Means the Area Manager of the Council or the person nominated by them who will act as Returning Officer for the election of Community Councillors to a Community Council.

S

“Scheme for the Establishment of Community Councils”	Means the scheme implemented by the Council in terms of the Local Government etc. (Scotland) Act 1994 to govern the establishment of Community Councils in Aberdeenshire.
“Service”	Means a department or branch of a local government that provides specified service/activities/accommodation required by the public.
“Special Meeting(s)”	Means a Meeting which is not included in the annually agreed schedule of Meetings and is called by the Chairperson or on a signed Requisition.
“Standing Orders”	Means the rules which regulate the business and proceedings of all Meetings
“Statute(s)”	Means written law passed by a legislative body.
“Statement of Accounts”	Means a summary of all balances to the Council detailing all credits and debits to the accounts over a given time period.
“Steering Group”	Means the group of Community Councillors who are elected or co-opted to serve on a Community Council but have been put into supported status by the Area Manager.
“Sub-Committee”	Means a group which is established by the Community Council to deal with specific issues.

“Suspension”

Means when a Community Councillor has been suspended from a Community Council and is prohibited from attending and taking part in meetings and Community Council activities.

T

V

W

“Ward”

Means the electoral divisions of Aberdeenshire Council.

“Working Day”

Means the days between and including Monday to Friday and does not include public holidays and weekends.

X

Y

Z



ANGUS COUNCIL

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

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1. Introduction

Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government (Scotland) Act 1994, which produced the current system of unitary local authorities, made provision for the continuation of Community Councils. This legislation provides the legal framework for Community Councils.

Community Councils in local authority areas are created through a Scheme of Establishment and each Scheme sets out the framework through which Community Councils are to operate.

This Scheme is based upon the model Scheme published by the Scottish Government in March 2009 for use by local authorities and incorporates a suite of documents which include:-

- Maps of Community Council Areas
- Elected Member Composition
- Scheme of Electoral Arrangements
- Model Community Council Constitution
- Model Community Council Standing Orders
- Code of Conduct for Community Councillors
- Community Council Nomination Paper

These documents are designed to support the operation of Community Councils across the Angus local government area.

2. Title and Definitions

This scheme is made by Angus Council under Part 1 of the Local Government etc. (Scotland) Act 1994 and may be referred to as "The Angus Community Council Scheme" 2012.

In this Scheme

- "1973 Act" means the Local Government (Scotland) Act 1973;
- "1994 Act" means the Local Government (Scotland) Act 1994;
- "Area" means the area of Community Council;
- "Council" means Angus Council a local authority constituted in terms of the Local Government etc. (Scotland) Act 1994 and having its principal offices at Angus House, Orchardbank Business Park, Forfar;
- "Council Area" means the area of the Council as described in the 1994 Act
- "Community Council" means a community council listed in the Maps the general area of which is described in Schedule 1 annexed and signed as relative hereto;
- "Electoral Register" means the register of local government electors compiled by the Electoral Registration Officer in terms of the Representation of the People Act 1983;
- "Constitution" means the model constitution set out in Appendix 1 to this Scheme;
- "Standing Orders" means the model standing orders set out in Appendix 2 annexed and signed as relative hereto;

- “Code of Conduct for Community Councillors” means the code set out in Appendix 3 annexed and signed as relative hereto;
- “Equalities legislation” means all legislation covering race, gender, disability, age, sexual orientation and religion and belief;
- “Maps” means the maps of the Council Area entitled “The Angus Community Council Scheme Maps” being the maps annexed and signed as relative hereto;
- “Member(s)” means a member or members of a Community Council;
- “Returning Officer” means the Head of Law and Administration of the Council appointed under section 6 of the 1973 Act and includes any person appointed by the Returning Officer to discharge all or any of that officer’s functions;
- “Schedule” means schedule appended to this Scheme; and
- “Scheme” means The Angus Community Council Scheme.

3. Statutory Purposes

The statutory purposes of a Community Council established under the Angus Community Council Scheme are set out in Section 51(2) of the 1973 Act, 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”

4. The Role and Responsibilities of a Community Council

- (a) The general purpose of a Community Council is to act as a voice for its Area. This will involve it articulating the views and concerns of local people in its Area on a wide range of issues of public concern; and make representations to the Council, other public sector bodies and private agencies on matters within their sphere of interest.
- (b) It is essential that these views are demonstrated to be accurately representative of the community and, accordingly, the Community Council will have in place recognised consultative mechanisms to validate their views; and devise strategies to secure greater involvement by all sectors of the community. A Community Council has a statutory right to be consulted on planning applications. Licensing matters and any other matters may also be jointly agreed between the Community Councils, local authorities and other public sector and private agencies. Further details can be found in the following supporting publications; Policy Statement on the Council’s Relationship with Community Councils, Good Practice Agreement and Information Booklet for Community Councillors, produced by Angus Council, and available on request.
- (c) A Community Council may carry out other activities that are in the general interests of the communities it represents, provided these activities fall within its Constitution and the terms of the Council’s Scheme for the Establishment of Community Councils.

- (d) There should be mutual engagement in the establishment of working relationships with the Council and other agencies. In carrying out its activities a Community Council must at all times adhere to the law; this Scheme and the Code of Conduct for Community Councillors.
- (e) Each Community Council is required to adopt a Constitution and Standing Orders, to encourage and maintain consistency for all Community Councils; and to underpin that their proceedings are properly structured and regulated to ensure that items of business are relevant to the community, properly debated and decisions are reached in a democratic manner. The Community Council's Constitution is required to be approved by the Council. The constitution and standing orders of a Community Council shall follow the terms of the model Constitution and Standing Orders as contained in Appendices 1 and 2.
- (f) A Community Council has a duty under statute to represent the views of its local community. It is vital therefore, that it reflects the broad spectrum of opinion and interests of all sections of the community. In order to fulfil its responsibilities as effective and representative, Community Councils shall:-
 - (i) 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 Members.
 - (ii) Agendas and draft minutes of Community Councils' meetings must be produced within 21 days from the date of that meeting, to enable their circulation to the Council, and relevant elected members of the Council, Council staff and other interested parties.
 - (iii) Seek to broaden both representation and expertise by promoting the Associate Membership to Community Councils of persons for specific projects/issues.
 - (iv) 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.
 - (v) Maintain proper financial records and present financial reports at Community Council meetings.
 - (vi) Inform the Council of any change in membership (resignations, co-option, Associate Membership etc.) and circumstances, as soon as is practicable.
- (g) Be non-party political in all its activities.

5. Community Council Areas

Angus is divided into 25 Community Council areas. The Community Council boundaries are named and defined in the Maps set out in Schedule 1 annexed

and signed as relative hereto.

6. Membership of a Community Council

- (a) The maximum number of members for each Community Council after the commencement date of this Scheme will be based on the total registered electorate it represents. Membership numbers will be reviewed every four years prior to scheduled elections. If required, membership numbers will be amended to reflect the actual registered electorate in each Area as at the date of publication of the last monthly rolling register update prior to the annual canvass. Any such amendment to membership numbers will be reported retrospectively to the Council after results of scheduled elections have been declared.

The minimum/maximum membership size for each Community Council is defined in the Member Composition set out in Schedule 2 annexed and signed as relative hereto.

For Community Councils already in existence it is accepted that current membership numbers may not comply with the membership formula set out in Schedule 2. Therefore any Community Council existing as at the commencement date of this Scheme and having a membership not complying with the formula may continue with their existing membership until such time as the membership meets the formula or the next scheduled elections whichever is the earlier.

For the avoidance of doubt any appointment of new members to fill casual vacancies prior to the next scheduled elections must be carried out in accordance with the membership formula contained in Schedule 2 of this Scheme.

- (b) Each Community Council may nominate up to 5 additional youth members as defined in the Elected Member Composition set out in Schedule 2 and annexed and signed as relative hereto over the age of 14 to sit on the Community Council to represent the views of younger people. These additional youth members are in addition to the maximum elected membership numbers as defined in the Elected Membership Composition set out in Schedule 2 and annexed and signed as relative hereto.

Youth members will have full voting rights, with the exception of voting on the co-option of new members and will be counted in terms of meeting a quorum. Youth members will be entitled but not obliged to serve from their nomination until the next scheduled elections.

Youth Members must live in the Community Council area they represent.

- (c) The minimum age to stand for election as a full Member is sixteen (16) years subject to the provisions of 7(a)(i).
- (d) Elected members of the Council and members of the Scottish, United Kingdom and European Parliaments are entitled to become ex-officio Members of Community Councils and attend Community Council meetings, with no voting rights.

7. Community Council Elections

(a) Eligibility

- (i) Candidates wishing to stand for election to a Community Council must reside within that Community Council Area and be named on the Electoral Register for that Area.
- (ii) Any Member who no longer resides within the Area will have his/her membership terminated from the Community Council on the date he or she ceases to be resident in the Area.
- (iii) Any individual who is elected to serve on the Council, or a person appointed to a committee of the Council in terms of Section 57 of the 1973 Act or a person who is elected to serve on the Scottish, UK or European parliament shall be ineligible to stand for election or co-option 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 ward or constituency.
- (iv) Any individual who holds a politically restricted post in terms of the Local Government and Housing Act 1989, as amended by the Local Government (Scotland) Act 2004, and by the Local Government Officers (Political Restrictions) Regulations 1990 shall be ineligible to stand for election or co-option to a Community Council.
- (v) The term of office of any individual elected to serve on a Community Council will expire at midnight on the first Monday in October every fourth year commencing in 2010.

(b) Elections

Elections will be held every four years to elect members to all Community Council Areas commencing with the scheduled elections in October 2010. Members elected at these elections shall hold office for a period of four years up to midnight on the first Monday in October in the prescribed election year. Members appointed at scheduled elections shall be eligible for re-election at subsequent elections.

Members appointed outwith the scheduled election period shall hold office from the date of their election until midnight on the first Monday in October in the prescribed election year. Members appointed at scheduled elections shall be eligible for re-election at subsequent elections.

Community Council elections shall be held by the Returning Officer in accordance with the Scheme of Electoral Arrangements set out in Schedule 3 annexed and signed as relative hereto. The Returning Officer reserves the right to amend the Scheme of Electoral Arrangements at any time to ensure the integrity and transparency of the electoral process is maintained.

The local authority will administer all elections.

(c) Returning Officer

The Head of Law & Administration has been appointed as Returning Officer for all Community Council Elections as per the Council's Standing Orders.

The decision of the Returning Officer on all matters of election and nomination procedures shall be final.

(c) Nominations

(i) Individuals seeking election to a Community Council must be nominated by a proposer and seconder, both of whom must be on the Electoral Register for that Community Council area. Each elector may propose one nominee and second one nominee. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.

(ii) A nomination form must be completed, the style of which is contained in Appendix 4. Nomination forms require to be submitted on the date and time set out in the published Notice of Election for close of nominations. No forms submitted after close of nominations will be accepted.

(d) Process

(i) On the close of nominations

(1) If the number of candidates validly nominated equal or exceed HALF, but is less than or equal to the total maximum permitted membership as specified for the Area, the said candidates will be declared to be elected and no ballot shall be held.

(2) If the number of candidates validly nominated exceeds the total maximum permitted membership as specified for the 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, but cast no more than one vote for each candidate.

(3) If the number of candidates validly nominated, is below HALF of the total maximum permitted membership, as specified for the Area, the Returning Officer may, at their discretion, issue calls for further nominations where it is deemed possible that a Community Council may be established if such action is taken.

If after a subsequent call for nominations, the number of candidates' remains below HALF of the total maximum permitted membership, as specified for the Area, no Community Council will be established at that time.

However, this does not prevent a request from 20 electors in the Community Council Area to make arrangements for the establishment of a Community Council under the terms of

Section 52 (7) of the 1973 Act being submitted to the Returning Officer.

(e) Method of Election

Members shall be elected on a simple majority basis.

(f) Filling of Casual Places/Vacancies between Elections

(i) Casual vacancies on a Community Council may arise in the following circumstances:

- (1) When a Member submits her/his resignation;
- (2) When a Member ceases to be resident within the Area;
- (3) The death of a Member;
- (4) When a Member is disqualified from being a Member (Section 9 refers).

(ii) The Community Council must inform the Council's Liaison Officer of any vacancy which arises between scheduled elections, as soon as is practicable.

(iii) If vacancies arise on a Community Council between elections, it shall be at the discretion of the Community Council whether to fill the vacancy. Filling a vacancy can be undertaken either through the process of co-option or by an interim election, if the circumstances deem it appropriate.

However, if circumstances arise that lead to the number of Members to fall below HALF of the maximum permitted membership in an Area, the Council shall be informed and shall make arrangements for an interim election to be held unless it is within 6 months of the scheduled four yearly elections. There will be no interim elections held during this period but the Community Council may continue to operate with the agreement of the Council.

(g) Co-option to a Community Council

(i) Co-opted members must be eligible for membership of the Community Council as detailed in Section 7(a) of this Scheme. They must be elected onto the Community Council by a two-thirds majority of the (general and interim) members present. Such co-opted Members shall have full voting rights 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 the Members at least 14 days prior to the meeting when the matter will be decided.

- (ii) The limit to the number of co-opted members permitted will be the maximum membership of the Community Council as defined in the Elected Member Composition set out in Schedule 2 and annexed and signed as relative hereto.

(h) Additional Membership

(i) 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 which has appointed them. Associate members may include officials from the Council to advise on issues such as planning or licensing; youth members from the community (in addition to any prescribed Youth Members) or representation from other constituted local voluntary organisations. Such persons will not be counted in terms of meeting a quorum, or towards the total membership of the Community Council.

Associate members need not reside within the area of the Community Council.

(ii) 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. Such persons will not be counted in terms of meeting a quorum, or towards the total membership of the Community Council.

8. Equalities

Recognition should be given to the contribution of everyone participating in the work of a Community Council. Whilst carrying out any Community Council activities Members must not discriminate unlawfully and must comply with Equalities Legislation to ensure that equality of opportunity be given to every participant including other Community Councillors, other elected members of the Council and members of the public and to have their knowledge, opinion, skill and experience taken into account.

9. Disqualification of Membership

- (a) Disqualification of membership is automatic, if a Community Council Member relocates and renders invalid their residency qualification for membership. If any member of a Community Council fails to attend any Community Council meeting, with or without submitting apologies, for a period of 6 months, the Community Council may terminate his or her membership. At the discretion of individual Community Councils, an approved leave of absence for Members may be approved at any meeting of a Community Council.

10. Meetings

- (a) The first meeting of a Community Council following an election; and upon establishment of a Community Council, will be called by the Returning Officer and will take place within 21 days of the election, or as soon as practicable thereafter. The Returning Officer or his or her nominated representative shall take the chair at the first meeting. The first item of business shall be to appoint a chairperson of the Community Council. The person elected as chairperson shall preside over the remainder of the meeting which may include any outstanding matters from the outgoing Community Council.
- (b) The frequency of meetings will be determined by each Community Council, subject to a minimum of 1 annual general meeting and 5 ordinary meetings being held each year. The month of the annual meeting shall be determined by the Community Council.
- (c) The quorum for Community Council meetings shall be at least one THIRD of the current voting membership of a Community Council, or three (3) voting members, whichever is the greater.
- (d) An outline of the conduct of business that Community Councils must adhere to when holding ordinary, special and annual general meetings is contained within the model Standing Orders, Constitution and Financial Regulations.

11. Liaison with the Council

- (a) In order to help facilitate the effective functioning of Community Councils, the Council has identified an official to act as a liaison officer with each Community Council. Unless there is a specific agreement or an issue is a specific departmental issue, all correspondence between the Council and a Community Council must, in the first instance, be directed through this liaison officer.
- (b) Community Councils may make representations to the Council and other public and private agencies, on matters for which it is responsible and which it considers to be of public interest. Representations must be made, in the case of statutory objections, such as planning or licensing matters, to the appropriate Council official. On issues where a department is consulting with a Community Council, representations should be made to the appropriate departmental officer.
- (c) Community Councils shall provide copies of their agendas and minutes to the Council within the prescribed timescales via the Council's named official.

12. Resourcing a Community Council

- (a) The financial year of each Community Council shall be provided for in the Constitution of each Community Council and shall be from April to March in each succeeding year to allow for the proper submission of an audited statement of accounts to the annual general meeting on a specified date.

- (b) The Standard Cashbook/Annual Accounts of each Community Council shall be independently examined by an examiner appointed by the Community Council, who is not a Member. A copy of the independently examined statement of accounts/balance sheet shall be forwarded as soon as the statement is prepared, to a named official of the Council who may, at its discretion and in consultation with the Council's Chief Financial Officer, request the Community Council to produce such records, vouchers and account books as may be required.
- (c) Each Community Council shall have the power to raise its own financial resources for schemes, projects and all other purposes consistent with its functions.
- (d) Each Community Council shall be eligible to apply for grants for suitable projects through the Council's grant system.
- (e) The Council shall provide an annual administrative grant to each Community Council to assist with the operating costs of the Community Council.
- (f) The Council shall determine any additional support services/resourcing, such as: photocopying and distribution of Community Council minutes and agendas; and free lets of halls for Community Council meetings, to suit local requirements.

The Council will review the level of the annual administrative grant and other support to Community Councils from time to time.

- (g) The Council'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 Members; the role of Community Councils; the functions of the Council; and other relevant topics.

13. Liability of Community Council Members

- (a) The Council may arrange insurance in respect of Councillors, property and equipment and public liability. Such insurance may be arranged through Angus Council or under separate arrangement.

14. Dissolution of a Community Council

- (a) The terms for dissolution of a Community Council are contained within the Constitution.
- (b) 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, despite during which time the Community Council takes action to address the situation, the Council may take action to dissolve that Community Council.

15. Effect

This Scheme shall have effect as from the 1st January 2013 or such date as the Council may determine, and shall thereafter apply to the local authority area of Angus. Any existing Schemes shall be deemed to have ceased to apply as of the day preceding the date of the Scheme coming into effect.

16. Amendment of the Scheme

The Council will review this Scheme from time to time but at a minimum no less than once during each local authority cycle. This will not preclude, where necessary, amendments to Scheme in the intervening years. Any amendment to the Scheme will require the approval of the Council and will proceed in accordance with the provisions contained in Section 53 of the 1973 Act.

Schedules

- 1 Maps of Community Council Areas
- 2 Elected Member Composition
- 3 Scheme of Electoral Arrangements

Appendices

- 1 Model Constitution
- 2 Model Standing Orders
- 3 Code of Conduct for Community Councillors
- 4 Community Council Nomination Paper

**This is Appendix 1 referred to in the foregoing Scheme for
Establishment of Community Councils**

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 (referred to as “the Scheme” in this document).

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 a 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 4 of the Scheme for Community Councils, approved by the local authority; and the Code of Conduct for Community Councillors.

5. Membership

The Community Council’s membership is as governed by paragraph 6 of the Scheme.

6. Method of Election

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

7. Casual Vacancies on the Community Council

Where a vacancy arises which does not result in the number of Community Council members falling below the minimum number as specified in paragraph 6 of the Scheme, 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. Such interim elections will be administered by the local authority.
- (b) the filling of a vacancy by co-option with voting rights to the maximum total membership of the Community Council as governed by paragraph 7(g)(ii) of the Scheme.
- (c) the vacancy to be left unfilled until a further vacancy arises 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 Council members whether elected or co-opted, except those associate members co-opted for specific issues on a temporary basis, appointed to serve up to the date of the next ordinary election. With the exception of circumstances which may arise under the Clause 7(g) of the Scheme (Community Council Elections [Co-option]); and Clauses 16 and 17 of this constitution – (Alterations to the Constitution and 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 Council members that results in a majority not being met, in the first instance, there shall be a recount. If the recount also results in an equality of votes, 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 such other 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 locally) the Community Council shall convene an annual general meeting for the purpose of receiving and considering the annual report of the Community Council, the appointment of office bearers, and the submission of the independently examined annual statement of accounts.
- (c) Including the annual general meeting, the Community Council shall meet not less than 6 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. Provision is also made for an officer of the local authority 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 21 days from the date of that meeting, to Community Council members and the local authority's liaison officer for Community Council.
- (f) The Community Council shall abide by its standing orders for the proper conduct of its meetings.
- (g) The Community Council has a duty in be responsive to the community it represents. Should the Community Council receive 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, 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 matters 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. The following matters should be dealt with in private:-
- i) information relating to a particular employee, former employee or applicant to become an employee of, or a particular office holder, former office holder or applicant to become an office holder under the community council.
 - ii) Information relating to the financial or business affairs of any particular person (other than the community council)
 - iii) Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with-
 - a) any legal proceedings by or against the community council or
 - b) the determination of any legal matter affecting the community council(whether in either case, proceedings have been commenced or are in contemplation).
 - c) Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

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 utilise the Community Council Cashbook, to keep proper accounts of the finances of the Community Council and shall report on a regular basis as to the income and expenditure of the community council.
- (c) Any two of three authorised signatories, who must be office-bearers of the Community Council, may sign cheques on behalf of the Community Council. Authorised signatories may not be co-habitees.
- (d) The financial year of the Community Council shall be from 1 April until 30 March the succeeding year. The Community Council Treasurer shall prepare a statement of income and expenditure for the period of the financial year immediately preceding. The accounts shall be independently audited by an auditor appointed by the Community Council who is not a member of the Community Council and shall be submitted to the annual general meeting of the Community Council not later than 31 December immediately following.
- (e) The audited accounts shall be available for inspection by the public and public notice shall be given of the availability of the accounts for inspection at a convenient location.

- (f) A copy of the audited accounts shall be sent as soon as practicable thereafter to the Chief Executive of Angus Council but no later than 31 July in that year.

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 proposed resolution 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 local Scheme of Community Councils.

If the resolution is supported by two-thirds of the total voting membership of the Community Council and is approved in writing by the local authority or its appointed officer, the alteration shall be deemed to have been duly authorised.

17. Dissolution

If the Community Council by a two-thirds majority of the total voting membership decides at any time that on the grounds of expense or otherwise 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.

Where for any reason, the number of Community Council members falls below the minimum specified in the Scheme, 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

.....

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**This is Appendix 2 referred to in the foregoing Scheme of
Establishment of Community Councils**

MODEL STANDING ORDERS

1. Meetings (all held in public)

- (a) Ordinary meetings of the Community Council shall be held in the months of
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; and 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, which 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 twenty one days from the date of that meeting, distributed in accordance with paragraph 4(f) 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 consist of one-third of the current membership of the Community Council, or 3 voting members, whichever is the greater.

4. Order of Business

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.

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.

Special Meeting

The order of business at every special 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 his/her 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.(e) 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

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 at 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/her motion and if two-thirds of the Community Council members present consent to such suspension.

This is Appendix 3 referred to in the foregoing Scheme of Establishment of Community Councils

Code of Conduct for Community Councillors

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

Community Councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles, shall apply to all Community Councillors and those representing the Community Council. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Failure to comply with this code may result in you being suspended or banned from serving as a Community Councillor.

Service to the Community

As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Community Council Scheme as set out by your local authority under the terms of the Local Government (Scotland) Act 1973.

You 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.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a

Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter for the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Council.

Objectivity

In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your Community Council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the Community Council. You must ensure that the Community Council uses its resources prudently and in accordance with the law.

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to the relevant Scheme of Establishment of Community Councils and this Code of Conduct.

Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the local authority's Scheme for Community Councils. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Council business and for no other purpose.

Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council within 7 days of that meeting.

Any breach of the Community Council Scheme as set out by your local authority under the terms of the Local Government (Scotland) Act 1973 may be reported to your local authority to determine what action, if necessary, should be taken.

Openness

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the Media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.

Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interests of the community and Community Council.

Leadership

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

Respect

You must respect fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. These principles should extend to any person, regardless of their position, you have dealings with in your capacity as a Community Councillor.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. You 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.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

Note 1:

Excerpt from Angus Council Scheme for the Establishment of Community Councils Section 7(a) (iii):

“Any individual who is elected to serve on Angus Council, or a person appointed to a committee of the Council in terms of Section 57 of the [Representation of the People] Act 1973 or a person who is elected to serve on the Scottish, UK or European Parliament shall be ineligible to stand for election or co-option to a Community Council.”

Excerpt from Angus Council Scheme for the Establishment of Community Councils Section 7(a) (iv):

“Any individual who holds a politically restricted post in terms of the Local Government and Housing Act 1989, as amended by the Local Governance (Scotland) Act 2004, and by the Local Government Officers (Political Restrictions) Regulations 1990 shall be ineligible to stand for election or co-option to a Community Council.”

ELECTED MEMBER COMPOSITION**MEMBERSHIP FORMULA**

ELECTORATE	MAXIMUM NUMBER OF MEMBERS (ELECTED AND CO-OPTED)*	MAXIMUM NUMBER OF YOUTH MEMBERS
1,000 or less	8	3
1,001 to 2,000	9	3
2,001 to 3,000	10	3
3,001 to 4,000	11	3
4,001 to 5,000	12	3
5,001 to 6,000	13	4
6,001 to 7,000	14	4
7,001 to 8,000	15	4
8,001 to 9,000	16	4
9,001 to 10,000	17	4
10,001 to 12,000	18	5
12,001 to 15,000	19	5
15,000 and over	20	5

Name of Community Council	Registered Electorate as at 1 August 2018	Maximum Permitted Membership (Elected and Co-opted)*	Minimum Membership required to establish Community Council
Aberlemno	580	8	4
Royal Burgh of Arbroath & District	19,931	20	10
Auchterhouse	631	8	4
City of Brechin & District	5,825	13	7
Carnoustie	9,894	17	9
Ferryden & Craig	1,441	9	5
Royal Burgh of Forfar	11,231	18	9

Name of Community Council	Registered Electorate as at 1 August 2018	Maximum Permitted Membership (Elected and Co-opted)*	Minimum Membership required to establish Community Council
Friockheim	1,499	9	5
Glamis	766	8	4
Hillside, Dun & Logie Pert	1,720	9	5
Inverarity	345	8	4
Inveresk	1,761	9	5
Kirriemuir	5,176	13	7
Kirriemuir Landward East	1,120	9	5
Kirriemuir Landward West	1,376	9	5
Letham & District	2,250	10	5
Lunanhead & District	571	8	4
Monifieth	6,810	14	7
Monikie & Newbigging	990	8	4
Montrose	8,880	16	8
Muirhead, Birkhill & Liff	2,982	10	5
Murroes & Wellbank	1,969	9	5
Newtyle & Eassie	934	8	4
Strathmartine	387	8	4
Tealing	674	8	4
TOTALS	89,725	266	138

*Each Community Council may also appoint up to 5 Youth Members in addition to maximum permitted membership



COMMUNITY COUNCIL ELECTIONS

SCHEME OF ELECTORAL ARRANGEMENTS

1. RETURNING OFFICER

- 1.1 The Returning Officer for Community Council elections will be the Service Leader, Legal & Democratic Services as stipulated in the Council's Standing Orders.
- 1.2 The Returning Officer will be responsible for the resolution of any dispute arising from the election process, and their decision is final.
- 1.3 The Returning Officer will have power to appoint such staff as they consider necessary and appropriate to assist them in the conduct of their duties.
- 1.4 The Returning Officer reserves the right to make such amendments to the Scheme of Electoral Arrangements to ensure the efficiency, integrity and transparency of the poll.

2. TIMETABLE

In computing any period of time for the purposes of the timetable:-

- (a) a Saturday or Sunday;
- (b) a day which is a bank holiday in Scotland under the banking and Financial Dealings Act 1971(a);
or
- (c) a day appointed for public thanksgiving or mourning,

shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceedings up to the completion of the poll.

The proceedings at the election will be conducted in accordance with the following timetable* of events:-

Date		Task
No later than first Monday in September	-35	Publication of Notice of Election
Not later than 4pm on any weekday after the date of publication of the Notice of Election		Submission of nominations to Returning Officer
Not later than 4pm on the twentieth day before the date of any contested poll	-20	Final date for the submission of nominations to Returning Officer Final date for the submission of candidates personal statements
Not later than 4pm on the fifteenth day before the date of any contested poll	-15	Final date for the withdrawal of nominations

Date		Task
Not later than the eleventh day before any contested poll	-11	Issue letters to candidates in uncontested areas confirming their election
Not later than the eleventh day before any contested poll	-11	Publication of Notice of Poll for contested areas Publication of Notice of Uncontested Elections
Polling	0	Polling Hours will include the following periods of time:- 9.30 am to 12.30 pm 5.00 pm to 8.00 pm
Within five days of the close of poll	+5	Counting of Votes Cast and Declaration of Results

* Timetable is based on a contested poll being held.

3. ELECTORAL REGISTRATION ARRANGEMENTS

- 3.1 An Electoral Register will be prepared for each Community Council area based on the current Electoral Register for local government elections.
- 3.2 Only those persons whose names appear on the Community Council Electoral Register on the date of its closure prior to an election will be eligible to vote in that election.

4. NOTICE OF ELECTION

- 4.1 The Returning Officer will publish a Notice of Election on the Council's website and will display the notice in public offices in the area.
- 4.2 The Notice of Election will indicate the times and locations from which a nomination paper can be obtained.
- 4.3 The Notice of Election will indicate the arrangements for the registration of electors for that election.

5. ELIGIBILITY

A person shall be eligible to stand for election to a Community Council if they have attained the age of 16 years, reside within the community council area and are named on the Electoral Register for the area for which they are nominated.

Any individual who is elected to serve on Angus Council, or a person appointed to a committee of Angus Council in terms of Section 57 of the Local Government (Scotland) Act 1973 or a person who is elected to serve on the Scottish, UK or European parliament shall be ineligible to stand for election or co-option to a Community Council.

6. NOMINATIONS

- 6.1 Each candidate will submit a separate nomination paper and this must be lodged with the Returning Officer, not later than 4.00pm on the final date for submission of nominations, as specified in paragraph 2 above. Electronic submissions will not be accepted.

- 6.2 The nomination paper will include:-
- (a) the name and address of the candidate; and
 - (b) the candidate's consent to nomination.

And be signed by the candidate.

- 6.3 The nomination paper will require to be signed by a proposer and seconder, both of whom must appear on the current register of electors for the Community Council area for which the candidate is nominated.
- 6.4 All candidates **must** submit a personal statement of not more than 150 words in support of their candidacy. This must be lodged with the Returning Officer, no later than 4.00pm on the final date for submission of candidates' personal statements, as specified in paragraph 2 above.
- 6.5 The Returning Officer will be entitled to hold a nomination paper invalid if it does not comply with the requirements of paragraphs 6.1, 6.2, 6.3 and 6.4 above.
- 6.6 At close of nominations, the Returning Officer will advise all candidates of the nominations lodged within their area.
- 6.7 The Returning Officer reserves the right to call for further nominations after the date for the close of nominations should insufficient nominations be received to establish the Community Council.
- 6.8 A candidate may withdraw his/her candidature by a notice of withdrawal signed by him/her and delivered to the Returning Officer at the place for the submission of nomination papers, not later than 4.00pm on the final date for the withdrawal of nominations, as specified in paragraph 2 above.

7. CANDIDATES' PERSONAL STATEMENTS

All candidates are required to submit a personal statement of not more than 150 words with their nomination paper, in support of their candidacy. Copies of all personal statements will be made available to electors on the Angus Council website www.angus.gov.uk/ccelections as soon after the close of nominations as is permissible.

All material contained in the personal statements will be the sole responsibility of the individual candidate and neither the Returning Officer nor Angus Council will be responsible for the content. It will be the responsibility of the candidate to ensure that their personal statement does not contain any material which is political, obscene, defamatory or otherwise actionable.

The Returning Officer reserves the right to refrain from publishing any personal statement which is in breach of these rules.

8. PUBLICITY

Information regarding the election process will be available on the Angus Council website www.angus.gov.uk/ccelections, including the publication of all statutory notices (see Sections 4, 9, 13 & 18).

9. CAMPAIGNING

- 9.1 Candidates may commence campaigning at any time after the Publication of the Notice of Election, they do not need to wait until they are validly nominated; although they will not officially become a candidate until submission of a valid nomination paper.

- 9.2 Individual candidates or Community Councils may wish to engage with members of the public at public meetings to promote their views and respond to questions. The arrangements for; and any expenses incurred in respect of such meetings will be the responsibility of the organiser(s).
- 9.3 Candidates may print their own campaign material or use social media for campaigning purposes but candidates must be clear that the views published are their own and not those of the Community Council they wish to represent or Angus Council.
- 9.4 The Returning Officer will make posters available to existing Community Councils for distribution within their own Community Council areas to help highlight the forthcoming elections.

The Returning Officer **is not** responsible for promoting any candidate for election or the Community Council which they wish to represent.

10. UNCONTESTED ELECTIONS

If, after the expiry of the time for the withdrawal of nominations, the number of candidates remaining validly nominated is equal or exceeds HALF, but is less than or equal to the total maximum permitted membership as specified for the area, the candidates will be declared elected, and the Returning Officer will give intimation of the result in accordance with the procedure described in paragraph 19.

Community Council's will not be considered properly constituted until after the Inaugural Meeting (see paragraph 20 below) has been held.

11. UNSUCCESSFUL ELECTIONS

Where the total number of valid nominations for election to any Community Council received by the Returning Officer after the time specified for close of nominations is less than HALF of the total maximum permitted membership, as specified for the area, no Community Council will be established at that time.

However, this does not prevent a request from 20 electors in the Community Council Area to make arrangements for the establishment of a Community Council under the terms of Section 52 (7) of the Local Government (Scotland) Act 1973 being submitted to the Returning Officer at any time.

12. CONTESTED ELECTIONS

If, after the expiry time for the withdrawal of nominations, the number of candidates remaining validly nominated exceeds the total maximum permitted membership as specified for the area, the arrangements for a poll shall be implemented.

13. VOTING ARRANGEMENTS

For contested elections of Community Council members:-

- (a) The poll will be conducted by secret ballot.
- (b) There shall be no provision for the issue of poll cards or voting by post or by proxy unless otherwise stated by the Returning Officer.
- (c) Only those persons whose names appear on the Community Council Electoral Register on the date of its closure prior to an election will be eligible to vote.
- (d) The poll will be conducted in polling stations designated by the Returning Officer and the hours of poll will be as specified in paragraph 2. Where applicable, full details of the electoral arrangements will be contained in the Notice of Poll.

- (e) Ballot papers will contain the names and addresses of the candidates as shown on their nomination papers and will be arranged alphabetically in order of their surnames, and, if there are two or more candidates with the same surname, of their other names.
- (f) Each elector will be entitled to cast a number of votes up to the number of prescribed vacancies for election, but will not give more than one vote to any one candidate and will not give an order of preference among candidates (although the recording of preferences would not in itself spoil an otherwise valid ballot paper).
- (g) The result will be determined by counting the votes given to each candidate and the candidates with the highest number of votes, equal to the number of prescribed vacancies, will be declared to have been elected.

14. POSTAL VOTING

Where the poll is to be conducted by postal vote, the Returning Officer will make arrangements to issue postal ballot packs to all eligible electors containing a ballot paper, postal voting statement, instructions for voting by post, return envelope and a copy of all candidates' personal statements for the information of voters.

For a vote to be valid, the ballot paper must be returned with a valid postal voting statement duly signed by the elector confirming that they are the elector to which a ballot paper has been sent.

15. NOTICE OF POLL

- 14.1 The Returning Officer will publish the Notice of Poll on the Council's website and will display the notice in public offices in the area.
- 14.2 The Notice of Poll will indicate the times and locations of where voting will take place.

16. COUNTING OF VOTES

- 15.1 The Returning Officer will make arrangements for the counting of votes and will notify the candidates of the time and place at which the Count will commence.
- 15.2 No person other than:-
 - (a) the Returning Officer and their staff;
 - (b) the candidates; or
 - (c) any person representing a candidate who is not present,
 may attend the counting of votes, unless expressly permitted by the Returning Officer.
- 15.3 A candidate or their representative may, if present when the counting of the votes is completed, request the Returning Officer to have the votes re-counted, but the Returning Officer may refuse to do so if in their opinion the request is unreasonable.

17. REQUIREMENT OF SECRECY

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

18. REJECTED BALLOT PAPERS

- 17.1 Any ballot paper:-
 - (a) on which votes are given for more candidates than the prescribed number of vacancies;
 - (b) on which anything is written or marked by which the voter can be identified;

- (c) which is want of an official mark; or
 - (d) which is unmarked or null and void for uncertainty
- will not be counted.

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

- (a) elsewhere than in the proper place;
- (b) otherwise than by means of a cross;
- (c) by more than one mark, or where the voter has indicated an order of preference,

will not for such reason alone be deemed to be null and void.

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

19. EQUALITY OF VOTES

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

20. DECLARATION OF RESULTS

19.1 In a contested election, when the result of the poll has been determined, the Returning Officer will declare the candidates receiving the highest number of votes, equal to the number of available vacancies, to be elected. In an uncontested election, following the expiry of time for the withdrawal of nominations, the Returning Officer will declare the candidates remaining validly nominated to be elected.

19.2 As soon as practicable thereafter, the Returning Officer will give intimation of the results by displaying a notice to that effect in appropriate public offices and on the Angus Council website www.angus.gov.uk/ccelections.

21. INAUGURAL MEETINGS

20.1 The Returning Officer will be responsible for making arrangements for the Inaugural Meeting of each newly established Community Council.

20.2 The Inaugural Meeting will be held on a date prescribed by the Returning Officer and published on the Angus Council website. These meetings will be held within one month of the date of the election of candidates.

20.3 A representative appointed by the Returning Officer will act as Chair of the Inaugural Meeting until such time as office bearers have been appointed.

20.4 No formal business of the newly established Community Council may take place until the Inaugural Meeting has been held and office bearers have been appointed.

Lisa Dallas
Returning Officer
September 2018



**SCHEME FOR THE
ESTABLISHMENT
OF COMMUNITY COUNCILS
IN ARGYLL AND BUTE
2018**

The effective date of adoption of the Scheme:

**Customer Services
Governance and Law
Community Councils
Argyll and Bute Council
Kilmory
Lochgilphead
Argyll
PA31 8RT
Tel: 01546 605522
Email: communitycouncils@argyll-bute.gov.uk
Website: <https://www.argyll-bute.gov.uk/council-and-government/community-councils>**

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SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS WITHIN ARGYLL AND BUTE

1 Introduction

- 1.1 Community councils were first established in Scotland in terms of the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994 made provision for the continuation of community councils.
- 1.2 This Scheme for the Establishment of Community Councils in Argyll and Bute (hereinafter referred to as “the Scheme”), which reflects with local modification the Model Scheme for community councils in Scotland produced in 2009, will come into effect on the date it is adopted by Argyll and Bute Council.

2. Statutory Purposes

- 2.1 The statutory purposes of community councils established under the 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

- 3.1 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 making representations to their local authority, other public sector bodies and private agencies on matters within their sphere of interest.
- 3.2 It is essential that these views are demonstrated to be 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 sections of the community.
- 3.3 Community councils are consulted on planning applications and licensing matters. Liaison on other matters may also be jointly agreed between community councils, the local authority and other public sector and private agencies. There should be positive mutual engagement in the establishment of working relationships with the local authority, Area Community Planning Groups and other agencies.
- 3.4 Community councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objectives of their Constitution and the terms of the Scheme including their duties as a community participation body under the Community Empowerment Act 2015.

- 3.5 In carrying out their activities community councils must at all times adhere to the law, the terms of the Scheme and the community councillors' code of conduct. It should be noted that while Data Protection legislation applies to community councils, Freedom of Information legislation does not currently apply.
- 3.6 Each community council is required to adopt a Constitution, based upon the Model Constitution at Appendix I, together with Standing Orders at Appendix 2, in order to encourage and maintain consistency for all community councils and to facilitate the proper conduct of their proceedings. Any proposed deviation from the Model Constitution or Model Standing Orders requires to be supported by two-thirds of the community council members present and thereafter approved by Argyll and Bute Council before it shall have effect.
- 3.7 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 organisations, community councils will: -
- a 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.
 - b Provide agendas, reports and minutes to their members, relevant elected members for their ward area(s) and the public in accordance with the Model Standing Orders and more specifically provide minutes to the Community Council Liaison Officer within 14 days from the date of the meeting.
 - c Seek to broaden expertise by promoting the provision of relevant information at community council meetings from persons who may contribute accordingly.
 - d Make particular efforts to encourage young people and other under-represented groups to attend and participate in community council meetings and to ensure equality of opportunity in the way the community council carries out its functions.
 - e Maintain proper financial records and present financial reports at community council meetings.
 - f Inform the Community Council Liaison Officer of any change in membership (e.g. resignations) and circumstances, as soon as is practicable.

4. Community Councils and Community Council Areas

- 4.1 There will be community councils in Argyll and Bute for the areas and by the names set out at Appendix 3 to this Scheme. Argyll and Bute Council has produced maps that define their boundaries. Community councils which existed prior to this Scheme will be disestablished on the day of the first elections to the

community council established under this Scheme held after this scheme is adopted.

5. Membership of Community Councils

5.1 A person is entitled to stand for election to, to be elected as, or to be a member of a community council provided that person –

- has achieved 16 years of age on the day of election
- is resident within the community council area

has their name included in the electoral register for local government elections for the community council area in which they reside.

5.2 A person who is a member of Argyll and Bute Council, or the Scottish, UK or European Parliaments will be ineligible from standing for election to, being elected as, or being or remaining a member of a community council.

5.3 A member of a community council will represent the whole of the community council area and the persons who live there whether they may or may not have voted for that member.

6. Community Council Elections

Electors

6.1 A person is entitled to vote in an election of community councillors provided that person –

- has achieved 16 years of age on the day of election
- has their name included in the electoral register for local government elections for the community council area in which they are voting.

Nominations and Elections

6.2 The first elections to be held under the Scheme shall be held on a date determined by Argyll and Bute Council. Subsequent elections will be held on a four-yearly-cycle, on dates to be determined by Argyll and Bute Council.

Argyll and Bute Council will provide for the administration of community council elections which will be held, where there is a requirement for a poll, by postal ballot.

Returning Officer

6.3 The Returning Officer will be the Returning Officer for Parliamentary and Local Government elections in Argyll and Bute, or a person appointed by that Returning Officer.

Nominations

- 6.4 A candidate for election as a member of a community council will be validly nominated provided the nomination –
- is subscribed on the correct form by a proposer and seconder, both of whom must be included in the electoral register for local government elections for the community council area;
 - the nomination carries the candidate's consent; and
 - the nomination and consent are received by the Returning Officer before the date and time specified in the timetable for the election.

Self-nomination is not permitted.

Process

- 6.5 At an ordinary election of community councillors, on the expiry of the period for lodging nominations:
- (1) Should the number of candidates validly nominated equal or exceed half of but be less than or equal to the total number of seats on the community council as specified in Appendix 3 to the Scheme, the said candidates will be declared to be elected and no poll will be held.
 - (2) Should the number of candidates validly nominated exceed the total number of seats on the community council, a poll will be held. At the poll, each elector will be entitled to vote for candidates up to the number of seats to be filled.
 - (3) Should the number of candidates elected be less than half of the number of seats on the community council, no community council will be established at that time. In such circumstances a follow up election / by-election will be held within 6 months.
- 6.6 If after that follow up election or by-election there remain vacancies in more than half of the number of total number of seats on the community council, the following courses of action will be open to Argyll and Bute Council:-
- (1) The council may, without disestablishing it, leave the community council dormant and take no further action to hold an election until the council is satisfied that sufficient local interest is in place to support a sustainable community council,
 - (2) the council may, following discussions within the community and with neighbouring community councils, disestablish the community council for which a follow up election has been held, adjust community council boundaries, and hold such fresh elections as may be necessary to ensure the area of the disestablished community council is adequately represented on the community council(s) covering the amalgamated area(s).

Method of Election

- 6.7 In any poll for the election of community councillors those candidates who receive the highest number of votes cast will be elected up to the number of seats to be filled.

Casual vacancies between elections

- 6.8 A vacancy on a community council will arise in the following circumstances:

- when all seats have not been filled through the election process;
 - when a community council member submits her/his resignation to the Convener or Secretary of the community council; or
 - when a community council member ceases to be qualified to be a member in the circumstances set out in clauses 5.2, 6.9 and 13.12.5 of the Scheme.
- a) The community council may fill the vacancy through co-option with voting rights to a maximum of one third of the total membership of the community council.
- b) Co-opted members must be eligible for membership of the community council as detailed:
- has achieved 16 years of age on the date of co-option
 - is resident within the community council area
 - has their name included in the electoral register for local government elections for the community council area in which they reside.
 - is not the subject of sanctions contained at clauses 13.5.3 or 13.12.3 to 13.12.5 on the date of co-option.
- c) They must be elected onto the community council by a 2/3rds majority of the community council members present at the meeting
- d) Such co-opted members will have full voting rights.
- e) Co-opted members may serve for a maximum of 2 years or until the interim by-elections, whichever is the later, at which point they will require to stand for election or step down from the role.
- f) In the event of non-election or stepping down co-opted members will not be eligible for co-option again until the next review of the Scheme and fresh elections have been undertaken.
- g) Notice of persons proposed for co-option 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 and in terms of keeping the community informed, the names of the persons proposed will be listed on the agenda for the meeting where the matter will be decided.

Disqualification of Membership

- 6.9 a) A member of a community council who ceases to reside within the community council area will cease to be a member of the community council.

- b) A member of a community council who fails throughout a continuous period of 6 months to attend any community council meeting, with or without submitting apologies will cease to be a member of the community council unless the community council is satisfied as to the reason for the absence.
- c) A member of a community council who is elected as a member of Argyll and Bute Council, or the Scottish, UK or European Parliaments shall cease to be a member of the community council as of the date of their election.
- d) A member of a community council who is disqualified from being a member of a community council under clause 13.12.5 will cease to be a member of the community council for the remaining period of the Scheme.

6.10 Should a vacancy or vacancies arise in the membership of a community council between elections, the community council will advise Argyll and Bute Council who may hold an interim by-election and offer each community council opportunity to be included in the by-election.

6.11 Argyll and Bute Council will not normally hold more than one by-election to fill casual vacancies in any community council within a 24-month period. Should circumstances arise that lead to the number of community councillors to fall below half of the total number of seats on the community council Argyll and Bute Council will hold a by-election during which time the remaining members (provided a quorum remains) of the community council will continue and may meet as a community council until the process of seeking to fill seats set out in para 6.6 above will have been held and exhausted, and Argyll and Bute Council decides to take the action set out in that paragraph or such other action as it considers appropriate in the circumstances.

6.12 The Returning Officer reserves the right to vary the community council term, should other electoral timetables conflict with the community council election for that term, to prevent disruption to the community council election process.

7 Use of Local Skills / Knowledge

A community council may seek information or advice from any person who may have particular skills or knowledge relating to an issue which the community council is considering. A summary of the information or advice provided by such person will be recorded in the minutes of the meeting, and the final decision on any such issue will be taken only by the elected members of the community council.

8 Equalities

8.1 Recognition should be given to the contribution of everyone participating in the work of a community council. Community councils will comply with equal opportunities legislation and good practice, and ensure that equality of opportunity is given to people within the community to put forward their views and opinions,

and to have their skills and experience taken into account.

9. Meetings

- 9.1 The first meeting of a community council following a community council election, will be called by the Returning Officer 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 any outgoing community council.
- 9.2 The frequency of meetings will be determined by each community council, subject to one annual general meeting being held by the end of June each year and a minimum of 6 ordinary meetings being held each year for community councils where the electorate is above 600, or a minimum of 4 where the electorate is 600 or less.
- 9.3 The quorum at a meeting of a community council will be one quarter of the current number of elected members, but will never be less than three.
- 9.4 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.

10. Liaison with the Council / Other Agencies / Area Community Planning Groups

- 10.1 Liaison with Argyll and Bute Council will adhere to the code of communication guidelines set out in the Best Practice Agreement. Community councils may make representations to Argyll and Bute Council and other public and private agencies, on matters for which it is responsible and which it considers to be of local interest. Other organisations will have adopted their own customer charter and community councils should contact them directly in the event of a query.
- 10.2 Community councils are strongly encouraged to work with and positively participate in the work of Area Community Planning Groups, which are the key local community engagement development forums in local decision making areas.
- 10.3 Representations should be made in the case of statutory procedures, such as planning or licensing matters, in terms of that procedure to the appropriate council official. On issues where a council service is consulting with community councils, representations should be made to the appropriate service officer.
- 10.4 Community councils will provide copies of their agendas 7 days prior to meetings and minutes within 14 days of the meeting having taken place to the council via the local authority's Community Council Liaison Officer.

11 Resourcing a Community Council

- 11.1 The financial year of each community council will be specified in the constitution of each community council to allow for the proper submission of accounts to the

community council's annual general meeting.

- 11.2 The annual accounts of each community council will be examined by a person of good standing appointed by the community council, who must not be a member of that community council. A copy of the independently examined accounts will be submitted to the annual general meeting for approval and will be forwarded immediately after that meeting to the Community Council Liaison Officer.
- 11.3 Argyll and Bute Council may, at their discretion, require the community council to produce such records, vouchers and account books, as may be required.
- 11.4 A community council may secure financial or other resources for schemes, projects and other purposes consistent with its functions, and may apply for grants for suitable projects through the local authority or other grant schemes, but it will not accept any donation from any registered political party nor use any resources for purposes designed to affect support for or opposition against any such party.
- 11.5 Argyll and Bute Council, upon production of the approved audited accounts, may provide an administrative grant to community councils to assist with the operating costs of the community council. Grant payments may be used to cover the costs of:
- o Auditors' fees
 - o Production and circulation of minutes, agenda and annual reports or other Community Council documentation
 - o Stationery
 - o Photocopying
 - o Postage
 - o Travel costs
 - o Telephone costs
 - o Accommodation lets
 - o Affiliation fees
 - o Subscriptions
 - o Website Costs
 - o Bank charges
 - o Advertising
 - o General publicity, promotional and ceremonial activities
 - o Consultation with the community
 - o Honorariums' to the Community Council secretary or treasurer
- 11.6 Argyll and Bute Council may 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 (including community engagement processes), the functions of the local authority and other relevant topics.

12. Liability of Community Council Members

- 12.1 Argyll and Bute Council will meet the costs of public liability insurance in respect of the reasonable and proper activities of community councils.

13. Complaints against Community Councils

13.1 Both elected and co-opted members of community councils must comply with and abide by the terms of this Scheme, the constitution of their community council (as may be amended from time to time) and the Code of Conduct for Community Council Members.

13.2 Any person may complain to the community council about the conduct of the community council, or any member or group of members thereof. All complaints shall be dealt with by the community council in the first instance, unless:

13.2.1 the complaint concerns the conduct of the community council as a whole, or the conduct of half or more of the community council members;

13.2.2 three or more complaints have previously been received about a particular community council member, or from a particular individual, during a single community council term; or

13.2.3 the complaint concerns the response of the community council to a previous complaint.

13.3 Complaints falling within one of the categories in clauses 13.2.1 to 13.2.3 shall be referred to the Community Council Liaison Officer who will establish a Conduct Review Panel established under clause 13.7.

13.4 The community council need not consider the substance of a complaint, nor refer a complaint to the Conduct Review Panel, if the community council decides (by a simple majority of those present and voting at a meeting) that the complaint is vexatious, or that the subject matter of the complaint is substantially identical to that of a previous complaint that has been or is being dealt with by either the community council or the Conduct Review Panel.

13.5 All other complaints shall be considered by the relevant community council who shall have in place a process for complaints handling which entails all complaints being formally tabled at the next available meeting of the community council for discussion and determination. A simple majority of members present and voting shall decide on whether the subject of the complaint has, on the balance of probabilities, failed to comply with the obligations set out at clause 13.1. Any member who is the subject of a complaint, or who is the complainer, shall not be entitled to vote. If satisfied that those obligations have not been complied with, the community council must either:

13.5.1 censure the member(s) in question;

13.5.2 issue a formal written warning to the member(s) in question;

13.5.3 suspend the member(s) from the community council for up to 3 months; or

13.5.4 where it considers that the sanctions set out in 13.5.1 to 13.5.3 would be inappropriate or insufficient, refer the complaint to the Community Council Liaison Officer who will establish a Conduct Review Panel in terms of clause 13.7.

- 13.6 At the request of either the complainer or the subject of the complaint, arrangements shall be made for members of the community council to vote on the complaint by way of a secret ballot.
- 13.7 A Conduct Review Panel (a “panel”) shall be established to deal with any complaints referred under clauses 13.3 or 13.5.4.
- 13.8 A Panel shall consist of 3 elected members of Argyll and Bute Council’s Regulatory Cohort plus 2 members of community councils within the Argyll and Bute Council area to which the complaint does not relate. The Panel will have a quorum of 3. Only Panel members present for all meetings in relation to a complaint can vote on the decision on that complaint.
- 13.9 If a complaint is made in respect of a decision of a community council to impose one of the sanctions set out at clauses 13.5.1 to 13.5.4 in respect of a previous complaint, including by the subject of that previous complaint, implementation of that sanction shall be suspended pending the Panel’s determination of the new complaint.
- 13.10 A Panel shall meet to decide a complaint within 12 weeks of the complaint being referred to it. In the event it cannot be decided within 12 weeks, all relevant parties will be notified of the revised timescales.
- 13.11 A Panel may, with the agreement of all relevant parties, refer a complaint for consideration by an independent person or body, which person or body shall have the same obligations and powers in respect of the complaint as the Panel.
- 13.12 Otherwise, a Panel shall decide on a simple majority whether the subject of the complaint has, on the balance of probabilities, failed to comply with the obligations set out at clause 13.1. If satisfied that those obligations have not been complied with, the Panel must:
- 13.12.1 impose one of the sanctions set out at clauses 13.5.1 to 13.5.3;
 - 13.12.2 where the complaint concerns a community council’s decision to impose one of those sanctions, confirm the community council’s decision;
 - 13.12.3 suspend the member(s) in question from the relevant community council for up to one year;
 - 13.12.4 remove the member(s) in question from the relevant community council, either with or without a period of disqualification under 13.12.5;
 - 13.12.5 disqualify an individual from sitting on any community council within the Argyll and Bute Council area for such period as the Panel shall decide, up to a maximum of the remainder of the relevant community council’s term or 2 years, whichever is the greater;
 - 13.12.6 request the subject of the complaint to participate in mediation with the complainer (without prejudice to the Panel’s ability to impose one of the other remedies set out in clause 13.12 if that mediation is unsuccessful); or

13.12.7 in circumstances where it appears that the whole community council, or a significant proportion of its members, have engaged in gross misconduct, recommend that Argyll and Bute Council suspend or dissolve the community council under clause 14.

- 13.13 Where a complaint referred to the Panel under clauses 13.2.3 and 13.3 concerns a community council's decision under clause 13.4, the Panel shall decide by a simple majority whether to confirm the community council's decision. If it does not confirm the community council's decision, it shall either: direct the community council to consider the original complaint in accordance with clauses 13.2 to 13.6 (excluding 13.4); or consider the original complaint itself in accordance with clauses 13.10 to 13.12.
- 13.14 Argyll and Bute Council reserves the right to carry out any investigation that it considers necessary into the conduct of a community council or individual members of a community council.
- 13.15 Argyll and Bute Council will maintain a list of all individuals disqualified under clause 13.12.5, the start and end of the period of disqualification and the reason (from the Panel). This list will be available on request.

14. Dissolution of a Community Council

- 14.1 The provisions which apply relative to the dissolution of a community council are contained in the Model Constitution.
- 14.2 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 as set out in this Scheme for a period of 3 consecutive prescribed meeting dates Argyll and Bute Council may take action to dissolve the community council.

APPENDIX 1

MODEL CONSTITUTION FOR COMMUNITY COUNCILS IN ARGYLL AND BUTE

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 (hereinafter referred to as “the Scheme”).

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

- 4.1 In the discharge of their functions and the conduct of their business, the COMMUNITY COUNCIL and its members shall have regard to

their role and responsibilities as set out in paragraph 3 of the Scheme approved by Argyll and Bute Council, and the Best Practice Agreement.

- 4.2 Members of the community council shall comply with and abide by their obligations under the Scheme, this Constitution and the Code of Conduct for Community Council Members, and their compliance shall be enforced via the procedure set out at Section 13 of the Scheme.

5. Membership

The number of members of the community council and the arrangements for the operation of the community council will be as governed by the Scheme and as determined from time to time by Argyll and Bute Council.

In event of the non-election, retiral or resignation of the Secretary and/or Treasurer, all documentation, financial records etc held on behalf of the community council shall be passed to the nominated person appointed by the community council, or designated by the Convener, within 7 days of the effective date of non-election, retiral or resignation.

6. Method of Election

The arrangements for electing persons to be community councillors will be as laid down in the Scheme and as determined by the Returning Officer.

7. Casual Vacancies on the Community Council

Where a vacancy arises which does not result in the number of community councillors falling below 50% of the membership figures specified in Appendix 3 of the Scheme, the community council may agree to fill the vacancy through co-option with full voting rights to a maximum of one third of the total membership of the community council (as specified in Appendix 3 of the Scheme).

Co-opted members may serve for a maximum of 2 years, or until the interim by-election, whichever occurs later, at which point they will require to stand for election or step down from the role.

The terms of co-option are as set out in the Scheme at Section 6.8

8. Voting Rights of Members of the Community Council

A community councillor (whether elected or co-opted) has a right to vote at any meeting of the community council or any committee thereof.

In these circumstances all decisions of the community council will be decided by a simple majority of those community councillors present and voting, with the exception of circumstances which may arise under:

Constitution: paragraph 16 – Alterations to the Constitution; or

Constitution: paragraph 17 – Dissolution

In the event of an equality of votes the person presiding at the meeting shall have a second or casting vote (Except that relating to appointment of an officer-bearer which, in event of an equality of votes, will be determined by lot).

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 the year when elections are not held, the community council will appoint a person to be known as Convener who will act as the chair of the community council, a Secretary, a Treasurer, and other such office-bearers as it shall from time to time decide.
- (b) Office-bearers will be elected for the period up to the next AGM but will be eligible for re-election. However, no office-bearer shall serve in that particular office for more than two consecutive terms of the life of the community council (i.e. eight years), but will be eligible to serve in that office after a break of four years. If there is good cause to depart from this requirement and two thirds of the members are supportive, the council may, upon written application, agree to waive this requirement.
- (c) Without the express approval of Argyll and Bute Council, no one member shall hold more than one of the following offices at any one time: Convener, Secretary or Treasurer.
- (d) Office-bearers may be removed and a replacement approved at any meeting of the community council by a 2/3rds majority vote of the members present and voting

10. Committees of the Community Council

The community council may appoint a number of their members to committees of the community council for the purpose of advising the community council on any matter and shall determine the composition, terms of reference and duration of the committee.

11. Meetings of the Community Council

- (a) The quorum at a meeting of a community council will be one quarter of the current number of members, but will never be less than three.
- (b) Each year the community council will hold an annual general meeting by the end of June, for the purpose of receiving and considering the Convener's annual report, the submission and approval of the independently examined annual statement of accounts, the appointment of office-bearers and to set the annual meeting programme.

- (c) One annual general meeting and a minimum of 6 ordinary meetings of the community council will be held each year where the electorate is above 600 or a minimum of 4 ordinary meetings of the community council where the electorate is 600 or less.
- (d) Dates, times and venues of ordinary meetings of the community council will be fixed at the first meeting of the community council following ordinary elections and thereafter at its annual general meeting. Special meetings will require at least 7 days public notice, either called by the Convener, or on the request of not less than one-half of the total number of community council members. The Executive Director of Customer Services of Argyll and Bute Council or his nominee may, in exceptional circumstances, call a meeting of the community council.
- (e) Copies of all minutes of meetings of the community council and of committees thereof will be approved as a correct record or corrected as need be 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, elected members, other appropriate parties and Argyll and Bute Council's Community Council Liaison Officer.
- (f) The community council will 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 considered, the Secretary will call such a meeting within 14 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings of the community council.
- (h) The community council may discuss items of business in private where it considers it appropriate to do so. The decision to discuss an item of business in private will be agreed in advance and decided by a majority of those community councillors present and voting. Notice of a meeting will be given to the public in the usual way. However, the notice will record that the meeting, or a part thereof, may 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. Reasonable 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 Convener.

- (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 seven days before the date of any such meeting, and, where possible, be advertised by other suitable means.

13. Information to the Local Authority

An annual calendar of the community council's prescribed meeting dates, times and venues, agreed at the community council's annual general meeting, will be sent to the local authority's Community Council Liaison Officer, along with minutes of all meetings, the annual report, the annual financial statement, and any other such appropriate information, or as may from time to time be required by Argyll and Bute Council. When special meetings of the community council are to be held, the local authority's Community Council Liaison Officer and Elected Members should be advised of the date, time venue and item(s) of business of such meetings, at least 7 days in advance of the meeting date.

14. Control of Finance

Community councils must follow the principles of financial control set out in the Best Practice Agreement; in particular:

- (a) All monies provided by the local authority and other sources to, or raised by or on behalf of the community council, 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 will 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 will keep proper accounts of the finances of the community council.
- (c) Any two authorised signatories, who will 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 a person of good standing appointed by the community council, who must not be a member of the community council, will be submitted to the annual general meeting of the community council and will be made available for inspection by members of the public at a convenient location.
- (e) Examined accounts as received and approved by the community

council at the annual general meeting will be submitted to the Community Council Liaison Officer together with the draft AGM minutes.

- (f) In the event of a community council resolving to dissolve itself or being disestablished then, on a certificate signed by the Executive Director of Customer Services or his nominee, the whole assets and funds of the community council shall revert to Argyll and Bute Council to be held in trust and to be directed by them in support of any future community council identified to represent that community. In setting up bank accounts, it will be incumbent on the community council to put in place banking arrangements that will permit the foregoing to be given effect to.

15. Title to Property

Subject to 14(f) above property and other assets belonging to the community council will be vested in the Convener, 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 at 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 seven days prior to the meeting. Any proposed alteration 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 community council members present and thereafter approved in writing by Argyll and Bute Council, the alteration shall be deemed to have been duly authorised and can then come into effect.

17. Dissolution

If the community council decides at any time that it is necessary or advisable to dissolve, it shall first agree a date to hold a public meeting of the community council to be held for the specific purpose of discussing the proposed resolution to dissolve. It is a requirement that not less than seven days prior to the date of such meeting public notice of the meeting and the proposal to dissolve is given in a local newspaper. If the resolution is supported by two-thirds of the current membership and thereafter approved by Argyll and Bute Council, the community council shall be deemed to be dissolved and all assets remaining, after the satisfaction of any proper debts or liabilities shall transfer to the Argyll and Bute Council as specified in paragraph 14 (f) above.

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 Argyll and Bute Council 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 Argyll and Bute Council may, by suspending the Constitution of the community council, resolve to dissolve the community council.

18. Approval and adoption of the Constitution

This Constitution was adopted by
COMMUNITY COUNCIL, on

.....

.....	Signed:	Convener
.....		
.....		Member
.....		Member
.....		Date

and was approved on behalf of Argyll and Bute Council

on Date

..... Signed (Executive Director of
Customer Services or nominee)

.....

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 Convener 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 by the end of June.

(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 Argyll and Bute Council's Community Council Liaison Officer by the Secretary of the COMMUNITY COUNCIL, and will be displayed prominently within the COMMUNITY COUNCIL area, at least 7 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, displayed in public places, such as libraries and notice boards, provided to Argyll and Bute Council 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 quarter of the current number of elected members, but will never be less than three.

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) Establish whether there are any declarations of interest.

- (c) The minutes of the last meeting of the COMMUNITY COUNCIL shall be submitted for approval.
- (d) Any other item of business, which the Convener has directed, should be considered.
- (e) Any other competent business.
- (f) Public questions.
- (g) Convener 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) Establish whether there are any declarations of interest.
- (c) The minutes of the last annual general meeting of the COMMUNITY COUNCIL shall be submitted for adoption.
- (d) Convener's Annual Report (and questions from the floor).
- (e) Secretary's Annual Report (and questions from the floor).
- (f) Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).
- (g) Election of office-bearers.
- (h) Agree annual programme of meetings
- (i) Chairperson to declare date of next annual general meeting and close meeting.

(iii) Special Meeting

The order of business at a special meeting of the COMMUNITY COUNCIL shall be as follows: -

- (a) Recording of membership present and apologies received.

- (b) Establish whether there are any declarations of interest.
- (c) Business for debate, as described in the calling notice for the special meeting.
- (d) Public Questions
- (e) Convener to close meeting.

5. Order of Debate

- (a) The Convener 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 Convener 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 Convener in determining the order, relevance and competency of business and questions shall have particular regard to the relevance of the issue to the COMMUNITY COUNCIL and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Convener 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 Convener 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 seeks to revoke or alter a previous decision of the COMMUNITY COUNCIL, or has that effect, shall not be competent within six months of that decision.

6. Voting

- (a) Voting shall be taken by a show of hands.
- (b) In the event of an equality of votes the person presiding at the meeting will have a second or casting vote, except in the case of an appointment of a person to any office within the COMMUNITY COUNCIL when the decision will be determined by lot.

7. Alteration of Standing Orders

A proposal to alter these Standing Orders may be proposed to Argyll and Bute Council 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. Argyll and Bute Council shall make the final decision on any proposed change.

8. Committees

The COMMUNITY COUNCIL may appoint such committees as it may from time to time decide for the purpose of advising the COMMUNITY COUNCIL on any matter 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.

ARGYLL AND BUTE COUNCIL
SCHEME FOR THE ESTABLISHMENT OF
COMMUNITY COUNCILS

BOUNDARIES FOR COMMUNITY COUNCIL AREAS
MEMBERSHIP OF COMMUNITY COUNCILS

Membership will be based on the electorate of the Community Council area according to the following:

Electorate	Number of Core Members
Up to 600	8
601 - 1000	10
1001 – 5000	16
Over 5000	20

	Community Councils	Polling Districts	Polling District Name	Electorate 26.04.17	Membership	Council Ward
1	Southend	AA03	Southend	356	8	1
2	The Laggan	AA02	Drumlemble	336	8	1
3	Campbeltown	AA01	Campbeltown South	1354	16	1
		AA04	Campbeltown Central	1710		1
		AA06	Campbeltown North	<u>1199</u>		1
				4263		
4	West Kintyre	AA07	Bellochantuy/ Kilkenzie	151	10	1
		AA12	Chleit	289		2
		AA13	Clachan	<u>244</u>		2
				684		
5	East Kintyre	AA05	Peninver	167	8	1
		AA08	Carradale	408		2
				575		
6	Tarbert & Skipness	AA09	Skipness	93	16	2
		AA10	Tarbert	<u>1187</u>		2
				1180		
7	Gigha	AA11	Gigha	128	8	2
8	Islay	AA15	Port Charlotte	447	16	2
		AA16	Portnahaven	180		2
		AA17	Kilmeny	426		2
		AA18	Port Ellen	875		2
		AA19	Bowmore	<u>680</u>		2
				2608		
9	Jura	AA20	Jura	168	8	2
10	Colonsay	AA21	Colonsay	120	8	2
11	South Knapdale	AA14	Dunmore	104	8	2
		AA24	Achahoish	<u>98</u>		3
				202		
12	North Knapdale	AA25	Crinan	207	8	3
		AA26	Tayvallich	<u>219</u>		3
				426		
13	Ardrishaig	AA23	Ardrishaig	1122	16	3

	Community Councils	Polling Districts	Polling District Name	Electorate 26.04.17	Membership	Council Ward
14	Lochgilphead	AA27	Lochgilphead	2289	16	3
15	West Lochfyne	AA34	Minard	286	8	3
16	Furnace	AA29	Furnace	222	8	3
17	Inveraray	AA28	Inveraray	574	8	3
18	Dunadd	AA30 AA31 AA33	Kilmartin Ford Kilmichael Glassary	265 167 <u>333</u> 765	10	3 3 3
19	Craignish	AA32	Craignish	348	8	3

	Community Councils	Polling Districts	Polling District Name	Electorate 26.04.17	Membership	Council Ward
20	Mull	AA42 AA43 AA44 AA45 AA46 AA47 AA48 AA49 AA50	Tobermory Dervaig Ulva Ferry Salen Lochdonhead Lochbuie Pennyghael/ Tiroran Buessan Fionnphort	914 306 112 382 251 30 65 231 <u>160</u> 2451	16	4 4 4 4 4 4 4 4 4
21	Iona	AA51	Iona	128	8	4
22	Coll	AA52	Coll	159	8	4
23	Tiree	AA53	Tiree	536	8	4
24	Oban	AA36 AA37 AA38 AA39 AA64	Oban Central Oban West Oban Glencruitten Oban Soroba Oban North	450 1831 1504 1141 <u>1924</u> 6850	20	4 4 4 4 5
25	Glenorchy & Innishail	AA55 AA56 AA57 AA61	Lochawe Dalmally Bridge of Orchy Portsonachan	133 359 35 <u>79</u> 606	10	5 5 5 5
26	Taynuilt	AA58	Taynuilt	900	10	5
27	Avich & Kilchrenan	AA59 AA60	Kilchrenan Dalavich	128 <u>108</u> 236	8	5 5
28	Luing	AA62	Luing	155	8	5
29	Kilninver & Kilmelford	AA63 AA68	Kilmelford Kilninver	235 <u>115</u> 350	8	5 5

	Community Councils	Polling Districts	Polling District Name	Electorate 24.04.17	Membership	Council Ward
30	Seil & Easdale	AA65	Easdale	557	8	5
31	Kilmore & Kilbride	AA66	Kilmore	308	8	5
32	Dunbeg	AA67	Dunbeg	586	8	5
33	Lismore	AA69	Lismore	115	8	5
34	Appin	AA70	Appin	419	8	5
35	Connel	AA71	Connel	500	8	5
36	Ardchattan	AA72 AA73 AA74	Barcaldine Lochnell Ardchattan	199 1110 <u>97</u> 1406	16	5 5 5

	Community Councils	Polling Districts	Polling District Name	Electorate 26.04.17	Membership	Council Ward
37	Colintraive & Glendaruel	AA75 AA76 AA84 (Prt)	Glendaruel Colintraive Rashfield	137 122 <u>18</u> 277	8	6 6
38	Cairndow	AA77	Cairndow	126	8	6
39	Lochgoil	AA78	Lochgoilhead	373	8	6
40	Strachur	AA79 AA80	Strachur Strathlachlan	509 <u>162</u> 671	10	6 6
41	Kilfinan	AA81 AA82	Kilfinan Tighnabruaich	87 <u>565</u> 652	10	6 6
42	Hunter's Quay	AA83A	Hunter's Quay	786	10	6
43	Kilmun	AA84 (Prt) AA86	Rashfield Strone	255 <u>561</u> 816	10	6 6
44	Ardentinny	AA85	Ardentinny	148	8	6
45	Sandbank	AA87	Sandbank	1066	16	6
46	Dunoon	AA83 AA89 AA90 AA91 AA93	Kirn Hafton Dunoon Ardenslate Dunoon South	1009 1711 228 1718 <u>650</u> 5316	20	7 7 7 7
47	South Cowal	AA92	Innellan	1338	16	7
48	Bute	AA94 AA95 AA96 AA97 AA98 AA99	Rothesay North Port Bannatyne Rothesay Central Bute West Bute East Kingarth	1090 521 392 1329 1355 <u>223</u> 4920	16	8 8 8 8 8 8

	Community Councils	Polling Districts	Polling District Name	Electorate 03.06.13	Membership	Council Ward
49	Rhu & Shandon	AD01 AD07	Rhu South North Rhu & Shandon	894 <u>724</u> 1618	16	9 9
50	Garelochhead	AD02	Garelochhead	1252	16	9
51	Cove & Kilcreggan	AD03 AD08	Cove Kilcreggan	408 <u>825</u> 1233	16	9 9
52	Arrochar, Tarbet & Ardlui	AD10 AD04 AD06	Glencroe Arrochar Tarbet & Ardlui	158 340 <u>199</u> 697	10	9 9 9
53	Rosneath & Clynder	AD09	Rosneath	1157	16	9
54	Luss and Arden	AD05 AD24	Luss Arden	172 <u>114</u> 286	8	9 11
55	Helensburgh	AD12 AD13 AD14 AD15 AD16 AD17 AD18 AD20 AD21 AD22	Kirkmichael Helensburgh Lower East Helensburgh Upper West Helensburgh West Helensburgh Central Helensburgh East Helensburgh Lower West Colgrain Helensburgh North East Helensburgh Upper East	675 1670 526 1248 1175 1011 1269 1580 1145 <u>821</u> 11120	20	10 10 10 10 10 10 10 11 11 11
56	Cardross	AD23	Cardross	2039	16	11

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Community Council Administrative Grants

In accordance with the Scheme for the Establishment of Community Councils, Argyll and Bute Council, upon production of the approved audited accounts, and subject to the community council ensuring they have brought the Council up to date with records of meetings, may provide an administrative grant to community councils to assist with the operating costs of the community council.

Administrative grants are as follows:

Number in Electorate	Grant Payable (£)
Up to 600	400
601 - 1000	400
1001 – 5000	500
5001 +	700

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BEST PRACTICE AGREEMENT 2018

Argyll and Bute Council Argyll and Bute Community Councils

Argyll and Bute Council Commitment

Community Council Commitment

Code of Guidance for Communications

Financial Guidelines

Code of Conduct for Community Councillors

Best Practice Agreement

The work of community councils across Argyll and Bute varies from community council to community council – as does their method of operation and the ways in which they engage with a range of public and other community bodies. It should not be forgotten however that that main purpose of a community council is to represent the views of the community which it represents.

This Best Practice Agreement outlines the commitments required from both Argyll and Bute Council and community councils to build strong relationships and operate effectively together to advance the interest of Argyll and Bute communities. It also incorporates a Code of Communication, Financial Guidelines, and Code of Conduct for community councillors.

Argyll and Bute Council will keep the responsibilities and procedures laid down in this Code of Practice under regular review, and will formally review as part of the 4 yearly review of the Scheme of Establishment. Argyll and Bute Council will consult with community councils on any aspects where amendment appears necessary or desirable.

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Argyll and Bute Council Commitment

Community Engagement

1. Argyll and Bute Council recognises that community councils have made, and will continue to make, a valuable contribution to the development of Argyll and Bute through their engagement in localised community planning, their representation of community views and their promoting and delivery of local activities.
2. Argyll and Bute Council, in recognising the statutory purpose of community councils, recognises that they have a clear link to their local Area Community Planning Groups.
3. Argyll and Bute Council will be guided in its community engagement activities by the National Standards of Community Engagement. Argyll and Bute Council will, using the National Standards of Community Engagement, consider the appropriateness of how best to consult with local communities, this could include:
 - direct consultation with particular user groups rather than geographical communities
 - direct consultation with individual community councils where there is a geographic link to a physical or policy development likely to have an effect on the people whom community councils represent
 - regular engagement through the Area Community Planning Groups
4. It is recognised that not all community councils require to be consulted in every matter. Consultations with community councils should be carefully considered against a test of relevance and appropriateness.
5. In consulting with community councils, Argyll and Bute Council recognises the need to allow community councils sufficient time to respond. Where possible, Argyll and Bute Council will aim to give community councils a period of at least one month in which to reply. In relation to planning applications, or other licensing matters, there may be a different timescale.
6. Some services, particularly Planning and Licensing, must follow statutory procedures. Advice and training on procedure to be adopted will be issued independently to this Best Practice Agreement, and will be kept updated if there are any national or local policy changes.
7. Argyll and Bute Council is committed to encouraging open, local, democratic debate and will support community councils to ensure that they are best place to facilitate this. This will include the:
 - Timely provision of relevant information
 - Recognition of status as a community representative body for their area (noting that is enhanced where robust community engagement processes are evidenced)
 - support from the Community Learning and Development Service to improve their own community engagement processes
 - a programme of training and development as organised by the Community Council Liaison Officer to address identified training needs, support understanding of Standing Orders and Constitution, to understand the specific operation of council departments, and to generally promote good practice.

8. Argyll and Bute Council will facilitate on request an annual engagement meeting between the council leadership and representatives of all community councils. At such meetings community councils may comment generally on matters of concern and may be used to sound out general proposals by Argyll and Bute Council where strategic developments are likely to affect local communities.

Elections

9. Argyll and Bute Council will organise and conduct elections to community councils on a 4 year basis. Argyll and Bute Council will seek to promote electoral participation in such elections by providing general publicity and will seek to maximise electoral participation by using postal voting.
10. Argyll and Bute Council will seek to work with individual community councils, community council caucuses and other representative bodies within the area to promote electoral participation and will facilitate the dissemination of good practice re participation to all community councils.
11. Argyll and Bute Council will, through the Returning Officer, run any necessary by-elections during the 4 year term of the community council, working with the local community council to promote electoral participation.

Finance and Resources

12. Argyll and Bute Council will continue to provide funding for the administration of community councils through the payment of an annual grant. This will be paid following submission of community council's audited accounts (following approval at the AGM) together with a request for the administration grant and minutes of the AGM. Where community council records are not up to date, the CCLO will make a request that missing documentation from the previous 12 month period be brought up to date prior to the grant payment being released.
13. Argyll and Bute Council will continue to meet the costs of Public Liability Insurance in respect of the reasonable and proper activities of the community council.
14. Argyll and Bute Council will continue to provide photocopying of agendas and minutes for community councils through its network of Customer Service Points or Kilmory headquarters. Other copying may be provided subject to authorisation being obtained from the Council's Community Council Liaison Officer.
15. Argyll and Bute Council will provide general financial and administrative advice to community councils through the Governance and Law Service.

Meetings, Minutes and Reports

16. Argyll and Bute Council will make available through its Modern.Gov online system the agenda and reports for all council committee meetings 5 days in advance of the meeting date, except where these reports contain exempt information as defined in the appropriate paragraph of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973. These will be published on www.argyll-bute.gov.uk. Where requested, the council will provide email notification to community councils of their publication.
17. Argyll and Bute Council will make available for viewing within 7 days of the meeting, minutes of all council committee meetings. These will be published on www.argyll-bute.gov.uk

18. Argyll and Bute Council will make available dates of its formal committee meetings and dates of Area Community Planning Groups, local liaison groups as existing.
19. Argyll and Bute Council will provide Internet facilities for use through local libraries

Communications

20. The council's advice on communications is contained within "Code of Guidance for Communications with the Council." Argyll and Bute Council is committed to respecting this advice.
21. Argyll and Bute Council will hold a centralised list of community council contacts which will be updated as per instruction from community councils.
22. Subject to appropriate consent being given, Argyll and Bute Council will provide details of the nominated contact(s) (normally the Secretary and/or Convener) on their website. This may include their name, address, telephone number and email address.

Community Council Commitment

Community Engagement

1. Community councils have a statutory right to ascertain, co-ordinate and express the views of the communities to Argyll and Bute Council and other public bodies. Community councils should seek to establish close, constructive relationships with Argyll and Bute councillors, council staff and other bodies as appropriate.
2. In ascertaining views, community councils should ensure there is wide consultation with the community and they should encourage local interest and participation in community debate. It is recognised that the more robust community councils can be in evidencing good community engagement, the more weight will be attributed to their view.
3. Community councils should give consideration to the use of social media which could play a part in engaging with community and under-represented groups whose views may not be forthcoming at meetings of the community council.
4. In expressing views, community councils should ensure that they reflect the balance of community interest and that the views expressed are set out in writing and relevant to the issues under discussion. The Secretary as official correspondent should ensure that they are acting with appropriate authority of the community council to do so when setting out the views of the community council in writing.
5. Community councils may identify specific arrangements for consultation on planning applications. To ensure the timely update of any change in planning contacts community councils are requested to notify their local planning office directly of the change, as well as the Community Council Liaison Officer. The planning contact should be aware of the system for planning applications consultation operated by the council and should respond within the time limits laid down.
6. Community councils should encourage participation by other local organisations including special interests groups, civic groups, youth groups, tenants and residents associations, etc to ensure that a wide range of views are known to the community councils.
7. Community councils should actively support the development of community action plans for their area – whether as the lead body, or as a key stakeholder. Where these exist they may be used by community councils to help prioritise key work / consultation areas and communication of these to public and partners.
8. In particular community councils should appoint personnel to represent them at any appropriate Area Community Planning Group activity / forum. This contact will represent the views of the community council within the activity / forum and will feedback to their community councils.
9. Community councils will make every effort to participate in and respond to relevant consultations to ensure their community is represented in matters of interest.

Elections

10. Community councils should encourage contested community council elections or by-elections, promoting electoral participation, the role of community councils and community councillors within the community they represent.

Meetings, Minutes and Reports

11. Community councils should ensure that invitations are extended to all Argyll and Bute councillors to attend any meeting of the community council within their ward area. Community councils should recognise that Argyll and Bute councillors may have more than one community council within their ward area (in addition to their other commitments as councillors) and have discretion about their own arrangements, or ward arrangements to attend community council meetings.
12. Community councils should ensure that all meetings and activities are publicised in accordance with the detail set out in the Model Constitution 7 days prior to the meeting, and that there is an opportunity for members of the public and special interest groups to participate in discussion on the basis of information provided by the community council. Public discussion and open debate should be encouraged through the use of regular agenda items such as "Public Questions".
13. Community councils should ensure that all minutes of meetings displayed publicly and are forwarded to relevant Argyll and Bute ward councillors and the CCLO. Community councils should consider whether the use of a website may have a role to play in widening access to their minutes etc.
14. Community councils will liaise with other community councils and local organisations to share good practice and exchange information on matters of common interest.
15. Community councils must hold, in addition to an AGM, a minimum of 6 ordinary meetings of the council each year, where the electorate is above 600. Where the electorate is 600 or less, a minimum of 4 ordinary meetings should be held. If desired a summer recess should be considered, good practice would be to tie in with any Council recess (currently scheduled for the month of July).
16. Community councils shall ensure that, as far as reasonably practicable, meetings are held in premises accessible to **all** members of the community.
17. Where representatives of community / other groups attend and speak at a community council meeting on behalf of their groups, to promote good transparency, such attendance and input given should be noted clearly in the minutes of the meeting.

Finance and Resources

18. Community Councils shall have due regard to the Financial Guidelines contained within the Best Practice Agreement.
19. Community councils should encourage members to attend any training provided to assist in terms of their operation as a community council – in particular that relating to improving their own community representation.

20. Community councils may wish to make a mileage payment to its members in respect of attendance at such training sessions and, where large geographic areas are covered, the mileage associated with attending meetings. Such arrangements should be agreed by the community council who will put in place an appropriate procedure for claiming such monies and also agree a rate of payment. There will be no additional payment from the council.
21. Community councils shall encourage local development by promoting funding of community efforts. They may set up and raise specific funds for this purpose.

Communications

22. The council's advice on communications is contained within "Code of Guidance for communications with the council." Community councils will respect the advice contained within this.
23. Community councils should ensure that an up-to-date contact list of all members, elected and co-opted, is maintained and changes notified to the appropriate area governance staff and/or the Community Council Liaison Officer.

Good Practice Agreement
Code of Guidance for Communications with the Council

This is the Code of Guidance for Communications between Argyll and Bute Council and community councils referred to in the Best Practice Agreement.

Communications between such groups should follow the guidance below:

1. Enquiries

1.1 Enquiries are classified as “routine” or “major”.

1.1.1 “Routine Enquiry” includes enquiries to individual services regarding minor defects or service failures e.g. repairs required to street lights, road surfaces, uplift of rubbish, damaged play equipment, etc. Such enquiries should be made through the council’s “Report it” section on the website www.argyll-bute.gov.uk , which is a 24 hour service, or within office hours by calling the appropriate number from the list below:

Council Tax Enquiries: 01546 605511/ctax1@argyll-bute.gov.uk
Benefit Enquiries: 01546 605512
Roads & Lighting, Waste, Flytipping/Dog Fouling: 01546 605514
Complaints and Feedback: 01546 605516
Social Care & Blue Badges: 01546 605517
Planning and Building Control Services: 01546 605518 or
Planning.maki@argyll-bute.gov.uk
planning.olandi@argyll-bute.gov.uk
planning.bandc@argyll-bute.gov.uk
planning.handl@argyll-bute.gov.uk
Regulatory Services: 01546 605519
Homelessness: 01546 555936
Non-Domestic Rates: ndr@argyll-bute.gov.uk
Switchboard/General Enquiries: 01546 605522

For service disruption information, the council has a 24 hour phone line – 01546 604040 or you can email your enquiry to enquiries@argyll-bute.gov.uk . It is also possible to text your query to the council using the number 07860 023933.

1.1.2 “Major enquiry” includes a proposal to remove or amend a service, which would affect a number of members of the community. Such enquiries shall always be in writing.

1.1.3 “Planning comments” are comments made by the planning contact of the community council to the Planning Department, in response to notification about a planning application. Planning comments should always be in writing.

1.1.4 Writing includes typed or hand-written notes or letters, faxes or E-mails.

2. Making an Enquiry

2.1 Routine enquiries should be made to the department directly concerned. Routine enquiries may be made on the website, in writing or by telephone, fax, or e-mail or by calling in person to a Customer Service Point.

A copy of a routine enquiry need not be sent to an Argyll and Bute councillor unless the community council considers that it is appropriate to do so.

- 2.2 Major enquiries should always be made in writing and delivered by letter, fax or e-mail to the most suitable office of the service concerned. Major enquiries should be signed by the secretary, as official correspondent of the community council, or in the secretary's absence by the Convener of the community council. Major complaints should always be copied to the local Argyll and Bute councillor/s.
- 2.3 Where community councils are unsure of the appropriate personnel the CCLO should be contacted for advice.
- 2.4 Where the enquiry concerns:
 - 2.4.1 The Constitution of a community council;
 - 2.4.2 The election of community councils i.e. the overall electoral system and not the procedure adopted at a specific election;
 - 2.4.3 Funding of a community council;
 - 2.4.4 Proposed amendments to the area of community council or a proposed change to existing divisions;
 - 2.4.5 The formation of a new community council;
 - 2.4.6 A statutory code, such as that relating to planning applications (i.e. the code itself and not the way in which a specific application was dealt with); or
 - 2.4.7 A query with regard to the application of this advice

In the first instance the enquiry should be made to the Community Council Liaison Officer.

- 2.5 Enquiries, whether routine or major, should be addressed to individual service departments about individual issues. A series of enquiries on different service issues should not be addressed to one service (other than the Community Council Liaison Officer as above).
- 2.6 Where communications are from Argyll and Bute Council to a community council these will normally be addressed to the Secretary of the community council concerned, except where a liaison or contact nomination has previously been agreed, for example a planning or licensing liaison contact.

3. Responses

- 3.1 Routine/simple enquiries will be responded to within 5 working days. Services should advise, within 5 working days, where a routine enquiry cannot be responded to.

- 3.2 Where a council official deems it appropriate, a copy of any written response regarding a routine enquiry may be sent to the appropriate Argyll and Bute councillor.
- 3.3 Responses to major enquiries will depend upon the nature of the enquiry and the ability of the service to respond. Where a major enquiry can be dealt with within existing resources or comes within existing policies, then it will be dealt with by the service in accordance with the policy.
- 3.4 Where a major enquiry raises a new issue or cannot be dealt with within existing resources or could cause undue demand on resources, the appropriate officer concerned shall respond to the community council stating this view. A copy of any such response must be sent to the relevant local councillors.
- 3.5 If, in the view of the appropriate officer, a major enquiry cannot be dealt with by the specific service, because it is against council policy, or would, in the appropriate officer's view, be impracticable, unreasonable or not possible for some other stated reason, then the appropriate officer shall write to the community council with these views and a copy of any such response should be sent to the relevant local councillors.
- 3.6 In writing to the council, community councils should be specific about the details of any complaint, and give sufficient detail to identify the specific items, identifying locations and the nature of events which are of concern and any persons involved, including addresses.
- 3.7 Some services, particularly Planning, must follow statutory procedures. Advice on the procedure to be adopted by community councils in respect of responses to planning applications have been issued and should be followed by the planning contact of the community.
- 3.8 The use of the Internet and e-mail is encouraged.

4. Timescale For Written Response

- 4.1 Enquiries will be acknowledged within three working days.
- 4.2 Email and other such simple enquiries will be responded to within 5 working dates of the date of receipt of your enquiry.
- 4.3 If not considered routine the council will let you know within 5 working days and will provide information as to the name, telephone number and email address of the person dealing with your enquiry.

5. Keeping Argyll and Bute Councillors Informed

- 5.1 Community councils should keep local Argyll and Bute councillors informed with regard to more complex enquiries. The community councils are encouraged to agree a method of keeping Argyll and Bute councillors updated on key issues that arise in the area, recognising that it will not always be possible for attendance at every meeting, and this may best be done by either maintaining a briefing log that can be provided to councillors after the meeting or prompt forwarding of draft minutes.

- 5.2 The community council Secretary should send copies of letters, faxes and e-mails to the local Argyll and Bute councillor/s at the time such an enquiry is made.
- 5.3 Departments, in responding to community councils, shall send a copy of any response on a more detailed enquiry, relating to a service issue, to the local Argyll and Bute councillor/s at the same time as it is sent to community council.

6. Issues About Service Responses

- 6.1 Where a community council is not satisfied with the action taken or response to an enquiry, the community council may raise the issue with the management of that service in accordance with the council's published complaints procedure. The Community council should outline its views on the response, which has been made by the council department and shall state the action, which the community council considers, should be taken.

7. Customer Care Advice

- 7.1 Specific guidance on individual services may be available from the services departments, which should be consulted as they may contain advice with regard to any complaint or targets set for performance by departments. Specific advice from service departments with regard to targets for responses, or any subsequently corporate adopted standards, will override general advice contained within this Code.

8. Role of Argyll and Bute Councillors

- 8.1 Argyll and Bute councillors, as the elected representative for their wards, have a duty to represent all of the electors within their area. Community councillors have a duty to communicate the views of their communities to Argyll and Bute Council and it is therefore important that there is a good working relationship between community councillors and Argyll and Bute councillors who have a common cause in promoting the views of the communities which they represent.
- 8.2 Community councillors should ensure that Argyll and Bute councillors are kept informed of any matter of concern relating to a service provided by Argyll and Bute Council.
- 8.3 Likewise, Argyll and Bute councillors should inform community councillors of proposals by Argyll and Bute Council and the reaction by Argyll and Bute Council to any matters of concern raised by the community council.
- 8.4 Community councils should ensure that Argyll and Bute councillors are invited to all meeting of the community councils in their ward area, recognising that Argyll and Bute councillors may have more than one community council within their ward area (in addition to their other commitments as councillors) and have discretion about their own arrangements, or ward arrangements to engage with community councils.

Community Council Financial Guidelines

1. Introduction

- 1.1. The purpose of this guidance is to provide community councils with simple instructions on the minimum level of documentation and records, which should be maintained.

2. Recording of Receipts and Payments

- 2.1. As a bare minimum the Treasurer should maintain records of all receipts and payments in a cash book using separate pages for each. Ideally this should be extended to include separate identifying columns for cash and bank. Depending on the detail required this could be further expanded to provide a fully analysed cash book, detailing the main categories of receipts and payments, e.g. grant income, postages, photocopying etc.
- 2.2. Good practice when bookkeeping is to record all transactions as quickly as possible and in as much detail as necessary. Wherever possible an invoice or till receipt should be received for every payment made, numbered sequentially and carefully filed. Where an invoice or till receipt is not available a pro-forma voucher should be raised by the Treasurer detailing what the payment was for and signed by the person receiving payment.
- 2.3. As with payments, receipts should be supported by appropriate documentation, which should be numbered sequentially and carefully filed. All cash/cheques should be given to the Treasurer as soon as possible. The Treasurer should issue a receipt (keeping a copy) detailing the amount of the receipt, what it relates to and who it has been received from. This is particularly important where cash (as opposed to cheque) is involved.
- 2.4. Additionally, a list should be prepared of any assets held by the community council, such as computers etc. This should be retained by the Treasurer and updated at least annually or as required and submitted with the annual accounts to the council.

3. Annual Accounts

- 3.1. Annual accounts should be prepared at the end of each year of the council's operations, summarising the receipts and payments made during that year. The financial year of the community council will be specified within their Constitution.
- 3.2. The use of receipts and payments accounts is recommended. By definition this will only include physical receipts and payments made during the period, not transactions which still have to be concluded. Any transactions not concluded by close-of-business on the final day of the financial period must be accounted for in the following financial year. Ideally, every effort should be made to make all payments and receive all income before close of business on the last day of the relevant accounting year. If exceptionally there was a significant payment due but not made by the year-end then an appropriate note should be made to the accounts.
- 3.3. The annual accounts should show opening bank and cash balances, summarised details of receipts and payments for the year and the closing bank and cash balances. Appropriate vouchers should be retained as evidence for each transaction.

- 3.4. A suggested sample layout for annual accounts is included at the end of the document.

4. Examination of Annual Accounts

- 4.1 These accounts require to be examined by a person suitably experienced in accountancy (preferably a qualified accountant) and who is not a member of the community council or related to a community councillor.
- 4.2. The examiners should confirm the bank and cash balances and examine all documents for authenticity, propriety , etc. to verify the accounts and sign and date them with a statement saying:
- 4.3. "I have examined the books and records of the XXX Community Council for the period XXX to XXX and have found the above statement to be correctly stated and sufficiently vouched."

5. Bank Accounts and Cash

- 5.1. Each community council should open a bank account in the name of the community council. It is suggested that this account should be an interest-paying cheque account. However, where a community council holds large balances due to fund raising activities better rates of interest may be earned by having a separate deposit account.
- 5.2. The account should be operated with two signatories required for each cheque, with a minimum of three persons designated as signatories for ease of operating the account. This should always be the Treasurer and two other designated officers of the community council.
- 5.3. Signatories should not sign blank cheques but the cheque should be prepared by the Treasurer and presented to another signatory along with appropriate documentary evidence relating to the payment. The signatory should sign the cheque and endorse the documentation with the cheque number and the payment date to show the payment has been made.
- 5.4. Cash held by the community council should be kept to a minimum and always held in a lockfast container.

Example of a Basic Layout for a Cash Book

INCOME

Description	Ref	Chq No/Cash	Total (£)
Balance b/fwd 1 April 2016			300.00
Grant-Argyll and Bute Council	4		300.00
TOTAL			600.00

EXPENDITURE

Description	Ref	Chq No/Cash	Total (£)
Wren Websites	1	00145	150.00
Starling Stationers		Cash	50.00
Eagle Herald	3	00146	125.00
Osprey Room Hire Ltd	5	00147	50.00
Donation-Bloggs Group		Cash	125.00
Balance c/f 31 March 2017			100.00
TOTAL			600.00

“Ref” refers to the sequential numbering mentioned in paragraph 2.2 of the Financial Guidelines.

Example of Preferred Layout for Annual Accounts

XXX COMMUNITY COUNCIL

Statement of Income and Expenditure of XXX Community Council for the period XXX to XXX

<u>Income</u>	£
Council Grant	XXX
Other Donations	XXX
Income From Fund Raisers	XXX
Other Income	XXX
Bank/Building Society Interest	XXX

Total Income XXX

<u>Expenditure</u>	
Postages	XXX
Hall Hire	XXX
Advertising	XXX
(Surplus)Deficit for the Period	XXX
Opening Balance	XXX
Closing Balance as at XXX	XXX

<u>Represented By</u>	
Bank Account	XXX
Cash in hand	XXX

Prepared by Date.....

Examiners' Certificate

I have examined the books and records of the XX Community Council for the period XXX to XXX and have found the above statement to be correctly stated and sufficiently vouched.

Signed by Date.....

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

The Code of Conduct for community councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

Community councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles shall apply to all community councillors and those representing the community council. These principles are as follows:

- Service to the community (public service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Service to the Community

As a community councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Scheme for the Establishment of Community Councils, as set out by your local authority under the terms of the Local Government (Scotland) Act 1973.

You 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.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, should be made available.

Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a community councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter to be considered by the community council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the community council.

Objectivity

In all your decisions and opinions as a community councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your community council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and community council and not the interests of a particular political party or other group.

Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the community council. You must ensure that the community council uses its resources prudently and in accordance with the law.

Community councillors will individually and collectively ensure that the business of the community council is conducted according to the Scheme for the Establishment of Community Councils and this Code of Conduct.

Community councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the community council as set out in the Scheme for the Establishment of Community Councils. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of community council business and for no other purpose.

Minutes of meetings recording all actions and decisions made should be produced and circulated to all members of the community council as soon as possible after each meeting.

Any breach of the Scheme for the Establishment of Community Councils may be reported to the local authority to determine what action, if necessary, should be taken.

Openness

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the media, members of the public, or others not directly involved in your community council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the community council.

Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your community council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the community council.

Leadership

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the community council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the community council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the community council is aware of them.

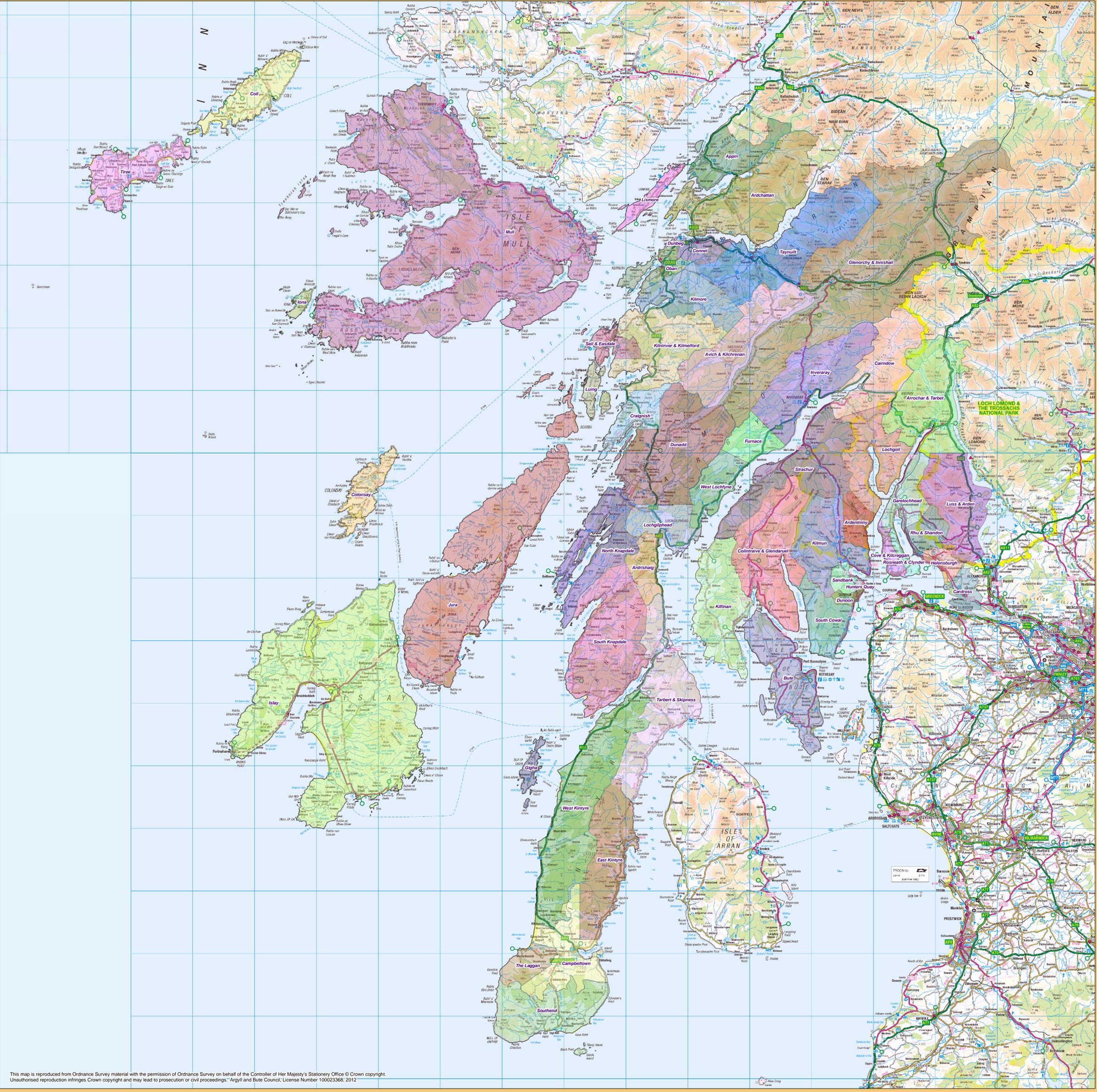
Respect

You must respect fellow members of your community council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, you have dealings with in your capacity as a community councillor.

Recognition should be given to the contribution of everyone participating in the work of the community council. You 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.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

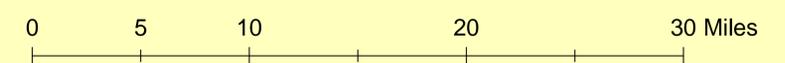
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ARGYLL AND BUTE: COMMUNITY COUNCILS



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complaints procedure

SCOTTISH BORDERS COUNCIL



SCOTTISH BORDERS COUNCIL COMPLAINTS PROCEDURE

Scottish Borders Council is committed to providing high-quality customer services.

We value complaints and use information from them to help us improve our services. If something goes wrong or you are dissatisfied with our services, please tell us. This leaflet describes our complaints procedure and how to make a complaint. It also tells you about our service standards and what you can expect from us.

WHAT IS A COMPLAINT?

We regard a complaint as any expression of dissatisfaction about our action or lack of action, or about the standard of service provided by us or on our behalf.

WHAT CAN I COMPLAIN ABOUT?

You can complain about things like:

- delays in responding to your enquiries and requests
- failure to provide a service
- our standard of service
- council policy
- treatment by or attitude of a member of staff
- our failure to follow proper procedure.

Your complaint may involve more than one council service or be about someone working on our behalf.

WHAT CAN'T I COMPLAIN ABOUT?

There are some things we can't deal with through our complaints handling procedure.

These include:

- a routine first-time request for a service, for example a first-time request for a road repair or action on anti-social behaviour
- requests for compensation from the council
- things that are covered by a right of appeal.

Here are some examples:

- If you are dissatisfied with the level of award you have been given when applying for housing benefit, you have the right to appeal against the decision.
- If your planning application is refused, you have a right of appeal to Scottish Ministers within six months of the decision.
- If you believe your house is incorrectly valued for council tax, you can appeal to the Assessor.

If other procedures or rights of appeal can help you resolve your concerns, we will give information and advice to help you.

WHO CAN COMPLAIN?

Anyone can make a complaint to us, including the representative of someone who is dissatisfied with our service. Please also read the section 'Getting help to make your complaint'.

HOW DO I COMPLAIN?

You can make a complaint:

- Using our online form at www.scotborders.gov.uk/complaints
- by phone on 0300 100 1800
- by email to CustomerAdvice@scotborders.gov.uk
- using the complaints form at the back of this leaflet
- in person at any local office
- in writing to any local office

It is usually easier for us to resolve complaints if you make them quickly and directly to the service concerned. So please talk to a member of our staff at the service you are complaining about. Then they can try to resolve any problems on the spot.

When complaining, tell us:

- your full name and address
- as much as you can about the complaint
- what has gone wrong
- how you want us to resolve the matter.

HOW LONG DO I HAVE TO MAKE A COMPLAINT?

Normally, you must make your complaint within six months of:

- the event you want to complain about, or
- finding out that you have a reason to complain, but no longer than 12 months after the event itself.

In exceptional circumstances, we may be able to accept a complaint after the time limit. If you feel that the time limit should not apply to your complaint, please tell us why.

WHAT HAPPENS WHEN I HAVE COMPLAINED?

We will always tell you who is dealing with your complaint.

Our complaints procedure has two stages:

STAGE ONE: FRONTLINE RESOLUTION

We aim to resolve complaints quickly and close to where we provided the service. This could mean an on-the-spot apology and explanation if something has clearly gone wrong, and immediate action to resolve the problem.

We will give you our decision at Stage 1 in five working days or less, unless there are exceptional circumstances.

If we can't resolve your complaint at this stage, we will explain why and tell you what you can do next. We might suggest that you take your complaint to Stage 2. You may choose to do this immediately or sometime after you get our initial decision.

STAGE TWO: INVESTIGATION

Stage 2 deals with two types of complaint: those that have not been resolved at Stage 1 and those that are complex and require detailed investigation.

When using Stage 2 we:

- will acknowledge receipt of your complaint within three working days
- will discuss your complaint with you to understand why you remain dissatisfied and what outcome you are looking for
- will give you a full response to the complaint as soon as possible and within 20 working days.

If our investigation will take longer than 20 working days, we will tell you.

We will agree revised time limits with you and keep you updated on progress.

WHAT IF I'M STILL DISSATISFIED?

After we have fully investigated, if you are still dissatisfied with our decision or the way we dealt with your complaint, you can ask the Scottish Public Services Ombudsman (SPSO) to look at it.

The SPSO cannot normally look at:

- a complaint that has not completed our complaints procedure (so please make sure it has done so before contacting the SPSO)
- events that happened, or that you became aware of, more than a year ago
- a matter that has been or is being considered in court.

You can contact the SPSO:

> in person

SCOTTISH PUBLIC SERVICES OMBUDSMAN

Bridgeside House | 99 McDonald Road | Edinburgh | EH7 4NS

> by post

SCOTTISH PUBLIC SERVICES OMBUDSMAN

FREEPOST SPSO (this is all you need on the envelope, and you don't need to use a stamp)

Freephone 0800 377 7330 | www.spsso.org.uk/contact-us
www.spsso.org.uk | mobile site: <http://m.spsso.org.uk>

CARE COMPLAINTS

If your complaint relates to a care service, you can choose whether to complain to us or the Care Inspectorate. You can find out more about their complaints procedure, or make a complaint, by contacting them:

CARE INSPECTORATE

tel: 0345 600 9527 | fax: 01382 207 289

email: enquiries@careinspectorate.com

<http://www.scswis.com/> (online complaints form)

COMPLAINT ABOUT A SOCIAL WORKER

To make a complaint about a social worker you can either complain to us or the Scottish Social Services Council.

The SSSC can only consider concerns about Social Workers who are registered with them. You can check if a worker is registered using the below details:

THE CONDUCT SECTION

SCOTTISH SOCIAL SERVICES COUNCIL

Compass House | 11 Riverside Drive | Dundee | DD1 4NY

tel: 0345 603 0891 | fax: 01382 207 215

email: enquiries@sssc.uk.com | www.sssc.uk.com

GETTING HELP TO MAKE YOUR COMPLAINT

We understand that you may be unable, or reluctant, to make a complaint yourself. We accept complaints from the representative of a person who is dissatisfied with our service. We can take complaints from a friend, relative or an advocate, if you have given them your consent to make a complaint on your behalf. The following organisations can help you with your complaint. Their service is confidential and independent from the Council and there is no charge.

SCOTTISH INDEPENDENT ADVOCACY ALLIANCE

tel: 0131 524 1975 | email: enquiry@siaa.org.uk
www.siaa.org.uk

BORDERS INDEPENDENT ADVOCACY SERVICE

Low Buckholmside | Galashiels | TD1 1RT
tel: 01896 752200 | email: info@bordersadvocacy.org.uk
www.bordersadvocacy.org.uk

We are committed to making our service easy to use for all members of the community. In line with our statutory equalities duties, we will always ensure that reasonable adjustments are made to help customers access and use our services. If you have trouble putting your complaint in writing, or want this information in another language or format, such as large font, or Braille, tell us in person, contact us on **0300 100 1800** or email us at **CustomerAdvice@scotborders.gov.uk**

QUICK GUIDE TO OUR COMPLAINTS PROCEDURE

COMPLAINTS PROCEDURE

You can make your complaint online, by e-mail, by phone, in person or in writing. We have a two-stage complaints procedure. We will always try to deal with your complaint quickly. But if it is clear that the matter will need a detailed investigation, we will tell you and keep you up dated on our progress.

STAGE 1: FRONTLINE RESOLUTION

We will always try to resolve your complaint quickly, within five working days if we can. If you are dissatisfied with our response, you can ask us to consider your complaint at stage 2.

STAGE 2: INVESTIGATION

We will look at your complaint at this stage if you are dissatisfied without response at Stage 1. We also look at some complaints immediately at this stage, if it is clear that they are complex or need detailed investigation.

We will acknowledge your complaint within three working days.

We will give you our decision as soon as possible. This will be after no more than 20 working days unless there is clearly a good reason for needing more time.

COMPLAINTS PROCEDURE

If, after receiving our final decision on your complaint, you remain dissatisfied with our decision or the way we handled your complaint, you can ask the SPSO to consider it.

We will tell you how to do this when we send you our final decision.

COMPLAINT SUBMISSION FORM

SCOTTISH BORDERS COUNCIL COMPLAINTS PROCEDURE

CUSTOMER DETAILS

NAME	
ADDRESS	
HOME TEL NO	REF NUMBER (if known)
MOBILE TEL NO	CONTACT TYPE (if repeat enquiry)
EMAIL	FACE TO FACE <input type="checkbox"/>
	TELEPHONE <input type="checkbox"/>
	EMAIL <input type="checkbox"/>
	LETTER <input type="checkbox"/>

THIRD PARTY DETAILS (fill this in if you are making a complaint on behalf of someone ELSE)

NAME	
ADDRESS	
TEL NO	EMAIL

COMPLAINT DETAILS

NAME OF PERSON YOU ARE MAKING A COMPLAINT ABOUT (if applicable)	
ADDRESS TO WHICH THE COMPLAINT RELATES (if applicable)	
FULL DETAILS OF COMPLAINT	
SIGNATURE	DATE

OFFICE USE ONLY

COMPLAINT REF	STAMP
SIGNATURE	

Please return this form to
CUSTOMER ADVICE AND SUPPORT SERVICE
Council HQ | Newtown St Boswells | MELROSE | TD6 0SA

You can get this document on audio CD, in large print, and various other formats by contacting us at the address below. In addition, contact the address below for information on language translations, additional copies, or to arrange for an officer to meet with you to explain any areas of the publication that you would like clarified.

CHIEF EXECUTIVES

Council Headquarters | Customer Advice and Support Service
Newtown St Boswells | MELROSE | TD6 0SA

tel: 0300 100 1800 | email: CustomerAdvice@scotborders.gov.uk

[www: scotborders.gov.uk](http://www.scotborders.gov.uk)



**SCHEME FOR THE
ESTABLISHMENT
OF
COMMUNITY COUNCILS**



**Clackmannanshire
Council**

www.clacks.gov.uk

Comhairle Siorrachd
Chlach Mhanann

1. Introduction

- 1.1. Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government (Scotland) Act, 1994, which produced the current system of unitary local authorities and 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.
- 1.2. The Scheme is designed to enable the establishment of community councils across Clackmannanshire to provide a common minimum basic framework governing their creation and operation.

2. Statutory Purposes

- 2.1. The statutory purposes of community councils established under this Scheme are set out in Section 51 (2) of the Local Government (Scotland) Act 1973, as follows: -
- 2.2. "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. Role of Community Councils

- 3.1. Community councils have a duty under statute to represent the views of their local community. Clackmannanshire Council recognises community councils as the voice of the community on matters which directly affect public services in their areas and as appropriate bodies to participate at all stages of Local Development Planning.
- 3.2. Community councils have a statutory right to be consulted on planning applications which affect their area.
- 3.3. Community councils are competent objectors for licensing applications.
- 3.4. It is the role of community councils to inform the community they represent of matters of public concern and enable and facilitate active community deliberation on key developments affecting their area.
- 3.5. Clackmannanshire Council also recognises the scope community councils have to promote the well-being of the communities they represent; foster community spirit, and safeguard and improve the amenities of the community council area, its buildings and its natural environment.

4. Boundaries and Membership

- 4.1. The boundaries for community council areas and names of the community council areas are as outlined below and shown in this map which annexes this Scheme.
- 4.2. There shall be minimum and maximum membership numbers of community councillors. Only members who were elected at a regular, or interim election count for minimum membership to operate. In addition, there shall be a minimum number of nominations required at a regular election and below which a community council may not establish. These are listed below.

Community Council	Membership maximum	Minimum membership to operate	Minimum nominations at a regular election	Population est
Alloa	16 members	8 members	9 nominations	14085
Alva	14 members	7 members	8 nominations	4824
Clackmannan	14 members	7 members	8 nominations	3716
Dollar	14 members	7 members	8 nominations	3084
Menstrie	14 members	7 members	8 nominations	2826
Muckhart	12 members	6 members	7 nominations	534
Sauchie & Fishcross	14 members	7 members	8 nominations	6425
Tillicoultry	14 members	7 members	8 nominations	5931
Coalsnaughton, & Devonside				
Tullibody, Cambus, & Glenochil	14 members	7 members	8 nominations	9345

5. Eligibility

- 5.1. To qualify for nomination and election to a community council, and membership, a candidate must:
- Reside in the community council area for which membership is sought and,
 - be aged 18 or over and included on the current electoral register for the Community Council Area, or
 - be aged 16 or over and included in the roll of 16-18 year olds held by the Returning Officer
 - Not be, or within the last 5 years have been, declared bankrupt, convicted of any offence of which the sentence was anything other than a fine
 - Not be a Clackmannanshire Council elected member, an MP, an MEP or an MSP.
 - Not to have been refused permission or had permission withdrawn if an employee of Clackmannanshire Council.

6. Establishment

- 6.1. Clackmannanshire Council will invite electors in an area where no community council exists to apply in writing to the Chief Executive for the establishment of a community council in their area.
- 6.2. Clackmannanshire Council will arrange an election where at least 20 electors, who in their own right would be eligible to stand for election to a community council, notify the Chief Executive in writing within 21 days that they wish to see a

- community council established for their area. The method of election will be that of a regular election described in Paragraph 8.
- 6.3. If nominations are received for less than the minimum nomination number, no community council will be formed. Clackmannanshire Council will give a statement of reasons why a community council may not be formed in any area.
 - 6.4. In areas where no community council is established, 20 electors may petition the Chief Executive at any time to hold an election to establish a community council. This will be subject to there being no more than two elections in a twelve month period in any one community council area.
 - 6.5. Clackmannanshire Council will make reasonable arrangements to accommodate establishment of a new community council when a petition is made in the year a regular, National or Local election is scheduled.

7. Election

- 7.1. The method by which people become community councillors shall be open and transparent. Clackmannanshire Council will conduct community council elections to allow a community to establish a community council. Clackmannanshire Council is committed to exploring with community councils innovative approaches to encourage greater involvement in community council elections and to enhance the democratic process.
- 7.2. Election to community councils takes place through three methods, described in Paragraph 8. They are:
 - Regular elections, every four years to fill all places on all community councils
 - Interim elections, in the event that a community council's membership falls close to or below the minimum membership to operate, or when the community council fails to receive the minimum nominations at a regular election
 - Co-option, to be used to maintain membership numbers as soon as a vacancy arises
- 7.3. Regular and interim elections will be conducted by Clackmannanshire Council. Co-options will be conducted by community councils.

8. Election Methods

Regular Elections and Interim Elections

- 8.1. The Returning Officer for community council elections carried out by Clackmannanshire Council will be the Chief Executive of Clackmannanshire Council. The Returning Officer may appoint such number of deputies as may be considered necessary for the proper discharge of the relevant functions.

Regular Elections

- 8.2. Regular elections are held every four years at a time to be determined by Clackmannanshire Council. Clackmannanshire Council will make reasonable arrangements to accommodate community council elections in a year National or Local Elections are scheduled.

- 8.3. Clackmannanshire Council shall set the schedule for regular elections. The first regular elections following the adoption of this Scheme are scheduled for September 2020.

Regular Election Process

- 8.4. Step 1 Nominations

All places on all community councils are available. All serving Community councillors will stand down and will be eligible for re-election. For all serving community councillors, the term of office will end at midnight of the day prior to the scheduled polling day at the next regular election.

Clackmannanshire Council will advertise a Notice of Election by public notices in the area covered by the community council. This notice will invite residents of the area to put forward nominations for membership of the community council.

Nominations will be in the form decided by the Returning Officer and will be subscribed by one proposer and one seconder, both of whom must be eligible for election in their own right. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.

Nominations for election to a community council must be received by the Returning Officer by the time specified.

- 8.5. Step 2 Election Process

Where nominations are received for between the nomination minimum and 100% of the places to be filled by election, those individuals will be declared elected unopposed and the Returning Officer will produce and display a notice to that effect in the local area.

Where at any election the number of nominations received exceeds the number of places to be filled, a ballot will be held.

- 8.6. Step 3 Ballot

When a ballot is held, community councils shall be elected on the Block Voting system. The ballot will be secret and will follow the process set by the Returning Officer.

- 8.7. Optional Step: Nomination deadline extension

Should the total number of candidates nominated be below the minimum nomination number as specified for the community council area, no community council will be established in that area at that time. However, Clackmannanshire Council may, at its discretion, extend the deadline and within 6 months of the closing date for the registration of the first call for nominations issue a second call for nominations for a community council area failing to meet the minimum nomination requirement.

Interim Elections

- 8.8. In the event that a community council's membership falls below or is at risk of falling below the minimum membership to operate, it shall notify Clackmannanshire Council. Clackmannanshire Council will make reasonable arrangements for an interim election to be held to fill places left vacant at a regular or interim election

and vacancies arising since a regular or interim election. Places filled at a regular, or previous interim election are not subject to interim elections, however, places filled by co-option are. An interim election within 6 months of a regular election will be at the discretion of Clackmannanshire Council.

Interim Elections Process

- 8.9. The process for an interim election is that of the nominations and ballot process in a regular election but nominations shall be invited only for the number of vacancies. There will be no second call for nominations. A community councillor elected at an interim election will hold office until the next regular elections.

Co-option

- 8.10. Should a place filled through an election become vacant, community councils shall take steps through a process of co-option to fill the vacancy to maintain membership numbers until the next election. A community council must not co-opt further members if, as a result, the number of co-opted members would exceed one third of the number of community councillors elected at a regular or interim election. Places not filled at a regular or interim election cannot be filled by co-option.

- 8.11. Co-opted members must meet the eligibility criteria set out in this Scheme. A co-opted member must be elected onto the community council by a two-thirds majority of the elected (regular 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 (whether regular or interim). Co-opted members do not count for minimum operating numbers.

Co-option Process

- 8.12. Community councils shall determine the process of co-option. Notice of any proposed co-option procedure is required to be intimated to all of that community council's members and publicly in the community council area at least 14 days prior to the meeting at which the matter will be decided.

9. Meetings

- 9.1. The Returning Officer will call the first meeting of the community council after its establishment and after regular elections. This meeting will take place within 4 weeks of the election or as soon thereafter as is practicable. The election of a chairperson for that meeting from amongst community councillors present must be the first item of business at this meeting. Until a chairperson for that meeting is elected, the Returning Officer or a suitable deputy appointed in his/her place will chair the meeting.
- 9.2. Community councils shall determine the format of their meetings subject to meetings being open to the public, with the place, date, time, nature of the business to be conducted at the meeting and draft note of any decisions made at the previous meeting advertised in the community council area at least 7 days before the meeting.

- 9.3. Each community council will determine the frequency with which it meets subject to a minimum of 4 meetings held in public per year.
- 9.4. Each community council shall hold a meeting by the end of September of each regular election year and by the end of October in non-election years at which it will account for its activities in the previous year, present its annual accounts for approval and elect its office bearers.
- 9.5. Each community council will adopt and make available publicly Standing Orders which lay out the procedure and business for its meetings.

10. Constitution

- 10.1. Each community council is required within 2 months of establishment or as soon thereafter as is practicable to adopt a Constitution which adheres to the terms of this Scheme. The constitution must meet minimum standards of legitimacy, democracy, accountability and transparency relevant to the statutory function of community council and is required to be approved by Clackmannanshire Council prior to adoption by the community council.

11. Resourcing

- 11.1. Clackmannanshire Council will provide assistance to community councils to support their administrative needs. The details of this assistance and resourcing which the Council will from time to time determine will be set out in the Protocol which accompanies this Scheme.
- 11.2. Any financial assistance will be made available to community councils following receipt of bank account details and, in the case of established community councils, approval by the chief finance officer of independently examined annual accounts which the community council can demonstrate have been approved by the community council at a properly-convened meeting which is open to the public.

12. Dissolution and Suspension

Dissolution

- 12.1. Clackmannanshire Council will, upon request of the community in question and following due process as set out in the community council's own constitution, assist a community with the process of the dissolution of a community council.

Suspension

- 12.2. Clackmannanshire Council may move to consider a community council to be suspended where:
 - It has demonstrated a major single breach or a series of breaches to the requirements set out in this Scheme or its adopted constitution and where said breach(es) have not been remedied after being brought to the community council's attention.

- A majority of its members collectively or separately have been charged with an offence under the law
- 12.3. Should Clackmannanshire Council consider a community council to be suspended, it shall publish a public notice in the area giving reasons. Within 2 months of suspension of a community council (or as soon as is practicable) Clackmannanshire Council shall set in motion a process to establish if the community wish to dissolve the community council or take action to re-instate its status. The process will be set out in the public notice.
- 12.4. A community council which is considered by Clackmannanshire Council to be suspended will not receive further Council resources.

13. Exchange of Information

Procedures

- 13.1. Procedures for the exchange of information on matters of mutual interest will be negotiated, and updated to suit changes in working arrangements, between community councils and Clackmannanshire Council. They are set out in the community council Protocol which accompanies this Scheme.

Single Point of Contact

- 13.2. Each community council shall elect from among its members a Single Point of Contact for communication with Clackmannanshire Council and other public authorities, and provide the name and contact details of the Single Point of Contact to Clackmannanshire Council for wider publication to the public. The community council shall notify the Community Council Liaison Officer of any changes to the Single Point of Contact.

Community Council Liaison Officer

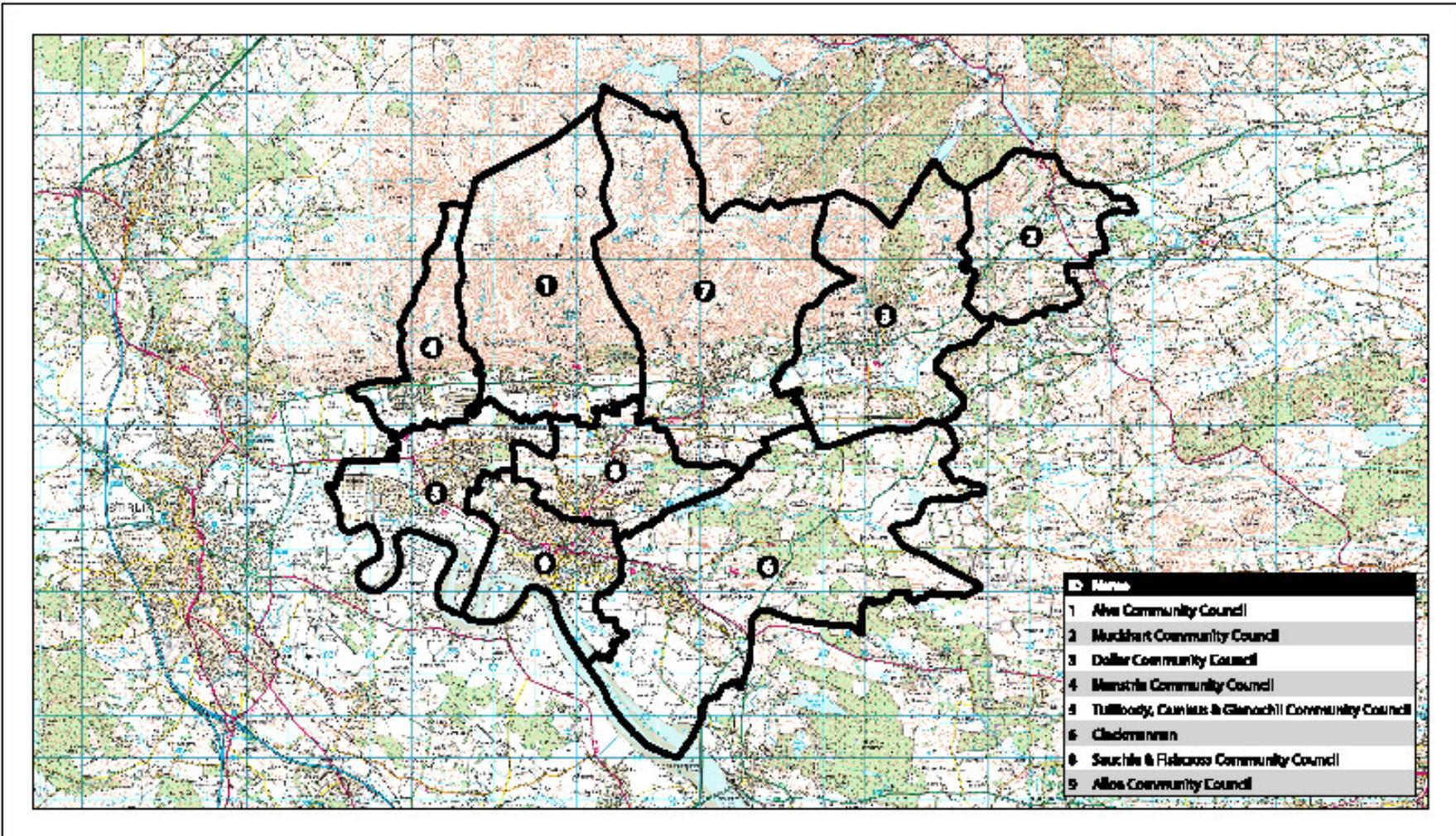
- 13.3. Clackmannanshire Council will appoint a Liaison Officer who will have prime responsibility for ensuring that information exchange mechanisms between community councils and the Council are operational.

Guidance

- 13.4. Clackmannanshire Council will provide guidance where relevant to assist community councils to adhere to the terms of this Scheme.

Adopted: 12th April 2018

Review date : 2022



0 2 4 6 8 10 km

Scale: 1:125,000 Date: June 2017

Paper size: A4 Reference: Community Councils.org

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Community Councils
Proposed Community Council Boundaries
No change to 2011 boundaries

Legend

Community Council boundary

Clackmannanshire Council

www.clackmancouncil.gov.uk

Development & Environment
 Riverside
 Clackmannan Street
 Alloa FK10 1BB

Tel: 01259 499900
 planning@clack.gov.uk

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AMENDED SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN DUMFRIES AND GALLOWAY

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.

Although they are elected bodies, Community Councils do not have the status of local authorities nor are they part of local authorities. Community Councils are a separate legal entity with their own rights and responsibilities created and sustained by the said Acts of 1973 and 1994 to be run in accordance with the approved Scheme.

The Amended 2018 Scheme for Community Councils in Dumfries and Galloway (“The Scheme”) was agreed by The Dumfries and Galloway Council (DGC) on 25 September 2018. Its purpose is to enable the establishment of community councils within Dumfries and Galloway and to provide a common minimum basic framework governing their creation and operation. All Community Councils within Dumfries and Galloway are required to adhere to its terms.

The Scheme supports the operation of Community Councils and is viewed by DGC as the Community Council’s Constitution to encourage and maintain consistency across for all Community Councils. It sets out the basic role and purpose of community councils and the basic rules that are expected to be complied with, including in relation to complaints and the conduct of members.

1.1 STATUTORY PURPOSES

The statutory purposes of Community Councils established under the 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”.

2 ROLES AND RESPONSIBILITIES

2.1 The Role of Dumfries and Galloway Council

2.1.1 Create a Scheme for the Establishment of Community Councils in Dumfries and Galloway with the provision of Boundary Maps.

2.2 Responsibilities of Dumfries and Galloway Council

2.2.1 Arrange for establishment of community councils upon receiving 20 signatures of electors in that area in terms of section 52(7) of the Local Government (Scotland) Act 1973.

2.2.2 Put in place arrangements to effectively share information with Community Councils and put in place a single point of contact to respond to Community Council enquiries.

**AMENDED SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS
IN DUMFRIES AND GALLOWAY**

- 2.2.3 Review the Scheme, both periodically and in response to representations made, and where amendments are required to propose, consult and vote on those amendments in terms of section 53 of the Local Government (Scotland) Act 1973.
 - 2.2.4 Where appropriate, revoke the existing Scheme and replace it with a new Scheme in terms of section 22 of the Local Government etc (Scotland) Act 1994.
 - 2.2.5 Consult directly with Community Councils on all issues where consultation with the public is a statutory requirement.
 - 2.2.6 Advise a Community Council directly, and in advance of Press advertisement, of planning applications within a Community Council's area.
 - 2.2.7 Consult with Community Councils on changes in licensing policies.
 - 2.2.8 Advise a Community Council of major works proposed by DGC, or of major utility works of which DGC is aware and of any changes to timing or duration of those works, within a Community Council's area.
 - 2.2.9 Agree to receive representations from Community Councils on matters of concern to their community.
 - 2.2.10 Promote the Community Council Enquiry Service (CCES) as the single point of contact for Dumfries and Galloway Council. Acknowledge written communications (including e-mails) from Community Councils within 5 working days, and reply within 20 working days. Address complaints about the operation of Community Councils where permitted under the Scheme.
- 2.3 Within the resources available, Dumfries and Galloway Council shall endeavour to:**
- 2.3.1 Ensure that Community Councils continue to be involved effectively in approaches to engage and involve communities in decisions that affect them.
 - 2.3.2 DGC shall determine a consistent level of support to Community Councils across the region within available resources.
 - 2.3.3 Arrange elections for Community Councils.
 - 2.3.4 Make contributions towards the expenses of Community Councils, which may include a grant to cover for example administrative costs or volunteer expenses, furniture, vehicles and equipment.
 - 2.3.5 The Communities Directorate shall offer advice and assistance to Community Councils for development and training on such things as the duties and responsibilities of office bearers, the role of Community Councils, the functions of DGC and other relevant topics.
 - 2.3.6 Involve Community Councils in any consultations arranged through public meetings.

2.3.7 Consult reasonably with Community Councils regarding the administration of local charities and Common Good funds.

2.4 The Role of Community Councils

2.4.1 Community Councils must be inclusive organisations whose general purpose is to act as a voice for their local area. This will involve Community Councils articulating the views and concerns of local people in their area on a wide range of issues of public concern and make representations to DGC, other public sector bodies and private agencies on matters within their area of interest. This may also include the administration of Windfarm community benefit funds.

2.4.2 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.

2.5 Responsibilities of Community Councils

2.5.1 **Consultation by public sector and other agencies:** Community Councils have a statutory right to be consulted on planning applications, and may from time to time be consulted on issues such as licensing, matters affecting the local community and interface with the Scottish Government.

2.5.2 **Other Activities:** Community Councils may carry out any other activities that are in the general interests of the communities they represent, provided these activities fall within the objects of the Scheme.

2.5.3 **Partnership Working:** Community Councils should aim to establish effective working relationships with DGC, Public Authorities and wider organisations.

2.5.4 **Community Engagement:** The Community Council will encourage and facilitate consultation with the community to listen to and consider the views of local people. Depending on the issue, methods may include social media, public meetings, community surveys, comment or suggestion boxes, as well as clear agendas and minutes. The National Standards for Community Engagement are available to guide Community Councils on engaging with their community
<http://www.scdc.org.uk/what/national-standards/>.

2.5.5 **Representation:** Community Councils have a duty under statute to represent the views of their local community. It is vital that they reflect the broad spectrum of opinion and interests of all sections of the community. In order to fulfil their responsibilities as effective representatives, Community Councils shall;

2.5.6 **Inform the community:** Community Councils are required to inform the community of the work and decisions of the Community Council (CC) by posting agendas and draft minutes/approved minutes of their meetings in public places within the boundary and, subject to the provisions contained within the Data Protection Act 2018 provide contact details of Community Council members aged over 18.

2.5.7 **Governance:** In carrying out their activities, all members of the Community Council, regardless of whether they are elected, co-opted, associate or ex-officio must at all times adhere to the law, and the terms of the Scheme including the Code of Conduct. All Community Councillors sign a declaration to adhere to the terms of the Scheme and

AMENDED SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN DUMFRIES AND GALLOWAY

Code of Conduct on the nomination form for Election and Co-option Community Councils are also encouraged to accept the advice and guidance published by the Scottish Government:

(<http://www.gov.scot/Topics/Government/PublicServiceReform/CommunityCouncils/GoodPracticeGuidanceVer2>). For the avoidance of doubt where there may be a contradiction between Scottish Government Guidance and the Scheme, the Scheme takes precedence.

- 2.5.8 **Changes in Membership:** DGC must be informed of any change in membership (resignations, Associate Membership, etc.) and circumstances within one calendar month.
- 2.5.9 **General Data Protection Regulations:** A Community Council handles personal data therefore each Community Council is required to adhere to all relevant legislation. It is required to register with the Information Commissioner's Office (ICO) details available at <https://ico.org.uk>. Further guidance on this is available at <https://ico.org.uk/for-organisations/register/>.
- 2.5.10 **Circulate agendas, draft and approved minutes of meetings to:** Community Councillors, Ward Elected Members and DGC CommunityCouncils@dumgal.gov.uk and to any other interested parties, for example Public Sector Bodies and those who request them for a specific purpose. Agendas should be displayed publically for at least 7 calendar days before an ordinary meeting and at least 14 calendar days before an Annual General Meeting (AGM) or Extraordinary General Meeting (EGM). Minutes should be marked draft or approved. Public display may include website, social media as appropriate.
- 2.5.11 Seek to broaden representation and expertise by promoting Associate Membership of the Community Council to persons for specific projects/issues.
- 2.5.12 **Comply with The Equality Act 2010:** Community Councils are required to comply with this Act which requires us to look at equality in terms of the nine "protected characteristics": age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation. The Community Council should therefore make a particular effort to actively and sensitively engage with these groups and to encourage election of a diverse body of members. Everyone has the right to be treated fairly and have access to the work of the Community Council. It is recommended as good practice to hold meetings of the Community Council in venues that are accessible to all
- 2.5.13 **Complaints Handling:** There is an independent complaints handling procedure at **Schedule 3** of The Scheme. All Community Councils should adhere to it as it forms part of the Scheme. Any Third party with a complaint against the Community Council should use the Independent Complaints procedure contained in Schedule 3.

3. BOUNDARIES AND ESTABLISHMENT

- 3.1 **Boundaries:** A map showing the boundaries of all Community Council areas, the number of registered voters and the minimum and maximum permitted number of members for each Community Council are detailed in **Schedule 1** of the Scheme. Each Community Council has a copy of its own boundary map and copies of boundary maps are available online at DGC's website and by contacting your local Customer Service Centre.

**AMENDED SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS
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3.2 All Community Councils established at the date of adoption of this Amended Scheme by DGC shall continue to be established and shall operate in accordance with this Amended Scheme subject to 15.1.

3.3 **Establishment:** Where the community wishes to establish a Community Council, or re-establish a dissolved Community Council, within a Community Council area shown in Schedule 1, a written application to DGC by 20 electors should be made in accordance with Section 52(7) of the Local Government (Scotland) Act 1973. The 20 electors will prepare, together with DGC officers, for the establishment or re-establishment of a CC in that area. The newly established Community Council will be elected in terms of the by-election process. Any new Community Council shall be entitled to apply to DGC for a pro-rata payment of the discretionary grant for the remainder of the financial year in which it re-established.

4. CONSTITUTION

4.1 **Constitution:** The Scheme shall operate as a Constitution for each Community Council and its members regardless of their classification.

4.2 The Secretary must retain an accurate record of membership and ensure new Community Councillors have access to this Scheme.

4.3 Any proposed addition must comply with the terms and spirit of the Scheme. A proposed addition must have the support of two thirds of voting members of the Community Council and be approved in writing by Dumfries and Galloway Council.

5. MEMBERSHIP OF COMMUNITY COUNCILS

5.1 **Composition of Community Council.** A Community Council may be composed of the following types of members, all of whom shall adhere to the Scheme:

Role	Elected Community Councillor	Co-Opted Community Councillor	Associate Member	Ex-Officio Member
Process for Election	Section 7.5	Section 5.5.1	Section 5.5.2	Section 5.4.2
Able to propose motions and vote on decisions	✓	✓		
Eligible to be appointed as an Office Bearer (subject to 6.1)	✓	✓		
Propose and Elect a Co-Opted Member	✓			
Adherence to “The Scheme”	✓	✓	✓	✓

5.2 **Membership:** Schedule 1 contains the *minimum and maximum permitted number of members with voting rights* and any request to change these numbers must be made during a Review of the Scheme. For example:

Maximum permitted members	11
Minimum permitted members	4

**AMENDED SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS
IN DUMFRIES AND GALLOWAY**

Maximum number of Co-opted members	3
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- 5.2.1 The maximum number of Community Councillor members may be made up as follows:
- Candidates elected at an ordinary election, by-election (contested or uncontested) or casual vacancy election up to the maximum permitted numbers;
 - Candidates co-opted in accordance with the process in 5.3 and 5.4 of the Scheme, subject to the co-opted members not exceeding ONE THIRD of the maximum permitted members. In this case, if there are fractions when calculating membership numbers, these should be rounded down. For example, if the maximum permitted number is 11, the maximum number of co-opted members would be 3.

5.3 **Qualification for Community Council Member:** Whether elected or co-opted, members of a Community Council require to be:

- 5.3.1 - 16 years or over;
- reside within the Community Council area;
- be named on the current register of electors for that area on the date of being proposed for membership;

5.3.2 Any individual who is Elected to serve on DGC, of 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 of the Community Councils contained in whole or part of their Electoral Constituency.

5.3.3 Should a Community Councillor cease to be named on the current register of electors for that area, they must cease to be a Community Councillor. However, if a Community Councillor leaves the Community Council area but retains their main residence within the Community Council area and continues to be named on the current register of electors for that area and no other area in the UK, they may continue to be a Community Councillor provided they can fulfil the requirements for meeting attendance.

5.4 **Status of Associate and Ex-officio Community Council Members:** These individuals have no entitlement to vote, propose or second motions or amendments, count towards meeting a quorum, hold office or be a representative or delegate on its behalf. For the avoidance of doubt, these members are not Community Councillors.

5.4.1 **Qualification for Associate Members:** Associate Members do not need to meet the requirements of 5.3 and may be appointed where there is a need for individuals with particular skills or knowledge. Associate Members may also include representatives from other constituted local voluntary organisations.

5.4.2 **Qualification for Ex-officio Members:** The Elected Members of DGC, the Scottish Government, the UK Government and European Parliament whose area of representation includes any part of the Community Council area shall be *ex-officio* members.

5.5 **Process of Appointment**

**AMENDED SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS
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- 5.5.1 **Co-opted Community Councillor:** Co-opted members must be proposed and seconded by Elected Community Councillors at an ordinary meeting, AGM or EGM and approved by a two-thirds majority of the elected Community Council members.
- 5.5.2 Public notice of any proposed co-option must be on the published agenda for the meeting at which the matter will be decided and the agenda and draft/approved minutes must include the name and address of each proposed co-opted Community Councillor and their proposer.
- 5.5.3 The number of co-opted members will be determined by the number of vacancies, in relation to the maximum permitted membership of the Community Council. For the avoidance of doubt, the number of co-opted members must not exceed one-third of the maximum permitted membership of the Community Council and shall be in accordance with **Schedule 1**.
- 5.5.4 If the number of nominations for a co-opted member exceeds the available number of vacancies then the Community Council should fill the vacancies by way of a casual vacancy election in section 7.9.1.
- 5.5.5 **Associate Members:** Associate Members must be elected at an ordinary meeting, AGM or EGM by a two-thirds majority of the elected Community Council members. The agenda and draft/approved minute must include the name and address of each proposed Associate Member and their proposer. The name and address of under 16 year olds will not be published. Agreement to adhere to the Scheme shall be minuted at the time of appointment.
- 5.6 Term of Office (subject to Clause)**
- 5.6.1 **Elected Community Councillor:** The term of office for elected Community Councillors shall extend from one Ordinary or By-Election to the next Ordinary/ By-Election, whichever is earlier and all Community Councillors shall assume office at 8am on the day after the date set for the ordinary or by-election.
- 5.6.2 **Co-opted Community Councillor:** Shall serve from their appointment until the next round of elections be they ordinary election, by-election or casual vacancy election and all co-opted members shall assume office at 8am on the day after the ordinary election, by-election or casual vacancy election (see comments above 5.6.1)
- 5.6.3 **Associate Members of Community Council:** May serve for a fixed period (determined by the Community Council) or for the term of office of the Community Council, that has appointed them.
- 5.6.4 **Ex-Officio Members** will serve while they serve as an Elected Member of DGC.

6. OFFICE BEARERS

6.1 APPOINTMENT OF OFFICE BEARERS AND TERM OF OFFICE:

At the first meeting of the Community Council after an Election or By-Election, and following the removal of an office bearer, the Community Council shall appoint a Chair, Secretary, and Treasurer. The Community Council may appoint additional office bearers. It is recommended as good practice that no one person holds the same position for more than four consecutive years, however, this is at the discretion of the Community Council.

AMENDED SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN DUMFRIES AND GALLOWAY

- 6.2 Office bearers shall not be eligible to hold more than one position on the Community Council. The Chair and one other office bearer shall be elected Community Councillors. The remaining office bearer may be a co-opted Community Councillor. In the fulfilment of an office bearers role, it shall be possible to appoint an Associate Member to support the functions and activities of an office bearer (for example, a minute secretary). Office bearers shall serve until the next AGM and shall be eligible for re-election at the next AGM, provided they still meet the eligibility requirements for election at sections 5 and 6.2. If an office bearer position becomes vacant, the Community Council may appoint, at its next ordinary meeting, a temporary replacement to serve until the next AGM
- 6.3 To propose a nominee for office bearer, the proposer must be present at the meeting. If there is more than one nominee for the same position a vote is required at which all Elected and Co-opted members can vote. Proxy voting is not permitted. When a person nominated for office is unable to attend the meeting, the nominee must confirm in writing to the Returning Officer (or Community Council Secretary if there is one in place) at least one working day before the meeting that they are willing to accept office if elected.
- 6.4 **The Role of the Chair:**
- Shall act as the official spokesperson and representative of the Community Council;
 - Convenes and presides over meetings;
 - Shall be responsible for ensuring that Community Council operates in accordance with “The Scheme”;
 - Will submit a written report on the Community Councils activities from the previous year at each AGM.
- 6.5 **The Role of the Secretary:**
- Liaison with officials of the local authority and other Public Sector Bodies with responsibilities in the area of the Community Council;
 - Prepares the agenda for meetings and circulates all supporting papers and other information to members;
 - Publishes notices of meetings in public places/the community council’s website/local libraries and sends copies to DGC;
 - Confirming at the start of meetings that a quorum is present and the Community Council remains correctly constituted and able to conduct its business;
 - In the absence of the Chair, presides over the appointment of a temporary Chair for the meeting;
 - Checks, circulates and publishes draft and final Minutes of meetings as above;
 - Inform DGC of any change in membership (resignations, Associate Membership, etc.) and circumstances within one calendar month;
 - Answering all correspondence;
 - Writing any letters;
 - Public relations, dealing with the press, TV and radio (the community council could decide to delegate this role to the Chair, or a dedicated media representative);
 - Looking after invited visitors and guest speakers;
 - Arranging the venue for meetings;
 - The duties may be allocated to more than one member including Associate Members, for instance having someone to act as Minute Secretary - taking minutes at meetings.

6.6 The Role of the Treasurer:

- Issuing all cheques and making payments on behalf of the Community Council and any charities and/or other funds dispersed by the Community Council;
- Managing the bank account and account for all funds received, ensuring money is only spent in a manner approved by the Community Council Members as recorded in the minutes;
- Maintaining the Community Council's financial records so that they disclose, with reasonable accuracy at any time, the financial position of the Community Council;
- Ensuring cheques are signed by two persons authorised by the Community Council Members as recorded in the minutes, and in accordance with the bank mandate;
- Revising the bank mandate as required on resignation/appointment of office bearers;
- Preparing and speaking to a written financial report at each meeting, and an annual financial report at the AGM;
- Reporting and answering any questions raised by Members of the Community Council or the public on the Annual Statement of Accounts.

6.7 Removal of office bearers: In the event that an office bearer is not performing their duties to the Community Council's satisfaction, a motion to remove that office bearer from their post can be considered at a Community Council meeting provided that notice has been given on the agenda for the meeting. The office bearer concerned shall be given an opportunity to be heard at the meeting orally or in writing. The motion shall require a proposer and seconder and to be passed by a two-thirds majority of elected and co-opted members of the Community Council (excluding the Member affected). If passed, the office bearer shall be deemed to have been removed from that post and the post will require to be filled as the next item of business at that meeting.

6.7.1 The liabilities and responsibilities of all Office Bearers shall not cease until they have transferred all documents and assets that they may hold in their capacity as on Office Bearer.

7. COMMUNITY COUNCIL ORDINARY ELECTIONS & CASUAL VACANCY ELECTIONS

7.1 Voters' Eligibility: Voters in a Community Council election must be 16 years or over, reside within the boundary of the Community Council area and be named on the current register of electors for that area.

7.2 Elections: Community Council elections are organised by the Returning Officer and administered by DGC or the Community Council with consent from DGC. Ordinary elections shall be held in October at the same frequency as the Local Government Elections. DGC may re-schedule the election date/cycle of Community Council elections where there are circumstances, which affect a community's ability to become involved in the democratic process.

7.3 Returning officer (RO): In consultation with the Community Council, DGC will appoint a Returning Officer who must not be a current member of the Community Council nor intend to stand for election to the Community Council.

- 7.4 **Nominations:** Nomination forms must be signed by one proposer who must be on the current register of electors for the Community Council area and nominations should be submitted with the candidate's consent. Each person may propose only one person and if they propose more than one person the RO will use the earlier dated form and if the forms are dated the same then the first paper read by the RO shall be eligible. Self-nomination is not permitted. All names on nomination forms must match those on the current register of electors; nicknames or abbreviations should not be used.
- 7.4.1 A nomination form must be completed and submitted by the date and time set down in the election timetable. Late nomination forms will not be accepted. Candidates for election may withdraw their nomination but only if they advise their withdrawal in writing to the RO by the closing date for nominations.
- 7.5 Election Process**
- 7.5.1 **Uncontested election:** If the number of validly nominated candidates is equal to or more than the minimum permitted membership, but does not exceed the maximum permitted membership in **Schedule 1**, the said candidates will be declared to be elected and no ballot shall be held. This is an uncontested election and Community Council members will be considered to have been elected unopposed. Community Councillors shall assume office at 8am on the day following the date set for the ordinary, by-election or filling of casual vacancies.
- 7.5.2 **Contested election:** Should the number of candidates validly nominated be more than the maximum permitted membership in **Schedule 1**, arrangements for a Poll shall be made. The Notice of Poll should be publicly displayed for 14 days immediately prior to the election and contain the names and addresses of candidates and proposers, their electoral registration numbers and the venue, dates and times fixed for the conduct of the Poll and the count. Community Councillors shall assume office at 8am on the day following the date of the ordinary, by-election or filling of casual vacancies.
- 7.5.3 **Voting at elections:** Voting shall be by paper ballot at a designated polling place. Ballot papers shall be laid out in a style approved by DGC. There will be no provision for postal or proxy voting. The hours of polling, shall be determined for each Community Council area by the Returning Officer, in consultation with the Community Council. At the Poll, each voter shall be entitled to vote for candidates up to the number of vacancies on the Community Council. A voter can only vote for an individual candidate once.
- 7.5.4 **Non-establishment:** Should the number of candidates validly nominated be below the minimum permitted membership, no Community Council will be established at that time. However, DGC may decide to issue a second call for nominations for a Community Council area failing to meet the minimum membership requirement, within 3 months of the closing date for the registration of the first call for nominations. Valid nominations from the first call for nominations will remain valid for the second call for nominations.
- 7.6 **Method of Election:** Elections will be based on whole Community Council areas and Community Council members shall be elected on a simple majority basis. In the event of more than one candidate receiving the same number of votes or the last available seat(s) on the Community Council, the successful candidate(s) shall be decided by lot. As soon as possible after any election, the Returning Officer shall give public notice of the names and addresses of members elected.
- 7.7 **Vacancies between Ordinary elections:**

Casual vacancies on a Community Council may arise when an individual Elected or Co-opted Community Council member:

- submits their written resignation to the Secretary of the Community Council or to another Office Bearer in the absence of a Secretary;
- ceases to be resident within that Community Council area
- is no longer on the current register of electors;
- has their membership disqualified (section 8 of the Scheme); and
- on the death of a Community Council member.

7.8 Options when filling vacancies between Ordinary elections:

7.8.1 If the vacancy results in the number of Elected Community Councillors falling below the minimum number as defined in Schedule 1 then the Community Council is dissolved and a By-election is required (7.9.3)

7.8.2 If the vacancy does not result in the number of Elected Community Councillors falling below the minimum number as defined in Schedule 1 then the vacancy can be filled by:

- Holding a casual vacancy election; or
- Co-option – provided the existing Co-opted membership is not equal to the maximum stated in Schedule 1.

7.9 Methods of filling vacancies between Ordinary Elections.

7.9.1 Casual vacancy election –The members elected as a result of this process will be Elected Community Councillors so the provisions regarding eligibility at 5.3 shall apply. All Co-opted Members shall stand down and the total number of vacancies shall be recorded in the minutes along with the decision to use a casual vacancy election. Arrangements shall be put in place to hold an EGM (9.6.2) for the purpose of a casual vacancy election for all of the available vacancies. A Returning Officer shall be nominated for appointment by DGC. The number of vacancies shall be publicised within the Community Council boundary through for example notice boards and social media. Nomination forms will be made available by and returned to the Returning Officer within 21 days of the decision to hold the meeting. The election requirements of 7.1-7.5 shall apply

7.9.2 **Co-option:** See sections 5.5.1 of the Scheme.

7.9.3 **By-election:** Where the number of elected Community Councillors falls below the minimum permitted membership in Schedule 1, the CC shall be dissolved on the date that the number fell below the minimum permitted. All voting members of the Community Council shall leave office on that day. The outgoing Chair, or if unavailable the Secretary, shall inform DGC in writing of the dissolution of the Community Council within 7 days. The Community Council will not be re-established until:

- DGC receive notification in terms of 3.3; and
- A By-election takes place. DGC will make arrangements for this to be held within six weeks of receiving the notification in terms of 3.3.

7.9.4 The by-election shall be held on a date to be determined by DGC and subsequent elections will be held at the next scheduled ordinary election in the cycle. The election requirements of 7.1-7.5 shall apply.

8.0 DISQUALIFICATION OF MEMBERSHIP

8.1 Community Council membership is invalidated should:

- A Community Council member loses their eligibility in terms of section 5.3.
- A Community Council member fail to attend at least half of the scheduled Community Council meetings in any financial year (with or without submitting apologies). At the discretion of individual Community Councils, a period of leave of absence for members may be granted at any meeting of the Community Council, in which case the automatic termination rule does not apply.

9. MEETINGS

9.1.1 **First Meeting:** The first meeting following an ordinary or by-election will be called by the Returning Officer (RO) and will take place within a calendar month of the date of the election. Failure to hold the first meeting within this timescale shall result in dissolution. The RO must chair the first meeting until a Chair has been appointed, after which the Chair shall preside over the meeting.

9.1.2 At their first meeting Community Councils should adopt the Scheme which also operates acts as the Constitution. The Scheme should be signed on behalf of the Community Council by the Chairman, witnessed by another Community Council Member as detailed at Section 16.

9.1.3 Within one calendar month of the first meeting, the Secretary shall provide DGC with a written return including the full contact details of all Community Council members.

9.2 **Frequency of meetings:** This will be determined by each Community Council, subject to a minimum of one AGM and 5 ordinary meetings being held each financial year (*an ordinary meeting is a scheduled business meeting*). The AGM shall be held in the same month each year, to be determined by the Community Council. Dates, times and venues of ordinary meetings shall be fixed at the first meeting of the Community Council following elections and thereafter at its AGM. Should a Community Council not hold quorate meetings on 2 consecutive scheduled occasions, it shall be deemed to be dissolved.

9.3 **Quorum:** A Community Council meeting will only be quorate if the minimum permitted number of elected members as shown in Schedule 1 are present.

9.4 **Voting:** All motions or amendments shall be moved and seconded. All votes shall be carried by a majority of the voting membership except where specifically stated to the contrary in the Scheme. If a vote results in a tie the meeting Chair shall have a casting vote.

9.5 **Public attendance and their voting rights:** All meetings of the Community Councils and its committees shall be open to members of the public, including members of the Press where they wish to attend. Proper provision should be made for the accommodation of the public and they should have the opportunity to address the

Community Council, under the guidance of the Chair. Members of the Public have no voting rights at any Community Council Meeting.

9.6 Annual General Meeting

Shall take place on the same month each year. Fourteen calendar days public notice is required. AGM agendas shall include:

- Annual report from the Chair
- Annual report from the Treasurer
- Independently examined and certified Statement of Accounts and asset register
- The appointment of Office Bearers
- Any other business that can be competently dealt with at an AGM.

9.6.1 Extraordinary General Meetings: An EGM may be called:

- On the request of the Chair of the Community Council
- On the request of at least **one-third** of the current voting membership
- in the event of the Community Council deciding to hold elections to fill casual vacancies or
- On the request of **20** electors for the Community Council area.

The meeting shall be held within **21** calendar days of the Secretary's receipt of the request. The reason for holding the EGM must be clearly stated in the notice calling the meeting. It will only be necessary to call such a meeting if the subject matter of the request cannot be dealt with at the next ordinary meeting of the Community Council. Fourteen calendar days' public notice is required before an EGM.

9.7 Sub-Group: A Community Council may arrange for the discharge of any of its role or responsibilities to a sub group. When a sub-group is established, details of the membership and terms of reference shall be included in the minutes of the Community Council. If a subgroup is appointed to discharge the role or responsibilities of a Community Council, a majority of the sub-group members shall be elected members of the Community Council. Decisions may be made by the sub-group and reported back to the next Community Council meeting. Meetings of such sub-group shall be open to the general public as observers and shall be minuted.

9.8 Working Parties: Where a working party is formed which has no decision-making powers but rather will make recommendations to the Community Council, it will **not** be necessary to hold those meetings in public.

9.9 Approval of minutes: Ordinary meeting minutes shall be approved at the next ordinary meeting; AGM minutes shall be approved at the next Annual General Meeting

9.10 Decisions: A decision taken at any meeting of the Community Council may not be changed within 6 calendar months of the date of the meeting unless the Chair rules that there has been a material change of circumstances and notice has been given of the proposed change in the agenda for the meeting.

10. INFORMATION SHARING

10.1 Community Councils should contact Community Council Enquiry Service: CommunityCouncils@dumgal.gov.uk as the first point of contact for all queries or requests for assistance. The Communities Directorate is the main point of contact for

Community Councils. It should be noted that other Council Officials will contact Community Councils from time to time.

- 10.2 Community Councils may make representations to DGC and other public and private agencies on matters for which they are responsible and which they consider to be of local interest. In the case of statutory business (such as planning or licensing matters) or consultation by specific DGC department representations should be made to the appropriate DGC official.

11. RESOURCING A COMMUNITY COUNCIL

- 11.1 **Funds:** All monies raised by or on behalf of the Community Council or provided by DGC and other sources shall be used to further the statutory purposes, role and responsibilities of the Community Council and for no other purpose.
- 11.2 **Financial year:** This shall be from **1 April to 31 March** (or as agreed by the Community Council) to allow for the proper submission of independently examined accounts to the Community Council's AGM on a specified date.
- 11.3 **Authorised signatories:** Three office bearers of the Community Council, provided they are unrelated (as defined by the law on Charities), shall act as signatories to the Community Council bank account. In the event that any office bearers are related, another elected member will be nominated and approved. Any changes to the authorised signatories should be approved and minuted by the Community Council. All cheques and withdrawals should require a minimum of two from those appointed, one of whom should be an elected Community Councillor. Should a nominated signatory leave the Community Council they shall cease to be an authorised signatory at the date they intimate their resignation or they cease to be qualified to be a community council member but shall co-operate in their removal as an authorised signatory.
- 11.4 **Financial Records:** Maintain proper financial records and present financial reports at Community Council meetings. Records should include all income and expenditure and an asset register.
- 11.5 **Independently examined accounts:**
- 11.5.1 The Treasurer shall keep proper accounts of Community Council finances, and prepare an annual accounting statement for examination and certification by a person appointed by the Community Council who is independent of the Community Council. The form of the annual accounting statement shall be an income and expenditure account showing general funds and specified funds (such as windfarm community benefit funds) separately and an asset register.
- 11.5.2 An example of the required form is included in the Scottish Government's guidance on Community Councils (para 2.6.5). A copy of the independently examined accounts shall be submitted for approval to the Community Council's AGM and forwarded to DGC within 7 calendar days of the AGM.
- 11.5.3 DGC can at its discretion, require a Community Council to produce such records, vouchers and accounts books as DGC considers are required. If there is suspected financial impropriety, DGC has the right to commission a financial governance audit of the Community Council (to be carried out by DGC's internal auditors) or other type of

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independent financial review of the Community Council (to be carried out by DGC's external auditors).

11.5.4 DGC's internal/external auditors will require access to the Community Council's records, its accounts and financial arrangements so that the auditors may follow the trail of public money from DGC through the CC to its final destination.

11.6 Discretionary Grant

11.6.1 Subject to 11.6.2 and 11.6.3, DGC shall provide an annual grant to Community Councils to be used at their discretion to further the CC's statutory purposes, role and responsibilities and for no other purpose.

11.6.2 The discretionary grant application should be submitted in accordance with the guidance provided by DGC, as early in DGC's financial year (1 April to 31 March) as possible, and no later than the last day of February in each financial year. Late applications will not be processed.

11.6.3 **Preconditions to Release of Discretionary Grant:** The Community Council shall submit to DGC:

- Agenda and draft minutes no less than **7** calendar days before an ordinary meeting, **14** calendar days before an AGM or EGM;
- Approved minutes **7** calendar days after the meeting at which they were agreed.
- A scanned copy of The Scheme as Constitution.
- Failure to hold an AGM will result in the CC's discretionary grant being with-held or reclaimed, whichever is appropriate.

11.7 **Other DGC grants:** Each CC shall be eligible to apply for grants for suitable projects through DGC's grant system, provided it is in accordance with local priorities, commitments and eligibility criteria.

11.8 **Community benefit funds:** Where the CC is responsible for the administration of Windfarm community benefit monies, or any other community funds, a complete audit trail shall be kept of all such financial transactions. The receipts and payments shall be included in the CC's annual financial statement and distinguished from other activities therein. If any question arises about the receipt or use of community benefit funds, the CC should seek to agree any proposed use of funds with the developer in advance or seek its own legal advice before committing itself financially. A failure to operate funds in accordance with conditions and procedures of the developer or administering body may amount to a breach of the Community Council's purpose and lead to withdrawal or recovery of funding.

11.9 **Expenses:** Community Councillors may be reimbursed from Community Council funds for reasonable expenses incurred in performing the duties of their posts. Where any Community Councillor is authorised to attend a meeting, they may be entitled to expenses and subsistence at the current DGC rate for elected Members (available from: <http://www.dumgal.gov.uk/CHttpHandler.ashx?id=1933&p=0>).

12. INSURANCE AND THE LIABILITY OF COMMUNITY COUNCIL MEMBERS

12.1 DGC shall ensure best value for Community Councils in relation to their public liability insurance cover (blanket scheme). Public liability insurance includes cover for the

community resilience activities that are contained within a Community Council's agreed community resilience plan. Once the insurance underwriter has confirmed that insurance cover is agreed, the Community Council will be informed. Should a Community Council have any doubt as to the appropriateness of its insurance cover, it may decide to withdraw from the 'blanket' scheme and make arrangements for its own insurance - in this case the Community Council must inform DGC.

- 12.2 It is for individual Community Councils to assure themselves over the level of cover that they have, and they must ensure they take out **additional insurance cover** for other activities not covered by the 'blanket' policy, either with the existing insurance provider or an alternative insurance provider.
- 12.3 For the avoidance of doubt, DGC's blanket insurance scheme only indemnifies Community Councils who have acted within the terms of this Scheme and for activities arising from the general purpose of Community Councils (para 1.1).

13.0 DISSOLUTION OF A COMMUNITY COUNCIL

- 13.1 **When a Community Council can be dissolved:** A Community Council may be dissolved by its own decision (13.6) or on the decision of DGC (13.7).
- 13.2 **Transfer of Assets and Submission of Certified Accounts:** when a Community Council dissolves all assets (property and funds) as are held in trust or under the Community Council's control at the date of dissolution (**after** the satisfaction of any proper debts or liabilities) shall transfer to DGC, nominally or physically at the discretion of DGC, who shall hold same in trust for a future CC representing that area. The liabilities and responsibilities of all members and office bearers of the former Community Council shall not cease until the transfer of assets from the former Community Council to DGC and the submission of satisfactory certified accounts as in 11.5 and certified statement of assets and liabilities for the final period of operation of the former Community Council to DGC.
- 13.2.1 **Certified statement of assets and liabilities:** Following dissolution the former Community Council must produce a certified statement of assets and liabilities and submit this to DGC within 4 calendar weeks of the date of dissolution.
- 13.3 **Transfer of Assets to a new Community Council:** Should a new Community Council be established within 4 years of the date of dissolution, all such assets which had been transferred to and held in trust by DGC shall be transferred to the new Community Council along with the transfer of liability to all members and office bearers who have voting rights.
- 13.4 **Transfer of Assets if no new Community Council:** Should a Community Council fail to be re-established within 4 years of the date of dissolution all assets including money held in bank, building society etc. accounts may be disposed of by Dumfries & Galloway Council for such community or charitable purposes in the former Community Council area as DGC, in its sole discretion, decides.
- 13.5 **Discretionary Grant:** The Treasurer of the former Community Council shall arrange for the pro rata share of the discretionary grant received by the Community Council from DGC relating to the remaining period of the Community Council's financial

year to be repaid to DGC. Any new Community Council shall be entitled to apply to DGC for a pro-rata payment of the discretionary grant for the remainder of the financial year in which it re-established.

- 13.6 Community Council decision to dissolve:** If the CC decides (by a majority of the current voting membership) that it is necessary or advisable to dissolve, it shall agree a date for an EGM [a public meeting] to be held to discuss the proposed resolution to dissolve. Not less than **14** calendar days prior to the date of such meeting the CC must place a public Notice of Meeting in the local newspaper. Provided the EGM is quorate, if the resolution is supported by a majority of those persons present and eligible to vote.
- 13.7 Situations Which May Lead to DGC dissolving a Community Council:**
- 13.7.1 Inadequate number of Community Councillors:** Where the number of elected Community Councillors falls below the minimum specified in **Schedule 1** of the Scheme, the Community Council is dissolved at the date the number falls below the permitted minimum elected Councillors.
- 13.7.2 Failure to hold sufficient ordinary meetings:** Should a Community Council fail to hold a quorate meeting for a period of **2** consecutive scheduled meeting dates, the Community Council shall be deemed to be dissolved the day following the date of the second scheduled meeting which has not taken place.
- 13.7.3 Failure to hold First Meeting:** Should a Community Council fail to hold its First Meeting within one month of Election or By-election.
- 13.7.4 Failure to hold an AGM:** Should a CC fail to hold an AGM in any financial year, DGC will investigate the reasons why an AGM has not been held and seek clarification as to how this will be remedied. If the situation cannot be remedied this may lead to dissolution of the Community Council.
- 13.7.5 Result of Financial Audit** Should the results of a Financial Audit in terms of 11.5.2 lead DGC to conclude that the CC should be dissolved as a result of fraud, financial maladministration or malfeasance in office.
- 13.7.6** On the Recommendation of a Review Panel in terms of Section 5 of the Independent Complaints Procedure (Schedule 3).

14.0 TITLE TO PROPERTY

- 14.1** Property and other assets, including funds, belonging to the Community Council shall be owned in the name of the office bearers for sole the benefit of Community Council.
- 14.2** All property and other assets, including funds, belonging to the Community Council shall be used to further the statutory purposes, role and responsibilities of the Community Council and for no other purpose. A Community Council may not 'forward fund' or otherwise put assets entrusted to it out of reach of an incoming Community Council or the community it serves.
- 14.3** If a Community Council wishes to transfer its property or other assets,

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including funds, to or enter into a legal relationship with a third party, the Community Council should seek its own independent legal advice on this matter.

- 14.4 In the event that the Community Council transfers its property or assets, including funds, to a third party the Community Council hereby grant DGC the right to follow such transfer to the third party to ensure that it has been applied in accordance with its intended purpose. This requirement shall be included in any such transfer regardless of whether it is expressly stated by the Community Council to the third party.
- 14.5 **Transfer of assets to a new Community Council:** The former Community Council will cease at 8am on the day following an election or by-election and all assets and responsibilities will immediately transfer to the newly elected Community Council. Transfer of Assets on dissolution is dealt with in section 13.2-13.4.

15.0 AMENDMENT OF THIS SCHEME

- 15.1 The Scheme and its schedules were passed by resolution of the Dumfries & Galloway Council in terms of section 53 of the Local Government (Scotland) Act 1973 on 25 September 2018. With the exception of Schedule 1, the terms of The Scheme came into force on 1 November 2018. The terms of Schedule 1 shall come into force in October 2019, following the next scheduled ordinary election of Community Councils in Dumfries and Galloway, or following any by-election prior to that date (but not any election to fill casual vacancies).
- 15.2 DGC shall, in terms of section 53 (1) of the Local Government (Scotland) Act 1973, from time to time review this Scheme and its Schedules, and shall receive representations from members of the public in terms of, Section 53(1) of the Local Government (Scotland) Act 1973.
- 15.3 Dumfries and Galloway Council may propose to make a new scheme in terms of section 22 (3) of the Local Government etc (Scotland) Act 1994.
- 15.4 Any request to create a new Community Council area can be made during a Review of the Scheme. Such requests should demonstrate local support for the proposal, including minuted or written requests from the public; and the written agreement of the Community Council proposing the change and those Community Councils affected by the change. Potential for working across Community council boundaries can take place at any time. Partnership working across Community council Boundaries is encouraged and can take place at any point during the lifetime of The Scheme.

**AMENDED SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS
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16.0 SIGNATURE

16.1 The Scheme also operates as the Community Councils Constitution and should be signed as laid out below:

This Constitution was adopted by COMMUNITY COUNCIL, on
..... (date)

Signed on behalf of the Community Council by:

Chairman: Date:

Name (block capitals):

Date:

Witnessed by Community Councillor:Date:

Name (block capitals):

Date:

**AMENDED SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS
IN DUMFRIES AND GALLOWAY**

SCHEDULE 1: Community Council names, registered voters and maximum permitted membership

COMMUNITY COUNCIL NAMES, NUMBER OF REGISTERED VOTERS AND MAXIMUM PERMITTED NUMBERS OF COMMUNITY COUNCILLORS WITH VOTING RIGHTS

	Name of Community Council	No. of registered voters as at 01/09/17	MAXIMUM total membership	MINIMUM* no. of Elected Members
	*If the number of Elected Members falls BELOW the minimum, the CC must dissolve (ref. Scheme 14.5)			
	ANNANDALE & ESKDALE (23 in total)			
1	Brydekirk & District	442	11	4
2	Canonbie & District	1,139	14	5
3	Cummertrees & Cummertrees West	680	11	4
4	Dalton & Carrutherstown	333	11	4
5	Eastriggs, Dornock & Creca	1,840	14	5
6	Eskdalemuir	216	11	4
7	Gretna & Rigg	2,690	14	5
8	Hoddom & Ecclefechan	905	11	4
9	Johnstone	401	11	4
10	Kirkpatrick Fleming & District	584	11	4
11	Kirkpatrick Juxta	479	11	4
12	Kirtle & Eaglesfield	840	11	4
13	Langholm, Ewes & Westerkirk	2,167	14	5
14	Lockerbie & District	4,077	17	6
15	Middlebie & Waterbeck	374	11	4
16	Moffat & District	2,459	14	5
17	North Milk	395	11	4
18	Royal Burgh of Annan	7,027	17	6
19	Royal Four Towns	401	11	4
20	Springfield & Gretna Green	402	11	4
21	Templand & District	184	11	4
22	The Royal Burgh of Lochmaben & District	1,932	14	5
23	Wamphray	159	11	4
	NITHSDALE (40 in total)			
24	Ae	174	11	4
25	Auldgirth & District	431	11	4
26	Beeswing	168	11	4
27	Caerlaverock	498	11	4
28	Carronbridge	192	11	4
29	Closeburn	683	11	4
30	Corberry & Laurieknowe	2,310	14	5
31	Dunscore	615	11	4
32	Durisdeer	109	11	4
33	Georgetown	5,120	17	6
34	Glencairn	774	11	4
35	Heathhall	3,107	14	5
36	Holywood & Newbridge	422	11	4
37	Irongray	314	11	4
38	Keir	216	11	4
39	Kingholm Quay	705	11	4

**AMENDED SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS
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	Name of Community Council	No. of registered voters as at 01/09/17	MAXIMUM total membership	MINIMUM* no. of Elected Members
	*If the number of Elected Members falls BELOW the minimum, the CC must dissolve (ref. Scheme 14.5)			

	Nithsdale continued			
40	Kirkbean	247	11	4
41	Kirkconnel & Kelloholm	1,619	14	5
42	Kirkmahoe	570	11	4
43	Kirkmichael	376	11	4
44	Lincluden	1,668	14	5
45	Locharbriggs	1,558	14	5
46	Lochside & Woodlands	3,284	14	5
47	Loreburn	5,138	17	6
48	Mouswald	271	11	4
49	New Abbey	445	11	4
50	Penpont	480	11	4
51	Ruthwell & Clarencefield	486	11	4
52	Ryedale	2,007	14	5
53	Southernness	139	11	4
54	St Michael's	2,295	14	5
55	Summerville & Stakeford	2,497	14	5
56	Terregles	748	11	4
57	The Royal Burgh of Sanquhar & District	1,762	14	5
58	Thornhill	1,477	14	5
59	Tinwald Parish	468	11	4
60	Torthorwald	1,038	14	5
61	Troqueer Landward	965	11	4
62	Tynron	103	11	4
63	Wanlockhead	152	11	4
	STEWARTRY (23 in total)			
64	Auchencairn	387	11	4
65	Balmaclellan	243	11	4
66	Balmaghie	452	11	4
67	Borgue	334	11	4
68	Buittle Parish	445	11	4
69	Carsphairn	169	11	4
70	Castle Douglas	3,220	14	5
71	Colvend & Southwick	812	11	4
72	Corsock & Kirkpatrick Durham	549	11	4
73	Crossmichael & District	721	11	4
74	Dalbeattie	3,454	14	5
75	Dalry	488	11	4
76	Dundrennan	161	11	4
77	Gatehouse of Fleet	1,242	14	5
78	Kelton	399	11	4
79	Kirkgunzeon	298	11	4
80	Lochrutton	387	11	4
81	Parton	146	11	4
82	The Royal Burgh of Kirkcudbright & District	3,094	14	5

PROPOSED AMENDMENTS TO **APPENDIX 2**
SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS
IN DUMFRIES & GALLOWAY

	Name of Community Council	No. of registered voters as at 01/09/17	MAXIMUM total membership	MINIMUM* no. of Elected Members
	*If the number of Elected Members falls BELOW the minimum, the CC must dissolve (ref. Scheme 14.5)			
	Stewartry cont'd			
83	The Royal Burgh of New Galloway & Kells Parish	546	11	4
84	Tongland & Ringford	348	11	4
85	Twynholm	430	11	4
86	Urr	1,016	14	5
	WIGTOWN (21 in total)			
87	Cairnryan	139	11	4
88	Castle Kennedy	372	11	4
89	Cree Valley	3,752	17	6
90	Garlieston	335	11	4
91	Isle of Whithorn	271	11	4
92	Kirkcolm	530	11	4
93	Kirkcowan	490	11	4
94	Kirkmabreck	780	11	4
95	Kirkmaiden	583	11	4
96	Leswalt	551	11	4
97	Lochans	405	11	4
98	New Luce	179	11	4
99	Old Luce	1,056	14	5
100	Portpatrick	614	11	4
101	Port William & District	866	11	4
102	Royal Burgh of Wigtown & District	1,495	14	5
103	Sorbie	260	11	4
104	Stoneykirk	864	11	4
105	Stranraer Ochtreure & Belmont	7795	17	6
106	The Royal Burgh of Whithorn & District	821	11	4
	TOTALS	117,256	1,291	466

Scheme adopted at a meeting of the Dumfries & Galloway Council on 26 June 2014 – reviewed 25/09/2018

PROPOSED AMENDMENTS TO **APPENDIX 2**
SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS
IN DUMFRIES & GALLOWAY

SCHEDULE 2: Code of Conduct

1.0 INTRODUCTION

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc. (Scotland) Act 2000. The local authority is Dumfries & Galloway Council and is referred to as 'DGC' in this document.

2.0 PRINCIPLES

2.1 As elected representatives of their communities, Community Councillors have a responsibility to make sure they are familiar with, and that their actions always comply with, the principles set out in this Code of Conduct:

- Service to the community (public service)
- Selflessness
- Integrity
- Objectivity
- Accountability and stewardship
- Openness
- Honesty
- Leadership
- Respect.

3.0 SERVICE TO THE COMMUNITY (PUBLIC SERVICE)

3.1 As a Community Councillor you must at all times act within the law and in accordance with the Scheme for the Establishment of Community Councils (hereafter called "the Scheme"), as set out by DGC under the terms of the Local Government (Scotland) Act 1973. You should never do anything as a Community Councillor which you could not justify to the public. Your conduct, and what the public believes about your conduct, will affect your Community Council's reputation. At all times you should avoid any occasion for suspicion and any appearance of improper conduct. If you are in any doubt about your actions, seek advice from the Chair or another Community Councillor or from your own legal adviser.

3.2 You have a duty to act in the interests of the local community which you have been elected or nominated to represent.

3.3 You should ensure that you are, within reason, accessible to the residents living in the Community Council (CC) area as determined by the electoral roll, and put in place various mechanisms to allow the general community to express their views.

4.0 SELFLESSNESS

4.1 You must not use your position as a Community Councillor to gain financial, material,

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political or other personal benefit for yourself, family or friends.

- 4.2 Whilst you should take into account the views of your local community and you may be strongly influenced by the views of others, it is your responsibility to decide what view to take on any question about which Community Councillors have to make a decision.

5.0 INTEGRITY

- 5.1 You must not place yourself under any financial or other obligation to any individual or organisation that might be thought to influence you in your representation of your community. Non-financial interests can be just as important. Private and personal interests include those of your family and friends, as well as those arising through membership of/association with clubs, societies and other organisations.
- 5.2 You should not accept gifts or hospitality that may be seen to influence (or intended to influence) your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the CC's Secretary.
- 5.3 Whilst the law does not require you, as a Community Councillor, to disclose your direct and indirect financial interests (including those of a partner with whom you are living) in any matter coming before the CC, nor prohibit you from speaking or voting on that matter, you should behave as if the law* applying to Dumfries & Galloway Councillors applies to you. For guidance on declaration of interests, see Section 5 (pages 13-20) of the Standards Commission for Scotland's Councillors' Code of Conduct (hyperlink below). * www.standardscommissionscotland.org.uk/codes-of-conduct/councillors-code-of-conduct
- 5.4 Where you have declared a private or personal interest, you should decide whether it is clear and substantial. If it is not, then you may continue to take part in the discussion of the matter and may vote on it. If it is a clear and substantial interest then (except in the special circumstances described below) you should never take any further part in the proceedings, and should always withdraw from the meeting whilst the matter is being considered. In deciding whether such an interest is clear and substantial, you should ask yourself whether members of the public and your fellow Community Councillors, knowing the facts of the situation, would reasonably think that you might be influenced by it.

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- 5.5 In the following circumstances it may still be appropriate to speak, and in some cases to vote, in spite of the fact that you have declared such a clear and substantial private or personal interest. If your interest arises:
- in your capacity as a member of a public body, you may speak and vote on matters concerning that body (for this purpose a public body is one where, under the law governing declarations of financial interests, membership of the body would not represent an indirect financial interest);
 - from being appointed by your CC as its representative on the managing committee or other governing body of a charity, voluntary body or other organisation formed for a public purpose (and not for the personal benefit of the members), you may speak and vote on matters concerning that organisation;
 - from being a member of the managing committee, or other governing body of such an organisation, but you were not appointed by your CC as its representative, then you may speak on matters in which that organisation has an interest; you should not vote on any matter directly affecting the finances or property of that organisation, but you may vote on other matters in which the organisation has an interest;
 - from being an ordinary member or supporter of such an organisation (and you are not a member of its managing committee or other governing body), then you may speak and vote on any matter in which the organisation has an interest; OR
 - if at least HALF of the CC would otherwise be required to withdraw from consideration of the business because they have a personal interest.
- 5.6 If you decide that you should speak or vote, despite a clear and substantial personal or private non-financial interest, you should declare at the meeting **before** the matter is considered that you have taken such a decision, and why.
- 5.7 You should always apply the principles about the disclosure of interests to your dealings with DGC Officers, and to your unofficial relations with other councillors at, for example, informal occasions no less scrupulously than at formal meetings of the CC and its Committees.
- 5.8 This guidance also applies to CC Committees but if the Committee is very small, or if a large proportion of members declare a personal interest, it will usually be most appropriate for the matter to be referred to the full CC.
- 5.9 You, or some firm or body with which you are personally connected, may have professional business or personal interests within the CC's area. Such interests may be substantial and closely related to the CC's work.

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You should not seek or accept, membership of the CC or any of its Committees if that would involve you in disclosing an interest so often that you could be of little value to the CC, or if it would be likely to weaken public confidence in the duty of the Community Council to work solely in the general public interest.

- 5.10 You should not seek or accept the role of Chair of the Community Council or one of its Committees if you or anybody with whom you are associated has a substantial financial interest in, or is closely related to, the business or affairs of the CC.

6.0 OBJECTIVITY

6.1 In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

6.2 You may be appointed or nominated by your CC to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

7.0 ACCOUNTABILITY AND STEWARDSHIP

7.1 You are accountable for the decisions and actions that you take on behalf of your community through the CC. You must ensure that the CC uses its resources efficiently, effectively and fairly, strictly for CC business and in accordance with the law.

7.2 Community Councillors will individually and collectively ensure that the CC's business is conducted according to the Scheme and this Code of Conduct.

7.3 Community Councillors will individually and collectively ensure that annual accounts are produced showing the CC's financial undertakings as set out in the Scheme.

7.4 Minutes of meetings recording all actions and decisions made should be produced and circulated to all CC members as soon as possible after each meeting.

7.5 Any breach of the Scheme may be reported to DGC to determine what action, if necessary, should be taken by DGC.

7.6 As a Community Councillor or a Committee member, you may receive information that has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. You should never disclose or use confidential information for the personal advantage of yourself or of anyone known to you, or to the disadvantage or discredit of the CC or anyone else.

8.0 OPENNESS

8.1 You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of

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others.

- 8.2 If you have dealings with the media, members of the public, or others not directly involved in your CC, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the CC. Community Councils and Community Councillors should carefully consider any comments/statements they make during meetings, in public, through social media and to the Press, taking into account the standards outlined in this Code of Conduct.

9.0 HONESTY

- 9.1 You have a duty to act honestly. You should treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. There are no hard or fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be a proper way of doing business, provided that they are approved by the CC beforehand and that no extravagance is involved. Likewise, it may be reasonable for a member to represent the CC at a social function or event organised by outside persons or bodies.
- 9.2 There may be rules enabling you to claim expenses and allowances in connection with your duties and these rules must be scrupulously observed.
- 9.3 You should always make sure that any facilities (such as transport, stationery, or secretarial services) provided by the CC for use in your duties are used strictly for those duties and for no other purpose.

10.0 LEADERSHIP

- 10.1 You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the CC and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.
- 10.2 You should act to assist the CC, as far as possible, in the interest of the whole community that it serves. Where the concerns of particular interest groups are in conflict with those of other groups or other areas, you should help to ensure that the CC is aware of them.

11.0 RESPECT

- 11.1 You must respect fellow members of your CC and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person with whom you have dealings in your capacity as a Community Councillor.
- 11.2 Recognition should be given to the contribution of everyone participating in the work of the CC. You must comply with the Equality Act 2010 and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skills and

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experience taken into account.

- 11.3 You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

12.0 SANCTIONS

- 12.1 Failure to observe the Code of Conduct may lead to suspension if felt appropriate by the CC. This matter will be decided by a majority of Community Councillors with voting rights.

SCHEDULE 3: Independent Complaints Procedure

1. INTRODUCTION

This Appendix to the Scheme for the Establishment of Community Councils in Dumfries & Galloway (hereafter called “the Scheme”), gives guidance on how complaints about Community Councils or disputes between members of the Community Council (CC) may be dealt with. The Independent Complaints Procedure forms part of the Scheme, which all Community Councils are required to adhere to. It does NOT apply to:

- Complaints that have been submitted more than 12 months after the complainant became aware of the matter they want to complain about.
- Complaints that are being dealt with by insurers.
- Complaints that are the subject of legal proceedings or statutory procedures.

2. WHAT IS A COMPLAINT?

A complaint is an expression of dissatisfaction about a Community Council or individual Community Councillor, which requires action to remedy, for example:

- Failure to conform to the Scheme or to exercise their purpose under the Scheme.
- Failure to provide information/giving incorrect information.
- Behaviour or conduct of a Community Councillor acting in their role as a Community Councillor.
- The absence of policies or procedures.
- Alleged discrimination, for example on the grounds of race, gender, disability, age, sexual or religious orientation.

If any doubt remains as to whether the complainant’s dissatisfaction qualifies as a complaint, the complainant’s wishes should be respected. If the complainant insists on making a complaint then they should be allowed to do so and have their complaint investigated fairly in all respects.

All complaints should be submitted to the Community Council’s responsible person for complaints and responded to in writing (by e-mail or letter). After receiving a complaint, at all stages communication with the complainant should be by their preferred method: e-mail, letter or telephone. The CC or Community Councillor who is the subject of a complaint will be invited to make representations at all stages of the process.

All timescales are in working days i.e. Monday to Friday. However, some complaints may take a longer period to sort out in which case timescales may be extended and the complainant advised.

3. STAGE 1: LOCAL RESOLUTION

A complaint expressing dissatisfaction about a CC or an individual Community Councillor should be made to the Community Council. Complaints should always be made in writing (by letter or email). The CC’s Secretary would usually be the

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responsible person for dealing with complaints, but another Community Councillor could be appointed. If the complaint is about the responsible person for dealing with complaints, the complaint should be sent to another office bearer.

If a complaint is raised with an elected Member (local Councillor) of Dumfries & Galloway Council (DGC) or an officer of DGC, the complainant shall be advised to submit their complaint directly to the Community Council.

The Community Council should try to resolve any complaint quickly and informally where possible. If it is not possible for immediate resolution, the Community Council shall:

- Appoint an investigating officer and send a written acknowledgement of the complaint within **5 working days**.
- Convene a Special Meeting of the Community Council within **30 working days** of receipt of the complaint to consider the investigating officer's findings. This meeting may be held in private, in compliance with the Scheme. This may require some Community Councillors to be excluded due to conflict of interest e.g. being implicated in the complaint.
- Inform the complainant about the outcome in writing within **42 working days** from the date the complaint was received by the Community Council, advise whether the points of complaint were upheld, not upheld or partially upheld; and give advice on Stage 2 in the event that the complainant is not satisfied with the outcome.
- In the event the timescales cannot be met, write to update the complainant regularly until the outcome of the complaint is available.

4. STAGE 2: APPEAL TO REVIEW PANEL

If a complainant is not happy with the response of the Community Council to the complaint, they may request a referral to a Review Panel. A request for review must be made in writing to the Community Council **within 20 working days** from the date of the written response to the original complaint. The request for a review will be acknowledged in writing by the Community Council within **5 working days** from the date the request is received by the Community Council.

The Review Panel should involve a Chair (not necessarily the Chair of the Community Council) and three Community Councillors from other Community Councils.

The Review Panel shall seek to negotiate an acceptable resolution; and the outcome will be confirmed to the complainant and the Community Council within **35 working days** of the receipt of the request for review and will advise what further action, if any, may be taken in the event that either the complainant or Community Council continues to be unhappy.

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The Review Panel will make recommendations to the Community Council as to further action which may be taken e.g. in the event that complaints are considered vexatious then no further redress would be appropriate.

5. REMEDY & REDRESS

When at any stage a complaint is found to be upheld the response will seek to provide an appropriate resolution. This may include:

- an explanation and an apology;
- a proposal to see an appropriate resolution;
- advice on any changes to be made as a result of the complaint to avoid problems recurring in the future.

Censure or suspension of a community councillor (see below) may be considered at Stage 1 in cases of obvious misconduct, following appropriate checks and approvals before such action is taken.

The Review Panel at Stage 2 may impose sanctions as a result of the complaint and these sanctions may include:

- Censure (an official rebuke or expression of disapproval) but otherwise taking no action against an individual member or a Community Council.
- Suspension for a period not exceeding 6 months of entitlement of a member of a Community Council to act in such capacity.

The Review Panel may make a recommendation to Dumfries & Galloway Council that:

- Any sums payable to the Community Council should be withheld.
- The Community Council should be dissolved in accordance with Section 13.7.5 of the Scheme of Establishment (or as revised).

6. COMPLAINTS RELATING TO FINANCIAL IMPROPRIETY OR CRIMINAL ACTIVITY

Any complaints to the Community Council alleging financial impropriety should be given careful consideration as to decide how to proceed and, if appropriate, DGC Communities Business Management staff should be advised. Upon receipt of complaints making allegations of criminal activity the Community Council should consider whether to involve the Police.

DGC has the right to commission a financial governance audit or other type of independent financial review of the CC if there is suspected financial impropriety. The Council's auditors will have access to the CC's key records and, if appropriate, its accounts and financial arrangements so that the auditors may follow the trail of public money from DGC through the CC to its final destination.

7. INVESTIGATIVE REPORTS

Investigative reports shall be written by the person responsible for investigating a complaint, and will be shared with the complainant.

Scheme adopted at a meeting of the Dumfries & Galloway Council on 26 June 2014 – reviewed 25/09/2018

DUNDEE CITY COUNCIL

REPORT TO: Leisure, Arts and Communities Committee - 25 October 2010

REPORT ON: Revised Scheme for the Operation of Community Councils

REPORT BY: Director of Leisure and Communities

REPORT NO: 608-2010

1.0 PURPOSE OF REPORT

1.1 To approve the revised Scheme for the Operation of Community Councils, Code of Conduct for Community Councillors and Review of Community Council Boundaries for consultation.

2.0 RECOMMENDATIONS

2.1 Agree the draft revised Scheme for the Operation of Community Councils (see Appendix 1) and the Code of Conduct for Community Councillors (see Appendix 2).

2.2 Approve the revised timeline for the establishment of Community Councils as per the revised scheme (see Appendix 5).

3.0 FINANCIAL IMPLICATIONS

3.1 The report itself has no direct financial implications for the Council.

3.2 Any additional costs created would be contained within existing revenue budgets.

4.0 MAIN TEXT

4.1 The Scheme For The Operation Of Community Councils adopted by Dundee City Council in 1997 was revised in October 2002.

4.2 The Council's current Scheme For The Operation of Community Councils makes provision for the establishment of 19 Community Councils. Four Community Councils are currently active in Dundee (West End, Broughty Ferry, Fintry, City Centre and Harbour).

4.3 Five Neighbourhood Representative Structures have been recognised as having the same rights as Community Councils in Dundee (Ardler Village Trust, Kirkton Partnership, Stobswell Forum, Whitfield Development Group and Coldside Forum). These groups have their own governance frameworks and therefore the proposed National Model Scheme of Establishment for Community Councils will not apply to them. However, there is an opportunity for further dialogue with these groups on the applicability of the National Code of Conduct and the Good Practice Guidance provided by the Community Council Working Group.

5.0 PROCESS AND TIMESCALE FOR REVIEW OF SCHEME OF OPERATION FOR COMMUNITY COUNCILS IN DUNDEE

5.1 It was previously approved at Committee in June 2009 that the timescale for reviewing the Scheme of Operation For Community Councils in Dundee will extend from

July 2009 until July 2010. It was acknowledged that there would also be a further five month period from July 2010 until December 2010 to allow time to nominate and elect Community Councillors. A revised timeline is detailed in Appendix 5.

- 5.2 Existing Community Councils, Neighbourhood Representative Structures, Community Regeneration Forums and Local Management Groups in Community Centres have been consulted on the review of the existing boundaries for Community Councils. Dundee Civic Forum were formally consulted in August 2010. The outcome was that they were supportive of the content of the Revised Scheme of Operation, The Code of Conduct for Community Councillors and the proposal to realign Community Council Boundaries with the eight multi-member Wards.
- 5.3 The first stage of consultation involved a review of existing Community Council boundaries. Consultations were held in Community Centres and Libraries across the city.
- 5.4 Elected members have been consulted on the review of the Community Council boundaries. There is a consensus across all parties that the Community Council boundaries should be re-aligned within the eight Multi-Member Ward boundaries (see Appendices 3 and 4). The revised boundaries were approved by the Leisure and Communities Committee on 24 May 2010.

6.0 POLICY IMPLICATIONS

- 6.1 This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management.

There are no major issues.

- 6.2 An Equality Impact Assessment has been carried out and will be available on the Council website <http://www.dundee.gov.uk/equanddiv/equimpact/>.

7.0 CONSULTATION

- 7.1 The Chief Executive, Depute Chief Executive (Support Services), Assistant Chief Executive, and Director of Finance have been consulted on this report and are in agreement with its contents.

8.0 BACKGROUND PAPERS

The following background papers as defined by Section 50D of the Local Government (Scotland) Act 1973 were relied on to a material extent in preparing the above report.

- New Model Scheme of Operation for Community Councils.
- Code of Conduct for Community Councillors.
- Equality Impact Assessment.

STEWART MURDOCH
DIRECTOR OF LEISURE AND COMMUNITIES
12 OCTOBER 2010

REVISED SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN DUNDEE

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 and to provide a common minimum basic framework governing their creation and operation.

2. Statutory Purposes

The statutory purposes of the 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 their local authority within 14 days from the date of that meeting, to enable their circulation to community council members, relevant elected members, local authority staff 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 detailed description of the named community council areas and maps that define their boundaries can be made available on request.

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 a 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.

16 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 the 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 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.

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 leads 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 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 this route.

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 1 April - 31 March each 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, request 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 will provide an annual administrative grant to community councils to assist with the operating costs of the community council providing the balance of funds in community council's administration accounts are less than twice the amount of their administration grant entitlements. The grant shall be fixed at a minimum flat rate of £330 with an additional minimal 1.2p per head of population.

The local authority shall determine any additional support services/resourcing, such as: photocopying and distribution of community council minutes and 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.

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

Community Councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles, shall apply to all Community Councillors and those representing the Community Council. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Service to the Community

As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Councils Scheme for the Establishment of Community Councils, as set out by your local authority under the terms of the Local Government (Scotland) Act 1973.

You 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.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Council.

Objectivity

In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your Community Council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the Community Council. You must ensure that the Community Council uses its resources prudently and in accordance with the law.

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to the Council's Scheme for the Establishment of Community Councils and this Code of Conduct.

Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Council's Scheme for the Establishment of Community Councils. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Council business and for no other purpose.

Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting.

Any breach of the Council's Scheme for the Establishment of Community Councils as set out by your local authority under the terms of the Local Government (Scotland) Act 1973 may be reported to your local authority to determine what action, if necessary, should be taken.

Openness

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the Media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.

Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

Leadership

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

Respect

You must respect fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, you have dealings with in your capacity as a Community Councillor.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. You 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.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

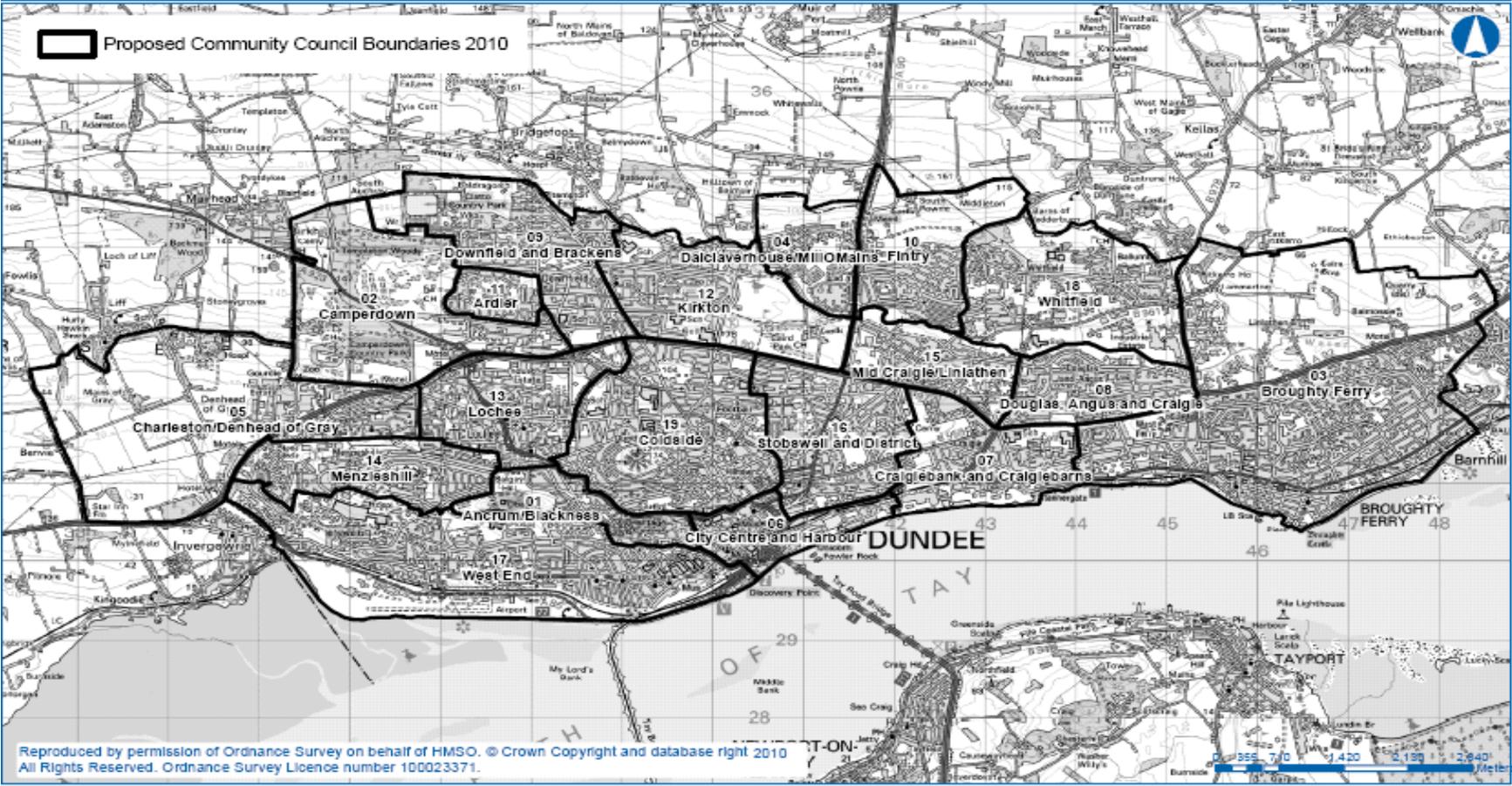
Breach of Code of Conduct

Any breach of the Code of Conduct may result in a suspension until such times as matters are resolved.

Proposed Community Council Boundaries

Dundee CHANGING FOR THE FUTURE
Tayside House,
28 Crichton Street, Dundee, DD1 3RB

 Proposed Community Council Boundaries 2010



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EAST AYRSHIRE COUNCIL

SCHEME FOR COMMUNITY COUNCILS

1. 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, also made provision for the continuation of Community Council. This legislation provides the legal framework for Community Councils.
- 1.2** This Scheme provides for the establishment of Community Council across East Ayrshire and is based on the national model scheme endorsed by the Scottish Government, COSLA and the Association of Scottish Community Councils. The scheme reflects local circumstances and has been produced following consultation with all active Community Councils and all other interested parties.
- 1.3** To accompany this scheme, and support Community Councils, there will be provided:
- Community Councillors' Code of Conduct;
 - A Model Constitution;
 - Model Standing Orders; and
 - Guidance Notes.

These will be updated regularly as required.

2. Statutory Purposes

- 2.1** The statutory purposes of Community Councils established under this 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

- 3.1** 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 East Ayrshire Council, other public sector bodies and private agencies on matters within their sphere of interest.
- 3.2** It is essential that these views be demonstrated to be accurately representative of the community. Accordingly, the Community Council will have in place appropriate consultative mechanisms which will ensure that all sectors of their community can be informed, involved and represented.

- 3.3** 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.
- 3.4** Overall, Community Councils should engage with and establish positive working relationships with East Ayrshire Council 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**.
- 3.5** Each Community Council is required to adopt a **Constitution, based upon the Model Constitution** which has been produced for national use, together with **Model Standing Orders**, 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 East Ayrshire Council.
- 3.6** 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.
 - Minutes of Community Council meetings should be submitted to East Ayrshire Council's Administration Manager, Democratic Services, within 14 days of them being adopted by the Community Council. Agendas should be submitted at the same time as the minute of the meeting to which it relates.
 - Submit, to the Head of Democratic Services or his representative, a distribution list and method for circulating agendas and minutes to Community Council member, ex-officio members and other interested parties, that complies with the Community Council's Constitution and standing orders.
 - 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.
 - Inform East Ayrshire Council's Head of Democratic Services or his representative of any change in membership (resignations, Associate Membership, etc.) and circumstances, as soon as it is practicable and record any such changes in membership within council minutes.

- 3.7 The general purpose of a Community Council is to act as a voice for its local area and to that end a Community Council requires to reflect the broad spectrum of opinion and interests of all sections of its community and should not in any way be influenced by any particular political group or ideology.

4. The Role of a Community Councillor

- 4.1 Community Councillors are required to represent the views of their local community. To do this Community Council members will have to ascertain the views of people in the community on particular topics. The views of the community may, from time to time, conflict with the personal views of individual Community Council members. When this situation arises a Community Council is required to ensure that the view of the community takes precedence over the personal views of individual members.

- 4.2 Community Councillors are also required to abide by the Code of Conduct for Community Councillors and adhere to the general principles contained in the code.

5. Community Council Areas

- 5.1 East Ayrshire Council is divided up into 35 Community Council areas and Community Councils may be established to serve and represent these areas as set out in the Annexation to the Scheme. The boundaries of the Community Council areas are detailed on maps which are available for inspection at Democratic Services, Council Headquarters, London Road, Kilmarnock, KA3 7BU, or on the Council's Website at www.east-ayrshire.gov.uk.

6. Membership of Community Councils

Elected and Co-opted Members

- 6.1 There shall be minimum and maximum membership numbers of elected Community Councillors in a Community Council. There shall be a minimum of 10 members to represent a population of up to 500 and 1 additional member per 500 of population.
- 6.2 The membership numbers of Each Community Council, including the maximum number that may be co-opted during any yearly elected cycle period of a Community Council, are as detailed in the Annexation to this Scheme.
- 6.3 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. Some young people who are 16-17 years old may not appear on the Electoral Register so qualification can be confirmed by other means such as confirmation in writing from parent, guardian or school.

Ex Officio Members

- 6.4 East Ayrshire Councillors, MPs, MSPs and MEPs, whose wards or constituencies fall wholly or partly within the geographical area of the Community Council area shall be ex-officio members of the Community Council.

- 6.5** Ex-officio members shall not be eligible to be elected or co-opted representatives and shall have no entitlement to vote, move motions or amendments or hold office.

Associate Members

- 6.6** Associate members may be appointed by a Community Council where there may be a need for individuals with particular skills or knowledge. Associate members have no entitlement to vote, move motions or amendments or hold office. They may serve for a fixed period as determined by the Community Council or for the term of the office of the Community Council that has appointed them. Associate members may also include for example someone with experience on IT or environmental issues.

7. Community Council Elections

Eligibility

- 7.1** 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.
- 7.2** Sixteen and seventeen year-olds residing in the Community Council area and named on the Electoral Register for that area and subject to the provision of paragraph 6 above, 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 new residents.
- 7.3** Any Community Council member who no longer resides within that Community Council area will have their membership terminated from the date their residency ceases from that Community Council.
- 7.4** Any individual who is elected to serve on East Ayrshire Council, 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 part of their electoral constituency.

Elections

- 7.5** The first elections to be held under the scheme shall be held on a date or dates to be determined by East Ayrshire Council's Head of Democratic Services.
- 7.6** Subsequent elections will be held on a four-yearly-cycle, outwith local government election years, on dates to be determined by East Ayrshire Council's Head of Democratic Services. Should Community Councils' election cycle fall in the year of Scottish Local Government or Parliamentary Elections, the electoral proceeding will be held the following year.
- 7.7** All elections will be administered by East Ayrshire Council.
- 7.8** The Chief Executive of East Ayrshire Council or her/ his nominees shall act as Returning Officer for elections administered by East Ayrshire Council and shall be responsible for regulating the conduct of these elections. The decision of the

Returning Officer or her/his nominee on all matters of election and nomination procedures shall be final.

Nominations

- 7.9** 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. Each elector may propose one nominee and second one nominee. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.
- 7.10** A nomination form should be completed and submitted by the date set down in the election timetable. No nomination forms submitted after that date will be accepted.

Process

- 7.11** At the end of nomination period:
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 Annexation 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 number of available places, a ballot will take place. At the ballot, each voter shall be entitled to vote for candidates up to the number of vacancies on the Community Council, but cast no more than one vote for each candidate. For example, if there are 21 candidate and 14 vacancies, each voter can vote for up to 14 candidates but cast only one vote for each candidate.
 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 nominates for the Community Council area failing to meet the minimum membership requirement within six months of the closing date for the registration of the first call for nominations.

Method of Election

- 7.12** Elections shall be conducted by secret ballot of local electors, organised by East Ayrshire Council, as determined appropriate by East Ayrshire Council's Head of Democratic Services. Community Councils shall be elected on a simple majority basis.

Filling of Casual Places/ Vacancies between Elections

- 7.13** Casual vacancies on a Community Council may arise in the following circumstances:
- Death of an elected Community Council member;
 - 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 in accordance with paragraph 9 of this scheme.

7.14 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 East Ayrshire Council. 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, East Ayrshire Council 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

7.15 Co-opted members must be eligible for membership of the Community Council as detailed in Section 6 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.

7.16 The number of co-opted members may not exceed a **THIRD** of the 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 Representatives

7.17 Associate members may be appointed by a Community Council where there may be a need for individuals with particular skills or knowledge. Associate representatives have no entitlement to vote, move motions or amendments or hold office. They 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 representatives may also include for example someone with experience in IT, or environmental issues.

Ex-Officio Members

7.18 East Ayrshire 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 have no entitlement to vote, move motions, or amendments or hold office.

8. Equalities

8.1 Recognition should be given to the contribution of everyone participating in the work of the Community Council. Community Council 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

9.1 Membership of a Community Council is invalidated should a Community Councillor's residency qualification within that Community Council area cease to exist.

9.2 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. However, at the discretion of individual Community Councils and at the request of the individual member of the Community Council, a period of leave of absence of up to 3 consecutive months may be granted at any meeting of the Community Council.

10. Meetings

10.1 The first meeting of a Community Council following a Community Council election, will be called by the Returning Officer or her/his nominee 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.

10.2 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 no later than 31 October each year to which the Annual Report and Financial Accounts of the Community Council for the previous year should be submitted.

10.3 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 greater.

10.4 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

11.1 In order to facilitate the effective functioning of Community Councils, the local authority has identified that the Administration Manager, Democratic Services 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 Council should, in the first instance, be directed through that official.

11.2 Community Councils may make representations to the Council, its Community Planning Partners 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 Council official. On issues where a Council department is consulting with Community Councils, representations should be made to the appropriate departmental officer.

- 11.3** Community Councils shall provide copies of their agendas and minutes within prescribed timescales to East Ayrshire Council's Administration Manager, Democratic Services.
- 12. Resourcing a Community Council**
- 12.1** The financial year of each Community Council shall be provided for in the constitution of each Community Council and shall be from 1 April to 31 March in each succeeding year to allow for the proper submission of audited statement of accounts to the Community Council's Annual General Meeting.
- 12.2** The Annual Accounts of each Community Council shall be audited by a person or persons appointed by the Executive Director of Finance and Corporate Support. It shall be the duty of each Community Council to hand over to those person(s) appointed by the Executive Director as requested by him/her to allow the audit to be carried out.
- 12.3** The Head of Democratic Services, in consultation with the appointed auditors or the Council's Finance Service, may require the Community Council to produce such records, vouchers and account books, as may be required, to satisfy the Council that the financial affairs of the Community Council are in order.
- 12.4** Each Community Council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions.
- 12.5** Each Community Council shall be eligible to apply for grants for suitable projects through the Council's local grant system or other such sources as the Council may intimate from time to time.
- 12.6** East Ayrshire Council will provide an annual grant towards the administrative and general running costs of Community Council's to allow them to promote their activities, to be paid following satisfactory review of previous grant expenditure. Such funding cannot be used for any political purposes or for supporting any political activities. Guidance notes on expenditure of the annual grant will be provided by the Head of Democratic Services and will be subject to review from time to time.
- 12.7** East Ayrshire Council 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.
- 12.8** East Ayrshire Council shall make available to Community Council an accommodation allowance in the form of up to 15 lets per annum of East Ayrshire Council premises free of charge to enable the Community Council to meet. If a Community Council can demonstrate a need for further lets for Community Council business, the Council may, through the appropriate department, consider an application for further free lets. Community Councils may access Council premises for other purposes, such as social functions, which would be charged at the appropriate rate.
- 12.9** The Head of Democratic Services shall facilitate advice and assistance to Community Council 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 the Community Councils, the functions of East Ayrshire Council and other relevant topics.

13. Dissolution of a Community Council

The terms for dissolution of a Community Council are contained within the Community Councils' Constitution.

If a Community Council fails 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 has taken action to address the situation, East Ayrshire Council may take action to dissolve that Community Council.

East Ayrshire Council
Council Headquarters
London Road
KILMARNOCK KA3 7BU

24 February 2011

First Adopted: 27 March 1997
Previously Revised: 24 September 1998
Previously Revised: 25 October 2001

ANNEXATION

<u>Names of Community Councils</u>	<u>Description</u>	<u>Population of Area</u>	<u>Maximum No of Members</u>	<u>Minimum No of Members</u>	<u>Maximum No of Co-opted Members</u>
(1)	(2)	(3)	(4)	(5)	(6)
Auchinleck	Auchinleck District	3971	17	9	5
Bellfield Kilmarnock	Bellfield	3972	17	9	5
Bonnyton	Bonnyton/Kilmarnock Central West	3067	16	8	5
Catrine	Catrine District	2209	14	7	4
Crosshouse	Crosshouse District	2558	15	8	5
Cumnock	Cumnock	6843	23	12	7
Dalmellington	Dalmellington District, including Bellsbank, Waterside, Dunaskin	3275	16	8	5
Dalrymple	Dalrymple District, excluding Polnessan	1823	13	7	4
Darvel and District	Darvel District	3921	17	9	5
Drongan, Rankinston & Stair	Drongan, Rankinston & Stair	4135	18	9	6
Dunlop and Lugton	Dunlop & Lugton District	1316	12	6	4
Fenwick	Fenwick District	1257	12	6	4
Galston	Galston District	5149	20	10	6
Gatehead	Gatehead District	262	10	5	3
Grange/Howard Kilmarnock	Grange/Howard	5695	21	11	7
*Hurlford and Crookedholm	Hurlford & Crookedholm District	5393	20	10	6
Kilmaurs	Kilmaurs District	3081	16	8	5
Knockentiber	Knockentiber District	649	11	6	3
Lugar and Logan	Lugar & Logan District	1509	13	7	4
Mauchline	Mauchline District	4427	18	9	6
Moscow and Waterside	Moscow & Waterside District	741	11	6	3
Muirkirk	Muirkirk District	1768	13	7	4
Netherthird & District	Netherthird & Skerrington	2499	14	7	4
New Cumnock	New Cumnock District	3481	16	8	5
New Farm Loch Kilmarnock	New Farm Loch	6661	23	12	7
Newmilns and Greenholm	Newmilns & Greenholm District	3258	16	8	5
Northwest Kilmarnock	Northwest Kilmarnock including Longpark	7510	25	13	8
Ochiltree	Ochiltree District & Skares	1373	12	6	4
Patna	Patna, Doonbank & Polnessan	2402	14	7	4
Piersland/Bentinck Kilmarnock	Piersland/Bentinck	4371	18	9	6
Riccarton Kilmarnock	Riccarton	3443	16	8	5
Shortlees Kilmarnock	Shortlees	3509	17	9	5
Sorn	Sorn District	618	11	6	3
Southcraigs/Dean	Southcraigs, Wardneuk, Beansburn & Dean	6356	22	11	7
Stewarton and District	Stewarton District	7598	25	13	8

Membership of Community Councils in the Scheme is based on the figures extracted from the 2008 small area population estimates issued by the General Register Officer for Scotland. Community Councils or other parties may approach the Council to request that population figures are reviewed, in light of perceived population change. Population statistics will be updated on a regular basis in accordance with the provisions of the Scheme.

Above descriptions are indicative of areas. However, definitive boundaries are provided in maps which are available for inspection at Council Headquarters, London Road, Kilmarnock, or on the Council's website at www.east-ayrshire.gov.uk.

* For electoral purposes Hurlford shall have 15 members and Crookedholm shall have 5. Where nominations from one community are under subscribed, the vacancies attributed to that community may be filled by any excess nominations from the other community up to the total available.

NB: The information featured in this Annexation is subject to change depending upon the outcome of the initial expression of interest received from residents of Crossroads to create a new Community Council for that area.

EAST AYRSHIRE COUNCIL

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for East Ayrshire Council Councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

Community Councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles, shall apply to all Community Councillors and those representing the Community Council. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Service to the Community

As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Councils Scheme for the Establishment of Community Councils, as set out by your local authority under the terms of the Local Government (Scotland) Act 1973.

You 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.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Council.

Objectivity

In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your Community Council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the Community Council. You must ensure that the Community Council uses its resources prudently and in accordance with the law.

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to the Council's Scheme for the Establishment of Community Councils and this Code of Conduct.

Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Councils Scheme for the Establishment of Community Councils. They must also ensure that all resources are used

efficiently, effectively and fairly and are used strictly for the purposes of Community Council business and for no other purpose.

Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting.

Any breach of the Council's Scheme for the Establishment of Community Councils as set out by your local authority under the terms of the Local Government (Scotland) Act 1973 may be reported to your local authority to determine what action, if necessary, should be taken.

Openness

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the Media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.

Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

Leadership

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

Respect

You must respect fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person,

regardless of their position, you have dealings with in your capacity as a Community Councillor.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. You 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.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

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 East Ayrshire Council’s Scheme for 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 East Ayrshire Council’s Scheme for Community Councils and the Community Councillors’ Code of Conduct.

5. Membership

The COMMUNITY COUNCIL’S membership is as governed by paragraph 6 of East Ayrshire Council Community Councils and as determined from time to time by East Ayrshire Council.

6. Method of Election

Election procedures shall be governed by the method of election laid down in paragraph 7 of East Ayrshire Council's Scheme for 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 6 of East Ayrshire Council's 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 East Ayrshire Council.
- (b) the filling of a vacancy by co-option with voting rights to a maximum of one third of the total membership of the community council as governed by paragraph 7 of East Ayrshire Council's Scheme for 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 East Ayrshire Council's **Scheme for Community Councils**: Paragraph 7.17 – 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 accordance with East Ayrshire Council's Scheme for Community Councils)** 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 one third of the current voting membership of the Community Council or 3 voting members, whichever is the greater.
- (b) Once in each year, no later than 31 October, 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 (unless there are extenuating circumstances), either called by the Chairperson, or on the request of not less than one-half of the total number of COMMUNITY COUNCIL members.
- (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.
- (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 discuss items of business in private where it considers it appropriate to do so. Where time permits, notice of the meeting along with items to be discussed will be given to the public in the usual way, and the Notice will recommend that the meeting, or 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 East Ayrshire Council

East Ayrshire Council's Administration Manager: Democratic Services 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 East Ayrshire Council. When special meetings of the COMMUNITY COUNCIL are to be held, East Ayrshire Council's Administration Manager: Democratic Services should be advised of the date, time venue and subject(s) of debate at such meetings, where possible, 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 East Ayrshire Council and other sources shall be applied to further the objectives of the COMMUNITY COUNCIL and for no other purpose. The monies provided by East Ayrshire Council 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, shall be examined in accordance with arrangements established by East Ayrshire Council and 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 1 April to 31 March the succeeding year. Examined accounts as received and approved by the COMMUNITY COUNCIL at the annual general meeting shall be submitted East Ayrshire Council 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 East Ayrshire Council, 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 East Ayrshire Council, the COMMUNITY COUNCIL shall be deemed to be dissolved and all assets remaining, subject to the approval of East Ayrshire Council, after the satisfaction of any proper debts or liabilities shall transfer to East Ayrshire Council 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 East Ayrshire Council 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 East Ayrshire Council Scheme for Community Councils, East Ayrshire Council 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 East Ayrshire Council on

.....

Signed

.....

Date

.....



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APPENDIX III

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 and submitted to the next meeting of the community council for approval 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 three 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 except when 2/3rds of the voting Members present agree otherwise.

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.



Scheme for the Establishment of Community Councils

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Maps

Maps of each Community Council Area (to be inserted)

1.0 INTRODUCTION

- 1.1 EAST DUNBARTONSHIRE COUNCIL ("the Authority") has, under section 22 of the Local Government, etc. (Scotland) Act 1994, made this Scheme for the Establishment of Community Councils in its area, being the local government area of East Dunbartonshire as defined in Schedule 1 to the Act.
- 1.2 The Authority, having considered the representations made by individuals, organisations and communities within its area and the characteristics of its area, has determined that the community council requirements for its area, and in particular the local interests and needs of all persons and the communities within its area, will be best served by the establishment of the Community Councils specified in Appendix I to this Scheme. The Community Councils shall be known by the official names specified in Appendix I and shall serve the respective areas detailed in Appendix I. These areas are delineated on the Map annexed to this Scheme. This Scheme makes provision for Community Councils to serve every part of the Authority's area.

2.0 STATUTORY PURPOSES OF COMMUNITY COUNCILS

- 2.1 The statutory purposes of Community Councils are set out in Section 51(2) of the Local Government (Scotland) Act 1973 which states 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”

- 2.2 In addition, a Community Council may pursue such other activities as will promote the well-being of the community and inhabitants of its area and take such action as is necessary to promote the these aims.

3.0 ROLE AND RESPONSIBILITIES OF COMMUNITY COUNCILS

- 3.1 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 making representations to the Authority, other public sector bodies and private agencies on matters within their sphere of interest.

**East Dunbartonshire Council
Community Council Scheme**

-
- 3.2 Community Councils may carry out other activities which are in the general interests of the communities they represent, provided these activities fall within the objects of their constitution and the terms of this Scheme
- 3.3 There should be mutual engagement in the establishment of working relationships between Community Councils, the Authority and other agencies.
- 3.4 In carrying out their activities Community Councils must at all times adhere to the law and the terms of this Scheme.
- 3.5 As stated in paragraph 2.1 above, Community Councils have a statutory duty 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 effectively and representatively, Community Councils shall: -
- (a) 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 of the Data Protection Act 1998, providing contact details of community council members;
 - (b) make particular efforts to encourage young people and other under-represented groups to attend/participate in Community Council meetings; and
 - (c) make particular efforts to ensure equality of opportunity in the way the Community Council carries out its functions.

4.0 COMPOSITION OF COMMUNITY COUNCILS

- 4.1 The members of a Community Council shall comprise the following:-
- (a) a majority of members to be elected in accordance with paragraph 5.0 of this Scheme; elected members must live in the area of the Community Council and their names must appear on the electoral register for that area;
 - (b) not more than three members co-opted by the Community Council and such persons may include representatives of young persons in the Community Council's area of not less than 16 years of age; co-opted members must live in the area of the Community Council and their names must appear on the electoral register for that area; and
 - (d) the balance of members to be nominated by local voluntary or other organisations operating in the area of the Community Council and representative of local interests, including young persons of not less than 16 years of age.

4.2 The number of members to be elected to each Community Council will be as follows:-

Community Council	Number of Members to be Elected
Campsie	10
Milton of Campsie	10
Baldernock	6
Torrance	7
Kirkintilloch	16
Twechar	7
Waterside	7
Lenzie	10
Bishopbriggs	24
Milngavie	9
Bearsden East	8
Bearsden West	8
Bearsden North	11

4.3 The membership of a Community Council, taking account of the provisions of paragraphs 4.1 and 4.2 above, shall be determined by the Community Council and shall be specified in its constitution but shall not exceed a total of thirty members including members elected, co-opted and nominated by local organisations.

4.4 Elected members of the Authority are entitled to become ex officio members (with no voting rights) of a Community Council whose area falls wholly or partly within their ward.

5.0 ELECTION OF COMMUNITY COUNCIL MEMBERS

5.1 Timing of Elections

The election of members to a Community Council will be held in October in the year of the local authority election.

5.2 Returning Officer

The Authority will appoint a Returning Officer for Community Council elections. The Returning Officer must not be a current member of any Community Council and must not intend standing for election to any Community Council.

5.3 Election Process

Community Council elections will be run by the Authority and will involve a simplified and modified version of the procedure prescribed for local authority elections with appropriate notices of election and notices of poll. The Authority will specify the exact procedure for elections and notify same to Community Councils at election time.

5.4 Eligibility

- (a) The minimum age to stand for election to a Community Council is 16 years.
- (b) A candidate for election to a Community Council must live in the area of the Community Council and his/her name must appear on the electoral register for that area.
- (c) Elected members of the Authority will not be eligible to stand for election to a Community Council.

5.5 Nominations

- (a) Persons seeking election to a Community Council must be nominated following the public notice of election issued by the Authority. Nominations for election to a Community Council must be made on a form prescribed by the Authority which must be signed by the person nominated and a proposer and seconder. The proposer and seconder must each live in the area of the Community Council in question and their names must appear on the electoral register for that area.
- (b) Nominations must be submitted with the candidate's consent. Self-nomination is not permitted. Nomination forms must be submitted by the date specified in the election timetable prescribed by the Authority. Nomination forms submitted after that date will not be accepted.

5.6 Close of Nominations

- (a) If at the close of the period for lodging nominations for election to a Community Council:-
 - (i) the number of candidates validly nominated exceeds the total number of members to be elected to that Community Council, a poll shall be held to determine the elected members of the Community Council;

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- (ii) the number of candidates validly nominated equals or exceeds half the total number of the Community Council's members, but equals or is less than the total number of members to be elected to the Community Council, there will be no poll and the persons nominated will be declared members of the Community Council;
 - (iii) the number of candidates validly nominated is less than half the total number of the Community Council's members, the Community Council will not be formed at that time; in that event the Authority will call a new election for the Community Council within 6 months after the close of the nomination period.
- (b) If a Community Council for any area is not formed in terms of paragraph 5.6(a)(iii) above, the Community Council's whole assets and documentation will, after satisfaction of any proper debts or liabilities, be transferred to the Authority which will hold them in trust for any future Community Council representing that area.

5.7 Polling

- (a) The minimum age for voting in a Community Council election is 16 years.
- (b) A person voting in an election for a Community Council must live in the area of the Community Council and his/her name must appear on the electoral register for that area.
- (c) Voting will be by secret ballot. Each voter will be entitled to vote for candidates up to the number of vacancies on the Community Council.

6.0 CO-OPTION OF COMMUNITY COUNCIL MEMBERS

- 6.1 A person seeking to be co-opted on to a Community Council must live in the area of the Community Council and his/her name must appear on the electoral register for that area.
- 6.2 Co-option of a person on to a Community Council must be approved by a majority of two-thirds of Community Council members present and voting at a Community Council meeting. Notice of a proposal to co-opt a member on to a Community Council must be intimated to all of that Community Council's members at least 14 days prior to the meeting at which the proposal will be considered.

7.0 NOMINATED MEMBERS

- 7.1 The nominated members of a Community Council will be from local voluntary and other organisations operating in the area of the Community Council and representative of local interests.

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- 7.2 The members of a Community Council nominated by local organisations will be appointed at one or more meetings of the Community Council following the election of its members, to which the organisations concerned will be invited.
- 7.3 No party political organisation or organisation affiliated thereto will be eligible to nominate members for a Community Council.

8.0 PERIOD OF OFFICE

- 8.1 Elected members of a Community Council will hold office from the date of their election until the date of the next election of the Community Council and will be eligible for re-election.
- 8.2 Co-opted members of a Community Council will hold office from the date of their co-option until the date of the next election of the Community Council and thereafter will be eligible for co-option on to the Community Council again.
- 8.3 Members of a Community Council nominated by local organisations will hold office from the date of their appointment as members until the date of the next election of the Community Council and thereafter will be eligible to be nominated for membership of the Community Council again.

9.0 DISQUALIFICATION OF MEMBERSHIP

- 9.1 An elected or co-opted member of a Community Council who ceases to live in the area of the Community Council will be deemed to have resigned from the Community Council on the date he/she ceases to live in that area.
- 9.2 A nominated member of a Community Council ceasing to be a member of the local organisation which originally nominated him/her for membership of the Community Council will cease to be a member of the Community Council from the date he/she ceases to be a member of the organisation in question.
- 9.3 A voluntary organisation represented on a Community Council by a nominated member may give notice to the Community Council that the nominated member no longer represents the organisation. In that event, the nominated member in question will cease to be a member of the Community Council on the date the Community Council receives the notice from the voluntary organisation.
- 9.4 If any member of a Community Council (elected, co-opted or nominated) becomes an elected member of the Authority, he/she will be deemed to have resigned from the Community Council on the date of his/her election to the Authority.
- 9.5 If any member of a Community Council (elected, co-opted or nominated) fails to attend three successive meetings of the Community Council, or less than one half of the Community Council meetings held in any one calendar year, the Community Council may require an explanation from the member and in the absence of a reply

satisfactory to a majority of the Community Council members present the Community Council may by a simple majority vote deem the member to have resigned from the Community Council with immediate effect.

10.0 CASUAL VACANCIES

- 10.1 A casual vacancy on a Community Council may arise in the following circumstances:-
- (a) when an elected, co-opted or nominated member dies;
 - (b) when an elected, co-opted or nominated member submits his/her resignation;
 - (c) when an elected, co-opted or nominated member is disqualified from membership under paragraph 9.0 above;
- 10.2 Any casual vacancy in the elected members of a Community Council may be filled by either:-
- (a) a by-election called by the Community Council and held within 3 months from the date the vacancy arises; or
 - (b) co-option, provided that this does not result in the total number of co-opted members of the Community Council exceeding three.
- 10.3 In the event of a by-election being called by a Community Council under paragraph 10.2(a) above, the provisions of paragraph 5.0 above will apply with any necessary modifications.
- 10.4 In the event of a Community Council considering co-option under paragraph 10.2(b) above, the provisions of paragraph 6.0 above will apply. Co-option cannot be used to fill a casual vacancy in the elected members of a Community Council if the vacancy results in the number of elected members being less than half the total number of the Community Council's members. In that event paragraph 10.5 below will apply.
- 10.5 If at any time the number of elected members of a Community Council falls to less than half the total number of its members, that Community Council shall be deemed to be no longer formed after the expiry of three months from the date the number of elected members so falls. If within that period of three months the Community Council holds a by-election which results in the number of elected members becoming equal to or greater than half the total number of its members, then the Community Council shall continue to be formed.
- 10.6 In the event of a Community Council for any area being deemed to be no longer formed in terms of paragraph 10.5 above, the Community Council's whole assets

and documentation will, after satisfaction of any proper debts or liabilities, be transferred to the Authority which will hold them in trust for any future Community Council representing that area.

- 10.7 Any casual vacancy in the co-opted members of a Community Council may be filled by co-opting a replacement member. In that event the provisions of paragraph 6.0 above will apply.
- 10.8 In the event of a casual vacancy arising among the nominated members of a Community Council, the Community Council will request the organisation which originally nominated the vacating member to nominate a replacement member. If that organisation is unable or unwilling to nominate a replacement member the Community Council may request either one of the other organisations represented by nominated members or an organisation not represented by nominated members to nominate a replacement member.

11.0 MEETINGS

- 11.1 The first meeting of a Community Council following the election of its members will be convened by the Returning Officer or his/her nominee and will be held within one calendar month after the date of the election. The business of the first meeting will include the appointment of office bearers (see paragraph 12.0 below) and any outstanding business matters from the outgoing Community Council.
- 11.2 A Community Council will hold such meetings as it considers necessary for the conduct of its business and will hold not less than four meetings in any one calendar year.
- 11.3 A Community Council will hold an annual general meeting in April each year to which its annual report and financial accounts for the preceding financial year will be submitted for approval.
- 11.4 A Community Council's constitution will provide that all meetings of the Community Council will be open to members of the public, although the Community Council may resolve to go into private session to consider any item of business of a particularly private or confidential nature where, in the community interest, it would be advisable to do so.
- 11.5 The quorum for each meeting of a Community Council shall be as specified in its constitution and shall be at least one third of its total number of members.
- 11.6 Elected, co-opted and nominated members of a Community Council will have full voting rights at meetings of the Community Council.

12.0 APPOINTMENT OF OFFICE BEARERS

- 12.1 At the first meeting of a Community Council following the election of its members the Community Council will elect from its members a Convener, Depute-Convener, Secretary, Treasurer and such other officers as it considers necessary for the proper and efficient conduct of its affairs.
- 12.2 In appointing a Treasurer a Community Council will have regard to the financial expertise of the individual concerned. A Treasurer should have a knowledge of audit requirements and basic book-keeping.
- 12.3 Immediately after the first meeting of a Community Council following the election of its members, the Community Council will lodge with the Authority's Community Council Liaison Officer a return giving the full names, designations and addresses of its office bearers and members. In the case of nominated members the return will specify the organisations they represent. Any changes in office bearers or members will be immediately notified to the Liaison Officer.

13.0 CONSTITUTION

- 13.1 A Community Council will, as soon as practicable after its first establishment, draw up and submit to the Authority for approval a constitution for the regulation and management of its affairs so far as these are not specifically provided for in this Scheme. The constitution will make provision for the various matters detailed in Appendix 2 to this Scheme.
- 13.2 Where a Community Council proposes to amend its constitution, it will submit the proposed amendment to the Authority for approval.

14.0 FINANCIAL AFFAIRS

- 14.1 A Community Council's financial year will be from 1 April to 31 March.
- 14.2 A Community Council will appoint an auditor who must not be a member of the Community Council.
- 14.3 The Treasurer of a Community Council will keep such records and accounts as may be necessary to maintain an accurate record of the Community Council's income and expenditure.
- 14.4 A Community Council's accounts will be audited by the auditor appointed under paragraph 14.2 above. A Community Council will submit an audited statement of accounts for the preceding financial year to its annual general meeting.
- 14.5 A Community Council will send a certified copy of the audited annual accounts to the Authority for its information immediately after the annual general meeting which approves the accounts. A Community Council will submit to the Authority such

other details, information and documents regarding its financial affairs as the Authority may require.

- 14.6 Until such time as a Community Council has submitted the certified copy of the audited annual accounts and any other necessary details, information and documents to the Authority, the Authority will not release funding of any nature to the Community Council.
- 14.7 In conducting its financial affairs, a Community Council will comply with such financial standards/requirements as the Authority may specify from time to time.

15.0 FUNDING

- 15.1 The Authority will pay each Community Council an annual grant towards its general running and administrative expenses. This grant will comprise:-
- (a) a fixed payment of £350; and
 - (b) an additional payment calculated on the basis of a fixed sum of at least £30 per 100 electors in the area of the Community Council.

If a Community Council fails to comply with the financial standards/requirements referred to in paragraph 14.7 above, the Authority may reduce the amount of the annual grant awarded to that Community Council by such amount as it considers appropriate.

- 15.2 The annual grant detailed in paragraph 15.1 above will be amended annually to reflect the current rate of inflation without the need for annual approval by the Authority.
- 15.3 Grants paid to a Community Council by the Authority will not be used for political purposes or to assist any political party. Community Council grants should not be used to fund opposition to formal Council policies or decisions.
- 15.4 The Authority will determine any support services/resourcing, such as photocopying and distribution of Community Council minutes and agendas and free lets of halls for Community Council meetings, to suit local requirements. Any such support services/resourcing provided will be reflected in the annual grant paid under paragraph 15.1 above. The Authority will review the level of annual administrative grant and other support to Community Councils following each local government electoral cycle.
- 15.5 A Community Council will have the power to raise funds for schemes, projects and all other purposes consistent with its functions.
- 15.6 A Community Council will be eligible to apply for grants for suitable projects through the Authority's grant system.

15.7 All monies received by a Community Council, whether by way of grant, contribution, loan or any other form of fundraising, will be applied to maintain its administrative structure and fulfil its functions.

16.0 HERITABLE PROPERTY

16.1 A Community Council may acquire and hold heritable property, the title to which will be taken in the names of the Convener, Depute Convener and Secretary for the time being, as trustees for such Community Council, and their respective successors in office.

17.0 EQUALITIES

17.1 Recognition should be given to the contribution of everyone participating in the work of a Community Council. Community Councils must comply with equal opportunities legislation and ensure that equality of opportunity is given to every participant to have their knowledge, opinion, skill and experience taken into account.

18.0 LIAISON

18.1 To facilitate the effective functioning of Community Councils, the Authority has identified an official to act as a Liaison Officer for Community Councils. All correspondence from Community Councils to the Authority should, in the first instance, be directed through the Liaison Officer, except in the following circumstances:-

- (a) where there is a specific agreement/arrangement to the contrary;
- (b) where the issue in question relates to a specific Service of the Authority, in which case the correspondence should be directed to the Service in question;
- (c) where statutory objections/representations (e.g. planning, licensing) are being made, in which case the objections/representations should be submitted to the appropriate officer of the Authority; and
- (d) where a Service of the Authority is consulting Community Councils on an issue, in which case the consultation response should be submitted to the appropriate officer of the Service in question.

18.2 The Authority will provide Community Councils with copies of minutes of meetings of the Authority and its committees.

18.3 A Community Council will provide the Authority (via the Liaison Officer) with copies of its agendas and minutes together with, where appropriate, copies of reports it has considered.

18.4 There will be a Community Councils' Liaison Committee comprising all elected members of the Authority and two representatives from each Community Council. The constitution of the Liaison Committee is set out in Appendix 3 to this Scheme. There will be a minimum of two and a maximum of four meetings of the Liaison Committee per calendar year subject to there being sufficient competent and relevant business for the Committee to consider. In addition, special meetings of the Liaison Committee may be held as required.

19.0 DISSOLUTION

- 19.1 The terms for dissolution of a Community Council will be contained in its constitution.
- 19.2 In addition, if a Community Council fails to hold a meeting for a period of six months the Authority may decide to dissolve the Community Council.
- 19.3 If the Community Council for any area is dissolved under its constitution or paragraph 19.2 above, the Community Council's whole assets and documentation will, after satisfaction of any proper debts or liabilities, be transferred to the Authority which will hold them in trust for any future Community Council representing that area.
- 19.4 If the Community Council for any area is dissolved under its constitution or paragraph 19.2 above, and twenty or more electors in that area subsequently apply in writing to the Authority for the re-establishment of a Community Council for the area in accordance with this Scheme, the Authority may within three months of receipt of the application arrange for an election to be held for the purpose of re-establishing the Community Council. The provisions of paragraph 5.0 above, with any necessary modifications, will apply to any such election.

20.0 REVIEW AND AMENDMENT

- 20.1 The Authority will review this Scheme from time to time in accordance with section 53 of the Local Government (Scotland) Act 1973. Where the Authority considers that the Scheme should be amended it will carry out the procedure specified in section 53 regarding publication of any proposed amendment and consultation with Community Councils and the public.

APPENDIX 1**COMMUNITY COUNCILS AND THEIR RESPECTIVE AREAS**

COMMUNITY COUNCIL	AREA OF COMMUNITY COUNCIL
Campsie	The villages of Lennoxton, Clachan of Campsie and Haughhead, including Campsie Glen, and including part of the Campsie Fells to the north and Lennox Forest to the south. (Estimated population 4,301)
Milton of Campsie	The village of Milton of Campsie, including Birdston and Auchinreoch extending to the north to include an area of the Campsie Fells. (Estimated population 4,300)
Baldernock	The mainly rural area incorporating the villages of Balmore and Bardowie. (Estimated population 1,630)
Torrance	The village of Torrance and surrounding are. (Estimated population 1,659)
Kirkintilloch	The former Burgh of Kirkintilloch excluding portions of Lenzie forming part of Lenzie Community Council's area. (Estimated population 18,063)
Twechar	The village of Twechar and surrounding area, including Barrhill. (Estimated population 1,616)
Waterside	The village of Waterside and surrounding area. (Estimated population 1,638)
Lenzie	The area of North and South Lenzie. (Estimated population 7,744)
Bishopbriggs	The former Burgh of Bishopbriggs. (Estimated population 21,345)
Milngavie	The former Burgh of Milngavie, including Craighdu Primary School and an area lying to the north of Todhill Wood and Craighdu Burn and to the east of Stockiemuir Road. (Estimated population 14,014)
Bearsden East	That part of the former Burgh of Bearsden. (Estimated population 7,733)
Bearsden West	That part of the former Burgh of Bearsden. (Estimated population 5,251)
Bearsden North	The remainder of the former Burgh of Bearsden and an area lying to the south of and including Todhill Wood and Craighdu Burn and to the west of Stockiemuir Road. (Estimated population 14,321)

APPENDIX 2

COMMUNITY COUNCILS CONSTITUTION

The constitution to be adopted by Community Councils will make provision for the following matters:-

1. Name
2. Area
3. Objects
4. Membership
5. Elections
6. Casual Vacancies
7. Meetings:
 - (a) General Provisions
 - (b) First Meeting after Election
 - (c) Ordinary Meetings
 - (d) Annual General Meeting
 - (e) Special General Meetings
 - (f) Minutes of Meetings
8. Office Bearers and their Term of Office
9. Committees and Sub-Committees
10. Finance
11. Standing Orders
12. Provision of Information to Authority
13. Title to Property
14. Dissolution
15. Amendment of Constitution
16. Adoption of Constitution

APPENDIX 3

COMMUNITY COUNCILS' LIAISON COMMITTEE CONSTITUTION

1.0 CONSTITUTION AND COMPOSITION OF LIAISON COMMITTEE

A Liaison Committee shall be constituted to be known as East Dunbartonshire Community Councils' Liaison Committee ("the Liaison Committee") for the purpose of performing the functions after mentioned. The Liaison Committee shall comprise all elected members of the Authority and two representatives of each of the Community Councils established in terms of the Scheme for the Establishment of Community Councils. Any Community Council member of the Liaison Committee who is unable to attend a Liaison Committee meeting may appoint any other member of the Community Council he represents as a substitute to attend that meeting.

2.0 CHAIR AND VICE CHAIR

At its first meeting after the Community Council elections the Liaison Committee shall appoint a Chair and a Vice-Chair for the period to the next Community Council elections. If the Chair elected is a member of the Authority the Vice-Chair elected shall be a Community Councillor and if the Chair elected is a Community Councillor the Vice-Chair elected shall be a member of the Authority. If the Chair for the said period is a member of the Authority then the Chair appointed for the immediately subsequent period shall be a Community Councillor and so forth alternately each succeeding period of appointment and similar provision shall apply to the appointment of the Vice-Chair.

3.0 CLERK

The Authority's Corporate Governance Manager or his/her nominee shall be the Clerk to the Liaison Committee.

4.0 MEETINGS

The Liaison Committee shall hold a minimum of two and a maximum of four meetings per annum at equal intervals subject to there being sufficient competent and relevant business for the Committee to consider. In addition, the Liaison Committee may hold special meetings as required. The Clerk to the Liaison Committee will advise all Community Councils of the intention to hold a Liaison Committee meeting no later than twenty one days before the proposed date of the meeting to enable the Community Councils to forward any items of business for consideration at the meeting. Items of business submitted by the Community Councils which are competent and relevant for consideration by the

Committee will be included in the notice calling the meeting if they are received not less than nine days prior to the date of the meeting. At least seven days' notice of each meeting shall be given and the notice shall specify the business to be considered at the meeting. Additional business which is competent, relevant and urgent may be considered by the Liaison Committee at any meeting.

5.0 QUORUM

The quorum for a Liaison Committee meeting shall be six members of the Authority and six Community Council members.

6.0 ATTENDANCE OF OFFICIALS

Such officials of the Authority as may be requested by the Liaison Committee may attend Liaison Committee meetings.

7.0 FUNCTIONS

The functions of the Liaison Committee shall be to facilitate and co-ordinate the respective functions of the Authority and the Community Councils and to facilitate liaison between the Authority and the Community Councils.



SCHEME FOR COMMUNITY COUNCILS

**(As approved by the Secretary of State for Scotland on 26 April 1976
and subsequently amended 2004, 2008 and 2012, after due public consultation)**

**August 2012
Edition**

INTRODUCTION

- 1** In accordance with Section 22 of the Local Government (Scotland) Act 1994, East Lothian Council has amended the 2004 Scheme for the establishment of Community Councils within East Lothian Council area.

PURPOSE

- 2** 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 other 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.

The purpose of Community Councils is also to represent a full cross-section of the community and it is important that they should not appear to favour any particular sections of the community. By implication, this also means that they should not be party-political or sectarian. Community Councils should eliminate racial discrimination and promote equality of opportunity and good relations between persons of different racial groups.

CONDUCT OF BUSINESS

- 3** The Chairman and other office bearers of a Community Council shall be elected annually and this shall be the first business transacted at the Annual General Meeting of the Community Council.

Subject to the requirements of this Scheme as prepared by East Lothian Council, each Community Council formed under this Scheme, shall arrange its own business and proceedings in such manner as the Community Council may determine but all Community Council business shall be conducted in public. (see 13) A Community Council must be quorate to vote. The quorum for Community Council meetings shall be at least half the total number of members plus one (see page 9).

The views of the community may, from time to time, conflict with the personal views of individual Community Council members. When this situation arises, a Community Council is required to ensure that the views of the community take precedence over the personal views of individual members. In the interests of impartiality, the Community Council should be advised of any personal interest by a Community Councillor (e.g. membership of any group which may benefit from financial aid from the Community Council), who then may not take part in any decision making.

Notices of Meetings, agendas and minutes should be posted in public places, noticeboards, etc and contact names, addresses and telephone numbers should be provided. Consideration should be given to the issue of a newsletter to ensure public knowledge of the work of the Community Council.

Participation in the Association of East Lothian Community Councils is encouraged in the interests of establishing good practice, exchanging experiences and discussing common issues.

DIVISION OF EAST LOTHIAN INTO COMMUNITY COUNCIL AREAS

- 4** East Lothian shall be divided into twenty areas for Community Councils as detailed in paragraph 9 hereunder and the map annexed to the principal copy and each Community Council area shall have one Community Council.

DIVISION OF COMMUNITY COUNCIL AREAS INTO COMMUNITY WARDS

- 5 Community Council areas may be sub-divided into community wards for representation on Community Councils and for the purpose of election of Community Councillors and there shall be separate elections for each community ward within the Community Council area.

ELECTIONS

- 6 Community Councillors shall be elected by secret ballot elections organised by East Lothian Council under such procedure as may be agreed by East Lothian Council from time to time. East Lothian Council particularly reserve the right to decide whether such secret ballot elections shall be conducted by ballot box or by postal vote which, where practical, will be given preference. The Returning Officer for any Community Council election shall be the Chief Executive of East Lothian Council. Community Council elections shall not be held simultaneously with East Lothian Council elections.

QUALIFICATIONS OF CANDIDATES FOR ELECTION

- 7 Candidates for election as Community Councillors, who must be aged 16 or over, shall reside, work, own/lease property or be registered as a local government elector, for the whole of the previous twelve months preceding the date of nomination, within the Community Council area for which they are candidates. Nomination papers must be signed by the candidate and a witness to the candidate's signature.

Elected Members of the local authority, Scottish, UK and European Parliaments are entitled to attend Community Council meetings and receive agendas and minutes. They are not entitled to become members of Community Councils or to vote at meetings.

Where the procedures at ordinary election, or for the filling of a casual vacancy, have been duly exercised and have failed to secure the appointment of candidates, then appointment of candidates from other wards of the Community Council Area shall, at East Lothian Council's discretion, be allowed to be made with full voting rights, for the period until the next ordinary elections of Community Councils.

QUALIFICATIONS OF ELECTORS

- 8 Only such persons 16 years of age or over, as are included in the section of the register of local government electors applicable to the community ward for that Community Council area, shall be entitled to vote in the election of the Community Councillor or Councillors for that community ward.

AREAS, COMMUNITY AREAS AND NUMBER OF COUNCILLORS

- 9 The areas of Community Councils within East Lothian, the community wards within such Community Council areas and the number of elected Councillors for each Community Council and representing each community ward, shall be as set out in the table in the Schedule hereto and as shown delineated on the relevant map annexed as relative to the principal copy of this Scheme, which shall be definitive as to boundaries of Community Councils and community areas. Any dispute as to boundaries of Community Councils or community wards shall be referred to East Lothian Council whose decision shall be final. Community Council numbers and community ward numbers listed in the Schedule relate to numbers shown on the map annexed to the principal copy.

NOTE: The annexed map referred to in the Scheme can be examined at John Muir House, Haddington, at East Lothian Council area offices, community centres or libraries.

TERM OF OFFICE

- 10** Elections shall take place every fourth year, such duration concurring with that of Local Authorities. Community Council elections may be held on different days in different areas. The term of office of Community Councillors shall be a period of four years and they shall retire together at the end of such term, on the day of the ordinary election of Community Councillors for that area.

CASUAL VACANCIES

- 11** Casual vacancies occurring in a Community Council between ordinary elections, shall be filled by appointment by the Community Council after a period of 21 days, during which such vacancies have been advertised by the Community Council within their area. A person appointed to fill a casual vacancy in a Community Council must be 16 years of age or over at the time of appointment shall reside, work, own/lease property or be registered as a local government elector, for the whole of the previous twelve months preceding the date of nomination, within the Community Council area for which they are candidates. Elected Members of the local authority, Scottish, UK and European Parliaments are not entitled to become members of Community Councils.

A casual vacancy shall be deemed to include and shall be declared when:

- (i) An elected Community Councillor ceases to reside within the Community Council area for which he had been elected, or
- (ii) An elected Community Councillor fails to attend any meetings of the Community Council for a period of three consecutive meetings without good reason, or
- (iii) An elected Community Councillor resigns from the Community Council.

Election procedures for casual vacancies are flexible and left to the discretion of the individual Community Councils, but must be incorporated within individual Community Council constitutions - guideline procedures which can be followed are:

- (i) Prospective candidate to submit a letter to Community Council, outlining their reasons for wishing to be considered.
- (ii) Candidate can then be invited to a meeting of the Community Council (private) to meet members and to discuss any issues further.
- (iii) Candidate is then asked to retire until decision made, to be informed at a later date.
- (iv) Vote taken by show of hands or private ballot.
- (v) Community Councillors are entitled to vote once for each vacant position i.e. one vote for one vacancy, two votes for two vacancies etc.

CO-OPTED MEMBERS

- 12** A Community Council may at any time co-opt any person or persons residing, working or having an interest in the Community Council area, to serve on the Community Council or any Committee or other body formed by the Community Council, on which the Community Council is entitled to be represented. Elected Members of the local authority, Scottish, UK and European Parliaments are not entitled to be co-opted members of Community Councils. There is no limit to the number of persons co-opted. There is also no age limit on persons co-opted by the Community Council and it is strongly recommended that this facility be used to involve young people. It must, however, be noted that co-opted members shall have no voting powers at meetings of the full Community Council and may be co-opted either for a specific purpose or for a specific period, provided that all co-opted members shall retire along with elected Community Councillors at the end of the term of office.

MEETINGS

- 13** Community Councils shall hold at least one meeting every three months and all meetings of the Community Council shall be called and held in public. However, a Community Council may resolve that an item be considered in private because of its confidential nature. Any Minute of the discussion will disclose any decision or recommendation, when appropriate, without disclosing any confidential information and shall be reported back to a public meeting of the Community Council.

Sub-committees to deal with specific items may also be formed, but again, any decision or recommendation shall be reported back to a public meeting of the Community Council.

FIRST MEETING

- 14** The Returning Officer shall call the first meeting of a Community Council within fourteen days of election. At such first meeting, an appropriate person should be appointed to call the roll and preside over the election of office bearers.

CONSTITUTION

- 15** The Community Council will draw up a constitution which, within the terms of this Scheme, will govern the conduct of its business and proceedings. The constitution when drawn up will be valid only after its adoption at a public meeting convened by the Community Council for this purpose and subsequent ratification by East Lothian Council.

MEETING PLACES

- 16** East Lothian Council premises shall be available, where possible, for the purpose of Community Council meetings if the Community Council so wish.

FINANCIAL ASSISTANCE TO COMMUNITY COUNCILS

17 (a) Administrative Expenses

Community Councils will arrange and organise their own services. Basic office services, however, shall be available, wherever possible and on such terms as East Lothian Council may decide, within the nearest Council office, if the Community Council so requires. No allowances shall be payable to Community Councillors by East Lothian Council.

Community Councillors/ Secretaries should submit to their Community Council, any claims for reimbursement of expenses, with receipts where possible. This should NOT be included in any honoraria/payment for secretarial services.

Honoraria may be paid to office bearers/for secretarial services at a level agreed with guidance from East Lothian Council.

(b) Financial Contribution

East Lothian Council will contribute annually to the administrative expenses of each Community Council, a fixed sum plus a grant per head of the estimated electorate of the Community Council area.

These sums will be reviewed annually by East Lothian Council.

(c) Accommodation Costs

East Lothian Council will meet the full accommodation costs of Community Councils who have to hire premises for their meetings etc.

(d) Assistance with specific Local Projects

Individual Community Councils, in partnership with East Lothian Council, shall implement a framework of financial assistance designed to provide Community Council areas with the opportunity to determine local community improvement projects.

ACCOUNTS and AUDIT

- 18** Every Community Council shall keep proper accounts of all funds handled by it and such accounts shall be made up annually and shall be audited by the Director of Finance of East Lothian Council, or his nominee, or by an independent auditor appointed by East Lothian Council.

DISSOLUTION

- 19** In the event of a Community Council being dissolved, East Lothian Council shall take custody of any papers, minutes and other assets, together with all funds, until a new Community Council is set up for that area, whereby all of the foregoing shall be delivered to the safekeeping of the new Community Council.

LIAISON and INFORMATION

20 (a) East Lothian Council

As a basis for keeping each other informed on matters of mutual interest within their control, East Lothian Council shall supply, or otherwise make available, all public agendas and Minutes of East Lothian Council and Committees to each Community Council and each Community Council shall supply notices of their meetings and Minutes, or other records of their proceedings to East Lothian Council. The Chief Executive shall be responsible for continuing and developing contact with Community Councils, so far as East Lothian Council is concerned.

Without prejudice to the foregoing generality East Lothian Council -

(i) shall seek the views of a community through the local Community Council on matters of significant local interest, including matters arising under the Town and Country Planning (Scotland) Acts, affecting that community and for these purposes East Lothian Council shall provide appropriate information and reports to enable a Community Council to ascertain the views of the community which it represents.

(ii) may hold joint meetings between representatives of East Lothian Council and Community Councils to discuss matters of mutual interest.

(iii) may request a Community Council to carry out functions or duties on behalf of East Lothian Council on such terms as might be agreed.

(iv) is committed to supplying Community Councils with the support and training necessary to carry out their duties effectively.

(b) Public Authorities

East Lothian Council shall initiate and assist in consultations between Community Councils and public authorities in the area to develop a code of practice covering the whole question of the exchange of information between them.

REVIEW

21 This Scheme shall be reviewed from time to time by East Lothian Council and may be amended by them after public consultation, in terms of Section 53 of the Local Government (Scotland) Act 1973, Section 25 and Schedule 2 of the Local Government (Miscellaneous Provisions) (Scotland) Act 1981 and Section 22 of the Local Government (Scotland) Act 1994.

EAST LOTHIAN COUNCIL

Scheme for Community Councils

ANNEX

1. Map of East Lothian showing Community Council area boundaries and the boundaries of wards within areas.

EAST LoTHIAN COMMUNITY COUNCILS

Table of Community Councils, Community Wards and Number of elected Community Councillors

Area No.	Community Council	Councillors per Community Ward	
1	Musselburgh and Inveresk	1/1	9
		1/2	8
		Total	17
2	Whitecraig	2	7
		Total	7
3	Wallyford	3	6
		Total	6
4	Prestonpans	4/1	10
		4/2	10
		Total	20
5	Cockenzie and Port Seton	5	10
		Total	10
6	Longniddry	6	9
		Total	9
7	Tranent and Elphinstone	7/1	3
		7/2	6
		7/3	2
		Total	11
8	Ormiston	8	10
		Total	10
9	Pencaitland	9	15
		Total	15
10	Macmerry and Gladsmuir	10	9
		Total	9
11	Gullane Area	11/1	4
		11/2	6
		11/3	2
		11/4	1
		Total	13
12	North Berwick	12	12
		Total	12

13	Humbie, East & West Saltoun and Bolton	13/1	3
		13/2	3
		13/3	2
		Total	8
14	Haddington and District	14/1	14
		14/2	2
		Total	16
15	Gifford	15	9
		Total	9
16	Garvald and Morham	16	6
		Total	6
17	Dunpender	17/1	1
		17/2	2
		17/3	6
		17/4	3
		Total	12
18	West Barns	18	7
		Total	7
19	Dunbar	19	12
		Total	12
20	East Lammermuir (Oldhamstocks, Innerwick, Spott and Stenton)	20/1	2
		20/2	2
		20/3	2
		20/4	2
		Total	8

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EAST LoTHIAN COUNCIL

COMMUNITY COUNCILS

RULES for ELECTION

(as adopted by the Council at their meeting on 29 April 1976 and subsequently amended 2004)

1. In accordance with the Scheme for Community Councils made by the District Council and approved by the Secretary of State for Scotland in terms of the Local Government (Scotland) Act 1973 Part IV and subsequently amended in terms of the Local Government (Scotland) Act 1994, Community Councils shall be elected by secret ballot elections organised by East Lothian Council under such procedure as may be agreed by East Lothian Council from time to time.
2. East Lothian Council reserve the right to decide whether such secret ballot elections shall be conducted by ballot box or by postal vote.
3. Elections of Community Councils shall be conducted in accordance with the principles and procedures of the Scottish Local Elections Rules 1974, adjusted and amended as appropriate in accordance with these Rules made by East Lothian Council.
4. The Returning Officer for Community Council Elections shall be the Chief Executive of East Lothian Council.
5. Any question of interpretation of the Scottish Local Elections Rules 1974, as amended by these Rules shall be referred to the Returning Officer whose decision shall be final.
6. No polling cards shall be issued or required in Community Council Elections.
7. Candidates shall not have and shall not require to have an official election polling, counting or other agent.
8. Candidates are not expected to incur other than nominal expenses in connection with elections. No expenses of candidates shall be refundable by East Lothian Council.
9. Tendered ballot paper procedure shall not be incorporated in Community Council election procedure.
10. It is confirmed that the provisions regarding the death of a candidate before the declaration in a contested election shall result in the abandonment of the poll.
11. Candidates for election as Community Councillors, who must be aged 16 or over, shall reside, work, own/lease property or be registered as a local government elector, for the whole of the previous twelve months preceding the date of nomination, within the Community Council area for which they are candidates. Nomination papers must be signed by the candidate and a witness to the candidate's signature.
12. Candidates may provide a description, in addition to name and address, for inclusion in the ballot paper.
13. No proposer, seconder or assentors are required to a nomination.
14. No elections, either contested or uncontested, shall be held and no Community Council shall be formed where the number of candidates presented is insufficient to allow for the election of more

than half of the number of Community Councillors provided for in the Scheme.

15. Voters may vote and mark their ballot paper accordingly for their community ward up to the number of times equivalent to the number of Community Councillors to represent that community ward as provided in the Scheme. Ballot papers on which more votes have been cast than Councillors to be returned shall be regarded as wholly void.
16. The date and place of poll shall be as arranged from time to time by the Returning Officer.
17. The hours of poll shall be between 8 a.m. and 8 p.m., unless it is a postal ballot.
18. It is confirmed that the Returning Officer for Community Council Elections is authorised to appoint and pay Presiding Officers, Clerks, Enumerators or equivalent officials for the conduct of elections.
19. In addition to the general duty of the Returning Officer to do any act or thing which may be necessary for effectively conducting elections under these Rules the Returning Officer is further authorised, in the application of the Scottish Local Elections Rules 1974 hereto, to make any amendments or adjustments as may be appropriate or required according to local circumstances or as may be appropriate in the context of Community Council Elections.
20. The Returning Officer shall make arrangements for counting the votes as soon as practicable after the close of the poll and normally on the following day, not being a Sunday or public holiday.
21. The count for any Community Council election shall be conducted as the Returning Officer may decide appropriate.
22. The rejection of any ballot paper shall be decided by the Returning Officer after consultation with the candidates, if present, and the decision of the Returning Officer shall be final.
23. Any other matters arising in connection with Community Council elections shall be referred to the Returning Officer, whose decision shall be final. There shall be no appeal by way of election petition or any other procedure in the context of Community Council elections.

**EAST RENFREWSHIRE COUNCIL
SCHEME FOR THE ESTABLISHMENT
OF COMMUNITY COUNCILS
(amended 2015)**

1 Introduction

- 1.1 The Local Government (Scotland) Acts of 1973 and 1994 require each local authority in Scotland to set out a scheme for community councils in their area.
- 1.2 Under the terms of these Acts, East Renfrewshire Council approved its Scheme for Community Councils in 1998. East Renfrewshire Council reviewed and amended the scheme in 2009 and again in 2015, in consultation with all community councils concerned and having given public notice of proposed amendments.
- 1.3 As a result of this process, East Renfrewshire Council, under the terms of Section 53 of the Local Government (Scotland) Act 1973 relating to amendment of schemes for community councils, and having considered representations made by the community councils concerned and the public to the proposed amendments, hereby makes the following Scheme for the Establishment of Community Councils (amended 2015). This scheme supersedes and replaces all elements of any previous scheme.

2 Statutory Purposes

- 2.1 The statutory purposes of community councils 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

- 3.1 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 making representations to East Renfrewshire Council, other public sector bodies and private agencies on matters within their sphere of interest.
- 3.2 It is essential that these views be demonstrated to be accurately representative of the community. Accordingly, community councils will have in place, in consultation with East Renfrewshire Council, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sectors of the community.

- 3.3 Community councils have a statutory right to be consulted on planning applications and certain liquor licensing matters. Other matters may also be jointly agreed between community councils, East Renfrewshire Council and other public sector and private agencies.
- 3.4 Community councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objectives of their constitution and the terms of this Scheme.
- 3.5 There should be mutual engagement in the establishment of community councils' working relationships with East Renfrewshire Council and other agencies.
- 3.6 Each community council is required in the first instance to adopt the Model Constitution at Appendix I to this Scheme, 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. Thereafter variation to Constitutions and Standing Orders will only be approved if they improve the operation of a community council without impacting upon its transparency or accountability. East Renfrewshire Council is required to approve or reject any amendments to a community council's Constitution and Standing Orders and the decision of the Council shall be final.
- 3.7 In carrying out their activities, community councils and their members must at all times adhere to the law, the terms of this Scheme, the terms of their Constitution and the Code of Conduct for Community Council Members (a copy of which is set out at Appendix III to this scheme).
- 3.8 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 bodies, community councils shall:
- 3.8.1 Inform the community of the work and decisions of the community council by posting agendas and approved minutes of meetings in public places such as libraries and notice boards, and online, and (subject to the provisions of the Data Protection Act 1998) providing contact details of community council members. Agendas shall be published in line with this clause not later than 5 days in advance of the meeting to which they relate.
- 3.8.2 Not later than 5 days prior to a community council meeting, circulate the agenda for that meeting and the draft minutes of the previous meeting to community council members, the Council, ex-officio members and other parties having an interest in the matters discussed.

- 3.8.3 Provide the approved minutes of community council and any committee meetings to the Liaison Officer appointed by East Renfrewshire Council under clause 10.1 below within 14 days of their approval; circulate them to community council members, relevant elected members and other parties having an interest in the matters discussed. Approved minutes will be published online by the Liaison Officer.
- 3.8.4 Seek to broaden both representation and expertise by co-opting members in line with section 8 below, and by promoting the Associate Membership of the community council of persons for specific projects/issues.
- 3.8.5 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.
- 3.8.6 Maintain proper financial records and present financial reports at community council meetings.
- 3.8.7 Inform East Renfrewshire Council of any change in membership (resignations, co-options, Associate Membership, etc.) or circumstances, as soon as is practicable.

4 Community Council Areas within East Renfrewshire

- 4.1 Community Councils shall have a maximum population of 20,000. In the first instance, East Renfrewshire shall be divided into the following 11 community council areas:
- Barrhead Community Council
 - Broom, Kirkhill and Mearnskirk Community Council
 - Busby Community Council
 - Clarkston Community Council
 - Crookfur, Greenfarm and Mearns Village Community Council
 - Eaglesham and Waterfoot Community Council
 - Giffnock Community Council
 - Neilston Community Council
 - Netherlee and Stamperland Community Council
 - Thornliebank Community Council
 - Uplawmoor Community Council

4.2 Maps showing the boundaries of each community council area are attached as Appendix IV.

4.3 In the event that the population of a community council area exceeds 20,000, East Renfrewshire Council shall propose an alternative division of East Renfrewshire in terms of which the population of no community council area will exceed 20,000. The Council shall give public notice of their proposals, inviting those community councils whose areas would be amended and the populations of those areas to make representations to the Council on the proposed alternative division. The Council shall consider any representations made and may either:

4.3.1 divide East Renfrewshire as proposed; or

4.3.2 propose a different division in light of the representations received, in which case public notice of that different division must be given, with a further invitation to make representations under this clause 4.3.

4.4 Community council areas with populations of greater than 10,000 shall be further divided into neighbourhoods. In the first instance, the following community councils shall be further divided into the following neighbourhoods:

Community Council	Neighbourhoods
Barrhead	Boylestone & West Arthurlie
	Dunterlie & Grahamston Park
	Arthurlie & Springhill
	Auchenback
Broom, Kirkhill and Mearnskirk	Broom
	Kirkhill
	Mearnskirk
Crookfur, Greenfarm and Mearns Village	Mearns Village & Westacres
	Crookfur
	Greenfarm
Giffnock	Orchard Park
	Merrylea and Braidbar
	Giffnock South

- 4.5 Maps showing the boundaries of those neighbourhoods are attached as Appendix V.
- 4.6 In the event that the population of a community council not named in clause 4.4 above exceeds 10,000, East Renfrewshire Council shall propose a division of the community council area into neighbourhoods. East Renfrewshire Council may also propose a re-division of any community council area already divided into neighbourhoods where it believes the existing neighbourhoods no longer represent the best division of the community council area. The Council shall give public notice of their proposals, inviting both the community council in question and the population of that community council's area to make representations to the Council on the proposed division (or re-division, as the case may be). The Council shall consider any representations made and may either:
- 4.6.1 divide the community council area as proposed; or
 - 4.6.2 propose a different division (or re-division, as the case may be) in light of the representations received, in which case public notice of that different division (or re-division) must be given, with a further invitation to make representations under this clause 4.6.

5 Membership of Community Councils

- 5.1 The maximum number of members permitted for each community council shall be set using the formula: 10 members, plus one extra member for every 1000 residents of that community council area, subject to a combined maximum of 20.
- 5.2 Where a community council area is divided into neighbourhoods, the number of seats in each neighbourhood will be determined by that area's proportionate share of the community council area's population.
- 5.3 Individuals shall only be eligible for election or co-option to a community council if they:
- 5.3.1 reside in the area of the relevant community council;
 - 5.3.2 are named on the unedited Electoral Register for East Renfrewshire as being resident within that community council area;
 - 5.3.3 are at least 16 years of age at the time of the relevant election or co-option; and
 - 5.3.4 are not, at the time of the relevant election or co-option, disqualified from being a member of a community council under clause 12.12.5 of this Scheme.
- 5.4 Where a community council is divided into neighbourhoods, individuals shall, in addition to meeting the criteria noted at clause 5.3, only be eligible for election to the neighbourhood in which they reside and in respect of which they are named on the Electoral Register.

- 5.5 Any community council member who ceases to reside within the relevant community council area (or, where the community council is divided into neighbourhoods, the relevant neighbourhood for which they were elected), shall be deemed to have resigned from that community council. Any community council member who ceases to be named on the Electoral Register for the relevant community council area (or neighbourhood area, as the case may be) for a period of two consecutive months, shall be deemed to have resigned from that community council.
- 5.6 If any member of a community council fails throughout a period of 6 consecutive months to attend any community council meeting, they will be deemed to have resigned from that community council. 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. Members on a leave of absence shall continue to be included in the total number of community council members for the purposes of this scheme.
- 5.7 Any community council member who is removed from a community council under clause 12.12.4 below shall immediately cease to be a member of that community council, whether or not they are otherwise disqualified from being a member of a community council.
- 5.8 Any community council member who is suspended under clauses 12.5.3 or 12.12.3 below shall continue to be included in the total number of community council members for the purposes of this scheme, but shall otherwise not be entitled to vote at any community council meeting that takes place during the period of their suspension.
- 5.9 Any member of a community council who is elected to serve on East Renfrewshire Council, or elected to the Scottish, United Kingdom or European Parliament, shall be deemed to have resigned from the community council as at the point they assume that other office. Individuals elected to any of those institutions shall also be ineligible to be elected or co-opted as a member of a community council for so long as they remain an elected member of the relevant institution.
- 5.10 Elected members of East Renfrewshire Council whose wards fall wholly or partly within the geographical area of a community council shall be ex-officio members of the relevant community council. Any member of the Scottish, United Kingdom or European Parliament whose constituency falls either wholly or partly within the geographical area of a community council is entitled to become an ex-officio member of the relevant community council, and may exercise that entitlement by providing written notice to the Chair of the relevant community council. Ex-officio members are not required to attend meetings and are not subject to clause 5.6, shall have no voting rights on the community council, shall not count towards meeting a quorum, and shall not be included in the number of community council members for the purposes of the total maximum number of members permitted under clause 5.1 above.

- 5.11 A community council may appoint associate members where the community council believes there may be a need for individuals with particular skills or knowledge. Associate members may be, but are not required to be, representatives of other constituted local voluntary organisations. Associate members do not require to be resident in the relevant community council area. Associate members shall serve for a fixed period as determined by the community council, which shall be not longer than the term of office of the community council. Associate members shall not have voting rights and shall not count towards meeting a quorum, nor shall they be included in the number of community council members for the purposes of the total maximum number of members permitted under clause 5.1 above. No person who is suspended from, or disqualified from sitting on, any community council in the East Renfrewshire area in accordance with section 12 of this Scheme may be appointed as an associate member of a community council. Associate members shall sign the Declaration of Acceptance of Office (Associate Members) set out at Appendix VIII at the meeting at which their associate membership is approved.
- 5.12 Vacancies may arise within community councils between elections, either by virtue of one of the circumstances in clauses 5.5, 5.6 or 5.7 above, or because a member submits his or her resignation. Where a vacancy arises, the community council may:-
- 5.12.1 fill the vacancy by co-option, as long as that would not result in the number of co-opted members equalling or exceeding the total number of elected members of the community council, in accordance with clause 8.2.4 below; or
- 5.12.2 leave the vacancy unfilled until the next election.
- 5.13 Should circumstances arise that lead to the number of elected community council members falling below HALF of the total maximum number of seats on that community council, East Renfrewshire Council shall be informed and shall arrange for an interim election to be held in respect of all vacant seats, following the procedure set out in section 6 as modified so as to be only in respect of those seats.

6 Community Council Elections

6.1 Eligibility

- 6.1.1 Candidates may only be nominated for election to a community council if they meet the eligibility criteria set out at clauses 5.3.1, 5.3.2 and 5.4 above, and will at the time of the relevant election be neither less than 16 years of age nor disqualified from being a member of a community council under clause 12.12.5 below.

6.2 Date of Elections

- 6.2.1 The first elections to be held under this Scheme shall be held on a date to be determined by East Renfrewshire Council.

6.2.2 Subsequent elections shall be held on a four-yearly cycle and shall take place in October, with the exact date of each election to be determined by East Renfrewshire Council. A notice of election will be published by the Independent Returning Officer.

6.3 Administration of Elections

6.3.1 East Renfrewshire Council will administer all elections. Elections will be conducted by the Independent Returning Officer appointed by the Council under section 41 of the Representation of the People Act 1983 (who may be the Returning Officer of the Council) or some other person nominated by the Independent Returning Officer to conduct elections on their behalf.

6.4 Nominations

6.4.1 Individuals seeking election to a community council require to be nominated by a proposer and seconder, both of whom must be named on the unedited Electoral Register for East Renfrewshire and shown as resident within the relevant community council area (and, where the community council is divided into neighbourhoods, for the area of the relevant neighbourhood). Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.

6.4.2 A nomination form must be completed, in the form set out at Appendix VI, and submitted to East Renfrewshire Council within the nomination period. The nominee must submit a statement of no more than 250 words prior to the close of the nomination period. The statement must not mention any other individual or community council; it should set out the reasons why they wish to serve on the community council, their relevant experience, how they propose to improve their community and their priorities if elected. Statements cannot exceed 250 words and will be made publicly available. A nomination is not valid without a statement meeting these criteria.

6.4.3 The nomination period shall begin 10 weeks prior to the day determined by East Renfrewshire Council under clause 6.2.1 or 6.2.2 above, and last for 4 weeks. No nomination forms submitted after the close of the nomination period will be accepted. As soon as is practicable following the close of the nomination period, a statement of persons nominated and the public election statements submitted with each nomination form, will be published.

6.5 Elections

6.5.1 On the day appointed by East Renfrewshire Council under clause 6.2.1 or 6.2.2 above:

- 6.5.1.1 Should the number of candidates validly nominated for a community council area, or neighbourhood area where the relevant community council area is divided into neighbourhoods, exceed the total maximum number of seats for that community council area or neighbourhood area, a poll shall be held in respect of that community council area or neighbourhood area (as the case may be).
- 6.5.1.2 Should the number of candidates validly nominated for a community council area, or for each neighbourhood area within a community council area, not exceed the total maximum number of seats for the relevant area, and the total number of candidates validly nominated for the community council area be not less than **HALF** the total maximum number of seats on the community council, the said candidates will be declared to be elected with immediate effect and no poll shall be held.
- 6.5.1.3 Should the number of candidates validly nominated for a community council area be below **HALF** the total maximum number of seats on that community council, no community council will be established at that time. However, that does not preclude East Renfrewshire Council from issuing a second call for nominations for such a community council area within 6 months of the closing date for the registration of the first call for nominations.
- 6.5.1.4 Individuals who have been declared elected are required to sign the Declaration of Acceptance of Office at Appendix VII and agree to be bound by it before they are entitled to conduct or vote on any business of the community council.

6.6 Polls

- 6.6.1 Those eligible to vote in a poll in respect of a particular community council area or neighbourhood area shall be those who meet the eligibility criteria set out at clauses 5.3.1 to 5.3.3, and where relevant 5.4, above.
- 6.6.2 Subject to clause 6.6.4 below, each eligible voter shall be entitled to cast as many votes as there are seats on the relevant community council, subject to being able to vote no more than once for any one candidate.
- 6.6.3 Where a community council area is divided into neighbourhoods, each eligible voter shall be entitled to vote only for candidates standing for seats within the neighbourhood area in which the eligible voter resides, may only cast as many

votes as there are seats for the relevant neighbourhood area, and may vote no more than once for any one candidate.

6.6.4 Candidates for each community council shall be ranked in order of the number of votes cast in their favour. Beginning with the candidate who received the most votes, each candidate in turn shall be declared to be elected until the total maximum number of seats on that community council has been filled. Where a community council is divided into neighbourhoods, an equivalent process shall be followed in respect of each neighbourhood.

6.6.5 In the event that two or more candidates receive an identical number of votes, and their ranking is such that not all of those candidates may be elected, those candidates shall cut cards to decide which of them shall be elected.

7 Establishment and meetings of community councils

7.1 A community council shall be established at its first quorate meeting following an election. That meeting will be called by the Returning Officer 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 the Model Constitution and Model Standing Orders and the appointment of office bearers, and will be chaired by the Returning Officer or their representative until the conclusion of this business.

7.2 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 April or May of each year.

7.3 The quorum for community council meetings shall be one third of the voting membership of a community council.

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

8 Co-option to Community Councils

8.1 The community council may co-opt individuals to become members of the community council by a majority of the elected community council members present and voting. Notice of any proposed co-option must be intimated to all of the community council's members at least 14 days prior to the meeting when the matter will be raised and decided.

8.2 Individuals may only be co-opted if:

8.2.1 they consent to being co-opted;

- 8.2.2 they have agreed in writing that they will at all times comply with and uphold the terms of this Scheme, the constitution of the community council and the Code of Conduct for Community Council Members by signing the Declaration of Acceptance of Office at the meeting where their co-option is approved;
- 8.2.3 no later than one week prior to the meeting at which their co-option is to be voted on, they have provided to the Secretary of the community council (who will then circulate it to members in advance of the meeting) a statement of no more than 250 words, and not mentioning any other individual, setting out the reasons why they wish to be co-opted, their relevant experience, how they propose to improve their community and their priorities if co-opted, which statement will be made publicly available;
- 8.2.4 their co-option would not result in the number of co-opted members equalling or exceeding the total number of elected members on a community council, nor in the total number of members on the community council exceeding the total maximum number permitted under clause 5.1 above;
- 8.2.5 they are eligible for membership of the community council in accordance with clause 5.3;
- 8.2.6 they have not previously ceased to be a member of the community council by virtue of clause 5.7;
- 8.2.7 they are not ineligible for co-option by virtue of clause 8.4;and
- 8.2.8 either:
- 8.2.8.1 they reside in an area of the community council that is not represented (or is under-represented) on the community council; or
 - 8.2.8.2 the individual in question is or may be representative of individuals or groups who are otherwise not represented (or are under-represented) on the community council, having regard among other things to the individual's gender, age, ethnicity and/or any disability the individual may have.
- 8.3 Co-opted members shall have full voting rights, with the exception of voting on the co-option of others.
- 8.4 Co-opted members will serve until the dissolution of the community council and shall thereafter be ineligible for co-option to the relevant community council. For the avoidance of doubt, co-opted members and former co-opted members shall remain eligible for both nomination and election to the relevant community council. A co-opted member who resigns from a community council may be co-opted again during the same term of the community council in which they resigned, but not thereafter.

9 Equalities

- 9.1 Recognition should be given to the contribution of everyone participating in the work of community councils. Community councils must comply with equalities legislation and ensure that equality of opportunity be given to every participant (including, elected, co-opted, ex-officio and associate members) to have their knowledge, opinion, skill and experience taken into account.

10 Liaison with East Renfrewshire Council

- 10.1 In order to facilitate the effective functioning of community councils, East Renfrewshire Council will identify an official to act as a Liaison Officer with community councils.
- 10.2 A community council may make representations to East Renfrewshire Council and other public and private agencies on matters for which those agencies are responsible and which the community council considers to be of local interest. Representations should be made, in the case of statutory objections such as planning or liquor 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.

11 Resourcing

- 11.1 The financial year of each community council shall be provided for in the constitution of each community council and shall be from April to March in each succeeding year, to allow for the proper submission of independently examined statements of accounts to the community council's annual general meeting, which shall be held in April or May each year.
- 11.2 The annual accounts of each community council shall be examined by an independent examiner appointed by the community council, who is not a member of that community council. It is the responsibility of the office bearers of the community council to ensure that any examiner is competent to undertake the task. A copy of the independently examined statement of accounts and balance sheet shall be approved at the community council's annual general meeting, following which it shall as soon as is reasonably practicable be forwarded to the East Renfrewshire Council Liaison Officer along with original receipts and vouchers for expenditure in respect of the administrative allowance. Failure to do so will result in the withholding of administrative allowances that may otherwise have been provided under clause 11.6 below.
- 11.3 The Liaison Officer 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.
- 11.4 Each community council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions.

- 11.5 Each community council shall be eligible to apply for grants for suitable projects through East Renfrewshire Council's grant schemes.
- 11.6 East Renfrewshire Council may provide an annual administrative allowance to community councils to assist with the operating costs of the community council. East Renfrewshire Council may provide additional grants or other methods of funding to support or encourage the community council in carrying out other activities, and where a grant is provided in respect of such activities it may be spent only on such activities. East Renfrewshire Council may provide supplementary guidance regarding the annual administrative allowance.
- 11.7 East Renfrewshire Council may provide such additional support services or resourcing as community councils may require, such as: photocopying of community council minutes and agendas, and free lets of East Renfrewshire Council premises for community council meetings. East Renfrewshire Council will review the level of annual administrative allowance and other support to community councils following each local government electoral cycle.
- 11.8 East Renfrewshire Council, in most cases via the Liaison Officer, shall provide general induction training, 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 East Renfrewshire Council and other relevant topics. Training is not mandatory, but failure to take up an offer of such training may be a material consideration if a member of a community council later breaches the Code of Conduct for Community Council Members.

12 Community Council Member Obligations

- 12.1 Both elected and co-opted members of community councils must comply with and abide by the terms of this scheme, the constitution of their community council (as may be amended from time to time) and the Code of Conduct for Community Council Members. Associate members must also comply with those terms to the extent that they are applicable to them.
- 12.2 Any person may complain to the community council about the conduct of the community council, or any member or group of members thereof. All complaints shall be dealt with by the community council in the first instance, unless:
- 12.2.1 the complaint concerns the conduct of the community council as a whole, or the conduct of half or more of the community council members;
- 12.2.2 three or more complaints have previously been received about a particular community council member, or from a particular individual, during a single community council term; or
- 12.2.3 the complaint concerns the response of the community council to a previous complaint.
- 12.3 Complaints falling within one of the categories in clauses 12.2.1 to 12.2.3 shall be referred to a Conduct Review Panel established under clause 12.7.

- 12.4 The community council need not consider the substance of a complaint, nor refer a complaint to the Conduct Review Panel, if the community council decides (by a simple majority of those voting and present at a meeting) that the complaint is vexatious, or that the subject-matter of the complaint is substantially identical to that of a previous complaint that has been or is being dealt with by either the community council or the Conduct Review Panel.
- 12.5 All other complaints shall be considered by the relevant community council, which shall decide on a simple majority of voting members whether the subject of a complaint has, on the balance of probabilities, failed to comply with the obligations set out at clause 12.1. Any member who is the subject of a complaint, or who is the complainer, shall not be entitled to vote. If satisfied that those obligations have not been complied with, the community council must either:
- 12.5.1 censure the member(s) in question;
 - 12.5.2 issue a formal written warning to the member(s) in question;
 - 12.5.3 suspend the member(s) from the community council for up to 3 months; or
 - 12.5.4 where it considers that the sanctions set out in 12.5.1 to 12.5.3 would be inappropriate or insufficient, refer the complaint to the Conduct Review Panel for consideration and determination.
- 12.6 At the request of either the complainer or the subject of the complaint, arrangements shall be made for members of the community council to vote on the complaint by way of a secret ballot.
- 12.7 A Conduct Review Panel (a "Panel") shall be established to deal with any complaints referred under clauses 12.3 or 12.5.4.
- 12.8 A Panel shall consist of 3 elected members of East Renfrewshire Council plus 2 members of community councils within the East Renfrewshire Council area to which the complaint does not relate. The Panel will have a quorum of 3. Only panel members present for all meetings in relation to a complaint can vote on the decision on that complaint.
- 12.9 If a complaint is made in respect of a decision of a community council to impose one of the sanctions set out at clauses 12.5.1 to 12.5.4 in respect of a previous complaint, including by the subject of that previous complaint, implementation of that sanction shall be suspended pending the Panel's determination of the new complaint.
- 12.10 A Panel shall meet to decide a complaint within 12 weeks of the complaint being referred to it. In the event it cannot be decided within 12 weeks, both parties will be notified of the revised timescales.
- 12.11 A Panel may refer a complaint for consideration by an independent person or body to be determined by the Panel, which person or body shall have the same obligations and powers in respect of the complaint as the Panel.

12.12 Otherwise, a Panel shall decide on a simple majority whether the subject of the complaint has, on the balance of probabilities, failed to comply with the obligations set out at clause 12.1. If satisfied that those obligations have not been complied with, the Panel must:

12.12.1 impose one of the sanctions set out at clauses 12.5.1 to 12.5.3;

12.12.2 where the complaint concerns a community council's decision to impose one of those sanctions, confirm the community council's decision;

12.12.3 suspend the member(s) in question from the relevant community council for up to one year;

12.12.4 remove the member(s) in question from the relevant community council, either with or without a period of disqualification under 12.12.5;

12.12.5 disqualify an individual from sitting on any community council within the East Renfrewshire Council area for such period as the Panel shall decide, up to a maximum of the remainder of the relevant community council's term or 2 years, whichever is greater;

12.12.6 require the subject of the complaint to participate in mediation with the complainer (without prejudice to the Panel's ability to impose one of the other remedies set out in this clause 12.12 if that mediation is unsuccessful); or

12.12.7 in circumstances where it appears that the whole community council, or a significant proportion of its members, have engaged in gross misconduct, recommend that East Renfrewshire Council suspend or dissolve the community council under clause 13.4.

12.13 Where a complaint referred to the Panel under clauses 12.2.3 and 12.3 concerns a community council's decision under clause 12.4, the Panel shall decide by a simple majority whether to confirm the community council's decision. If it does not confirm the community council's decision, it shall either: direct the community council to consider the original complaint in accordance with clauses 12.2 to 12.6 (excluding 12.4); or consider the original complaint itself in accordance with clauses 12.10 to 12.12

12.14 The Council reserves the right to carry out any investigation that it considers necessary into the conduct of a community council or individual members of a community council.

13 Dissolution of a Community Council

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

13.2 Notwithstanding those terms, should a community council fail to hold a meeting for a period of 3 consecutive prescribed meeting dates, or the number of elected community council members falls below half of the total maximum number of seats on that community council, East Renfrewshire Council may resolve by a simple majority to dissolve that community council.

- 13.3 A community council shall be dissolved at the close of the nomination period for an election to that community council.
- 13.4 Where for any reason East Renfrewshire Council is satisfied that a sufficient number of members of a community council are not complying with the terms of this scheme, its constitution or the Code of Conduct for Community Council Members, East Renfrewshire Council may resolve by a simple majority to suspend the community council for such a period as the resolution shall specify, or to dissolve it. Such suspension or dissolution shall have immediate effect, and shall be notified to the community council in writing as soon as is reasonably practicable.
- 13.5 In the event that a community council is dissolved for whatever reason, all assets of the community council remaining after the satisfaction of any and all proper debts or liabilities shall, subject to the approval of East Renfrewshire Council, transfer to East Renfrewshire Council who shall hold the same in trust for a future community council representing that area.
- 13.6 In the event that a community council is dissolved under one of the above clauses, or under a dissolution procedure provided for in its constitution, and twenty or more electors from that community council area subsequently submit a requisition to East Renfrewshire Council seeking the establishment of a community council for the area in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, East Renfrewshire Council shall make arrangements for elections to be held in accordance with this scheme as soon as reasonably practicable.

14 Modification of Scheme

- 14.1 Having regard to changing circumstances and to any representations made to them, East Renfrewshire Council shall from time to time review this Scheme and, where they consider that the Scheme ought to be amended (for example, to revise the boundaries of a community council area), they shall give public notice of the proposal to amend the Scheme, and invite representations on the proposed amendment(s) from any affected community councils and the public.
- 14.2 East Renfrewshire Council shall, having considered any representations made, either amend the Scheme as proposed, withdraw the proposal or revise the proposal to take account of any representation(s) made.
- 14.3 Where the proposal has been revised in light of representations made, East Renfrewshire Council shall provide further public notice of the revised proposal and invite further representations thereon. It shall then follow the procedure set out at clause 14.2.
- 14.4 A decision of East Renfrewshire Council to review the Scheme under clause 14.1, or to amend the Scheme under clause 14.2, must be passed by at least two-thirds of the members voting at a specially convened meeting of the Council.

MODEL CONSTITUTION FOR COMMUNITY COUNCILS

1 Name

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

2 Area of the Community Council

- 2.1 The area of the COMMUNITY COUNCIL shall be as shown on the map attached to the East Renfrewshire Council Scheme for the Establishment of Community Councils (amended 2015) (the “Scheme”).

3 Objectives

- 3.1 The objectives of the COMMUNITY COUNCIL shall be:
- 3.1.1 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;
 - 3.1.2 to express the views of the community to East Renfrewshire Council and to other public authorities and organisations;
 - 3.1.3 to take such action in the interests of the community as appears to it to be desirable and practicable;
 - 3.1.4 to promote the well-being of the community and to foster community spirit;
 - 3.1.5 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

- 4.1 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 section 3 of the Scheme, the terms of this Constitution and the Code of Conduct for Community Council Members.
- 4.2 Members of the COMMUNITY COUNCIL shall comply with and abide by their obligations under the Scheme, this Constitution and the Code of Conduct for Community Council Members, and their compliance shall be enforced via the procedure set out at section 12 of the Scheme.

5 Membership

- 5.1 The COMMUNITY COUNCIL'S membership is as governed by section 5 of the Scheme and as determined from time to time by East Renfrewshire Council.

6 Method of Election

- 6.1 Election procedures shall be governed by the method of election laid down in section 6 of the Scheme.

7 Vacancies on the Community Council

- 7.1 Where a vacancy arises, the COMMUNITY COUNCIL may:-
- 7.1.1 fill the vacancy by co-option, as long as that would not result in the number of co-opted members equalling or exceeding the total number of elected members of the COMMUNITY COUNCIL, in accordance with clause 8.2.4 of the Scheme; or
 - 7.1.2 leave the vacancy unfilled until the next election.
- 7.2 Should circumstances arise that lead to the number of elected community council members falling below HALF of the total maximum number of seats on that community council, East Renfrewshire Council shall be informed and shall arrange for an interim election to be held in respect of all vacant seats, following the procedure set out in section 6 as modified so as to be only in respect of those seats.

8 Voting Rights of Members of the Community Council

- 8.1 The right to vote at any meeting of the COMMUNITY COUNCIL or any committee thereof, shall be held by all COMMUNITY COUNCIL MEMBERS whether elected or co-opted (subject to clause 6.5.1.4 of the Scheme), 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 sections 16 and 17 of this constitution, all decisions of the COMMUNITY COUNCIL will be decided by a simple majority of those eligible to vote and present and voting.
- 8.2 In the event of a vote of the members of the COMMUNITY COUNCIL resulting in a tie, the Chair shall have a casting vote.

9 Election of Office-Bearers

- 9.1 At the first meeting of the COMMUNITY COUNCIL after an election, and at the Annual General Meeting in April each year, the COMMUNITY COUNCIL shall appoint a Chair, Secretary, Treasurer and other such office-bearers as it shall from time to time decide.

9.2 All office-bearers shall be elected for one year terms, other than at the first meeting of the COMMUNITY COUNCIL after an election, when they shall be elected to serve until the first AGM, and at the AGM prior to an election when they shall be elected to serve until the dissolution of the COMMUNITY COUNCIL in advance of that election. Subject to clause 9.3, office-bearers shall be eligible for re-election without limitation of time.

9.3 A member may not be appointed as Chair more than twice during a term of the COMMUNITY COUNCIL, nor be re-appointed other than at the first AGM following an election, or at the AGM prior to an election. Without the express approval of East Renfrewshire Council, no one member shall hold more than one of the following offices at any one time: Chair, Secretary and Treasurer.

9.4 Office bearers may be removed and a replacement approved at any meeting of the COMMUNITY COUNCIL by a simple majority vote of the members present and voting.

10 Committees of the Community Council

10.1 The COMMUNITY COUNCIL may establish and 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

11.1 The quorum for COMMUNITY COUNCIL meetings shall be one third of the current eligible voting membership.

11.2 In April or May each year the COMMUNITY COUNCIL shall convene an annual general meeting for the purpose of receiving and considering the Chair's annual report on the COMMUNITY COUNCIL, the submission and approval of the independently examined annual statement of accounts, the appointment of office bearers and the appointment of an independent examiner of the COMMUNITY COUNCIL'S accounts.

11.3 Including the annual general meeting, the COMMUNITY COUNCIL shall meet not less than 7 times throughout the year.

11.4 Dates, times and venues of regular meetings of the COMMUNITY COUNCIL shall be fixed at the first meeting of the COMMUNITY COUNCIL following an ordinary election and thereafter at its annual general meeting. A special meeting of the COMMUNITY COUNCIL may be called at any time by decision of the COMMUNITY COUNCIL. A special meeting shall also be called by the Secretary on being required to do so by the Chair, on receiving a written request specifying the business to be transacted at the meeting and signed by at least one half of the total number of COMMUNITY COUNCIL members, or on receiving a common written request (petition) signed by at least 20 persons resident within the COMMUNITY COUNCIL area. Public notice of special meetings shall be given (including notice being published online) at least 10 days prior to

the date of the meeting. An officer of East Renfrewshire Council may call a special meeting of the COMMUNITY COUNCIL at any time.

- 11.5 The agenda for each meeting shall be posted in public places such as libraries and notice boards, and online, not later than 5 days in advance of the relevant meeting.
- 11.6 The COMMUNITY COUNCIL shall, not later than 5 days before any meeting, circulate the agenda for that meeting and the draft minutes of the previous meeting to community council members, the Council, relevant elected members and other parties having an interest in the matters discussed.
- 11.7 The COMMUNITY COUNCIL shall provide the approved minutes of community council and any committee meetings to the Liaison Officer appointed by East Renfrewshire Council under clause 10.1 of the Scheme within 14 days of their approval, and circulate them to community council members, relevant elected members and other parties having an interest in the matters discussed.
- 11.8 The COMMUNITY COUNCIL shall abide by its Standing Orders for the proper conduct of its meetings.
- 11.9 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 accordance with the provisions of this constitution for special meetings called by the COMMUNITY COUNCIL.

12 Public Participation in the Work of the Community Council

- 12.1 All meetings of the COMMUNITY COUNCIL and its committees 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 Chair.
- 12.2 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 East Renfrewshire Council

- 13.1 East Renfrewshire Council'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 (including draft minutes), 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 East Renfrewshire Council. When special meetings of the COMMUNITY COUNCIL are to be held, East Renfrewshire Council'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

- 14.1 All monies raised by or on behalf of the COMMUNITY COUNCIL or received from East Renfrewshire Council or other sources shall be applied to further the objectives of the COMMUNITY COUNCIL and for no other purpose. The monies provided by East Renfrewshire Council in the annual administrative allowance 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.
- 14.2 The Treasurer shall undertake to keep proper accounts of the finances of the COMMUNITY COUNCIL.
- 14.3 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 or be related in any way or have any business relationship with each other.
- 14.4 A statement of accounts for the preceding financial year shall be prepared by the Treasurer and independently examined by an independent examiner appointed by the COMMUNITY COUNCIL, who must not be members of the COMMUNITY COUNCIL, and shall be submitted to an annual general meeting of the COMMUNITY COUNCIL and made available for inspection at a convenient location.
- 14.5 The financial year of the COMMUNITY COUNCIL shall be from April to March. Examined accounts as received and approved by the COMMUNITY COUNCIL at the annual general meeting shall be submitted to East Renfrewshire Council following approval at the COMMUNITY COUNCIL'S annual general meeting.

15 Title to Property

- 15.1 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

16.1 Any proposal by the COMMUNITY COUNCIL to alter this Constitution must first be considered by a meeting of the COMMUNITY COUNCIL. The terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued to all members not less than ten days prior to the meeting. Any proposed alterations may not contradict, prejudice or undermine the terms and objectives contained within the Scheme and must not negatively impact on the transparency and accountability of the COMMUNITY COUNCIL.

16.2 If the proposal is supported by two-thirds of the total voting membership of the COMMUNITY COUNCIL, and is approved in writing by East Renfrewshire Council, the alteration shall be deemed to have been duly authorised and shall come into effect as of the date of East Renfrewshire Council's approval.

17 Dissolution

17.1 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 propose a resolution to dissolve and shall agree a date for a public meeting to be held to discuss the proposed resolution. It is a requirement that not less than ten days prior to the date of such meeting a public notice of the proposed resolution shall be given within the area of the COMMUNITY COUNCIL. If the resolution is approved by a simple majority of those members present and voting, the COMMUNITY COUNCIL must notify East Renfrewshire Council no later than the next business day following the decision to approve the resolution to dissolve. The COMMUNITY COUNCIL shall be deemed to be dissolved as of the date on which East Renfrewshire Council confirms receipt of that notification. All assets remaining after the satisfaction of any and all proper debts or liabilities shall, subject to the approval of East Renfrewshire Council, transfer to East Renfrewshire Council who shall hold the same in Trust for a future community council representing that area.

18 Adoption of the Constitution

This Constitution was adopted by
COMMUNITY COUNCIL, on

..... Signed: Chair
..... Member
..... Member
..... Date

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. A special meeting of the COMMUNITY COUNCIL may be called at any time by decision of the COMMUNITY COUNCIL. Special Meetings may be called at any time by the Secretary on the instructions of the Chair of the COMMUNITY COUNCIL, or if requested to do so in writing by not less than one-half of the total number of COMMUNITY COUNCIL members, or upon 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. A special meeting shall be held within 14 days of the request being received by the Secretary of the COMMUNITY COUNCIL. Annual general meetings are held annually in April or May of each year.
- (b) Notice of ordinary and annual general meetings of the COMMUNITY COUNCIL, featuring the date, time and venue, shall be provided by the Secretary of the COMMUNITY COUNCIL to each COMMUNITY COUNCIL member and to East Renfrewshire Council's Liaison Officer, 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, circulated in accordance with clause 3.8.2 of the East Renfrewshire Council Scheme for the Establishment of Community Councils (amended 2015) (the "Scheme") and shall, following their approval, be signed at the next meeting of the COMMUNITY COUNCIL by the person presiding thereat. The approved and signed minutes shall be retained for future reference, and shall be circulated in accordance with clause 3.8.3 of the Scheme.

3. Quorum

A quorum shall be one-third of the current eligible voting membership of the COMMUNITY COUNCIL.

4. Order of Business

- (i) First meeting following an election

The order of business at the first meeting following an election shall include the following:

- a) Recording of members present and apologies received.
- b) Report on signatures of the Declaration of Acceptance of Office.
- c) Election of office bearers.
- d) Adoption of Model Constitution and Model Standing Orders.
- e) Appointment of independent examiners of accounts.

- (ii) Ordinary Meeting

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

- (a) Recording of members 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 Chair has directed should be considered.
- (d) Any other competent business.
- (e) Questions from the floor.
- (f) Chair to declare date of next meeting and close meeting.

(ii) Annual General Meeting

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

- (a) Recording of members present and apologies received.
- (b) The minutes of the last annual general meeting of the COMMUNITY COUNCIL shall be submitted for adoption.
- (c) Chair'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) Demit of current independent examiner of accounts and appointment.
- (h) Chair to declare date of next annual general meeting and close meeting.

It will not be uncommon for the COMMUNITY COUNCIL to arrange 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.

(iii) Special Meeting

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

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

5. Order of Debate

- (a) The Chair shall decide all questions of order, relevancy and competency arising at meetings of the COMMUNITY COUNCIL and his or her ruling shall be final and shall not be open to discussion. In particular, the Chair shall determine the order, relevancy and competency of all questions from the public which may be raised at meetings of the COMMUNITY COUNCIL in accordance with section 4 above. The Chair, 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 to the need to ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Chair shall have the power, in the event of disorder arising at any meeting, to

adjourn the COMMUNITY COUNCIL meeting to a time he or she may then, or afterwards, fix.

- (b) Every motion or amendment must be moved and seconded in order to be competent.
- (c) After a mover of a motion has been called on by the Chair to reply, no other members shall speak to the question.
- (d) A motion or amendment once made and seconded may 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 on the relevant question, with the exceptions that secret ballots may be held (i) in respect of the election of office bearers or (ii) where requested in respect of a complaint under clause 12.5 of the Scheme.
- (b) The Chair 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 submitted to East Renfrewshire Council at any time by the COMMUNITY COUNCIL, provided that notice of a motion to that effect is given at the meeting of the COMMUNITY COUNCIL prior to the meeting at which the motion is discussed. East Renfrewshire Council shall have final discretion on any proposed change.

8. Committees

The COMMUNITY COUNCIL may establish and appoint representatives to 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 in attendance consent to such suspension.

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CODE OF CONDUCT FOR COMMUNITY COUNCIL MEMBERS

This Code of Conduct for Community Council Members is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

Community council members, as representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles shall apply to all community council members and those representing the community council. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Service to the Community

As a community council member you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Scheme for the Establishment of Community Councils, as set out by East Renfrewshire Council under the terms of the Local Government (Scotland) Act 1973 (the "Scheme").

You 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.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a community council member to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter to be considered by the community council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the community council.

Objectivity

In all your decisions and opinions as a community council member, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your community council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and community council and not the interests of a particular political party or other group.

Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the community council. You must ensure that the community council uses its resources prudently and in accordance with the law.

Community council members will individually and collectively ensure that the business of the community council is conducted according to the Scheme and this Code of Conduct.

Community council members will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the community council as set out in the Scheme. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of community council business and for no other purpose.

Minutes of meetings recording all actions and decisions made should be produced and circulated to all members of the community council as soon as possible after each meeting.

Any breach of the Scheme may be reported to East Renfrewshire Council to determine what action, if necessary, should be taken.

Openness

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the media, members of the public, or others not directly involved in your community council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the community council.

Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your community council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the community council.

Leadership

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the community council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the community council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the community council is aware of them.

Respect

You must respect fellow members of your community council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, you have dealings with in your capacity as a community council member.

Recognition should be given to the contribution of everyone participating in the work of the community council. You 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.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

You must not misuse the Code for personal gain, political advantage or for the purposes of making complaints.



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COMMUNITY COUNCILS PRIVACY STATEMENT

Who will process your information?

The personal information you give to us in relation to community councils and any other personal information we hold about you in this context will be processed by East Renfrewshire Council, Eastwood Park, Giffnock G46 6UG.

Why do we process your information?

You are giving us your personal information to allow us to process nomination forms to become/be a community councillor on a community council in the East Renfrewshire area, We also use your information to verify your identity where required, to contact you by post, email or telephone in respect of community council related matters, and to maintain our records.

What is the legal basis for us to process your information?

We provide these services to you as part of our statutory function as your local authority. You can find more details of our website at www.eastrenfrewshire.gov.uk Processing your personal information is necessary for the performance of a task carried out in the public interest by the council.

Who is your information shared with?

Your information will be accessed by council staff involved in the nomination process and thereafter shared with other services associated with the provision of services and support for community councils.

Your information may also be shared with bodies responsible for auditing or administering public funds.

The council also generally complies with requests for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate.

How long do we keep your information for?

We only keep your personal information for the minimum period of time necessary in terms of business requirements. Your information will be destroyed under confidential conditions after this period.

Your rights

You have the right to:

1. Be informed of the council's use of your information

This notice is intended to give you relevant information to meet this right.

2. Access personal data held about you
3. Request rectification of your personal data
4. Request that the council restricts processing of your personal data
5. Object to the processing of your data
6. Ask us to delete your information –

Further information about these rights and how you can exercise them can be obtained from the Council's general privacy notice.

Information you have given us about other people

If you have provided anyone else's details as part of the nomination process or thereafter on other community council related paperwork, please make sure that you have told them you have provided information to the council. We will only use this information to confirm the validity of a nomination and these records would be held in accordance with our retentions policy. If they want further information about how we will use their information they can visit our website at www.eastrenfrewshire.gov.uk

Complaints

If you have an issue with the way the council handles your information or wish to exercise any of the above rights in respect of your information you can contact the Council's Data Protection Officer. Contact details can be obtained from the Council's general privacy notice

You also have the right to complain directly to the Information Commissioner's Office (ICO). Contact details can be obtained from the Councils general privacy notice.

While you can go directly to the ICO, the Council would welcome the opportunity to address any issues you have in the first instance.

MODEL CONSTITUTION FOR COMMUNITY COUNCILS

1 Name

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

2 Area of the Community Council

- 2.1 The area of the COMMUNITY COUNCIL shall be as shown on the map attached to the East Renfrewshire Council Scheme for the Establishment of Community Councils (amended 2015) (the “Scheme”).

3 Objectives

- 3.1 The objectives of the COMMUNITY COUNCIL shall be:
- 3.1.1 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;
 - 3.1.2 to express the views of the community to East Renfrewshire Council and to other public authorities and organisations;
 - 3.1.3 to take such action in the interests of the community as appears to it to be desirable and practicable;
 - 3.1.4 to promote the well-being of the community and to foster community spirit;
 - 3.1.5 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

- 4.1 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 section 3 of the Scheme, the terms of this Constitution and the Code of Conduct for Community Council Members.
- 4.2 Members of the COMMUNITY COUNCIL shall comply with and abide by their obligations under the Scheme, this Constitution and the Code of Conduct for Community Council Members, and their compliance shall be enforced via the procedure set out at section 12 of the Scheme.

5 Membership

- 5.1 The COMMUNITY COUNCIL’S membership is as governed by section 5 of the Scheme and as determined from time to time by East Renfrewshire Council.

6 Method of Election

- 6.1 Election procedures shall be governed by the method of election laid down in section 6 of the Scheme.

7 Vacancies on the Community Council

- 7.1 Where a vacancy arises, the COMMUNITY COUNCIL may:-

7.1.1 fill the vacancy by co-option, as long as that would not result in the number of co-opted members equalling or exceeding the total number of elected members of the COMMUNITY COUNCIL, in accordance with clause 8.2.4 of the Scheme; or

7.1.2 leave the vacancy unfilled until the next election.

- 7.2 Should circumstances arise that lead to the number of elected community council members falling below HALF of the total maximum number of seats on that community council, East Renfrewshire Council shall be informed and shall arrange for an interim election to be held in respect of all vacant seats, following the procedure set out in section 6 as modified so as to be only in respect of those seats.

8 Voting Rights of Members of the Community Council

- 8.1 The right to vote at any meeting of the COMMUNITY COUNCIL or any committee thereof, shall be held by all COMMUNITY COUNCIL MEMBERS whether elected or co-opted (subject to clause 6.5.1.4 of the Scheme), 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 sections 16 and 17 of this constitution, all decisions of the COMMUNITY COUNCIL will be decided by a simple majority of those eligible to vote and present and voting.

- 8.2 In the event of a vote of the members of the COMMUNITY COUNCIL resulting in a tie, the Chair shall have a casting vote.

9 Election of Office-Bearers

- 9.1 At the first meeting of the COMMUNITY COUNCIL after an election, and at the Annual General Meeting in April each year, the COMMUNITY COUNCIL shall appoint a Chair, Secretary, Treasurer and other such office-bearers as it shall from time to time decide.

- 9.2 All office-bearers shall be elected for one year terms, other than at the first meeting of the COMMUNITY COUNCIL after an election, when they shall be elected to serve until the first AGM, and at the AGM prior to an election when they shall be elected to serve until the dissolution of the COMMUNITY COUNCIL in advance of that election. Subject to clause 9.3, office-bearers shall be eligible for re-election without limitation of time.

9.3 A member may not be appointed as Chair more than twice during a term of the COMMUNITY COUNCIL, nor be re-appointed other than at the first AGM following an election, or at the AGM prior to an election. Without the express approval of East Renfrewshire Council, no one member shall hold more than one of the following offices at any one time: Chair, Secretary and Treasurer.

9.4 Office bearers may be removed and a replacement approved at any meeting of the COMMUNITY COUNCIL by a simple majority vote of the members present and voting.

10 Committees of the Community Council

10.1 The COMMUNITY COUNCIL may establish and 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

11.1 The quorum for COMMUNITY COUNCIL meetings shall be one third of the current eligible voting membership.

11.2 In April or May each year the COMMUNITY COUNCIL shall convene an annual general meeting for the purpose of receiving and considering the Chair's annual report on the COMMUNITY COUNCIL, the submission and approval of the independently examined annual statement of accounts, the appointment of office bearers and the appointment of an independent examiner of the COMMUNITY COUNCIL's accounts.

11.3 Including the annual general meeting, the COMMUNITY COUNCIL shall meet not less than 7 times throughout the year.

11.4 Dates, times and venues of regular meetings of the COMMUNITY COUNCIL shall be fixed at the first meeting of the COMMUNITY COUNCIL following an ordinary election and thereafter at its annual general meeting. A special meeting of the COMMUNITY COUNCIL may be called at any time by decision of the COMMUNITY COUNCIL. A special meeting shall also be called by the Secretary on being required to do so by the Chair, on receiving a written request specifying the business to be transacted at the meeting and signed by at least one half of the total number of COMMUNITY COUNCIL members, or on receiving a common written request (petition) signed by at least 20 persons resident within the COMMUNITY COUNCIL area. Public notice of special meetings shall be given (including notice being published online) at least 10 days prior to the date of the meeting. An officer of East Renfrewshire Council may call a special meeting of the COMMUNITY COUNCIL at any time.

11.5 The agenda for each meeting shall be posted in public places such as libraries and notice boards, and online, not later than 5 days in advance of the relevant meeting.

- 11.6 The COMMUNITY COUNCIL shall, not later than 5 days before any meeting, circulate the agenda for that meeting and the draft minutes of the previous meeting to community council members, the Council, relevant elected members and other parties having an interest in the matters discussed.
- 11.7 The COMMUNITY COUNCIL shall provide the approved minutes of community council and any committee meetings to the Liaison Officer appointed by East Renfrewshire Council under clause 10.1 of the Scheme within 14 days of their approval, and circulate them to community council members, relevant elected members and other parties having an interest in the matters discussed.
- 11.8 The COMMUNITY COUNCIL shall abide by its Standing Orders for the proper conduct of its meetings.
- 11.9 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 accordance with the provisions of this constitution for special meetings called by the COMMUNITY COUNCIL.

12 Public Participation in the Work of the Community Council

- 12.1 All meetings of the COMMUNITY COUNCIL and its committees 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 Chair.
- 12.2 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 East Renfrewshire Council

- 13.1 East Renfrewshire Council'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 (including draft minutes), 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 East Renfrewshire Council. When special meetings of the COMMUNITY COUNCIL are to be held, East Renfrewshire Council'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

- 14.1 All monies raised by or on behalf of the COMMUNITY COUNCIL or received from East Renfrewshire Council or other sources shall be applied to further the objectives of the

COMMUNITY COUNCIL and for no other purpose. The monies provided by East Renfrewshire Council in the annual administrative allowance 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.

- 14.2 The Treasurer shall undertake to keep proper accounts of the finances of the COMMUNITY COUNCIL.
- 14.3 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 or be related in any way or have any business relationship with each other.
- 14.4 A statement of accounts for the preceding financial year shall be prepared by the Treasurer and independently examined by an independent examiner appointed by the COMMUNITY COUNCIL, who must not be members of the COMMUNITY COUNCIL, and shall be submitted to an annual general meeting of the COMMUNITY COUNCIL and made available for inspection at a convenient location.
- 14.5 The financial year of the COMMUNITY COUNCIL shall be from April to March. Examined accounts as received and approved by the COMMUNITY COUNCIL at the annual general meeting shall be submitted to East Renfrewshire Council following approval at the COMMUNITY COUNCIL's annual general meeting.

15 Title to Property

- 15.1 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

- 16.1 Any proposal by the COMMUNITY COUNCIL to alter this Constitution must first be considered by a meeting of the COMMUNITY COUNCIL. The terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued to all members not less than ten days prior to the meeting. Any proposed alterations may not contradict, prejudice or undermine the terms and objectives contained within the Scheme and must not negatively impact on the transparency and accountability of the COMMUNITY COUNCIL.
- 16.2 If the proposal is supported by two-thirds of the total voting membership of the COMMUNITY COUNCIL, and is approved in writing by East Renfrewshire Council, the alteration shall be deemed to have been duly authorised and shall come into effect as of the date of East Renfrewshire Council's approval.

17 Dissolution

17.1 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 propose a resolution to dissolve and shall agree a date for a public meeting to be held to discuss the proposed resolution. It is a requirement that not less than ten days prior to the date of such meeting a public notice of the proposed resolution shall be given within the area of the COMMUNITY COUNCIL. If the resolution is approved by a simple majority of those members present and voting, the COMMUNITY COUNCIL must notify East Renfrewshire Council no later than the next business day following the decision to approve the resolution to dissolve. The COMMUNITY COUNCIL shall be deemed to be dissolved as of the date on which East Renfrewshire Council confirms receipt of that notification. All assets remaining after the satisfaction of any and all proper debts or liabilities shall, subject to the approval of East Renfrewshire Council, transfer to East Renfrewshire Council who shall hold the same in Trust for a future community council representing that area.

18 Adoption of the Constitution

This Constitution was adopted by
COMMUNITY COUNCIL, on

..... Signed: Chair
..... Member
..... Member
..... Date

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. A special meeting of the COMMUNITY COUNCIL may be called at any time by decision of the COMMUNITY COUNCIL. Special Meetings may be called at any time by the Secretary on the instructions of the Chair of the COMMUNITY COUNCIL, or if requested to do so in writing by not less than one-half of the total number of COMMUNITY COUNCIL members, or upon 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. A special meeting shall be held within 14 days of the request being received by the Secretary of the COMMUNITY COUNCIL. Annual general meetings are held annually in April or May of each year.
- (b) Notice of ordinary and annual general meetings of the COMMUNITY COUNCIL, featuring the date, time and venue, shall be provided by the Secretary of the COMMUNITY COUNCIL to each COMMUNITY COUNCIL member and to East Renfrewshire Council's Liaison Officer, 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, circulated in accordance with clause 3.8.2 of the East Renfrewshire Council Scheme for the Establishment of Community Councils (amended 2015) (the "Scheme") and shall, following their approval, be signed at the next meeting of the COMMUNITY COUNCIL by the person presiding thereat. The approved and signed minutes shall be retained for future reference, and shall be circulated in accordance with clause 3.8.3 of the Scheme.

3. Quorum

A quorum shall be one-third of the current eligible voting membership of the COMMUNITY COUNCIL.

4. Order of Business

(i) First meeting following an election

The order of business at the first meeting following an election shall include the following:

- a) Recording of members present and apologies received.
- b) Report on signatures of the Declaration of Acceptance of Office.
- c) Election of office bearers.
- d) Adoption of Model Constitution and Model Standing Orders.
- e) Appointment of independent examiners of accounts.

(ii) Ordinary Meeting

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

- (a) Recording of members 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 Chair has directed should be considered.

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

(ii) Annual General Meeting

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

- (a) Recording of members present and apologies received.
- (b) The minutes of the last annual general meeting of the COMMUNITY COUNCIL shall be submitted for adoption.
- (c) Chair'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) Demit of current independent examiner of accounts and appointment.
- (h) Chair to declare date of next annual general meeting and close meeting.

It will not be uncommon for the COMMUNITY COUNCIL to arrange 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.

(iii) Special Meeting

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

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

5. Order of Debate

- (a) The Chair shall decide all questions of order, relevancy and competency arising at meetings of the COMMUNITY COUNCIL and his or her ruling shall be final and shall not be open to discussion. In particular, the Chair shall determine the order, relevancy and competency of all questions from the public which may be raised at meetings of the COMMUNITY COUNCIL in accordance with section 4 above. The Chair, 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 to the need to ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Chair shall have the power, in the event of disorder arising at any meeting, to adjourn the COMMUNITY COUNCIL meeting to a time he or she may then, or afterwards, fix.
- (b) Every motion or amendment must be moved and seconded in order to be competent.
- (c) After a mover of a motion has been called on by the Chair to reply, no other members shall speak to the question.

- (d) A motion or amendment once made and seconded may 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 on the relevant question, with the exceptions that secret ballots may be held (i) in respect of the election of office bearers or (ii) where requested in respect of a complaint under clause 12.5 of the Scheme.
- (b) The Chair 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 submitted to East Renfrewshire Council at any time by the COMMUNITY COUNCIL, provided that notice of a motion to that effect is given at the meeting of the COMMUNITY COUNCIL prior to the meeting at which the motion is discussed. East Renfrewshire Council shall have final discretion on any proposed change.

8. Committees

The COMMUNITY COUNCIL may establish and appoint representatives to 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 in attendance consent to such suspension.

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THE CITY OF EDINBURGH COUNCIL

SCHEME FOR COMMUNITY COUNCILS

1. Introduction

1.1 Community Councils were first established in Scotland by the Local Government (Scotland) Act 1973, with the Local Government etc. (Scotland) Act, 1994, which creating the current system of unitary local authorities, and providing, under Section 22, for the continuation of community councils. These acts provide the legal framework for community councils.

1.2 The City of Edinburgh Council Scheme for Community Councils (the Scheme)

- (1) Establishes the governance framework under which community councils in the City of Edinburgh Council local authority area are to comply, and
- (2) Forms the constitution of each community council.

2. Statutory purposes

2.1. The statutory purposes of the community councils established under the 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

3.1 The general purpose of community councils is to act as voices for their local areas, articulating the views and concerns of individuals and groups on a wide range of issues of public concern, including making representations to the City of Edinburgh Council, other public sector bodies and private agencies on matters within their sphere of interest.

3.2 Community councils have a statutory right to be consulted on planning applications.

3.3 Community councils are competent objectors to all licence applications lodged with the City of Edinburgh Council in terms of the Civic Government (Scotland) Act 1982, which includes applications for House in Multiple Occupation licences.

3.4 Community councils are the key community representative bodies within the local community planning arrangements across the city of Edinburgh.

- 3.5 Community councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within Section 3 of the Scheme.
- 3.6 Community councils should engage widely with their local communities to represent their views when engaging with the City of Edinburgh Council. It is essential that these views are demonstrated to be representative, and each community council should expect to be able to explain why it has taken a particular position. Strategies should be devised to secure greater involvement by all sectors of their communities.
- 3.7 Community councils should be able to demonstrate how they are fulfilling their responsibilities as representative bodies by provision of an annual report and other forms of engagement such as newsletters, surveys, websites and use of social media.
- 3.8 In order to fulfil their responsibilities as effective and representative, community councils shall:
- a. 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, online and notice boards; and (subject to provisions contained within data protection legislation) provide contact details of community council members.
 - b. Circulate agendas and whenever possible draft minutes of community council meetings at least seven days prior to the date of a meeting to facilitate access by the community and circulation to the local authority, relevant elected members, relevant council officers and relevant parties.
 - c. Seek to broaden both representation and expertise by enlisting associate members onto the community council for specific projects/issues.
 - d. Make particular efforts to encourage young people and other under-represented groups to attend/participate in community council meetings and activities to ensure equality of opportunity in the way the community council carries out its functions.
 - e. Maintain proper financial records and present financial reports at community council meetings.
 - f. Liaise closely with the City of Edinburgh Council on any change of membership (e.g. resignations, co-option) and circumstances.
- 3.9 Overall, community councils should engage with and establish positive working relationships with the City of Edinburgh Council and other agencies. In carrying out their activities community councils must at all times adhere to the law and the Community Councillors' Code of Conduct, detailed in Schedule 3 to this scheme.
- 3.10 A community council shall be non-party political in all its activities.

4. Community council areas

- 4.1 Edinburgh is divided up into 46 community council areas and community councils may be established to serve and represent these areas identified in Schedule 1 to the Scheme.

5. Membership of Community Councils

Elected and nominated representatives

- 5.1. The maximum numbers of elected and nominated representatives for each community council is specified in Schedule 1 to the Scheme. Provisions detailing eligibility of elected and nominated representatives are detailed at Section 6 below.
- 5.2. Elected and nominated representatives shall be entitled to vote, move motions or amendments and hold office.
- 5.3. An individual shall not be permitted to hold elected membership and nominated membership concurrently.

Ex-officio representatives

- 5.4. Local Authority Councillors, MPs, MSPs, MEPs and SYPs whose wards fall wholly or partly within the geographical area of the community council area shall be ex-officio members of the community council.
- 5.5. Ex-officio representatives shall not be eligible to be elected or nominated representatives and shall have no entitlement to vote, move motions or amendments or hold office.

Associate representatives

- 5.6 Associate representatives may be appointed by a community council where a need for individuals with particular skills or knowledge has been identified and agreed. Associate representatives have no entitlement to vote, move motions or amendments or hold office. They may serve for a fixed period as determined by the community council or for the term of the community council which has appointed them. Associate representatives may include, for example, someone with expertise in IT, communication or environmental issues.

6. Community council elections

Eligibility of Elected Members

- 6.1 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 will apply to voters in a community council election.
- 6.2 16 and 17 year olds residing in the community council area and named on the Electoral Register for that area and subject to the provisions in Clause 5 above, are also entitled to both stand for the community council and vote in any election.

Young people under the age of 16 $\frac{3}{4}$ may not appear on the electoral register so residency can be confirmed by other means such as school registration.

- 6.3 Any elected community council member who no longer resides within the community council area will have their membership terminated from the date their residency ceases.
- 6.4 Any individual who is elected to serve on the City of Edinburgh Council, or the Scottish, UK or European parliament shall be ineligible to be a member of a community council from the date of election.

Nominations and elections

- 6.5 The first election for representatives of a community council shall be held in the event of 20 or more local electors submitting a written request to the City of Edinburgh Council for the establishment of a community council.
- 6.6 The second and subsequent elections shall be held on a four-yearly-cycle, outwith local government election years, on dates to be determined by the Council.
- 6.7 The Council may defer a requested election until the next community council election cycle, if this falls within the subsequent 12-month period.
- 6.8 Should the community councils' election cycle fall in the year of Scottish local government or parliamentary election, the electoral proceedings can be deferred by the Council to the following year.
- 6.9 All elections will be administered by the City of Edinburgh Council.

Returning officer

- 6.10 The City of Edinburgh Council will approve an independent Returning Officer for community council elections. The independent Returning Officer must not be a current elected or nominated member of the community council and once appointed shall be ineligible to stand for election to the community council.

Nominations for elected representatives

- 6.11 Individuals seeking election to a community council should be nominated by a proposer and seconder, both of whom must be on the electoral register for the community council area. Each elector may propose one nominee and second one nominee. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.
- 6.12 A nomination form should be completed and submitted on the date set down in the election timetable. No forms submitted after that date will be accepted.

Election process

- 6.13 At the end of the nomination period:
1. If the number of candidates is more than half but less than the maximum permitted elected membership, as specified for the community council area in Schedule 1 of this scheme, the candidates will be declared elected and no ballot will be held.
 2. If the number of candidates exceeds the number of available places a ballot will take place. At the ballot each voter shall be entitled to vote for candidates up to the number of vacancies for elected members on the community council, but cast no more than one vote for each candidate. For example, if there are 26 candidates and 18 vacancies for elected members each voter can vote for up to 18 candidates but cast only one vote for each candidate.
 3. If the number of candidates elected is below half of the total maximum permitted membership, as specified for the community council area, no community council will be established at that time. A further request from 20 or more electors to the City of Edinburgh Council to make arrangements for the establishment of a community council under the terms of Section 52 (7) of the Local Government (Scotland) Act 1973 can be submitted after a standstill period of six months.

Method of election

- 6.14 Elections shall be conducted by secret ballot of local electors, organised by the Returning Officer approved by the City of Edinburgh Council in accordance with the Scottish Local Government Election Rules but subject to modification and simplification as deemed necessary by the City of Edinburgh Council.

Eligibility, appointment and role of nominated representatives

- 6.15 Nominated representatives may be appointed by local interest groups registered with the City of Edinburgh Council. Nominated representatives need not live within or appear on the electoral register for the community council area provided that they remain voluntary active members of the nominating group.
- 6.16 The organisation must be a voluntary group whose governing body has a majority of unpaid (volunteer) members which does not distribute profit among its members and which provides services for public benefit not restricted to its members. The first appointments shall be made at a joint meeting of the interest groups organised by the Returning Officer in accordance with the procedures set out in Schedule 2 to this Scheme.
- 6.17 Nominated representatives shall cease to be members of the community council if they cease to be a member of the nominating interest group.
- 6.18 Nominated representatives are appointed to represent the interests of their group on the community council and to reflect the views of the community through the community council.

- 6.19 If a community council member has any private and/or personal interests in a matter before the community council they have a duty to declare this and withdraw from discussions and the decision-making process with regard to that matter.

Filling of casual places/vacancies for elected members between elections

- 6.20 Casual vacancies on a community council may arise when an elected community council member:
- a. Dies;
 - b. Submits their resignation;
 - c. Ceases to be resident within the community council area;
 - d. Is suspended for a period exceeding a year or is expelled.
 - e. Unreasonably does not attend meetings for a period of six months.
- 6.21 A temporary suspension of a community councillor for a period not exceeding one year will not result in a casual vacancy on the community council.
- 6.22 If vacancies arise on a community council between elections, which do not result in the number of community council members falling below the minimum as specified in Section 6 (paragraph 6.29) of the Scheme, it will be at the discretion of the community council whether to fill the vacancy.
- 6.23 Filling a vacancy can be undertaken either through the process of co-option to a maximum of one third of the total membership of the community council as governed by Section 6 of the Scheme. An extraordinary general meeting can also 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. Such interim elections will be administered with permission and guidance from the City of Edinburgh Council.
- 6.24 Should circumstances arise that lead to the number of elected community council members to falling below half of the maximum permitted elected membership, the City of Edinburgh Council shall be informed and shall determine whether an interim election is required to be held. Such an election will not be held within six months of a planned community council election.

Co-opting members through the casual vacancy process

- 6.25 Members who are co-opted through the casual vacancy process must be eligible for membership of the community council as detailed in Section 5. They must be elected to the community council by a two-thirds majority of the elected and nominated community council members present. Such co-opted members shall have full voting rights, with the exception of voting on co-option of new members, and will serve until the next round of elections.

- 6.26 If the number of co-opted members is to exceed a third of the maximum permitted elected community council membership approval must be granted by the City of Edinburgh Council.

Election of office-bearers

- 6.27 At the first meeting of the community council after elections in the year when elections are held and at the Annual General Meeting in May or June in years when elections are not held, the community council shall appoint a Chair, Secretary, Treasurer and Engagement Officer.
- 6.28 All office-bearers shall be elected for one year but shall be eligible for re-election without limitation of time.
- 6.29 Without the express approval of the City of Edinburgh Council, a member shall hold no more than two of the following offices at any one time: Chairperson, Secretary or Treasurer and shall not hold office on more than one community council.
- 6.30 Community councils may appoint employees from time to time provided that no member of a community council shall hold any paid office.
- 6.31 Community councils may reimburse office bearers, other members and employees for any reasonable expenses incurred in the performance of their duties.

7. Equality and diversity

- 7.1 Community councils must ensure that in all their activities they seek to eliminate discrimination and promote equality of opportunity and good relations between all people within their community in accordance with the guidance provided to community councils.

8. Disqualification of membership

- 8.1 Disqualification of membership is automatic under the following circumstances:
- Relocation which renders invalid the residency qualification for membership.
 - Failure to attend any community council meeting, with or without submitting apologies, throughout a period of six months.
- 8.2 If absence is due to ill health or any other reasonable circumstance e.g. planned holidays, work shift patterns etc, a leave of absence not exceeding six months may be approved at the discretion of the community council.
- 8.3 Registered interest groups shall ensure that their nominated representatives conform to the attendance clause above and must remain voluntary, active members of the group.
- 8.4 The Independent Complaints Panel with ratification by the Council may take the decision to suspend or expel an individual from the position of community council member. This is governed by the Community Council Complaints Procedure.

9. Meetings

- 9.1 The first meeting of a community council following election and establishment of a community council will be called by the Returning Officer or by a Depute Returning Officer approved by the City of Edinburgh Council. The meeting will take place within 21 days of that date, or as soon as practicable thereafter. The frequency of meetings will be determined by each community council, subject to a minimum of one Annual General Meeting and six ordinary meetings being held each year.
- 9.2 The quorum for community council meetings shall be at least one third of the current voting membership of a community council or three voting members, whichever is the greater.
- 9.3 Dates, times and venues of regular meetings of the community council shall be fixed at the first meeting 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 City of Edinburgh Council has the discretion to call a meeting of the community council.
- 9.4 Notices calling meetings of the community council and its committees shall be posted prominently within the community council area before the date of any such meeting and, where possible, be advertised by other such suitable means.
- 9.5 Should the community council receive 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 hold such a meeting within 21 days of receipt of such a request and advertise it in the manner prescribed for special meetings called by the community council.
- 9.6 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 at least 7 days before the date of the meeting to community council members and the City of Edinburgh Council.
- 9.7 All meetings of the community council and its committees (subject to paragraph 9.8 below) 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.
- 9.8 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.

- 9.9 The annual meeting shall be held in the month of May or June with the exception of an election year when the appointment of office-bearers shall be deferred until the first meeting of the community council following the nomination and election period. The annual general meeting will have the purpose of receiving and considering the annual report of the community council, the appointment of office bearers, and the submission of the independently examined annual statement of accounts.
- 9.10 The City of Edinburgh Council shall be sent an annual calendar of the community council's prescribed meeting dates, times and venues, 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 City of Edinburgh Council. When special meetings of the community council are to be held, the City of Edinburgh Council 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.
- 9.11 Procedural rules that community councils should adhere to when holding ordinary, special and annual general meetings are contained within the Model Standing Orders (Schedule 4).

10. Liaison with the City of Edinburgh Council

- 10.1 In order to help facilitate the effective functioning of community councils, the Council will provide a point of contact for community councils.
- 10.2 Community councils may make representations to the Council and other public and private agencies on matters for which they are responsible and which the community council considers to be of local interest. Representations in the case of statutory objections, such as planning or licensing matters should be made to the appropriate Council officer. On issues where a Council directorate/service area is consulting with community councils, representations should be made to the appropriate council officer.
- 10.3 Community councils shall provide copies of their agendas, minutes, signed annual accounts, an annual report on engagement activities and details of changes in membership to the Council via the Council's provided point of contact. Failure to submit the above may lead to a withholding of the community council's annual administrative grant.
- 10.4 The Council and community councils shall actively seek to keep each other well-informed on matters of mutual interest.

11. Resourcing a community council

- 11.1 The Council shall provide administrative grants to community councils to assist with their operating costs. Grants are based on a standard lump sum payment plus an additional per capita contribution proportional to the population for that area.

Community councils are discouraged from accumulating surpluses at the end of the financial year amounting to twice the amount of annual grant from the Council, unless such surpluses are dedicated to specific projects designed to elicit community opinion on local issues or otherwise support community needs.

- 11.2 Each community council shall appoint a suitably qualified person to audit the community council's accounts. (This should be someone who is independent from the community council with a financial background, though not necessarily a qualified accountant).
- 11.3 The financial year of community councils shall be the same as that of the Council (i.e. 1 April to 31 March) and the audited accounts of the community council shall be submitted for approval to the Annual General Meeting.
- 11.4 Each community council shall establish a bank account, run a balanced budget and shall submit its audited accounts to the Council by 1 November each year, in respect of the previous financial year, and no administrative grant will be paid until that community council has submitted its annual accounts. The Council has the right to waive this requirement in extenuating circumstances.
- 11.5 Any two of three authorised signatories, who must be office-bearers of the community council, may sign cheques on behalf of the community council. Authorised signatories may not be co-habitees or family members.
- 11.6 The annual accounts of each community council shall be independently examined by at least one examiner appointed by the community council but who is not a member of the community council. A copy of the independently examined statement of accounts/balance sheet shall be forwarded, as soon as the statement is approved, to a named officer of the City of Edinburgh Council who may, at their discretion and in consultation with the Council's Chief Financial Officer, request the community council to produce such records, vouchers and account books as may be required.
- 11.7 Each community council shall have the power to raise its own financial resources for schemes, projects and all other purposes consistent with its functions.
- 11.8 Each community council shall be eligible to apply for grants for suitable projects through the City of Edinburgh Council's grant system.
- 11.9 The City of Edinburgh Council shall determine any additional support services/resourcing, such as: photocopying and distribution of community council minutes and agendas; and free lets of halls for community council meetings, to suit local requirements.
- 11.10 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.

11.11 The Council 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 Council; and other relevant topics.

12. Code of conduct

12.1 The Code of Conduct in Schedule 3 to the Scheme sets out the standards and principles of conduct that individual community council members are required to adhere to in performance of their duties.

12.2 Failure of any individual to comply with the Code will be dealt with according to the Community Councillor Complaints Procedure.

12.3 Breaches of the Code should be reported to the Council's provided point of contact.

13. Community council boundaries

13.1 Any request to change the boundaries and names of community councils must be made in writing to the Council Elections Manager who will arrange for the request to be submitted to the appropriate City of Edinburgh Council committee.

14. Dissolution of a community council

14.1 A community council may take the decision to dissolve in extraordinary circumstances. This decision will be decided by a simple majority of those eligible to vote and present and voting.

14.2 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.

14.3 If a community council fails to hold a meeting for a period of three consecutive prescribed meeting dates; or its membership falls below the prescribed minimum for a period of three consecutive prescribed meeting dates, during which time the community council fails to address the situation, the City of Edinburgh Council may take action to dissolve that community council.

THE CITY OF EDINBURGH COUNCIL - COMMUNITY COUNCILS

	Name of Council	Maximum Members	Elected Members	Nominated Members
1	Balerno	18	12	6
2	Colinton	18	12	6
3	Corstorphine	24	16	8
4	Craigtinny/ Meadowbank	21	14	7
5	Craigleith/ Blackhall	18	12	6
6	Craiglockhart	15	10	5
7	Craigmillar	24	16	8
8	Cramond and Barnton	22	15	7
9	Currie	15	10	5
10	Drum Brae	21	14	7
11	Drylaw/Telford	15	10	5
12	Fairmilehead	15	10	5
13	Firrhill	18	12	6
14	Gilmerton/Inch	24	16	8
15	Gorgie/Dalry	21	14	7
16	Grange/ Prestonfield	24	16	8
17	Granton and District	18	12	6
18	Hutchison/ Chesser	15	10	5
19	Juniper Green/Baberton Mains	15	10	5
20	Kirkliston	15	10	5
21	Leith Central	24	16	8

22	Leith Harbour and Newhaven	18	12	6
23	Leith Links	18	12	6
24	Liberton and District	18	12	6
25	Longstone	21	14	7
26	Marchmont and Sciennes	21	14	7
27	Merchiston	24	16	8
28	Morningside	21	14	7
29	Muirhouse/ Salvesen	18	12	6
30	Murrayfield	18	12	6
31	New Town/ Broughton	24	16	8
32	Northfield/ Willowbrae	21	14	7
33	Old Town	18	12	6
34	Portobello	21	14	7
35	Queensferry and District	15	9	6
36	Ratho and District	15	10	5
37	Sighthill, Broomhouse and Parkhead	22	15	7
38	Silverknowes/Davidson Mains	15	10	5
39	Southside	18	12	6
40	Stenhouse, Saughton Mains and Whitson	18	12	6
41	Stockbridge/ Inverleith	21	14	7
42	Tollcross	18	12	6
43	Trinity	18	12	6
44	West End	15	10	5
45	West Pilton/ West Granton	18	12	6

46	Wester Hailes	18	12	6
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The City of Edinburgh Council
Community Councils

Procedure for the Appointment of Community Council Nominated Members

1. The maximum number of nominated members for each community council is listed in Schedule 1.
2. Local interest groups must first apply to be registered with the City of Edinburgh Council (the Council) on the approved forms which will be available from the Council's provided point of contact.

Registration for community council purposes will be accepted from any local interest group provided it complies with the following criteria:

- The organisation must be a voluntary group that has been in operation for at least 12 months prior to the notice of election.
- The organisation must be a properly constituted group with a publicly available constitution, the objects of which explains how it provides services for public benefit not restricted to its members.
- The organisation must have a committee that (after the first year) is elected at an AGM and has a minimum of three members.

The Council will determine the eligibility of the groups seeking registration. Where registration is refused, reasons will be provided.

Where a group's local interest extends into more than one community council area, it may apply to be registered as local interest groups in each area. This application will be considered by the Council.

3. Local interest groups may register with the City of Edinburgh Council at any time of the year. The Council will notify the relevant community council(s) when an application for registration has been received and will inform the community council(s) when an appointment has been approved.
4. Before an election local interest groups must reapply to be registered as approved groups. After the Notice of Election has been published only those applications from local interest groups registered by the closing date for delivery of nomination papers for elected members, and subsequently approved by the Council, will be accepted.
5. Should the number of nominations exceed the number of places for nominated members on the community council, then a joint meeting for the appointment of nominated members will be held.

6. The date, time and place of the meeting of registered local interest groups will be fixed by the Returning Officer subject to the meeting taking place before the first meeting of the community council following the nomination and election period.
7. The Chair of the Joint Meeting will be the Returning Officer duly appointed by the Council.
8. Each registered local interest group will be entitled to send one voluntary representative to the Joint Meeting.
9. Each registered local interest group will be entitled to nominate one person for election as a nominated representative for the community council. This person must be a named individual. No political party or sectarian affiliations may appear on the nomination paper or on the voting paper.

The representatives of the local interest groups and the elected members of the community council will vote by ballot up to the number of places to be filled; e.g. 12 nominations for 7 places - each representative may vote for 7 persons out of 12 nominations, with only one vote for each individual.

10. Should the number of registered local interest groups be less than the maximum number of places for nominated members then the community council can subsequently approve further eligible groups, registered and approved by the Council until the full quota has been achieved.
11. The named representatives from local interest groups subsequently elected will become full members of the community council, with entitlement to hold office and vote in business and constitutional matters.

Any casual substitution of a named representative by another representative from the local interest group will not have entitlement to hold office and vote on community council business and will have an observer status.

Any request for permanent substitution by the local interest group should be made in writing to the Council with details of the named individual who is to become the new group representative. Such members will have entitlement to vote and hold office.

12. If it comes to the attention of the Council that the following may apply:
 - (a) a local interest group has ceased to operate,
 - (b) a local interest group has ceased to meet the criteria for registration, or
 - (c) the purposes for which a local interest group was set up are no longer relevant or no longer apply,

the local interest group may be required to resubmit its registration forms and accompanying documents. In the event that the Council concludes that any of the above provisions (a) to (c) apply, or the local interest group fails to resubmit relevant documentation on request, the local interest group may be de-registered by the Council, in which case its nominated representative will cease to be a member of the community council.

The City of Edinburgh Council
Code of Conduct for Community Councillors

1. Introduction and enforcement

- 1.1 The Code of Conduct for Community Councillors (the Code) is based largely on the Code of Conduct for City of Edinburgh Council elected members and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.
- 1.2 Community councillors, as representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in the Code. The Code and its principles, shall apply to all community councillors and those representing the community council.
- 1.3 The practical application of these rules is a matter for your judgement but if in any doubt as to how they should be applied you should seek advice from the Chairperson or other office bearer of the community council or from an officer of the City of Edinburgh Council (the Council).
- 1.4 You may be appointed or nominated by your community council to serve as a member of another representative body. You should ensure that the Code is observed when carrying out the duties of the other body.
- 1.5 The Community Councillor Complaints Procedure sets out provisions for dealing with alleged breaches of this Code and for the sanctions that can be applied in such an event.

2. Duties

- 2.1 The following general principles are those upon which the Code is based. These should be used for guidance and interpretation by community councillors in all community council activities.

Service to the community

- 2.2 As a community councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the Scheme for Community Councils (the Scheme) as set out by the Council under the terms of the Local Government (Scotland) Act 1973.
- 2.3 Wherever possible you should establish and reflect, through the community council, the views of the community as a whole on any issue, irrespective of personal opinion.
- 2.4 You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general

community to express their views, i.e. websites, suggestion boxes, surveys, opinion polls, should, where possible, be made available.

Selflessness

- 2.5 You should take decisions solely in terms of the interest of the community that you represent. You must not use your position as a community councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

Honesty and Integrity

- 2.6 You have a duty to act honestly. If you have any significant private and/or personal interests in a matter for the community council, you have a duty to declare this and withdraw from discussions and the decision-making process with regard to that matter.
- 2.7 You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community.

Gifts and Hospitality

- 2.8 You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts or hospitality with a value above £10 should always be reported to and noted by the secretary of the community council.

Objectivity

- 2.9 In carrying out public business, including award of grants or decisions regarding planning applications, you should make decisions on merit and on the basis of information which is publicly known.
- 2.10 You are free to have political and/or religious affiliations; however, you must ensure that you represent the interests of your community and community council and not the interests of a particular political party.

Accountability

- 2.11 You are accountable for the decisions and actions that you take on behalf of your community through the community council. You must ensure that the community council uses its resources prudently and in accordance with the law. Any expenses, allowances, or facilities provided for use in your duties as a community councillor must be used strictly for those duties and no other purpose.
- 2.12 Community councillors will individually and collectively ensure that the business of the community council is conducted according to the Scheme and the Code.
- 2.13 Any breach of the Scheme and Code may be reported to the City of Edinburgh Council to determine what action, if necessary, should be taken. This may include referral to the Community Councillor Complaints Panel.

Openness

- 2.14 You have a duty to ensure that your decisions, actions and representations reflect the wishes and views of the community you represent. You should be open and able to justify your decisions, actions and representations when acting as a member of a community council.

Leadership

- 2.15 You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the community council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

Respect and General Conduct

- 2.16 You should behave openly and honestly, treating another community council members in a positive, respectful and non-discriminatory manner. Similarly, you should treat ex-officio community council members, staff from City of Edinburgh Council and other agencies as well as members of the community with respect.
- 2.17 Recognition should be given to the contribution of everyone participating in the work of the community council. Equality of opportunity should be given to every participant to have their knowledge, opinions, skills and experience taken into account with all barriers to participation removed.
- 2.18 You should ensure that confidential material, including details about individuals, is handled with dignity and discretion and is not used for personal or malicious purposes.
- 2.19 You should be supportive of the office bearers on the community council and refrain from trying to undermine their confidence or authority. It is unacceptable for community councillors to make personal remarks, make personal attacks or otherwise humiliate other members either at meetings or non-members or in other settings such as internet forums and social media.

3. Conduct and behaviour

Conduct at meetings

- 3.1 You must respect the Chair, fellow community councillors and any members of the public or partnership organisations that are present during meetings of the community council and its sub-committees or of any bodies where you have been appointed by, or are representative of your community council or community councils in general. You must comply with rulings from the Chair in the conduct of the business of these meetings.

Conduct in public

- 3.2 In conducting yourself in public (including online) you must respect community councillors and key stakeholder organisations (such as the Council and Police Scotland). Community councillors should take note that their activity in public may be a breach of the provisions of this code if they are identifiable as a community councillor.
- 3.3 If you have dealings with the media, members of the public or others not directly involved in your community council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the community council.
- 3.4 You should not act in such a way as to bring yourself or the community council into disrepute through your actions, discussion or communications.
- 3.5 Furthermore, any individual found to be responsible for anonymous activities (such as letter writing, blogging or other online activities) that would otherwise be a breach of the provisions of this Code will consequently have breached the Code.

Bullying and harassment

- 3.6 Bullying or harassment is completely unacceptable and will be considered to be a breach of the Code.
- 3.7 Harassment is any unwelcome behaviour or conduct which has no legitimate purpose and which makes someone feel offended, humiliated, intimidated, frightened and/or uncomfortable. Harassment can be experienced directly or indirectly and can occur as an isolated incident or as a course of persistent behaviour.
- 3.8 Harassment can take the form of unwelcome physical contact; inappropriate remarks or questioning; intrusive questioning; and the sending of unwelcome emails, messages or notes. This is by no means an exhaustive list.
- 3.9 Bullying is inappropriate and unwelcome behaviour which is offensive and intimidating, and which makes an individual or group feel undermined, humiliated or insulted. It is the impact of the behaviour rather than the intent which is the key.
- 3.10 Bullying can arise as a result of an individual misusing their power and can occur through all means of communication. Bullying can be a pattern of behaviour or a one-off serious incident that becomes objectionable or intimidating. This can include the unwelcome physical, verbal or non-verbal conduct; intimidatory behaviour; disparaging, ridiculing or mocking comments and remarks; physical violence; deliberately excluding an individual from conversations or activities in which they have a right or legitimate expectation to participate. This list is not exhaustive.

4. Financial probity
 - 4.1 High standards of financial probity should be demonstrated by all those who are responsible for administering or receiving funds on behalf of the community council.
 - 4.2 Office bearers must ensure that proper accounting records are kept for the community council bank account(s).
 - 4.3 Inability to demonstrate proper stewardship of funds or operate in a transparent manner will be deemed a breach of the Code.
5. Interests which require declaration
 - 5.1. The key principles of the Code are given practical effect by the requirement for you to declare interests at meetings which you attend.
 - 5.2. Interest which require to be declared may be financial or non-financial. Most of the interests to be declared will be your personal interests but, on occasion, you will have to consider whether the interests of other persons require you to make a declaration.
 - 5.3. It is your responsibility to make decisions about whether you have to declare an interest or make a judgement as to whether a declared interest prevents you from taking part in any discussions or voting. You are in the best position to assess your personal circumstances and to judge how these circumstances affect your role as a community councillor in regard to a particular matter.
 - 5.4. In deciding whether to declare an interest you should always comply with the *objective test* which is *whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as community councillor.*
 - 5.5. After declaring an interest you must withdraw from the meeting room until discussion of and voting on the relevant item where you have a declarable interest is concluded, other than in the following circumstances:
 - i) The interest is in relation to your appointment as an associate member of the community council or nominated member of a local interest group. In this case an exemption applies.
 - ii) The interest is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

October 2019

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, which special meeting shall be held within 21 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 7 days before the date fixed for the meeting.

2. Minutes

Minutes of the proceedings of a meeting of the COMMUNITY COUNCIL should be circulated at least seven days before the date of the meeting and distributed in accordance with Section 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 consist of one-third of the current 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) Engagement Officer's Annual Report (and questions from the floor)
- (g) Demit of current office bearers/election of office bearers.
- (h) 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 his/her 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. i (e) 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 unless notice has been given of the proposed item in the summons for the meeting and the COMMUNITY COUNCIL agrees the decision was based on erroneous, incorrect or incomplete information.

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.

Any committees formed by the COMMUNITY COUNCIL will be subject to Standing Orders 1, 2, 3, 5, 6 and 7.

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.

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FALKIRK COUNCIL

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS (APPROVED – 28 MARCH, 2000)

In terms of Part IV of the Local Government (Scotland) Act 1973 (hereinafter referred to as “the 1973 Act”), Falkirk Council (hereinafter referred to as “the Local Authority”) being a Local Authority within the meaning of that part of the Act, HEREBY makes a scheme for the establishment of Community Councils within its Administrative Area, as defined in paragraph 1 hereof and lays down the following code of procedure in accordance with which Community Council shall be constituted and managed:-

1. ADMINISTRATIVE AREA

The Administrative Area of the Local Authority is the Falkirk local government area as defined in Part I of Schedule 1 of the Local Government (etc) (Scotland) Act 1994 (hereinafter referred to as ‘the 1994 Act’) and shown outlined on the map docketted and executed as relative hereto and submitted herewith (hereinafter referred to as “the map”).

2. DESIGNATIONS & BOUNDARIES

The Local Authority, having considered observations received from organisations representing particular sectors of the community and interested individuals and having taken into account the characteristics of their administrative area, has determined that local views are best reflected and local needs best served by the establishment of Community Councils in accordance with those areas named, defined and more particularly described in Schedule 1 annexed hereto and shown outlined and numbered on the Map.

3. GENERAL PURPOSES OF COMMUNITY COUNCILS

In addition to any other assumed function, the general purposes of a Community Council shall be:-

- (a) to safeguard and promote the best interests of the community in its area; and
- (b) to ascertain, co-ordinate and express to Falkirk Council 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.

4. COMPOSITION OF COMMUNITY COUNCILS

4.1 Initial Community Council Election

In respect of each initial Community Council election after the commencement date of this Scheme, the total number of members shall be based on the population it represents in accordance with the numbers detailed in Schedule 1.

4.2 Community Council Elections from September 2005

The Local Authority has determined that in order to ensure that each Community Council is best suited to the size and needs of the area it represents, as from the first statutory meeting following the September 2001 elections, each Community Council shall by its constitution determine the composition of that council, with effect from September 2005, but that in accordance with the following provisions:-

- (a) each Community Council shall comprise not less than 9 and not more than 18 members.
- (b) each Community Council shall comprise not less than 6 and not more than 12 elected members (but with a minimum of two-thirds of its full membership being elected), which members shall be elected in the manner specified in paragraphs 6 and 7 hereof.
- (c) in any case where the number of candidates is equal to the number of members specified for the area concerned, no election shall be held and, on the date on which the election would have taken place had an election been necessary, those candidates shall be declared to be duly elected.
- (d) Where the number of candidates is less than the number of members to be elected for an area by the closing date for receipt of nominations, the Local Authority may allow the Community Council, after the date on which the election would have been held, to treat such vacancies as casual vacancies or may, notwithstanding the provisions of this Scheme, take such action as they deem appropriate.
- (e) Each Community Council shall provide for the appointment of additional members from nominations submitted by local organisations, the number of such additional members in relation to the number of elected members to be in accordance with the numbers detailed in Schedule 1.
- (f) Where the number of candidates does not exceed the number of vacancies for nominated members, such candidates shall be declared to be nominated members of the Community Council. Where the number of candidates is less than the number of vacancies, the Community Council shall forthwith inform the Local Authority which may allow such vacancies to remain unfilled or, notwithstanding the provisions of this Scheme, issue such direction to the Community Council or take such action as they may deem appropriate.
- (g) every Community Council shall invite to all meetings of the Community Council the Falkirk council members who represent the wards, or parts thereof within the area covered by the Community Council.
- (h) In addition, every Community Council shall be empowered and may resolve at any of its meetings to invite to any meeting or meetings of the Council for any specific purpose any person who in the opinion of the Council could offer advice which would be of assistance to the Council in considering any particular matter of Council business.
- (i) Casual vacancies occurring in a Community Council between elections shall be filled by co-option to full membership and any persons so co-opted shall hold office until the day of the next election. In the event of the number of casual vacancies occurring in any Community Council within one term of office exceeding one-third of the elected membership of the Community Council, the Community Council shall forthwith inform the Local Authority which may allow or refuse to allow the Community Council to co-opt a further member of members or, notwithstanding the provisions of this Scheme, issue such direction to the Community Council or take such action as they deem appropriate.

5. QUALIFICATION FOR ELECTION OR APPOINTMENT TO COMMUNITY COUNCILS

Qualification for election in terms of paragraph 4(b) above and appointment in terms of paragraph 4(e) above to a Community Council shall be restricted to persons resident within the area which that Community Council represents and whose names appear in the relative electoral registers.

6. NOMINATION OF PERSONS FOR ELECTION TO COMMUNITY COUNCILS

6.1 Quadrennial Elections

- (a) At least six weeks in advance of the election date, the Local Authority shall publish a Notice seeking nominations and detailing the time, place and arrangements for the election and qualification of candidates.
- (b) Persons seeking election to a Community Council shall be nominated for election by nominations made by a proposer, a seconder and two assentors, all being persons whose names appear in the electoral registers for the respective Community Council's area and lodged with the Returning Officer, who shall be the Chief Executive of the Local Authority, at least 14 clear days before the date fixed for the election to take place. Proposers, seconders and assentors may not subscribe to more than one candidate's nomination.
- (c) Every nomination so made shall be endorsed by each person so nominated. If the number of nominations exceeds the places on a Community Council, an election shall be held.

6.2 Elections within the Normal Term

Where an area is not represented by a Community Council elected at the quadrennial election date on receipt of an application from 20 electors from within the area, in accordance with Section 52(7) of the 1973 Act, the Local Authority shall fix a day for the initial election to the Community Council for that area, with the election being carried out following the procedure in paragraphs 6.1(a) to 6.1(c) and 7.

7. METHOD OF ELECTION

- (a) the first quadrennial election in September 2001, and all subsequent elections, shall be by means of a postal ballot within the Community Council area, subject to the provision of 7(b).
- (b) subsequent elections will be held in accordance with the constitution of each Community Council, as approved by the Local Authority.
- (c) elections shall be conducted in accordance with the Scottish local elections rules 1986, except where otherwise provided in this scheme or the Community Council election procedure of the Local Authority.

8. APPOINTMENT OF REPRESENTATIVES OF LOCAL ORGANISATIONS

It shall be the first duty of the Convener of each Community Council, following his/her election in terms of paragraph 11(a) hereof, to put in hand arrangements for the appointment of additional members from nominations submitted by local organisations in the manner following:-

- (a) He/she shall arrange for public notice to be given either by press advertisement or by the posting of notices in public places inviting all local organisations to nominate, within 28 days, a candidate who would be prepared to serve on the Community Council.
- (b) He/she shall arrange that, on receipt of all nominations, so as to ensure fair representation of varied interests, they be grouped under headings according to the branch of the community they represent, the number of headings to be in accordance with the number of members to be appointed. All nominations and the headings under which they have been grouped shall be submitted to the Local Authority for approval.

- (c) He/she shall then arrange for a list of the nominations grouped under the headings as approved by the Local Authority to be sent to all organisations which had submitted nominations as stated above so that voting on the list may take place, subject to each organisation being able to cast only one vote in respect of each group of nominations.
- (d) He/she shall then arrange for a meeting of the Community Council not later than three months after the date of the last election of elected Community Councillors for the purpose of receiving all votes and, following a count, the persons to be elected shall be so declared. In the event of two or more nominations in any one group having received an equal number of votes, the Convener shall call for a show of hands from those elected members of the Community Council present.

Nominated members of the Community Council shall not be appointed or hold office as Convener or other office bearer of the full Community Council but may be appointed to represent the Community Council on any committee or other body formed by the Community Council.

Nominated members shall retire at midnight on the day before the Community Council election following their appointment and members so retiring shall be not entitled to be re-nominated for the following four-year term.

9. FREQUENCY OF ELECTIONS OF MEMBERS

Members appointed at the initial elections organised by the Local Authority in September 2001 shall hold office for the period until midnight on the day before the next ordinary election. Members appointed at subsequent quadrennial elections shall hold office for a period of four years and shall be eligible for re-election. Members appointed at an election within the normal four-year period shall hold office until the date of the next quadrennial election. No Community Council elections will be held within nine months before a quadrennial election.

10. CONSTITUTION OF COMMUNITY COUNCILS

- (a) Each Community Council shall itself draw up, within the terms of this Scheme, a Constitution for its establishment and management, which Constitution shall include *inter alia* the following:-

1. The name of the Community Council.
2. The objects of said Council.
3. The area covered by the Council.
4. The size and composition of the Council.
5. Provision for the inclusion of youths between 16 and 18 years of age.
6. Election and/or appointment of the Council.
7. Election and duties of office holders.
8. Provision for removal of office holders from office.
9. Size and composition and functions of any Committees of the Council.
10. Finance and accounts.
11. Alterations to the Constitution, and
12. Dissolution Clause.

(b) Approval of Constitution

Every Community Council shall submit its proposed Constitution, framed in accordance with the preceding sub-paragraph, for approval by the electorate within the Council's area and such approval shall be deemed to have been ordained by a majority of the electorate present voting accordingly at a public meeting convened by the Community Council for that purpose.

(c) Ratification by Local Authority

When approval of a Constitution has been obtained in terms of the preceding sub-paragraph, the relative Community Council shall then submit its approved Constitution to the Local Authority for ratification and, on said Constitution being so ratified, it shall become the Constitution of that Community Council.

(d) Amendment of Constitution

Every Community Council shall include in its Constitution regulations for the alteration or amendment of said Constitution and, in particular, provide that any proposed alterations or amendment shall be considered and voted on either at an Annual General Meeting of the Council or at a special meeting convened for that purpose in terms of paragraph 12(c) hereof and it is further declared that no alteration or amendment so approved shall become effective until such time as it has been ratified by the Local Authority.

11. **APPOINTMENT OF OFFICERS AND STAFF**

(a) Convener and Depute Convener(s)

Every Community Council at its first meeting, which shall be convened by the Returning Officer or his/her appointed depute for a date within 21 days after the election of Members (i) shall elect one of its members to be Convener of the Council; (ii) shall elect one or more of its members to be Depute Convener(s) of the Council; and (iii) shall elect or appoint a Secretary and Treasurer, as provided at 11(b).

(b) Secretary and Treasurer

Every Community Council shall be empowered to elect a secretary and/or treasurer from among its elected members but persons so elected shall not receive a salary from the Community Council. Every Community Council shall be empowered, as an alternative, to appoint a salaried secretary and/or treasurer from outwith their elected membership. The posts of secretary and treasurer may be combined in either case.

(c) Term of Office

The convener, depute convener(s), secretary and treasurer shall hold office until the date of the quadrennial election following their appointment, subject to the provision of their Community Council's constitution regarding (1) removal of office bearers and (2) the proceedings at annual general meetings.

(d) Auditor

The Local Authority shall appoint a qualified accountant, or accountants, to act as auditor or auditors from year to year in respect of the accounts of the finances of all Community Councils set up in accordance with the procedure specified in this Scheme and shall pay the auditor the usual professional remuneration for services on behalf of the Community Council.

12. MEETINGS OF COMMUNITY COUNCILS

(a) **Annual General Meeting**

Every Community Council shall in September each year following the year of the quadrennial election, convene an annual general meeting of the Council. The agenda for each annual general meeting shall include items for receiving the Council's annual report and the audited annual statement of accounts; a report of the Council's activities during the preceding year; provisions, when necessary, for considering and voting on proposals for amendment of the Council's constitution and any other business which can be competently dealt with at an annual general meeting. The constitution of a Community Council may provide for the annual election of the Convener, Depute Convener(s), Secretary and Treasurer at their annual general meeting.

(b) **Ordinary Meetings**

Every Community Council shall be bound to convene at least nine ordinary meetings of the council within each twelve month period for the purpose of conducting business.

(c) **Special Meetings**

The Convener of each Community Council, in consultation with at least one other office bearer or as provided for in the constitution of the Community Council, shall have the right to convene a special meeting of the Council to consider any particular matter or matters. Further, every Community Council shall be empowered to convene a special meeting of the electorate within the Council's area for the purpose of approving any amendment of the Council's Constitution or considering any urgent item of business.

(d) **Meetings Open to the Public**

The Constitution of every Community Council shall provide that all meetings of the Council shall be open to members of the public.

13. FINANCIAL ASSISTANCE

(a) **Initial Expenses**

Until full annual budgets and allowances for Community Councils are prepared and approved by the Local Authority, the Local Authority shall make available the sum of £250, subject to annual review, to each Community Council set up in terms of the Scheme to cover its initial administrative and running expenses.

(b) **Annual Budget**

The Local Authority agrees in principle that financial assistance shall be given to Community Councils. Community Councils shall prepare and submit to the Local Authority by 1 April each year details of their ordinary annual income and expenditure including administrative costs such as accommodation, stationery, postage and salaried assistance and, having considered such estimates, the Local Authority shall then allocate in such proportion as it may decide the monies to be set aside for this purpose.

(c) **Specific Grants**

Community Councils shall also have the right to submit requests for assistance in connection with specific projects and needs and, having considered all such requests made in respect of

any one year, the Local Authority may then allocate in such proportion as it may decide any monies available for this purpose.

(d) Accounts

The treasurer of a Community Council shall keep proper accounts of the finances of this Council in such form as may be approved by the appointed auditor and the Director of Finance of the Local Authority.

(e) Audit of Accounts

Accounts of the finances of a Community Council shall be audited by the auditor or auditors to be appointed in terms of paragraph 11(d) hereof.

(f) Submission of Audited Accounts to Annual General Meeting

An audited statement of accounts for the past financial year shall be submitted by each Community Council to the Annual General Meeting of such Council and immediately thereafter a certified abstract of same shall be transmitted to the Local Authority for information.

14. EXCHANGE OF INFORMATION

(a) Code of Practice

The Local Authority agrees that an efficient and comprehensive exchange of information between the Local and Public Authorities and the Community Councils within its area should be established and will arrange for a Code of Practice to be framed making provision for (i) the supply of information by the Local and Public Authorities on matters falling within the responsibility of these Authorities to all or any of the Community Councils within its administrative area both before decisions are taken and after they have been taken as far as this is practicable, and (ii) the supply of information by the Community Councils as to their views, opinions and activities by the provision of reports and recommendations and the circulation of copies of their minutes.

(b) Approval of Code of Practice

The Local Authority shall arrange such consultations as may be necessary with representatives of Falkirk Council, appropriate Public Authorities and each established Community Council for the purpose of considering and approving the terms of the said Code of Practice and the Local and Public Authorities and each Community Council within its administrative area shall agree to adhere to the terms so approved.

(c) Liaison Officer

The Local Authority shall also identify an officer who shall be responsible for ensuring that a satisfactory system for exchange of information is established and maintained.

15. AMENDMENT OF SCHEME

Having regard to changing circumstances and to any representations made to them, the Local Authority shall, from time to time, review this scheme and where it considers that the scheme ought to be amended, it shall proceed in accordance with the provisions contained in Section 53 of the 1973 Act.

16. COMMENCEMENT DATE

- (a) This scheme shall come into operation on such date as the same is approved by the Local Authority in accordance with sub-section 3(d) of Section 22 of the 1994 Act.
- (b) Notice of said date shall be published in accordance with sub-section 3(e) of Section 22 of the 1994 Act.

Date: 28 March 2000

PR/AF

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

Community Councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles, shall apply to all Community Councillors and those representing the Community Council. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Service to the Community

As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Councils Scheme for the Establishment of Community Councils, as set out by your local authority under the terms of the Local Government (Scotland) Act 1973.

You 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.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Council.

Objectivity

In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your Community Council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the Community Council. You must ensure that the Community Council uses its resources prudently and in accordance with the law.

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to the Council's Scheme for the Establishment of Community Councils and this Code of Conduct.

Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Councils Scheme for the Establishment of Community Councils. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Council business and for no other purpose.

Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting.

Any breach of the Council's Scheme for the Establishment of Community Councils as set out by your local authority under the terms of the Local Government (Scotland) Act 1973 may be reported to your local authority to determine what action, if necessary, should be taken.

Openness

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the Media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.

Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

Leadership

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

Respect

You must respect fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, you have dealings with in your capacity as a Community Councillor.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. You 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.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.



Scheme of Establishment; Key Actions

1. APPOINTMENT OF OFFICERS AND STAFF

Convener and Depute Convener(s)

Every Community Council at its first meeting, which shall be convened by the Returning Officer or his/her appointed depute for a date **within 21 days** after the election of Members, (i) shall elect one of its members to be Convener of the Council; (ii) shall elect one or more of its members to be Depute Convener(s) of the Council; and (iii) shall elect or appoint a Secretary and Treasurer.

2. CONSTITUTION OF COMMUNITY COUNCILS

(a) The Constitution

Each Community Council shall itself draw up, within the terms of this Scheme, a Constitution for its establishment and management, which Constitution shall include *inter alia* the following:-

1. The name of the Community Council.
2. The objects of said Council.
3. The area covered by the Council.
4. The size and composition of the Council.
5. Provision for the inclusion of youths between 16 and 18 years of age.
6. Election and/or appointment of the Council.
7. Election and duties of office holders.
8. Provision for removal of office holders from office.
9. Size and composition and functions of any Committees of the Council.
10. Finance and accounts.
11. Alterations to the Constitution, and
12. Dissolution Clause.

(b) Approval of Constitution

Every Community Council shall submit its proposed Constitution, framed accordance with the preceding sub-paragraph, for approval by the electorate within the Council's area and such approval shall be deemed to have been ordained by a majority of the electorate present voting accordingly at a public meeting convened by the Community Council for that purpose.

(c) Ratification by Local Authority

When approval of a Constitution has been obtained in terms of the preceding sub-paragraph, the relative Community Council shall then submit its approved Constitution to the Local Authority for ratification and, on said Constitution being so ratified; it shall become the Constitution of that Community Council.

(d) Amendment of Constitution

Every Community Council shall include in its Constitution regulations for the alteration or amendment of said Constitution and, in particular, provide that any proposed alterations or amendment shall be considered and voted on either at an Annual General Meeting of the Council or at a special meeting convened for that purpose in terms of paragraph 12(c) hereof and it is further declared that no alteration or amendment so approved shall become effective until such time as it has been ratified by the Local Authority.

3. COMPOSITION OF COMMUNITY COUNCILS

Where the number of candidates is less than the number of members to be elected for an area by the closing date for receipt of nominations, the Local Authority may allow the Community Council, after the date on which the election would have been held, to treat such vacancies as casual vacancies or may, notwithstanding the provisions of this Scheme, take such action as they deem appropriate.

Casual vacancies occurring in a Community Council between elections shall be filled by co-option to full membership and any persons so co-opted shall hold office until the day of the next election. In the event of the number of casual vacancies occurring in any Community Council within one term of office exceeding one-third of the elected membership of the Community Council, the Community Council shall forthwith inform the Local Authority which may allow or refuse to allow the Community Council to co-opt a further member of members or, notwithstanding the provisions of this Scheme, issue such direction to the Community Council or take such action as they deem appropriate.

4. APPOINTMENT OF REPRESENTATIVES OF LOCAL ORGANISATIONS

The Convener shall arrange for a meeting of the Community Council not later than three months after the date of the last election of elected Community Councillors for the purpose of receiving all votes and, following a count, the persons to be elected shall be so declared. In the event of two or more nominations in any one group having received an equal number of votes, the Convener shall call for a show of hands from those elected members of the Community Council present.

Nominated members of the Community Council shall not be appointed or hold office as Convener or other office bearer of the full Community Council but may be appointed to represent the Community Council on any committee or other body formed by the Community Council.

Nominated members shall **retire at midnight on the day before** the Community Council election following their appointment and members so retiring **shall not be** entitled to be re-nominated for the following four-year term.

5. MEETINGS

Every Community Council is bound to convene a **minimum** of nine ordinary meetings of the Council within each twelve month period for the purpose of conducting business.

Every Community Council must meet within **21 days** of election.

Every Community Council **must** inform the Community Council Liaison Officer of when and where they meet, and supply agendas and minutes after the meeting takes place.

6. CONTACT INFORMATION

Each Community Council shall supply Officers with contact information that will be published on the Council's website for public use.

Falkirk Council should also be informed of any changes to membership that happen.

7. CODE OF CONDUCT

Community Councillors, as elected representatives of their communities, must make sure that they are familiar with, and that their actions comply with, the principles set out in the Code of Conduct. The Code of Conduct and its principles, shall apply to all Community Councillors and those representing the Community Council - each Community Councillor **must** adopt the code.

COMMUNITY COUNCIL

- 1 Denny, Dunipace and Head of Muir
- 2 Banknock, Haggs, Longcroft and Dennyloanhead
- 3 Bonnybridge
- 4 Slamannan
- 5 Hallglen, Glen Village, Lochgreen and Lionthorn
- 6 Camelon, Bantaskine and Tamfourhill
- 7 Falkirk Central
- 8 Stenhousemuir/Larbert
- 9 Airth Parish
- 10 Carron and Carronshore
- 11 Bainsford, Langlees and Newcarron
- 12 Grahamston, Middlefield and Westfield
- 13 Reddingmuirhead/Wallacestone, Shieldhill and California
- 14 Avonbridge and Standburn
- 15 Maddiston
- 16 Redding and Westquarter
- 17 Laurieston
- 18 Grangemouth
- 19 Polmont
- 20 Brightons
- 21 Whitecross
- 22 Bo'ness
- 23 Blackness

PROPOSED MODEL COMMUNITY COUNCIL CONSTITUTION

1. NAME

The name of the Council shall be (to decided by the Community Council) Community Council (hereinafter referred to as "the Council"), as determined by the Council at its first meeting after elections.

2. AREA

The boundaries of the Council shall be as shown on the map attached to the Falkirk Council's Scheme for the Establishment of Community Councils (attached as Appendix 1 and hereinafter referred to as "the Scheme").

3. OBJECTS

The objects of the Council shall be:-

- to ascertain, co-ordinate and express to the Falkirk Council and to public authorities, the views of the community which it represents in relation to matters for which those authorities are responsible;
- to take such action in the interests of the community as appears to it to be expedient and practicable;
- to safeguard and promote the best interests of the community and to foster a community spirit.

The Council shall be non-party in politics.

4. MEMBERSHIP

4.1 From September 2001 to September 2005

The Council shall consist of (see Executive Report) elected members and (see Executive Report) appointed representatives of local organisations with, in addition, such members as may be co-opted in terms of Clause 5 hereof.

4.2 From September 2005

The Local Authority has determined that, in order to ensure that each Community Council is best suited to the size and needs of the area which it represents, as from the first statutory meeting following the September 2001 elections, each Community Council shall

by its constitution determine the composition of that Council, with effect from September 2005, but that in accordance with paragraphs 4.2 (a) to 4.2 (1) of the Scheme.

5. QUALIFICATION FOR ELECTION, NOMINATION PROCESS AND METHOD OF ELECTION - ELECTED AND NOMINATED MEMBERS

The qualifications for election, the nomination process, the method of election and the process for dealing with nominations from local organisations are detailed in paragraphs 5-9 of the Scheme

6. CO-OPTION TO THE COUNCIL

Co-option - Where, following any election, the number of elected members is less than 2/3rds, the elected members may fill the shortfall by co-opting persons in accordance with Paragraph 4(b) of the Scheme to fill all or any of the vacancies existing. Casual vacancies occurring between elections may be filled in like manner. Any decision of the Council to co-opt persons to the Council must be supported by at least two-thirds of the elected and nominated but not co-opted members of the Council in respect of each co-option.

The total number of co-opted persons must at no time exceed one-third of the elected membership.

Co-opted members shall hold office until the next following election, shall have the same status as elected members and for the purposes of this constitution, shall be regarded as elected members.

7. PROVISION FOR THE INCLUSION OF YOUTHS BETWEEN 16 AND 18 YEARS OF AGE

(This clause requires to be drawn up in accordance with the wishes of each Community Council).

8. VOTING RIGHTS OF MEMBERS OF THE COUNCIL

The right to vote at any meeting of the Council or any committee or sub-committee thereof shall be held by the elected members and appointed representatives of local organisations and co-opted members, only excepting that co-opted members shall not have the right to vote on the matters specified in Clauses 5, 15 and 16 hereof.

9. MEETINGS OF THE COUNCIL

Meetings of the Community Council, including Annual General Meetings and Special Meetings, shall be held in accordance with paragraph 12 of the Scheme.

10. ELECTION OF OFFICE BEARERS AND APPOINTMENT OF STAFF

Election of office bearers and appointment of staff of the Community Council shall be in accordance with paragraph 11 of the Scheme.

11. REMOVAL OF OFFICE-HOLDERS FROM OFFICE

In the event of any Chairperson, Vice-Chairperson or Secretary or Treasurer being found unfit to hold such office, which shall be a matter for the Community Council and Falkirk Council to decide together, the holder of that office shall vacate such post immediately upon such a decision being made, whereupon the Council shall elect a new holder of the vacated office as specified in Clause 10 hereof.

12. COMMITTEES AND SUB-COMMITTEES

The Council may appoint such committees or sub-committees or working parties as it may from time to time decide and shall determine their composition, terms of reference, duration, duties and powers, subject always to the approval of Falkirk Council.

13. PUBLIC PARTICIPATION IN THE WORK OF THE COUNCIL

(a) The Council may invite a member of the public or the representative of an organisation to address any meeting of the Council or a committee or sub-committee thereof, but such persons will not have the right to vote at any such meeting.

(b) All meetings of the Council and of committees and sub-committees thereof, shall be open to members of the public.

(c) Notices calling the meetings of the Council and of committees and sub-committees thereof shall be posted prominently within the Council area.

(d) Copies of all minutes of meetings of the Council and of committees and sub-committees thereof shall, pending approval, be available for inspection by members of the public at a suitable place or places within the area as soon as practicable after the meeting to which they refer.

(e) Once in each year, in the month of September, the Council shall convene an Annual General Meeting for the purposes of submitting the annual report of the Council and the annual audited statement of accounts.

(f) The Council may from time to time call Special General Meetings for the purpose of considering matters of interest and importance. (Paragraph 12(c) of the Scheme provides for Community Councils to include arrangements for this in their constitution).

(g) (to decided by the Community Council) members of the community shall constitute a quorum for Annual and Special General Meetings of the Council.

(h) The Council may appoint, for specific purposes or projects, committees or sub-committees or working parties composed of members of the Council and of others with appropriate knowledge of skills.

14. INFORMATION TO THE COUNCIL

Falkirk Council shall be sent a copy of the notice of all meetings, the minutes of all meetings, the annual report, the annual financial statement and other suitable information, as the Council may decide.

15. CONTROL OF FINANCE

(a) All monies raised by or on behalf of the Council or provided by local authorities shall be applied to further the objects of the Council and for no other purposes.

(b) The Treasurer shall keep proper accounts of the finances of the Council.

(c) The financial year of the Council shall be from 1 April, until 31 March of the succeeding year. The accounts shall be submitted to Falkirk Council within two weeks of the end of each financial year and shall be audited by a professional auditor appointed by Falkirk Council. All estimates for financial assistance requested to be granted to the Council shall be made to Falkirk Council by 31 October in each year for the financial year commencing 1 April following.

(d) An audited statement of accounts for the last financial year shall be submitted to a meeting of the Council and thereafter to the Annual General Meeting and shall be available for inspection at (to decided by the Community Council).

16. TITLE OF PROPERTY

Property and other assets belonging to the Council shall be vested in the Chairperson, Vice-Chairperson, Secretary and Treasurer of the Council and their successors in these respective offices.

17. ALTERATIONS TO THE CONSTITUTION

Any proposal to alter this Constitution must be delivered in writing to the Secretary of the Council not less than twenty eight days prior to the date of the meeting at which it is first to be considered and the terms of the proposed resolution to alter the Constitution shall be stated on the notice calling the meeting which shall be issued not less than fourteen days prior to the meeting. If the resolution is supported by two-thirds of the combined elected and nominated, but not co-opted membership of the Council and is approved, in writing, by Falkirk Council, the alteration shall be deemed to have been duly authorised.

18. DISSOLUTION

If the Council by a two-thirds majority of the total elected and nominated, but not co-opted membership decides at any time that on the grounds of expense or otherwise it is necessary or advisable to dissolve, it shall agree at date for a public meeting to be held to discuss the proposed resolution to dissolve and not less than fourteen days prior to the date of such meeting shall cause public notice to be given (by means of notification in the (to decided by the Community Council), the local newspaper, attachment to and at public noticeboards, etc.) indicating the terms of the proposed resolution and that persons qualified in accordance with Clause 4(b) will be permitted to vote at the proposed meeting. If the resolution is supported by a two-thirds majority of those persons present and qualified to vote and is approved by Falkirk Council, the Council shall be deemed to be dissolved and all assets remaining after the satisfaction of any proper debts or liabilities shall transfer to Falkirk Council who shall hold same in Trust for a future Community Council for the area or for such other local organisation, having objects similar to those of the Community Council, which the Falkirk Council may recognise as an appropriate replacement for the Community Council for the area.

In the event that the Council is dissolved under the above procedure, and twenty or more electors subsequently wish the re-establishment of a Council for the area, these electors shall submit a requisition to Falkirk Council in accordance with Section 52(7) of the Local Government etc. (Scotland) Act 1994 on receipt of which the Returning Officer shall arrange for elections to be held in accordance with the Scheme.

Where for any reason the number of elected members on the Council falls below 2/3rds of the elected membership, Falkirk Council may, by suspending the Constitution of the Council cause the Council to be dissolved and in this event, the procedures for the establishment of a new Community Council, being those adopted for the purposes of the initial elections of Community Councils and as detailed in Paragraph 7 of the Scheme and the Community Council Election Rules shall be initiated by the Returning Officer.

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COMMUNITY COUNCILS - SUGGESTED STANDING ORDERS

The following examples of standing orders have been taken from the Glasgow Community Council Forum Executive Standing Orders, with some amendment.

Order of Business:

This clause sets out the order of business for each meeting.

- (a) Apologies**
- (b) Minutes**
- (c) Business arising from Minutes**
- (d) Reports (sub-committees, delegations, finance etc.)**
- (e) Correspondence**
- (f) Other Competent Business**

Quorum

This clause sets out the quorum for the meeting i.e. the minimum number of persons required to be in attendance in order to conduct business.

The quorum shall be one third of the total membership of the community council provided that there is a majority of elected members present.

The Chairperson's Ruling:

This clause is a particularly important one as it supports the authority of the Chairperson.

The ruling of the Chairperson on any question under Standing Orders, or on points of order, shall be final.

Length of Speeches:

This clause provides the Chairperson with the power to prevent excessive waffling.

The mover of a motion or amendment shall be allowed three minutes.

Motions and Amendments:

A motion or amendment will not be discussed unless it has been moved and seconded.

Motions or amendments made but not seconded will not be discussed or recorded in the Minutes. When a motion or amendment has been moved but not seconded, the mover may request that his or her dissent in respect of the item of business be recorded in the minute.

Method of Voting:

Given that any issue which has to be resolved by a vote may be contentious, it is advisable to clarify any procedure for a casting vote in the Standing Orders as follows. The casting vote is traditionally cast for the status quo or the less controversial option.

Voting shall be by a show of hands. Where there is an equality of votes the Chairperson shall have a second/casting vote."

Notices of Motion:

This clause gives an Executive Committee time to assemble an agenda and give adequate consideration to any issue which has been raised.

Notices of motion shall be in the hands of the Secretary, in writing, not less than seven days before the meeting at which they are to be discussed."

Points of Order

The Chairperson may be called, from time to time, to rule on a point of order. A point of order must relate only to an alleged breach of a standing order or statutory provision. This is dealt with in the following clause, with the final decision left to the Chairperson without challenge.

Any member may claim to speak on a matter of Order and the person who is then addressing the meeting shall cease to do so until the point is heard and the Chairperson makes a ruling.

Members of the Public:

It is also useful to have some procedure laid down which deals with the participation of the public at meetings.

In the event of any member of the public being present at the meeting, they shall not participate in the business of the meeting except at the discretion of the Chairperson.

Length of Meetings:

It is important to prescribe the maximum length of meetings so as to limit the possibility of unnecessary discussion.

Meetings of the Community Council shall not be longer than 1½ hours in duration.

Suspension of Standing Orders

On occasions, standing orders may require to be suspended e.g. in order to discuss urgent business or have a longer meeting, and the following clause provides for this.

Standing Orders may be suspended provided notice is given, or the council agrees that it is a case of urgency, provided a motion for suspension is carried by two-thirds of those present and voting and an absolute majority of the whole council.

For the benefit of the public and new community councillors, it may be useful to have copies of your community council's standing orders available at meetings for reference.

How can I set up a Community Council?

Setting up a New Community Council; a step by step guide.

The process of forming a Community Council in an area that does not have one begins by a local person asking for a petition. A petition form can be downloaded [here](#).

Once the petition is signed by twenty local people who are on the electoral register, it can be submitted to Falkirk Council, requesting that a Community Council is established in the named area. Those signing the petition are not committing themselves to become Community Councillors.

Falkirk Council will then handle the election phase, issuing a call for nominations, and making arrangements to hold an election meeting.

Here is a step by step guide to the process involved in forming a Community Council;

1. Request for a petition by a local resident.
2. Completed petition (signed by twenty local people who are on the electoral register) is returned to Falkirk Council
3. Falkirk Council will advertise to seek nominations for the establishment of the Community Council.
4. Election process;
 - Falkirk Council will:
 - Arrange the issue of nomination forms;
 - Arrange posters for nominations;
 - Appoint a council officer to act as returning officer; and
 - Arrange the publicity process.
5. Election Meeting;
 - If the nominations exceed the number of places available, the election will be contested by postal ballot; and
 - The election results will be declared.
6. Initial meeting of new Community Council, organised by Falkirk Council;
 - Office bearers will be elected;
 - A constitution will be agreed by the members of the new Community Council;
 - Standing orders will be approved;
 - The dates of future meetings will be set; and
 - Consider any need for sub committees.

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SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN FIFE

ADOPTED BY THE FIFE COUNCIL
AT THEIR MEETING ON 3RD MARCH 2011



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1.0 **Purpose**

- 1.1 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. Community Councils are encouraged to promote community participation and a sense of community spirit within its community.
- 1.2 In addition to the general purpose of a Community Council, a Community Council may carry out such other functions as approved where appropriate by Fife Council or any other body who may provide resources to carry out the function, including the safeguarding and improvement of the amenities and environment in their area.

2.0 **Boundaries Of Community Councils**

- 2.1 The boundaries of the areas of Community Councils and their populations and the number of members to be appointed to Community Councils are detailed in Schedule 1 to this Scheme together with the plan annexed.
- 2.2 Any request to create new Community Councils by (1) the sub-division of an existing Community Council area or (2) the merging of 2 Community Council areas or (3) changing the boundaries of existing Community Councils must be made in writing to the Head of Democratic Services, who will arrange for the request to be submitted to the appropriate Fife Council Committee. Such requests should demonstrate local support for the proposal, including the agreement of the existing Community Council(s).

3.0 **Establishment of Community Councils**

- 3.1 The regular Community Council elections will provide an opportunity for the establishment of all Community Councils in Fife.
- 3.2 If, for any area a Community Council is not established at an ordinary election, then on the application of 20 electors from the appropriate area, a Community Council shall be established by election carried out under the rules for Community Council Elections.

4.0 **Qualification of Electors**

- 4.1 A person shall be entitled to vote at a Community Council election if he/she has reached the age of 16 on the date of the poll and is resident in the area of the Community Council and is registered as a local government elector there.
- 4.2 A person is not entitled to vote as an elector in more than one Community Council election.

5.0 **Qualification for Nomination, Election and Holding Office as a Member of a Community Council**

5.1 A person shall be qualified to be nominated as a candidate for election as a member of a Community Council if he/she has reached the age of 16 years and -

- (a) on the day on which he/she is nominated as a candidate he/she is registered in the register of local government electors in respect of an address in the area of the Community Council; and he/she is resident in the area of the Community Council; and
- (b) on the day on which he/she is nominated he/she is not an elected member of Fife Council.

5.2 A person holding office as an elected member of a community council will not act in the office of a community councillor unless he/she has signed a declaration accepting the office and undertaking to fulfil the duties of it according to the best of his/her judgement and ability, in accordance with the Scheme and undertaking to meet the standards of conduct outlined in Schedule 3.

If such a declaration is not made and delivered to the Head of Democratic Services within two months of being elected or appointed, the office of that person shall become vacant.

6.0 **Elections**

6.1 Elections under this scheme shall be held in accordance with rules for Community Council Elections made by Fife Council. Any rules made by Fife Council shall only be made following consultation with the Community Councils in Fife.

6.2 The ordinary elections for Community Councils shall take place in 2014 and every four years thereafter.

6.3 Where the number of nominations received is less than half of the number of vacancies that exist, the Community Council shall not be established at that time.

7.0 **Composition of Community Councils**

7.1 A Community Council shall consist of: -

- (a) Elected Members - persons elected under this scheme, which shall include persons elected or appointed between ordinary elections to fill vacancies. Elected Members of the Community Council shall be entitled to speak and vote on any item of business considered by the Community Council.
- (b) the elected members of Fife Council whose area of representation includes any part of the area of the Community Council shall be ex officio members of the Community Council. Such ex officio members shall not be entitled to hold office in terms of paragraph 10.1 of this Scheme and shall not be entitled to vote on any item of business considered by the Community Council;

- (c) co-opted members - persons who are not members of the Community Council, but have been appointed by the Community Council for any specific purpose by reason of their interest in the community or the area of the Community Council, or their expertise in a specific subject, and whose views would be of assistance to such Council or could be employed for the promotion or advancement of any scheme or project falling within the objects of such Council. The persons appointed for such a purpose shall not exceed one fourth of the elected members of the Council. Any person so appointed shall be appointed for such period as the Community Council may determine but not beyond the next elections to the Community Council. Co-opted members shall be entitled to speak on any item but not vote on any item of business considered by the Community Council.
- (c) nominated members - a Community Council may make provision to invite organisations operating within its area to nominate members to serve on the Community Council. Where a Community Council makes such provision then at no time shall the number of nominated members exceed one fourth of the elected members of the Council. Nominated members shall not be entitled to vote on any item of business considered by the Community Council.

7.2 In addition to members appointed under paragraph 7.1 above, the Royal Burgh of St. Andrews Community Council shall include three persons appointed by the Student Representative Council, such persons being students at the University of St. Andrews and having been elected to the Student Representative Council.

8.0 **Casual Vacancy**

- 8.1 In the event of a casual vacancy or vacancies occurring in the elected membership between ordinary elections, a Community Council shall be entitled to fill these vacancies with any person qualified as a candidate for election as a member of the Community Council who will be deemed to hold office as an elected member with voting rights.
- 8.2 In filling a vacancy with any person under this paragraph, a Community Council must, in the first instance, offer the vacancy to the unsuccessful candidate who polled the most number of votes at the most recent elections for community councils. If he/she does not wish to fill the vacancy or is no longer eligible for the Community Council or steps taken to contact him/her have in the opinion of the community council been unsuccessful, then the vacancy should be offered to the unsuccessful candidate who polled the next highest number of votes and so on until either the vacancy is filled or the list of unsuccessful candidates is exhausted. If a Community Council is unable to appoint from the list of unsuccessful candidates, a vacancy should be filled by any other reasonable method it chooses e.g. hold a public meeting at which candidates have a chance to state their case before a ballot of Community Council members.

8.3 A casual vacancy shall be deemed to have arisen on the occurrence of any of the following events:-

- (a) death of an elected member;
- (b) resignation of an elected member intimated to the Secretary of the Council in writing;
- (c) resignation of an elected member by declaration at a meeting of a Community Council so long as that resignation is not withdrawn in writing by the commencement of the next scheduled meeting of that Community Council;
- (d) unreasonable non-attendance by an elected member at meetings for a period of six months;
- (e) an elected member ceasing to be qualified as a candidate for election as a member of a Community Council;
- (f) the number of nominations received is sufficient to establish the Community Council in terms of paragraph 6.3 of this Scheme but less than the number of members to be appointed in terms of Schedule 1.

9.0 **Meetings**

- 9.1 (a) A Community Council shall hold in every year such meetings as it believes necessary and in an election year shall hold a meeting within one calendar month from the date of the election.
- (b) Meetings shall be held at such hours, on such days and at such places as the Community Council may decide, having regard to the availability of members of the Community Council and the ease of access of the place to members of the general public.
- (c) Public notification shall be given of the place, time, date and agenda of all community council meetings.

Notwithstanding the foregoing, a Community Council will meet not less than quarterly, one of which meetings will be an Annual General Meeting which shall consider and approve the examined financial statement for submission to Fife Council.

Special Meetings

9.2 A special meeting may be called:-

- (a) on the requisition of the Chair of the Council;
- (b) on requisition of at least one fourth of the elected members of the Council;
or
- (c) a requisition of twenty electors for the area of the Community Council.

The meeting shall be held within 21 days of receipt by the Secretary of the Community Council of a requisition stating the reason for the requisition. It will only be necessary to call such a meeting if the subject matter of the requisition cannot be dealt with at the next ordinary meeting of the Community Council.

Quorum

- 9.3 No business shall be transacted at a meeting of the Community Council unless the greater of at least 40% of the actual number of elected members or three of such members of the Community Council are present.

Public Access to Meetings

- 9.4 Subject to the provisions below, all meetings of the Community Council shall be open to the general public. The Community Council shall encourage public participation in its meetings and should include provision on the agenda for input from members of the public present. However, the public may, by resolution, be excluded from a meeting of the Community Council during consideration of an item of business whenever it is likely that if members of the public were present there would be disclosure to them of:-

- (a) information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the Community Council;
- (b) information relating to the financial or business affairs of any particular person (other than the Community Council);
- (c) any terms proposed or to be proposed by or to the Community Council in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services relating to that Community Council;
- (d) any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:-
 - (i) any legal proceedings by or against the Community Council; or
 - (ii) the determination of any matter affecting the Community Council, (whether, in either case, proceedings have been commenced or are in contemplation).
- (e) information relating to individuals nominated for civic awards (e.g. Citizen of the Year) prior to the announcement of the recipient. For the avoidance of doubt this does not apply to discussions relating to the filling of a vacancy arising from the resignation of an elected member of the Council.

Any decisions taken in private, together with the reason for taking the decision in private, shall be recorded in the minute and reported to the next meeting of the Community Council.

Standing Orders

- 9.5 Subject to the provisions of this Scheme, a Community Council may make standing orders for the regulation of its proceedings and business and may vary or revoke any such orders.

Committees

- 9.6 A Community Council may form committees to consider specified matters and may arrange for the discharge of any of its functions by such a committee. When a committee is established, details of the membership and terms of reference shall be included in the minutes of the Community Council. If a committee is appointed to discharge any of the functions of a Community Council, a majority of the members of the committee shall be elected members of the Community Council. Meetings of such committees shall be open to the general public as observers. Where a Committee is formed which has no decision making powers but rather will make recommendations to the Community Council, it will not be necessary to hold those meetings in public. Minutes of the proceedings of any committee shall be presented to the next meeting of the Community Council.

Minutes

- 9.7 Minutes of the proceedings of a meeting of a Community Council, including proceedings to which the public are excluded under 9.4, shall be drawn up and signed at the next ordinary meeting of the Community Council by the person presiding at that meeting. Thereafter minutes shall be available for inspection by any person who wishes to see a copy.

Declarations of Interest

- 9.8 Whether before or during any meeting of a Community Council a member of that Council becomes aware that he/she or any person connected with him/her has an interest in or relating to any matter to be or being considered, he/she shall declare such interest. A member who has declared a financial interest, or a non-financial interest which he/she considers would cause a member of the public, knowing all the relevant facts and acting reasonably, to form the view that he or she might be influenced by that interest, shall withdraw from the meeting during such consideration and shall not speak or vote on any question relating to the matter. Such declarations of interest shall be recorded in the minutes of the meeting.

10.0 **Appointment of Office Bearers**

- 10.1 At its first meeting which shall be convened for a date within one calendar month after the election of members every Community Council:-
- (a) shall elect one of its elected members to be Chair of the Council;
 - (b) may elect one or more of its elected members to be Vice-Chair;
 - (c) shall elect one of its elected members to be Secretary to the Council;
 - (d) shall elect one of its elected members to be Treasurer to the Council.

The above named office bearers will be appointed for a minimum period of 1 year, but may be appointed for the term of office.

A member of a Community Council may hold at the same time any two of the posts of Chair, Vice Chair, Secretary or Treasurer with the exception that a member cannot be both Chair and Vice Chair at the same time.

The Chair, Vice-Chair, Secretary and Treasurer shall continue in office until but not including the inaugural meeting of the Community Council following an election, unless a motion is passed in terms of paragraph 11.0 below of the Scheme. The inaugural meeting shall at its outset be chaired by a Local Authority Councillor for the area or any other person appointed to do so by Fife Council.

11.0 Removal of Office Bearers

- 11.1 In the event that an Office-Bearer of the Community Council is not performing his or her duties to the satisfaction of the Community Council, a motion to remove that Office Bearer from his or her post can be considered at a meeting of the Community Council, provided that notice has been given on the agenda for the meeting and the Office Bearer concerned has been given reasonable opportunity of being heard.
- 11.2 If a motion in terms of paragraph 11.1 above is passed by a two thirds majority of the current number of elected members on the Community Council, then the office bearer concerned will be deemed to have been removed from that post and the post will require to be filled as the next item of business at that meeting.
- 11.3 Any Community Councillor who becomes or acts as an election agent for a prospective candidate for local government or parliamentary elections covering part or all of the area of the Community Council, should not hold office in the Community Council during the period of the candidature. That period will commence on the day on which a candidate is nominated and shall continue until the day of the election. The Community Council should appoint a temporary replacement from within its elected members for the duration of that period.

12.0 Constitution

- 12.1 This Scheme will act as the Constitution for all Community Councils in Fife unless a Community Council decides to adopt its own constitution in terms of paragraphs 12.2 and 12.3 below.
- 12.2 Any Community Council can adopt its own constitution if it so wishes. If a Community Council wishes to adopt its own constitution, it must forward the constitution for the approval of Fife Council.
- 12.3 Constitutions approved by Community Councils must not conflict with the terms of this Scheme. Any constitution approved by an individual Community Council will remain in force until Fife Council approves a revision of this Scheme or the Community Council approves an amended Constitution.
- 12.4 Community Councils shall at all times act in accordance with law and in accordance with the terms of its constitution.

13.0 **Finance and Accounts**

- 13.1 The Fife Council shall in each financial year set aside funds of an amount determined by it towards the general running costs of community councils.
- 13.2 This sum shall consist of these elements:-
- (a) an amount to cover insurance which will be paid directly to the insurance company by Fife Council which will include public liability, employers' liability, loss and theft of money, personal accident, libel and slander and limited all risks cover for equipment.
 - (b) a fixed basic grant for all community councils, which shall be used in the first instance to cover the main administrative costs;
 - (c) a per capita allowance per head of population of the area of the Community Council (population figures will be updated annually in line with General Register of Scotland population estimates); and
 - (d) reimbursement of any fee paid in association with the requirement for Community Councils to notify in terms of Data Protection.
- 13.3 The level of each of these elements will be agreed by Fife Council.
- 13.4 Community Councils shall be advised each year of its maximum grant allocated, based on the elements above.
- 13.5 Prior to disbursement of grant from Fife Council, Community Councils will submit the previous year's examined accounts and a request for a required sum up to the maximum allocation.
- 13.6 The grant will be paid to the Community Council via BACS. Community Councils not requesting their maximum allocation initially shall be able to request additional amounts up to this annual maximum should they require it. The full allocation of grant must be claimed by the end of December of that year.
- 13.7 In determining the amount payable to a community council, Fife Council shall take into account any surplus funds held by the community council where:
- (i) the surplus funds are from the grant previously given by Fife Council and not from the community council's own fund raising efforts, and
 - (ii) the surplus funds are not being held by the community council for a specific future project which would require to be detailed in the annual accounts; and
 - (iii) the Community Council's expenditure in the previous financial year was less than 80% of that year's annual grant; or
 - (iv) the cumulative balance of the surplus funds being carried forward exceeds three times the annual grant.

- 13.8 All monies raised by or on behalf of a Community Council shall be applied to further the purposes of that Community Council (as defined in paragraphs 1.1 and 1.2 above) and for no other purpose.
- 13.9 Each community council shall keep books and/or records of income and expenditure in accordance with the Financial Guidelines provided by Fife Council. The Treasurer shall be responsible for keeping proper accounts of the finances of the Community Council. The accounts shall be examined at least once a year by an independent examiner appointed by the Community Council. A Community Council must resolve to appoint an independent person for the purpose of examining the Community Council's accounts.
- 13.10 Each Community Council will open a bank account in the name of the Community Council with a Bank or Building Society as the Community Council shall from time to time decide. The Community Council shall authorise in writing at least three of its members of the Community Council, one of whom shall be the Treasurer, to sign cheques on behalf of the Community Council. All cheques must be signed by not less than two of the three or more authorised signatories.
- 13.11 In carrying out its duties, a Community Council shall not incur expenditure in excess of the sum provided by way of grant unless funds to meet this additional expenditure have been raised by the Community Council itself to cover this.
- 13.12 Local Community Groups will be eligible to apply to Community Councils for grants insofar as they meet with the objects of the Community Council and funds permit.
- 13.13 The financial year of the Community Councils shall coincide with that of Fife Council (i.e. 1st April to 31st March).
- 13.14 Fife Council reserves the right to withdraw funding in the event of a Community Council failing to comply with the provisions of this Scheme or any legal obligations which it is required to meet.
- 14.0 **Consultation**
- 14.1 Fife Council recognises Community Councils as bodies which should be consulted and informed over matters of mutual interest and will make appropriate arrangements for information being supplied to Community Councils to enable them to ascertain, co-ordinate and express to Fife Council and other bodies the views of the communities they represent. Such arrangements will be incorporated in a good practice agreement detailing expectations regarding consultation and support by the Fife Council. The agreement will include a protocol regarding the attendance of Fife Councillors at Community Council meetings. The agreement shall be monitored and reviewed from time to time in consultation with Community Councils.
- 14.2 Fife Council recognises its statutory duty to consult on planning matters and has set up appropriate mechanisms to allow this to happen in accordance with Schedule 2.

15.0 **Heritable Property**

- 15.1 A Community Council may with the consent of Fife Council, which consent shall not be unreasonably withheld, acquire and hold heritable property, the title to which shall be taken in the name of the Chair, Vice-Chair(s), Treasurer and Secretary for the time being as trustees for such Community Council and their respective successors in office.

16.0 **Contracts**

A Community Council shall not enter any agreement or contract with any party which extends for a period in excess of six months without the prior written consent of Fife Council. Fife Council shall not unreasonably withhold such consent and in considering an application by a Community Council for such consent shall have regard among other things to the proposed period of the agreement or contract, the parties to the proposed agreement or contract, the financial and other obligations on any of the parties to the proposed agreement or contract and the suitability of the subject matter of the proposed agreement or contract in relation to the purpose of the Community Council.

17.0 **Equalities**

- 17.1 In fulfilling its purpose or carrying out any function a Community Council shall in doing so recognise that people may face discrimination on the grounds of their sex or marital status, on racial grounds, on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political beliefs and shall not discriminate in any of these ways in any way.

18.0 **Environment**

A Community Council shall have regard to the impact on the environment of all its activities and shall ensure as far as possible that any projects which it promotes or funds contribute to sustainable development. Community Councils shall promote good environmental practices, such as recycling, within the community.

19.0 **Comments and Complaints**

- 19.1 A Community Council shall encourage comments and suggestions on the exercise of its role under this Scheme.
- 19.2 If a complaint is made against a Community Council or individual Community Councillor, the procedure outlined in Schedule 4 shall apply.

20.0 **Dissolution of Community Councils**

- 20.1 If a Community Council decides that it is advisable to dissolve the Community Council, it shall call a public meeting of which not less than 21 days notice shall be given, stating the terms of the resolution to be proposed. If such a decision is confirmed by two thirds majority of those present the Community Council shall, after payment of all debts and liabilities, transfer the assets to Fife Council to be held in trust for a future Community Council if established or to such other organisation as Fife Council may determine.

20.2 In the event that the membership of the Community Council falls below 50% of the maximum permitted membership under this Scheme for a continuous period of 6 months despite efforts to fill casual vacancies, the Community Council shall be dissolved and a formal interim election held to re-establish the Community Council.

20.3 In the event that a Community Council is found to be in breach of the Scheme or a complaint against the Community Council is upheld in accordance with the provisions in Schedule 4, a recommendation may be made to Fife Council that the Community Council be dissolved.

21.0 **Review**

21.1 Having regard to changing circumstances and to any representations made to it, Fife Council shall from time to time review this Scheme and any proposed amendment to the Scheme shall be subject to consultation in accordance with Section 53 of the Local Government (Scotland) Act 1973.

SCHEDULE 1

Number on Plan	Community Council (including details of sub-divisions if any, showing split of elected membership)	Elected Membership (with effect from 2018)	Population (as at 2016 per KnowFife dataset)
1.	Kincardine	12	3008
2.	Culross	8	441
3A.	High Valleyfield	10	1789
3B.	Low Valleyfield	8	133
4.	Blairhall	8	1008
5.	Oakley & Comrie	12	3132
6.	Torryburn & Newmills	10	1055
7.	Crombie	8	403
8.	Crossford	11	2417
9.	Cairneyhill	11	2449
10.	Carnock and Gowkhal	10	1039
11.	Saline and Steelend	10	1742
12.	Kelty	15	6778
13.	Benarty	14	5783
14.	Lochgelly	16	7073
15.	Lumphinnans	8	857
16.	Cowdenbeath	19	10325
17.	Hill of Beath	8	756
18.	Halbeath & Duloch	17	8963
19.	Kingseat	8	778
20.	Townhill (Dunfermline)	10	1271
21A.	Milesmark and Baldrige (Dunfermline)	15	6569
21B.	Wellwood (Dunfermline)	8	624
22.	Headwell (Dunfermline)	12	3664
23.	Bellyeoman (Dunfermline)	12	3934
24.	Central Dunfermline	15	6527
25.	Touch and Garvock (Dunfermline)	14	5086
26.	Abbeyview (Dunfermline)	16	7441
27.	South Dunfermline (formerly Pitcorthie)	17	8667
28.	Izatt Avenue Area and Netherton (Dunfermline)	10	1781
29.	Charlestown, Limekilns and Pattiesmuir	10	1652
30.	Rosyth	20	13779
31.	North Queensferry	10	1072
32.	Inverkeithing	14	5042
33.	Crossgates and Mossgreen	11	2779
34.	Dalgety Bay and Hillend	19	10238
35.	Aberdour	10	1871
36.	Auchtertool	8	489
37.	Burntisland	15	6806
38.	Royal Burgh of Kinghorn	12	2936
39.	Kirkcaldy West	20	11045
40.	Templehall	19	10681
41.	Kirkcaldy North	14	5974
42.	Bennochty and Hayfield	19	10143
43.	Kirkcaldy East	18	9772
44.	Dysart	11	2413
45.	Thornton	11	2206

Number on Plan	Community Council (including details of sub-divisions if any, showing split of elected membership)	Elected Membership (updated 2018)	Population (as at 2016 per KnowFife dataset)
46.	Cardenden	14	5947
46A.	Kinglassie	10	1950
47.	Glenwood (Glenrothes)	15	6898
48.	South Parks and Rimbleton (Glenrothes)	13	4942
49.	Pitteuchar, Finglassie and Stenton (Glenrothes)	17	8028
50.	Auchmuty/Woodside (Glenrothes)	15	6673
51.	North Glenrothes	20	10891
52.	Leslie	12	3194
53.	Markinch	12	3556
54.	Star of Markinch	8	484
55.	Milton and Coaltown of Balgonie	10	1447
56.	Coaltown of Wemyss	8	697
57.	West Wemyss	8	320
58.	East Wemyss and McDuff	11	2017
59.	Buckhaven and Denbeath	13	4801
60.	Methilhill	10	1672
61.	Methil	17	8555
62.	Leven	18	9031
63.	Windygates	11	2031
64.	Kennoway	13	4931
65.	Largo Area	11	2942
66.	Largoward and District	8	392
67.	Colinsburgh and Kilconquhar	8	707
68.	Elie and Royal Burgh of Earlsferry	8	775
69.	St Monans, Abercrombie and District	10	1246
70.	Royal Burgh of Pittenweem and District	10	1477
71.	Royal Burgh of Kilrenny and Anstruther, and of Cellardyke	13	4109
72.	Carnbee and Arncroach	8	427
73.	Royal Burgh of Crail and District	10	1870
74.	Kingsbarns	8	414
75.	Boarhills and Dunino	8	347
76.	Royal Burgh of St. Andrews	20	17768
77.	Strathkinness	10	1050
78.	Cameron	8	789
79.A	Ceres & District	10	1552
79.B	Kemback, Pitscottie & Blebo	8	567
80.	Springfield	10	1256
81.	Royal Burgh of Ladybank and District	10	1633
82.	Giffordtown and District	8	186
83.	Cults	8	501
84.	Kettle	10	1452
85.	Freuchie	10	1352
86.	Royal Burgh of Falkland and Newton of Falkland - Falkland and surrounding area (8) Newton of Falkland (2)	10	1474

Number on Plan	Community Council (including details of sub-divisions if any, showing split of elected membership)	Elected Membership (with effect from 2015)	Population (as at 2016 per KnowFife dataset)
87.	Auchtermuchty and Strathmiglo - Auchtermuchty (3) Strathmiglo (3) Gateside (3) Dunshalt (3)	12*	4011
88.	Collessie	8	159
89.	Newburgh	11	2237
90.	Abdie and Dunbog	8	456
91.	Creich and Flisk - Flisk (2) Brunton (2) Luthrie (2) Carphin/Parbroath (2)	8	244
92.	Moonzie	8	47
93.	Monimail	8	396
94.	Royal Burgh of Cupar and District	18	9657
95.	Dairsie	8	678
96.	Guardbridge and District	8	674
97.	Balmullo	10	1555
98.	Leuchars	12	3330
99.	Tayport Ferryport-on-Craig	13	4244
100.	Newport, Wormit and Forgan	13	4515
101.	Balmerino, Gauldry, Kilmany and Logie	10	1361

Guidelines for Elected Membership - determined in accordance with population, allowing for exceptions to suit local circumstances (exceptions are indicated*):-

<u>Elected Membership</u>	<u>Population</u>
8	1,000 or less
10	1,001 - 2,000
11	2,001 - 3,000
12	3,001 - 4,000
13	4,001 - 5,000
14	5,001 - 6,000
15	6,001 - 7,000
16	7,001 - 8,000
17	8,001 - 9,000
18	9,001 - 10,000
19	10,001 - 11,000
20	11,000 or more

**CONSULTATION WITH COMMUNITY COUNCILS
ON PLANNING APPLICATIONS**

- All Community Councils are sent a weekly list of all planning applications.
- Where the Community Council is a statutory consultee, i.e. where the development could affect the amenity in the area of the Community Council, they will be consulted directly. Where they are not deemed to be a statutory consultee, they can request formal consultation within 7 working days of the issuing date of the weekly list.
- Following a formal request, a minimum 14 day consultation period is initiated, beginning on the date of issue of the application details.
- Copies of the relevant plans and forms can be accessed by Community Councils via the FifeDirect web page. The 'Planning Applications Online' system also provides the opportunity for Community Councils to register a geographical area of interest and receive notification by email of all applications submitted within that area.
- The case officer is identified on the weekly list to assist the Community Council, e.g. for further discussion or information.
- Community Councils are also informed whether the planning application will be considered by the Area Planning Committee or whether it is an application which could be determined under powers delegated to officials.
- Informal consultation and discussion also takes place if requested by the Community Council or if considered necessary by Economy, Planning & Employability.
- Community Councils may be asked by the applicant to participate in pre-application consultation before the submission of a planning application for national or major development. The pre-application consultation will comprise a minimum period of 12 weeks community engagement which must include at least one public event.
- A Community Council which covers an area within or immediately adjoining a site of a major or national application in Fife will be advised that a proposal of application notice has been submitted. This notice and the subsequent application will also appear in the Weekly List of Applications.
- It is the role of Community Councils to consult the wider community on planning issues which affect them to the extent to which it is feasible within the resources of the Community Council.

The above consultation procedure is the minimum level of service provided. In some instances specific consultation arrangements may be agreed with individual Community Councils to suit their particular requirements.

STANDARDS OF CONDUCT

The following key principles should be followed by all Community Councillors.

Duty

Community Councillors have a duty to uphold the law and act in accordance with the law and the public trust placed in them. They have a duty to act in the interests of the Community Council as a whole and all the communities served by it and a duty to be accessible to all the people of the area for which they have been elected to serve, and to represent their interests conscientiously.

Selflessness

Community Councillors have a duty to take decisions solely in terms of the public interest. They must not act in order to gain financial or other material benefit for themselves, family or friends.

Integrity

Community Councillors must not place themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.

Objectivity

Community Councillors must make decisions solely on merit when carrying out public business.

Accountability and Stewardship

Community Councillors are accountable for their decisions and actions to the public. They have a duty to consider issues on their merits, taking account of the views of others, and they must ensure that the Community Council uses its resources prudently and in accordance with the law.

Openness

Community Councillors have a duty to be as open as possible about their decisions and actions, giving reasons for their decisions and restricting information only when the wider public interest clearly demands.

Honesty

Community Councillors have a duty to act honestly. They must declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Community Councillors have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of the Community Council and its Community Councillors in conducting public business.

Respect

Community Councillors must respect the members of the community they serve and all other Community Councillors and the role they play, treating them with courtesy at all times.

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN FIFE

COMPLAINTS PROCEDURE

1. INTRODUCTION

This schedule gives guidance on how complaints about Community Councils or individual Community Councillors or disputes between members of the Community Council will be dealt with.

It does not apply to:-

- complaints being dealt with by insurers
- complaints that are the subject of legal proceedings or statutory procedures

2. WHAT IS A COMPLAINT

A complaint is an expression of dissatisfaction about a Community Council or individual Community Councillor which requires action to remedy, for example:-

- Failure to conform to the Scheme for the Establishment of Community Councils in Fife or to exercise their purpose under the Scheme
- Failure to provide information or giving incorrect information
- Behaviour of, or conduct of individual Community Councillors acting in his/her role as a Community Councillor
- The absence of policies or procedures
- Alleged discrimination, for example on the grounds of race, gender, disability, age, sexual or religious orientation.

If any doubt remains as to whether the complainant's dissatisfaction qualifies as a complaint, the complainant's wishes should be respected if he/she insists on making a complaint, then he/she should be allowed to do so and have their complaint investigated fairly in all respects.

All complaints should be responded to in writing (e-mail or letter), however at all stages communication with the complainant should be by their preferred method – e-mail, letter or telephone. The Community Council or Community Councillor who is the subject of a complaint will be invited to make representations at all stages of the process.

All timescales are in working days, however it may be that complaints may take a longer period to resolve and timescales may be extended subject to the complainant being advised.

3. STAGE 1 – MAKING A COMPLAINT - LOCAL RESOLUTION

A complaint expressing dissatisfaction about a Community Council or an individual Community Councillor should be made to the secretary, or other office bearer of a Community Council.

Complaints should normally be submitted in writing but may be made by speaking to the secretary or other office bearer who will record the complaint in writing and agree the content with the complainant who will require to countersign the complaint.

If complaints are raised with any of the local Fife Councillors or an officer of Fife Council then the local Fife Councillor or officer should immediately pass the complaint to the secretary or other office bearer of the Community Council.

The secretary or another office bearer of the Community Council will try to resolve any complaint quickly and informally where possible and if it is not possible for immediate resolution the secretary or office bearer shall:-

- send a written acknowledgement of the complaint within 5 days. If the complaint is made verbally the acknowledgement will outline the complaint as agreed with and countersigned by the complainant.
- carry out a further investigation of the complaint and report to the Community Council within 35 days
- inform the complainer about the outcome in writing within 42 days from the date the complaint was received by the Community Council and give advice on Stage 2 in the event that the complainant is not satisfied with the outcome.
- in the event the timescales cannot be met, write to update the complainant regularly until the outcome of the complaint is available .
- send copies of formal correspondence to the Head of Democratic Services, Fife Council for information.

4. STAGE 2 –REVIEW BY FIFE COUNCIL

If a complainant is still not happy with the response of the Community Council to the complaint it can be referred to the Head of Democratic Services, Fife Council for review. A request for review must be made within 20 days of receiving the response to the original complaint.

- The request for a Review will be received by the Head of Democratic Services and will be acknowledged in writing within 5 days.
- The Head of Democratic Services will carry out a review of the complaint and response seeking to negotiate an acceptable resolution and the outcome will be confirmed to the complainer and the Community Council within 35 days from the receipt of the request for review, and will advise what further action, if any, may be taken in the event either the complainant or Community Council remain unhappy.

- The Head of Democratic Services will have discretion as regards the further action which may be taken (e.g. in the event that complaints are considered vexatious or no further redress would be appropriate).

5. STAGE 3 – APPEAL TO PANEL

If the complaint remains unresolved (including the Community Council not being happy with the decision arising from the stage 2 review) the matter may be referred by the complainant, the Community Council or the individual Community Councillor to a three person panel comprising two Fife councillors with an interest in Community Council matters, and one Community Councillor from another area of Fife.

The Head of Democratic Services shall make the appropriate arrangements for the panel to meet within 28 days of this referral. Such an appeal must be made within 20 days of being advised of the outcome of Stage 2.

The outcome of the appeal will be intimated to all parties within 14 days from the date of the appeal being heard.

6. REMEDY & REDRESS

When at any stage a complaint is found to be upheld the response will seek to provide an appropriate resolution. This may include:-

- an explanation and an apology
- a proposal to seek an appropriate resolution
- advice on any changes to be made as a result of the complaint to avoid problems recurring in the future

The independent panel at Stage 3 may impose sanctions as a result of the complaint and these sanctions may include:-

- Censure but otherwise taking no action against an individual member or a Community Council.
- Suspension for a period not exceeding 6 months of entitlement of a member of a Community Council to act in such capacity and/or disqualification of a member of a Community Council for a period not exceeding 5 years from being or being nominated for election as or being elected such a member.

In the case of a Community Council a recommendation may be made to Fife Council that:-

- any sums payable to the Community Council be withheld.
- that the Community Council be dissolved in which case paragraph 20 of the scheme shall apply.

7. **COMPLAINTS RELATING TO FINANCE OR CRIMINAL ACTIVITY**

Any complaints received alleging financial impropriety should be given careful consideration as to how to proceed and, if appropriate, the Executive Director, Finance and Corporate Services, Fife Council should be consulted.

Any complaints making allegations of criminal activity should involve consideration as to whether or not to involve the police.

GLOSSARY OF TERMS

The Scheme	<u>Scheme for the Establishment of Community Councils in Fife</u> - This document provides a minimum framework governing the establishment and operation of Community Councils in Fife.
Elected Member (Para. 7.1 (a))	A person elected to a Community Council at an ordinary or interim election, or outwith a formal election process to fill a casual vacancy. Elected members have full voting rights.
Co-opted Members (Para. 7.1 (c))	Co-opted members are generally appointed for their expertise or interest in a specific matter the Community Council has to consider. They need not be eligible to stand as a member of the Community Council but although entitled to speak on any matter they may <u>not</u> vote on any item of business considered by the Community Council. The total number of co-opted members on the Community Council must not exceed one quarter of the total elected membership.
Nominated Members (Para. 7.1 (d))	A nominated member will represent a specific organisation operating within the area on the invitation of the Community Council. Nominated members are <u>not</u> entitled to vote and the total number of nominated members may not exceed one quarter of the total elected members of the Council.
Quorum (Para. 9.3)	The minimum number of members who must be present to enable the Community Council to make decisions. This is currently 40% of the actual number of elected members or 3, whichever is the greater.
Ordinary Election (Para. 6.0)	An election organised by the local authority to appoint members to all Community Councils within Fife, arranged on a 4-yearly basis.
Interim Elections	An election organised by the local authority between ordinary elections usually to enable the establishment of a Community Council not previously established at the ordinary elections.
Declaration of Acceptance (Para. 5.2)	Every Community Councillor requires to complete and sign a declaration accepting the office of Community Councillor and undertaking to fulfil the duties to the best of their ability and to meet the standards of conduct in Schedule 3 to the Scheme.
Standing Orders/	

Standing Orders

(Para. 9.5)

The rules which determine how the meetings and business of the Community Council shall be conducted.

Committees

(Para. 9.6)

Committees may be formed either to discharge a specific function of the Community Council (such as dealing with consultations on planning applications) or to consider a topic on a one-off basis. Depending on the remit, the committee may or may not have delegated authority to make decisions. The Community Council minutes must detail the membership and remit, including the extent of their authority, of any established sub-committees. Minutes of the proceedings of any sub-committee shall be presented to the next meeting of the Community Council, either for noting or approval dependent upon the delegation to the committee. Where the committee is making decisions the meetings will require to be held in public.

Constitution

(Para. 12.0)

A written document setting out the aims and purposes of an organisation and how it is governed.

Heritable Property

(Para. 15.0)

Assets, such as land or buildings, which are fixed and cannot be moved.

Glasgow City Council

Scheme of Establishment for Community Councils (2018)



The Scheme of Establishment for Community Councils (2018)

The following is the Scheme of Establishment for Community Councils as approved for implementation by the City Administration Committee of Glasgow City Council on Thursday 13th December 2018.

This Scheme of Establishment for Community Councils (2018) (hereafter the 'Scheme (2018)') describes how Community Councils in Glasgow are formed; the conditions under which they operate, and the minimum standards to be met for recognition as a Community Council.

Any breach of the Scheme (2018) under the terms of the Local Government (Scotland) Act 1973 may be reported to Glasgow City Council, which may in turn advise Community Councils of what action, if any, might be taken.

Review and Amendment of the Scheme

The City Council, having regard to changing circumstances and to any representations made to it, shall from time to time review the Scheme and, where it considers that the Scheme ought to be amended, shall proceed in accordance with the procedure specified in Section 53 of the Local Government (Scotland) Act 1973, as amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981.

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Introduction

- A** 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 within an identified Community Council boundary area in Scotland is entitled to Petition their local authority to establish a Community Council.
- B** The general purpose of Community Councils established under the Scheme is 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”*
- C** Community Councils are voluntary bodies which exist within a statutory framework and which have been granted statutory rights of consultation. They can complement the role of the local authority but are not part of local government.
- D** Recognised Community Councils, unlike other community organisations, are included in the consultation process for all planning applications. They have the right to receive copies of applications, and will be recognised as competent bodies to make representations regarding applications.
- E** Community Councils are statutory consultees in terms of section 21 of the Licensing (Scotland) Act 2005 and are consulted on all applications for provisional/premises licences and major variations to premises licences. They are also consulted on the development of the Licensing Policy Statement and any supplementary Licensing Policy Statement.
- F** Community Councils may also undertake other functions within the terms of their Constitution. It is the responsibility of a Community Council to satisfy Glasgow City Council that it has taken positive steps to ascertain the views of the wider community within their area, before making representations on any matter, on behalf of the community, which for the most part is comprised of local residents.
- G** It is essential that these views are shown to be accurately representative of the community i.e. evidenced consultation; agendas and minutes from special meetings; questionnaire responses. The legitimate consultative mechanisms will be recognised by Glasgow City Council as validation of the wider community's views and their engagement.
- H** A summary on page 5 of the Scheme lists the general rights and responsibilities of Community Councils, and obligations of Glasgow City Council to assist Community Councils, their members, and prospective members. Further explanation of these is contained within the Scheme and the Induction and Guidance documents for Community Councils (these documents are subject to ongoing review by Glasgow City Council).

Rights and Responsibilities

1 A Community Council which conforms fully to the Scheme has rights:

- a. to be consulted, and to make representations about planning applications;
- b. to be recognised as a competent body to comment on licensing applications;
- c. to be recognised as an appropriate body to apply for Glasgow City Council funding;
- d. to seek information and assistance from Glasgow City Council.

2 A Community Council's responsibilities include:

- a. to conform with the requirements of this Governance, which includes the Appendices;
- b. to be representative of all sectors of the community within their area;
- c. to conduct a minimum number of meetings each year i.e. 7 within the Community Council's financial year (see Scheme clause 6.1);
- d. to produce and distribute minutes of every meeting of the Community Council;
- e. to annually prepare and publish an audited financial statement and inventory;
- f. to hold elections for membership to the Community Council in liaison with Glasgow City Council;
- g. to advertise throughout its area, in advance, all of its meetings;
- h. to identify effective consultation methods which enable effective engagement with the community on issues of significant public interest, and be able to provide evidence of these methods to Glasgow City Council;
- i. to conduct all meetings and business in accordance with this Governance;
- j. to ensure the practice of equal opportunities can be evidenced if required (see Scheme clause 16);
- k. to ensure that every member conforms to their responsibilities as laid down in this Governance;
- l. to immediately advise Glasgow City Council when its constituted membership falls to half of its total.

3 Glasgow City Council's obligations

- a. to review the Scheme periodically, including consultation with Community Councils and the public;
- b. to support Community Councils to conform to the requirements of this Scheme;
- c. to provide structured support to Community Councils and their members as or when deemed appropriate;
- d. to arrange Inaugural and Full elections for new Community Councils;
- e. to conduct and administer interim elections for Community Councils;
- f. to provide publicity for common election dates for Community Councils;
- g. to provide such financial and administrative assistance as is possible, subject to the various constraints placed on Glasgow City Council;
- h. to consult with and/or notify Community Councils e.g. on planning applications & licensing applications.

Establishment of Community Councils

1. Boundary Areas

- 1.1 Glasgow City Council has produced a List of Approved Community Council Areas (see Scheme Appendix 1) for Glasgow. Maps which outline these boundaries can be requested by contacting Glasgow City Council on 0141 287 0060. The area of the Community Council will be as designated on said map.

2. New Community Councils

Where no Community Council exists

- 2.1 The forming of a new Community Council shall be initiated in an approved area on receipt of a Petition bearing the names of not less than 20 local residents (Electors) whose names appear on the Electoral Register. This is in accordance with section 52(7) of the Local Government (Scotland) Act 1973.
- 2.2 Glasgow City Council shall, within not more than six weeks from the date of receipt of the Petition, organise wider consultation and engagement procedures which would aim to culminate in elections or other voting arrangements for the purpose of establishing the Community Council.
- 2.3 In the first instance, a steering committee and/or appropriate structure may be formed from amongst the 20 local residents, and be supported by a relevant officer to familiarise themselves with the Governance for Community Councils i.e. the Scheme of Establishment for Community Councils (2018); including adopting the Constitution on behalf of the proposed Community Council.
- 2.4 Each Community Council is required to adopt the Constitution which has been approved by Glasgow City Council (see Scheme Appendix 2). Following adoption of the Constitution, on behalf of the proposed Community Council, Glasgow City Council can proceed with the establishment process.
- 2.5 A steering committee and/or appropriate structure which is recognised by Glasgow City Council may be eligible to be supported by appropriate start-up costs i.e. meeting and venue hire costs incurred during the establishment process for a Community Council. Appropriate start-up costs will be determined and managed by Glasgow City Council.

Where a Community Council already exists

- 2.6 Where a Petition is received to start a new Community Council in an area where an existing Community Council operates, the proposal will be referred initially to the existing Community Council for comment before Glasgow City Council determines whether action should be taken in terms of Section 53 of the Local Government (Scotland) Act 1973 (see Guidance clause 1.4A).

3. Composition & Criteria for Membership

- 3.1 A Community Council shall consist of elected Community Councillors (local residents) and Ex-Officio members (Elected Members). A Community Council may also appoint Associate Members where a need arises for individuals with particular skills, knowledge or experience.
- 3.2 The number of Community Councillors shall be stated in clause 5 of the Community Council Constitution. The minimum number of Community Councillors is 10 and the maximum number of Community Councillors for an established Community Council is 20.
- 3.3 The absolute minimum number of members for a Community Council to remain established is one third of its stated constituted membership e.g. the quorum. However, Glasgow City Council should

be advised immediately if the Community Council membership falls to half or less of its voting membership (see Constitution clause 5a).

- 3.4 The Community Council's Constitution shall also acknowledge the right of membership of those Ex-Officio and Associate Members as designated by this Scheme (see Constitution clauses 8a and 9b). Ex-Officio and Associate Members are not counted as any part of reaching a quorum or the minimum or maximum numbers for members i.e. only elected Community Councillors are counted.
- 3.5 Representation to change the stated constituted number of Community Councillors for a Community Council can be made in writing e.g. by email at any time to Glasgow City Council Chief Executive's Department (Community Empowerment Services) for consideration, and if agreed, can be subsequently approved in writing e.g. by email.

Community Councillors

- 3.6 To qualify to be nominated and elected to serve on a Community Council, prospective Community Councillors require to:
- i. reside within the Community Council boundary area; and
 - ii. have reached the minimum age of 16; and
 - iii. be included on the Electoral Register (alternative measures for identification and residency status of candidates may be undertaken in certain circumstances).
- 3.7 Only the above members are included in the constituted membership i.e. the quorum, of the Community Council (see Constitution clause 5a). All these members have full voting rights, and it is expected that Community Councillors shall be residents from across the whole Community Council area, to ensure widespread representation of all residents.
- 3.8 Any individual who is elected to serve on Glasgow City Council; the Scottish, Westminster, European or Scottish Youth Parliaments; shall be ineligible to stand for election to a Community Council or remain an elected Community Councillor (see Scheme clauses 3.11 and 3.12).
- 3.9 Any previously eligible elected Community Councillors who move to reside outwith the Community Council boundary area shall become ineligible to remain as a member of the Community Council. The resultant vacancy shall be subject to the conditions contained within clauses 3.22 through 3.25 of the Scheme. **Note:** it is the Community Council's responsibility to advise the City Council of any changes to its membership.
- 3.10 Community Councillors have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Governance for Community Councils, which includes the '*Code of Conduct for Community Councillors*'.

Ex-Officio Members

- 3.11 Duly elected members of Glasgow City Council; Scottish, Westminster or European Parliaments, and constituency members of the Scottish Youth Parliament become Ex-Officio members of Community Councils that fall within their constituencies or regions.
- 3.12 All Ex-Officio members have no voting rights; are not eligible to take 'office' in the Community Council; cannot propose or second any nominations for 'office' positions; or act as a representative on the Community Council's behalf. However, all Ex-Officio views on matters concerning the Community Council should be actively sought.

Associate Members

- 3.13 Associate Membership can be by invitation made to any individuals or to local organisations that are active within the Community Council boundary or alternatively by a request made by individuals or local organisations. The decision of who can become an Associate Member lies exclusively with the elected Community Councillors, as does the duration of their appointment (see Scheme clause 3.15).
- 3.14 Associate Members need not reside within the Community Council boundary. They should only be appointed where Community Councillors have agreed by a simple majority that a need has arisen to appoint individuals with particular skills, knowledge or experience; and the reasoning and decision are recorded in the relevant minute.
- 3.15 As determined by the Community Council; Associate Members may serve for a maximum period of the same term of office as the office bearers i.e. 12 months, although all Associate Membership should be reviewed at the October AGMs if this occurs sooner than the 12 months. Associate Members' status is similar to that of all other Ex-Officio members i.e. see Scheme clause 3.12, although they may attend meetings of external bodies to observe on the Community Council's behalf, and report back, but only following a minuted agreement for them to do so.

Inaugural / Full Elections

- 3.16 Full Community Council membership elections shall be held on a 4-yearly cycle in October by each Community Council. It shall be the responsibility of Glasgow City Council to conduct and administer Community Council elections; including the inaugural election and elections thereafter on a 4-yearly cycle.
- 3.17 Where the number of valid candidates nominated to be Community Councillors is less than or equal to the number of advertised vacancies i.e. the constituted (maximum) membership for the Community Council (see Constitution clause 5a), then no contested election shall be held, and those standing shall be declared to be duly elected on the election date by an appointed City Council Officer.
- 3.18 Where the number of valid candidates nominated to be Community Councillors is greater than the constituted membership or number of advertised vacancies, a contested election shall be prepared and held by Glasgow City Council. Those standing for election and receiving the greater number of votes shall be declared by an appointed City Council Officer to be duly elected at the next scheduled meeting of the Community Council. **Note:** see Scheme clause 3.22; following Interim Elections to fill vacancies it is a matter for the existing Community Council membership to consider and ratify appointments.
- 3.19 **Note:** a minimum return of nominations equalling 50% of the constituted (maximum) membership must be reached for the initial establishment or re-establishment of the Community Council to proceed i.e. anything less than a 50% return rate will not support a Community Council being formed.
- 3.20 When advertising elections, all Community Councils must make all reasonable efforts to advertise across their entire boundary area; with the aim of securing a geographical and demographical spread of members to enhance the Community Council's overall representational membership (see Scheme clause 3.26).

Interim Elections (Vacancies)

- 3.21 As clause 3.16 (above), it shall be the responsibility of Glasgow City Council to conduct and administrate the process for an Interim Election to fill vacancies e.g. producing nomination forms,

public notices, validating nomination forms, and notifying the Community Councils of the status of returned nominations.

- 3.22 The process for an Interim Election to fill vacancies and the associated checklist (see Guidance clause 2.2) reflects that outlined in the above clause i.e. where the number of candidates nominated to be Community Councillors is greater than the number of vacancies, a contested election shall be held, or alternatively, where the number of candidates is less or equal to the number of vacancies, then no contested election shall be held. In either of these instances, it is the existing Community Council members who will consider and ratify any appointments.
- 3.23 Before advertising any vacancies the Community Council must have first agreed and minuted its decision to do so. This decision should then be notified to the City Council to enable it to confirm the number of vacancies, the nature by which they arose e.g. mortality, resignation, non-attendance at meetings, and the current status of the remaining membership i.e. checking the Community Council Membership Database.
- 3.24 When advertising vacancies Community Councils must make all reasonable efforts to ensure that public notices have been placed in at least three, but ideally more, public venues across the whole Community Council area. In the event of vacancies occurring within three months before the date of the next '*Full*' election a Community Council may leave the vacancy unfilled until that election.
- 3.25 If however, the membership should fall to half or less of the voting membership, then Glasgow City Council shall be informed immediately, to enable it to provide support and undertake appropriate action to fill the vacancies as way of ensuring the Community Council is sustained.
- 3.26 **Note:** If due process outlined within clauses 3.16 through to 3.25 of this Scheme is not followed by Community Councils, then any appointment of new members, either notified to or discovered by the City Council, will be invalid and void. In the event that such circumstances arise then the Community Council can 'legitimise' appointments by undertaking the appropriate election process (see Scheme clauses 3.16 and 3.21 for role of Glasgow City Council in election processes; also see Guidance clause 2.2 for 'Interim Election Checklist').

Proposers and Seconders

- 3.27 Community Council candidates standing for scheduled or interim elections could seek proposers and seconders to sign their nomination form who are (1) not a member of the appointing Community Council, or (2) directly related to the nominee (see Scheme clause 8.3 for definition of direct relative). **Note:** this proposed action is aimed at strengthening the democratic representation of candidates; helping to advertise elections; and extending a geographical and demographical spread of new members.

4. Terms of Office

Community Councillors

- 4.1 Each Community Council shall hold '*Full*' elections across their boundary area every 4 years in October, which aims to achieve the constituted membership level for each Community Council. Publicity for these elections will be provided by Glasgow City Council.
- 4.2 Community Councillors elected during '*Full*' elections are eligible to hold their position for the 4 year period until the next '*Full*' election; so long as they continue to conform to the requirements of this Scheme.
- 4.3 Community Councillors appointed as office bearers, following '*Full*' elections and/or Annual General Meetings (AGM) shall hold office for the period specified in clause 9c of the Constitution i.e. 1 year, or until the next scheduled AGM, at which they shall be eligible for re-election to hold office.

- 4.4 Where a Community Councillor resigns, they shall not be eligible to stand for re-election to the same Community Council for a minimum period of 6 months from the date of the meeting which minuted the resignation. However, if the date of the Community Council's next '*Full*' election is shorter than this minimum period of 6 months then they are eligible to submit a nomination; otherwise, they will not be eligible to submit a nomination form within this minimum period of 6 months, even should the Community Council decide to undertake an interim election process to fill vacancies within this period.

They shall be eligible to stand for election to another Community Council, subject to clause 3.6 of the Scheme (eligibility), when it next holds its '*Full*' or interim elections.

5. **Qualifications**

Electors

- 5.1 All persons who are resident in the Community Council boundary area; are 16 years of age or over, and whose names appear on Glasgow City Council's Electoral Register for the same Community Council boundary area shall be entitled to vote in or propose/second candidates for Community Council elections (alternative measures for identification and residency status of candidates may be undertaken in certain circumstances).

Nomination or Election of Community Councillors

- 5.2 See Scheme clauses 3.6 through to 3.10.

Members

- 5.3 An individual can act in only one capacity, as a Community Councillor; an Ex-Officio member or an Associate Member. Members resign one membership upon taking up another.

Declaration of Members' Interests

- 5.4 All members, as outlined in clause 3 of the Scheme i.e. all elected Community Councillors, Ex-Officio and Associate Members, shall declare all interests and/or make it known if their interests have been made available elsewhere and whether these are accessible to the Community Council i.e. do previous declarations and/or registers of interest exist in the public domain.
- 5.5 All members shall declare in advance any financial or any other interest however minor that they may have in relevant matters coming before the Community Council e.g. planning; licensing; financial etc. The member shall withdraw from the meeting during consideration of this item of business and shall take no part in the discussions or decision thereon. All declarations are to be formally minuted.

Operations of Community Councils

6. **Meetings**

Ordinary Community Council Meetings

- 6.1 All meetings of Community Councils are open to members of the public and wherever possible should be held in an appropriate community venue (i.e. fully accessible) contained within the Community Council boundary area. Each Community Council shall meet at least seven times during the financial year of the Community Council (i.e. between the 1st of September and the following 31st August), which can include the Annual General Meeting (AGM). Members of the public may only speak with the consent of the Chairperson; see clauses 4b & c of the Standing Orders.
- 6.2 The Secretary should co-ordinate the circulation of an agenda, and the draft minutes from the previous meeting, at least seven days before the date of the next meeting to all members of the

Community Council i.e. Community Councillors; Ex-Officio members and Associate Members. The agenda should also be shared electronically wherever possible e.g. email, websites, social media.

- 6.3 The agenda (and draft minutes), if requested, must be presented to Glasgow City Council at least seven days before the next meeting. Otherwise, all full and approved copies of minutes and associated papers (note Scheme clause 6.5viii) should be forwarded electronically to Glasgow City Council within 14 days from the date of the meeting which approved them as a true record.

NOTE: A formal motion is a proposal, and it is usual practice that the proposal should be followed by a seconder. The wording of the motion should be accurate, agreed and recorded in the minutes, and can be passed unanimously, or be subject to a vote. In the case of Annual General Meetings (AGM) and Special Meetings, the wording of the motion is set out on the agenda calling the meeting as per the Governance (see Constitution clause 11j). The results of any vote must be detailed in the minutes and, if they so request, the names of those opposing the motion listed.

Quorum at Meetings

- 6.4 Every meeting of the Community Council shall have a quorum of voting members present before the meeting can proceed. The quorum for each meeting shall be one third of the stated voting membership as specified in clause 5b of the Constitution. If a quorum cannot be achieved within 15 minutes of the advertised meeting start time, then the meeting and all items of business will be subject to clause 6.7v of the Scheme.

Minutes of Meetings

- 6.5 The Community Council is the originator of the minutes, and the Secretary shall have responsibility for the production of a true and accurate record of the business of every meeting in the form of a minute. The minute should record as a minimum:

- i. the date, time and venue of the meeting;
- ii. the names and status of those members and other persons attending the meeting;
- iii. the names and status of those members unable to attend but who have submitted apologies;
- iv. reports e.g. Ex-Officio; Police; invited guests; planning/licensing; Treasurer; Area Partnership / Community Council Development Sessions' meetings, etc.
- v. all decisions taken; actions approved; timescales involved and who has responsibility for the action;
- vi. the date, time, and venue of the next meeting.

When circulating minutes the Secretary will:

- vii. send an approved minute within 14 days from the date of the meeting which approved them to Glasgow City Council as a matter of course, and make same available to the public for inspection via websites; libraries; and any other appropriate public space;
- viii. provide a minimum of 7 approved minutes to the City Council during the year (the City Council is simply a recipient of the minutes for monitoring purposes);
- ix. in instances of private discussions being held in whole or in part within a Community Council meeting, acknowledge that an approved redacted minute may be made available to the public if available; Glasgow City Council reserves the right of access to a full copy of all minutes; (see Scheme clause 6.3 and Constitution clauses 11g and h).
- x. provide copies of, or electronic links to, the Community Council's approved minutes and financial accounts to members of the public and/or third parties as or when requested. It would be reasonable, in the first instance if requested, for a justification/reason to be

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provided to the Community Council where such requests are being made. **NOTE:** Certain information may require to be redacted before circulation i.e. personal data.

The Annual General Meeting

- 6.6 Any Office Bearer reports to be presented at the AGM (or any other Community Council meetings), should be delivered by the appropriate and current Office Bearer – whenever possible. If this is not possible then an appropriate alternative should be agreed by the Community Council members e.g. Vice-Chairperson standing in for the Chairperson.
- 6.7 In addition to ordinary meetings of the Community Council; an Annual General Meeting (AGM) shall be held in October of each year to:
- i. Record membership attendance and apologies received;
 - ii. Approve the presented minutes of the last Annual General Meeting (AGM) (see paragraph 2 of clause 3ii of the Standing Orders);
 - iii. Approve Chairperson's annual report (written or minuted at the AGM);
 - iv. Approve Treasurer's submission of Independently Examined Statement of Accounts;
 - v. *Note implementation/continuation of the Scheme of Establishment for Community Councils;
 - vi. Current office bearers step down;
 - vii. Election of office bearers;
 - viii. *Confirm that the Constitution is signed and dated by the Chairperson and 2 other members of the Community Council;
 - ix. Note appointment of Community Councillors to Outside Bodies e.g. Area Partnerships;
 - x. Note the appointment of an Independent Examiner of accounts for the next year;
 - xi. Note the appointment of Associate Members;
 - xii. Review the Inventory and Additional Resources (see Scheme clause 8.7);
 - xiii. Chairperson to declare that a date in October of following year will host the next AGM;
 - xiv. Chairperson closes meeting.

*(*not all of the above items may be necessary to include as agenda items)*

Special Meetings

- 6.8 A Special Meeting may be called by a simple majority of the total voting membership present and eligible to vote (any such decision should be clearly minuted) in the following circumstances; although these are not exhaustive:
- i. Community Councils can call a Public Meeting other than the Annual General Meeting, at which members of the public are given the right to speak, and every reasonable opportunity to be heard;

Or
 - ii. In the event of the Chairperson's annual report and/or the Treasurer's independently examined statement of accounts not being approved at the AGM by the Community Council or thereafter by Glasgow City Council;

Or
 - iii. In the event that a motion of censure or vote of no confidence is raised against the Community Council, or members thereof, by no less than two thirds of constituted members themselves or by at least 20 Community Council electors of the area (see Scheme clause 13.10);

Or
 - iv. Receipt of a Petition by Glasgow City Council (written request) signed by 20 Community Council electors of the area (all signatories will be subject to validation as per clause 5.1 of this Scheme). The Petition shall specify the matter and reasons for calling such a meeting; (see Constitution clauses 11j and k);

Or

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- v. If a quorum cannot be achieved within 15 minutes of the advertised meeting start time, then the meeting and all items of business can either be deferred to the next scheduled meeting date; unless items of business are urgent then a Special Meeting could be arranged; or those members in attendance can hear reports as information only and defer any decisions and/or actions until the next quorate meeting;
Or
- vi. In cases where the Community Council deems it necessary to hold a meeting, or parts of a meeting, in private; see clause 11k of the Constitution;
Or
- vii. In cases deemed to be an emergency, a Community Council meeting may be held after giving less than the usual seven day notice;
Or
- viii. In receipt of a request for a private meeting outwith of scheduled meetings, from Glasgow City Council.

Advertising of all Meetings

- 6.9 All meeting notices will indicate the date, time and venue of Community Council meetings and will be published at least seven days prior to the meeting taking place; (except in cases deemed to be an emergency meeting being called under the Special Meetings clauses 6.8vii).
- 6.10 The Community Council as a collective membership should share the responsibility to post and/or circulate public notices, and not hold any individual member solely responsible for this task, unless it has been a previously minuted individual's agreed action.
- 6.11 All meetings will be widely advertised so that all the electorate has the opportunity to be informed of the meeting. In cases of proposed amendments to the Governance of the Community Council e.g. the Constitution, or Special Meetings called under clause 6.8 of the Scheme, the meeting notice should include the proposed amendment or motion for the agenda calling the meeting. At least three, but ideally more public places, which serve the Community Council's area should be identified where notices will always be placed to advertise meetings. Additional means may include websites, social media and emails (see Guidance section 9).
- 6.12 These public places should be notified to Glasgow City Council upon request.

Delegation of Authority to Committees

- 6.13 The Community Council may from time to time form committees of at least three Community Councillors to consider specific matters e.g. to consider planning applications. It is the responsibility of the Community Council to set a clear remit and to specify the limits of delegation and ensure adequate accountability of any committee.
- 6.14 The details of the remit and delegated powers of any committee should be agreed by a simple majority of Community Councillors and recorded in the Community Council minutes as soon as is practicable. Any Community Councillor claiming to represent the views of a Community Council must be able to demonstrate that they have this authority (i.e. minuted decision by the Community Council's collective membership), and that any committee is acting within the limits of its delegation (see Scheme clause 6.5iv and Constitution clauses 10 and 12b).

7. Financial and Other Assistance

- 7.1 Although the Treasurer has responsibility for the day-to-day monitoring of finances, each Community Council retains collective responsibility to maintain proper financial records and to

expect regular financial reports at scheduled Community Council meetings. In addition, it is a requirement for Community Councils to submit a satisfactory and independently examined annual statement of accounts (see Guidance Appendix 1) from the correct financial year to Glasgow City Council i.e. the financial year of the Community Council shall be from 1 September until 31 August of the following year.

Administration Allowance & Discretionary Grant Fund

- 7.2 Each Community Council can be considered eligible to receive an annual Administration Allowance from the City Council, which may also take account of the population size included in the Community Council's boundary (see clause 7.10). To ensure eligibility, each Community Council must comply with the terms of this Governance e.g. in relation to membership; meetings; minutes etc.
- 7.3 Administration Allowances shall be for Community Council administration and/or promotion purposes only, and shall not be expended on any other purpose. The Discretionary Grant Fund (see Guidance Appendix 8) may support additional items and/or activities (see clause 5 of the Discretionary Grant Fund Guidelines).
- 7.4 Payment of the allowance will be made in accordance with a procedure determined by Glasgow City Council, which determines that all Community Councils must provide BACS details on the form provided. After an inaugural allowance, all subsequent allowances will be made subject to Community Councils continuing to comply with the terms of this Governance.
- 7.5 When Glasgow City Council is in receipt of a satisfactory and independently examined statement of accounts from the correct financial year; and a Community Council's bank balance is in excess of twice its net annual Administration Allowance (i.e. after any deductions e.g. Insurance); then Glasgow City Council may consider that that year's Administration Allowance and/or an additional Discretionary Grant is not required, although a Community Council's eligibility for receipt of financial support from the City Council can remain subject to future review.
- 7.6 In relation to the above paragraph, Glasgow City Council may take into consideration the Community Council's actual bank balance at the time which is recognised as the beginning of the next financial year i.e. 1 September.
- 7.7 In addition, and in relation to the previous paragraph, it is only previous Administration Allowance awards, Discretionary Grant Fund awards, and any other awards from Chief Executive's Department (Community Empowerment Services) that will be taken into consideration in relation to a Community Council's bank balance. Any other funding from alternative sources for specific purposes (i.e. ring-fenced) should be itemised separately within the independently examined statement of accounts.
- 7.8 To enable Glasgow City Council to make accurate considerations, all copies of correspondence which clearly identifies alternative funding sources shall be submitted with the Community Council's independently examined statement of accounts upon request by the City Council. If correspondence which clearly identifies alternative funding sources cannot be submitted upon request, then these funds may be included in Glasgow City Council's consideration of a Community Council's total bank balance.
- 7.9 A further consideration with regard to current and/or future provision of Administration Allowances, which Glasgow City Council will take into account as part of the Annual Self-Assessment (RAG Analysis) for Community Councils (see Scheme Appendix 5), includes Community Councils having to return the previous year's Confirmation of Receipt and Acceptance of Conditions Form which relates to BACS transfers of Administration Allowances to a Community Council's bank account. **Note:** the blank Confirmation of Receipt and Acceptance of Conditions Form will be provided by Glasgow City Council in the first instance.

- 7.10 The Administration Allowance shall be fixed at a minimum flat rate, to be determined periodically by Glasgow City Council, which may include an additional minimum 1p per head of population, again to be determined periodically by Glasgow City Council.
- 7.11 Steering committees and suspended Community Councils recognised by Glasgow City Council may receive start-up or interim costs respectively to offset any legitimate administrative expenses (see Scheme clause 2.5).

Other Grants

- 7.12 Community Councils with specific needs are free to apply for grants from other Glasgow City Council Departments, and payments will be made in accordance with the procedure determined by the City Council.

8. Independent Examination of Accounts

Community Council's Financial Year

- 8.1 The financial year of each Community Council shall be from 1 September to 31 August in the following year. This provides the full calendar month of September in each year to enable the Treasurer to oversee an appropriate independent examination of accounts which enable a formal Statement to be prepared for the Community Council's Annual General Meeting held in October each year.

Independent Examination

- 8.2 Each Community Council shall appoint a competent Independent Examiner annually (at the AGM) to examine the Community Council's accounts; and who may charge a reasonable fee for their services. Glasgow City Council considers a reasonable fee to be no more than 10% of the basic Administration Allowance i.e. £50. 'Competent' need not be considered restricted to a qualified accountant and/or bookkeeper, but could be an individual who has the ability to itemise and balance income and expenditure figures accurately.
- 8.3 The Independent Examiner of the Community Council's accounts shall not be a member, a direct relative of a member, or related by birth, marriage, civil contract or co-habitation to a member, of the appointing Community Council. Direct relatives are considered to be spouse; partner; parent; sibling; child by blood, adoption, or marriage; grandparent or grandchild; 1st and 2nd generation aunts; uncles; cousins; nieces; and nephews.
- 8.4 The accounts are required to be forwarded immediately, following their approval at the Community Council's Annual General Meeting in October of each year, to be received by Glasgow City Council no later than 31 December each year.
- 8.5 If no valid reason as deemed by Glasgow City Council can be provided by the Community Council and/or Independent Examiner, in a case of the statement of accounts not being forwarded and received by Glasgow City Council by the last day of DECEMBER in any given year; then Glasgow City Council may consider that financial year's Administration Allowance to have been forfeited.
- 8.6 Glasgow City Council may, at its discretion and in consultation with the City Council's Chief Financial Officer, in circumstances of unclear and/or substantial financial transactions, require the Community Council to produce records such as vouchers; receipts; account books and/or provide a full 'Audit of Accounts' undertaken by a professionally qualified accountant. The cost of this latter undertaking shall be borne by the relevant Community Council should sufficient funds be held within its account.

Inventory and Additional Resources

- 8.7 The Treasurer shall prepare and maintain an inventory of all assets owned by the Community Council, and make this inventory available to the Independent Examiner for the annual statement. The inventory should include the following detail as a minimum: make, model and serial number; purchase date; perceived value; location; disposal date; reason for disposal. The inventory must also be made available upon request to Glasgow City Council.
- 8.8 Community Councillors should be deemed ineligible to receive payment for any activities or work initiated by, relating to, or which benefits their Community Council. The only payments which Community Councillors should be eligible to receive from their Community Council are travel and reasonable out of pocket expenses which have previously been agreed by the collective membership. However, it is acknowledged that Community Councillors, operating as individual citizens, may receive imbursement for particular skills, knowledge or experience which may benefit other Community Councils.

9. Exchange of Information

- 9.1 Glasgow City Council will continue ongoing discussions with Community Councils and public agencies in its area, to promote the exchange of information between these bodies. Furthermore, it is Glasgow City Council's wish to make available the following measures where it can:

Providing support to Community Councils which may:

- i. circulate information which may be common to Community Councils;
 - ii. provide information for Community Councils and members of the public;
 - iii. advise external organisations how to contact Community Councils;
 - iv. act as sign-post to other Glasgow City Council Departments & Arm's Length External Organisations (ALEOs);
 - v. respond to enquiries from external organisations and Council Departments regarding Community Councils;
 - vi. advise on any requests for additional support and resources for Community Councils;
 - vii. facilitate advice, assistance, training and/or capacity building to Community Councils on the duties and responsibilities of office bearers; the role of Community Councils; the functions of Glasgow City Council and other relevant topics.
- 9.2 Community Councils, as the representative voice of their communities, should be readily contactable by the general public. All Community Councils should establish a generic email which can be circulated freely in the public domain. In addition, it would be best practice to have more than one means for the general public to contact a Community Council e.g. Community Councils could provide a generic contact telephone number (both of these means of contact can be included in the Community Councils' Public Contact List and Meeting Schedule).

Other Public Agencies:

- 9.3 Facilitate, wherever practicable, other public agencies to:
- i. communicate with Community Councils, before taking decisions, which may affect their areas, and with a view to ascertaining the views of the local community.

Obligations**10. Review of Community Councils and the Scheme of Establishment**

- 10.1 Glasgow City Council undertakes to oversee the workings of Community Councils, on an ongoing basis, to ensure that they are operating efficiently and in an appropriate manner, and in accordance

with the Scheme. The methodology for this to be undertaken is for all Community Councils to complete an Annual Self-Assessment i.e. Red, Amber, Green (RAG) Analysis, at the earliest opportunity following an AGM (to be completed by the last day of February each year). This is a Good Practice Item which Community Councils must submit (as 1 of 6 Good Practice items) to Glasgow City Council to conform to GREEN status on the RAG Analysis (see Scheme Appendix 5).

- 10.2 There is no statutory timeframe for the Scheme of Establishment for Community Councils to be subject to review; the Local Government (Scotland) Act 1973 Part IV Community Councils – Section 53 states that “*every local authority shall from time to time review Schemes*”.
- 10.3 There could be a number of factors which may trigger a review e.g. a number of requests from Community Councils and/or members of the public; emerging knowledge of a Scheme requiring improvement following practical experience of implementation; or changes to geographic and/or demographic circumstances; particular regard may be paid to boundaries of individual Community Councils, where the City Council observes significant permanent changes to the population.
- 10.4 All, or a combination of, these factors could be viewed as “*changing circumstances*”, as stated in Section 53 of the Local Government (Scotland) Act 1973.

11. Suspension of a Community Council

- 11.1 Where for any reason, and after due consideration and appropriate notice (see Scheme clause 11.2) by a relevant officer from Glasgow City Council Chief Executive’s Department (Community Empowerment Services), it is deemed that a Community Council is unable to and/or is not conforming to the Scheme, an initial decision on suspending the Community Council can be taken by the relevant officer. **Note:** Suspension need not be viewed as punitive action; it is intended as providing a Community Council a period of time to reflect and assess current Governance arrangements and/or operational circumstances with a view to identifying a way forward to fully conform to the Scheme.
- 11.2 An initial decision on suspension can be appealed in writing to the Director of Governance and Solicitor to the Council within 14 days of the decision being notified to the Community Council (the initial notification and any appeal should be in writing, in the form of a dated formal email and/or letter).
- 11.3 Any decision taken on an appeal by the Director of Governance and Solicitor to the Council should be made available within 28 days of the dated receipt of said appeal. An appeal which is upheld can conclude with the Community Council’s previous status being re-instated.
- 11.4 Following an appeal not upheld, or not submitted within the 14 day timeline of an initial decision, the Community Council will revert to the status of a steering committee and/or appropriate structure whose main task will be to consider such matters, and take such action, as is necessary to ensure the Community Council can conform with the Scheme. Appropriate support costs, e.g. meeting venues, may be eligible for consideration of financial assistance from Glasgow City Council.
- 11.5 Following a steering committee and/or appropriate structure satisfying a relevant officer from Glasgow City Council Chief Executive’s Department (Community Empowerment Services) that the Community Council will in the future be able to conform to the Scheme, then re-instatement to full status may be granted by written notice from the Director of Governance and Solicitor to the Council.
- 11.6 In the event that a steering committee and/or appropriate structure is unable to, and/or is unlikely to be able to conform with the Scheme within a period of three months from the date of an initial suspension, then the Chief Executive’s Department (Community Empowerment Services) may request that the Director of Governance and Solicitor to the Council may wish to consider

recommending to Glasgow City Council City Administration Committee to formally dissolve the Community Council.

- 11.7 Although, if a steering committee and/or appropriate structure is demonstrating sufficient progress towards conforming with the Scheme, to the satisfaction of relevant officers from; then the period of suspension may be extended by an additional 3 months.

12. Dissolution of a Community Council

- 12.1 **Note:** Representations and/or decisions in reference to dissolution of a Community Council should be considered as a last resort and ideally to be avoided. All efforts should be taken in accordance with the Scheme to ensure that all Community Council members are included in exploring options which may avoid a Community Council being dissolved.
- 12.2 Dissolution of a Community Council will only take place following a formal and final decision by Glasgow City Council City Administration Committee on the recommendation of the Director of Governance and Solicitor to the Council. Such a recommendation may be made in the following circumstances:
- 12.3 Following a suspension made in terms of Scheme clause 11.1 above, and where after a reasonable time (see Scheme clause 11.7) a Community Council remains unable to conform with the Scheme a recommendation to dissolve the Community Council may be made.
- 12.4 Prior to such a recommendation being made to Glasgow City Council City Administration Committee, the Community Council will be advised in writing, and given 14 days from the date of the notification to make written representation to the Chief Executive of Glasgow City Council, as to why such a recommendation should not be made.
- 12.5 Where no such representation is received within 14 days, or where having considered such representation, the Chief Executive confirms said recommendation, a report recommending dissolution of the Community Council shall be submitted to Glasgow City Council City Administration Committee.
- 12.6 Glasgow City Council City Administration Committee shall consider the above report and may decide to dissolve the Community Council. In the event of such a decision the Community Council will be deemed to have been dissolved with immediate effect.
- 12.7 The dissolution will be intimated by Glasgow City Council, by giving appropriate public notice including on the Glasgow City Council Community Council web page.
- 12.8 Alternatively, where Glasgow City Council has reasonable grounds to believe that a Community Council has been 'abandoned', and is no longer functioning, then the Chief Executive's Department (Community Empowerment Services) will notify the Director of Community Empowerment & Equalities, who in turn may advise (depending on the individual circumstances) Glasgow City Council City Administration Committee and intimate this by appropriate notice.
- 12.9 Furthermore, and where for any reason, the number of Community Council members falls below the minimum number of members for a Community Council to remain established i.e. less than 50% of the constituted membership. Glasgow City Council Chief Executive's Department (Community Empowerment Services) can suspend the Constitution of the Community Council and may recommend to the Director of Governance and Solicitor to the Council the subsequent dissolution of the Community Council (following all reasonable efforts by a relevant Officer not leading to a satisfactory and sustainable increase of membership.) **Note:** a membership of less than 50% will trigger a RAG notification for a RED status.

- 12.10 In the event of the dissolution of a Community Council, all of its assets shall transfer to Glasgow City Council, which shall hold these in trust for a period of one year in the event that a future Community Council becomes established in that area. Following this period all assets will be subsumed into Glasgow City Council and/or may be redistributed by the Area Partnership which the Community Council boundary area population is greatest. This latter consideration will be wholly subject to advice and guidance being sought from the Director of Finance for Glasgow City Council.
- 12.11 Transfer and acceptance of all assets will be subject to due process and the approval of Glasgow City Council Director of Community Empowerment & Equalities; and only after the City Council is completely satisfied that there are no outstanding debts or liabilities attached.

Voluntary Basis by Resolution of the Community Council

- 12.12 If the Community Council by a two-thirds majority of the constituted membership who are eligible to vote and present at the meeting, resolves at any time that it is necessary or advisable to dissolve the Community Council, it shall agree a date for a Special Meeting to discuss the resolution; see Scheme clause 6.7.
- 12.13 It is a requirement that not less than seven days prior to the date of such a Special Meeting, public notice be given by means of notification in appropriate local venues and/or websites, or other social media.
- 12.14 If the resolution for dissolution is supported by a two thirds majority of the total voting membership who are present at the Special Meeting, and the decision is subsequently notified to Glasgow City Council, the Community Council shall be deemed to be dissolved with immediate effect.
- 12.15 The provisions relating to assets included in clause 12.10 above may also apply in this instance.
- 12.16 In the event that the Community Council is dissolved under the above procedure, and twenty or more electors subsequently wish to re-establish a Community Council for the area, these electors shall submit a Petition to Glasgow City Council in accordance with Section 52(7) of the Local Government (Scotland) Act 1973.
- 12.17 On receipt of a Petition, Glasgow City Council shall arrange for elections to be held in accordance with the Scheme of Establishment for Community Councils (see Scheme clause 2).

13. Censure / Take a vote of No Confidence / Disqualification of Community Councillors; including Nominated Candidates following a formal call for nominations.

- 13.1 Clause 13 of the Scheme of Establishment for Community Councils (2018) is for addressing matters of concern and/or complaints which may arise internally from within individual Community Councils. Similar to the '**General Public: Complaints Procedure for Community Councils**', which is for use with all third party complainants (see Scheme Appendix 6), all complaints relating to individual Community Councillors should be directed for the attention of the appropriate office bearer/s or member/s of the relevant Community Council in the first instance.
- 13.2 All Community Councils should keep a clear audit trail of any complaints from within its members to ensure transparency of process whilst retaining the appropriate level of confidentiality e.g. a complaint against another member may be shared with that member only in the first instance, to provide them with time to reflect on the content of the complaint and to prepare an appropriate response, before the complaint is shared with the collective membership for discussion.
- 13.3 All complaints should be made formally in writing (either by surface mail or email), making clear:
- i. the nature of the complaint;
 - ii. the grounds which support it; and
 - iii. including evidence which substantiates the grounds.

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Following clauses 13.1 through 13.3 being accounted for, any remaining issues can be subsequently dealt with in accordance with the remaining clauses within this section.

- 13.4 The Community Council can invoke Scheme clause 6.8vi and Constitution clause 11k which enable a Community Council to hold a meeting, or parts of a meeting, in private where it considers it appropriate to do so e.g. to discuss internal complaints and/or Governance matters.
- 13.5 A Community Councillor's membership of a Community Council will cease if they move to reside out with of the Community Council boundary area, although they may be invited to continue as an Associate Member where Community Councillors agree by a simple majority; (see Scheme clause 3b). However, before any invitation is extended, the 'test' for appointment of an Associate Member should be invoked (see Scheme clause 3.15).
- 13.6 Furthermore, a Community Council may Censure / take a vote of No Confidence / disqualify Community Councillors and Nominated Candidates should they:
- i. Be unable to demonstrate that they could work with and respect fellow members of the Community Council, and any third party, regardless of their position, in their capacity as a Community Councillor (see Code of Conduct clause 9); or
 - ii. Fail to attend any scheduled Community Council meeting (excluding meetings called under Scheme clause 6.8), with or without submitting apologies, throughout a period of 3 consecutive meetings; or
 - iii. Be proven beyond reasonable doubt to have deliberately contravened the Community Council's Constitution; been in deliberate breach of the Code of Conduct; deliberately caused the Community Council to come into disrepute; deliberately conducting themselves in general breach of this Scheme; or
 - iv. Been disqualified under the Representation of the People Act 1983 (which covers corrupt or illegal electoral practices and offences relating to donations). The disqualification for an illegal practice begins from the date a person has been reported guilty or convicted and lasts for 3 years. The disqualification for a corrupt practice begins from the date a person has been reported guilty or convicted and lasts for 5 years.
- 13.7 With regard to clause 13.6ii; existing members should be written to in the first instance to request notice of the status of their membership; this letter should include a closing date for response and an outline of the options available for the Community Council to take e.g. following receipt of a response, a Community Council may decide to grant a leave of absence in advance or retrospectively for an individual member.
- 13.8 This leave of absence can extend up to a maximum of 6 months or until the next AGM, whichever period is sooner. However, if no response is received by the closing date, then the Community Council may take an option to undertake an interim election process to fill a vacancy (see clauses 3.19 through to 3.23).
- 13.9 A leave of absence may also be granted/requested by individual members should personal matters and/or certain circumstances arise e.g. upon receipt of a complaint or see Scheme clause 14.6.
- 13.10 With additional regard to clause 13.6i and ii, as well as presentation of attendance records or other evidence at a Community Council meeting; a majority of no less than two thirds of the constituted membership who are present must be reached before any initial suspension or sanction of censure / vote of no confidence / disqualification of a Community Councillor can be proposed and carried by the Community Council.
- 13.11 With further regard to clause 13.6iii; consideration should be given to the source of any disclosures i.e. whether self-declaration or third party; in any event, a majority vote of no confidence of no less than two thirds of the constituted membership who are present must be reached before any sanction of censure / disqualification of a Community Councillor can be proposed and carried by the Community Council.

- 13.12 All Community Councillors who are present are eligible to cast a vote. All voting can be conducted by secret ballot if a simple majority is reached in the first instance from amongst those present and eligible to vote.
- 13.13 The Secretary of the Community Council shall put in writing to the subject, by special delivery, the outcome from the meeting; to be received by the subject no later than 14 days from the date of the meeting which made the proposal.
- 13.14 The subject can appeal in writing within 14 days of receipt of the special delivery letter to a specially appointed trained Panel of 3 Office Bearers from Community Councils from Sectors abutting the Sector that the Community Council experiencing an issue of censure / disqualification sits within. The letter of appeal should be sent to Glasgow City Council Chief Executive's Department (Community Empowerment Services) in the first instance to ensure receipt within the 14 day timeline.
- 13.15 This letter of appeal should state the grounds on which the proposal reached by the Community Council to censure / disqualify is being challenged; if this stage of appeal is reached, the final decision to uphold the proposal or overturn it rests solely with the specially appointed trained Panel of 3 Office Bearers, and any decision will be notified in writing to the appellant and affected Community Council within 28 days of the Panel meeting to discuss the letter of appeal and making a decision.
- 13.16 Responsibility for inviting and appointing the Panel will rest with Glasgow City Council.
- 13.17 Any period of censure / disqualification taken against a Community Councillor will last for a maximum of 12 months from the date on the written notice. This period can be shortened at the discretion of the Community Council which raised the original proposal.
- 13.18 After the period of censure / vote of no confidence / disqualification; and if any vacancies remain; and if the previous subject of censure / no confidence / disqualification wishes to stand for election onto the Community Council; then the process for an interim election as prescribed by Glasgow City Council can be undertaken, (see clause 3.21 through 3.26).
- 13.19 **Note:** Glasgow City Council does not censure, vote for, or disqualify Community Council members; and it should be clearly understood that these are matters for the existing membership and/or local community where appropriate, to discuss within an appropriate platform e.g. Special Meeting. Chief Executive's Department (Community Empowerment Services) can offer guidance in relation to the content of the overall Governance for Community Councils i.e. the Scheme (2018), which describes the standards of conduct and behaviour that Community Council members should display, and that the local community and wider agencies should observe from a Community Council. Similarly, and although Glasgow City Council administer the processes of nominations and elections for candidates to sit on a Community Council, the ratification of appointment/s of members of a Community Council remains a matter for existing members or the local community within a specific boundary area following an interim election process or receipt of Petition.

14. Activities of a Party Political Nature

Community Council Elections

- 14.1 Candidates for election to Community Councils must ensure that they do not engage in activities that are considered by Glasgow City Council to be of a party political nature at any time during the Community Council election process.

Local; Parliamentary; or European Elections

- 14.2 When acting in their role as Community Councillors, Community Council members must ensure that they do not engage in activities that are considered by Glasgow City Council to be of a party political nature at any time during Local; Scottish; Westminster or European elections. If reporting the results

of such elections through Community Council's media i.e. headed stationary; posters; flyers; and websites equal parity must be afforded to successful candidates.

- 14.3 A Community Council shall be non-party political in all its activities. It shall therefore not be permissible for Community Councils to engage in activities such as the sponsoring, endorsing or supporting of candidates or Elected Members during Local, Scottish, Westminster or European elections; and administration periods of Glasgow City Council respectively.
- 14.4 When acting in a private capacity, it is permissible for individuals to undertake such activities but they must ensure, that in doing so, there is no association with the Community Council of which they are a member.
- 14.5 Political organisations shall not be permitted to request the appointment of an Associate Member to the Community Council.
- 14.6 Community Council members are free, when acting in a private capacity, to undertake political activities. However, to ensure there is no risk of ambiguity and confusion on the part of the general public, Community Council members, who are also prospective political candidates, may wish to consider requesting a leave of absence from the Community Council (see Scheme clause 13.5).
- 14.7 To be clear, a request for a leave of absence based upon the above circumstances arising, is a suggested course of action for consideration by the Community Council members in the first instance. The formal position is that a Community Councillor who may be standing for election is not obligated to undertake a leave of absence from the Community Council.

Hustings Events

- 14.8 If Community Councils decide to organise and host Hustings events; they should abide by their non-party political status and shall ensure that they are seen by the entire community which they represent, as being non-party political during any such event.
- 14.9 Meetings of Community Councils are open to the public and therefore any prospective political candidates would be able to attend in their capacity as a member of the public. **However, they should not be invited to address the meeting** unless it would be as part of an appropriately organised Hustings event, with all candidates having been invited and given equal opportunity to address the meeting.
- 14.10 To be clear in relation to hosting a Hustings, Community Councils should ensure that they invite all prospective political candidates standing in the area, or alternatively do not extend an invitation to any of them i.e. all or none.

Email and Social Media

- 14.11 Additional advice (of particular significance during a local authority election period) is that in order for Community Councils to be seen to maintain their political neutrality, that if they include any electronic links to political parties by email and/or social media, this should be in the same vein as extending invitations to prospective candidates to attend a Hustings event i.e. include electronic links to all political parties or none of them.

15. General Public: Complaints Procedure for Community Councils

- 15.1 Community Councils should adhere to the Governance, including the Code of Conduct, for Community Councils. However, from time to time, complaints from the general public may be made about Community Councils and individually against Community Councillors.
- 15.2 If you are dissatisfied or have concerns about the standard of service, actions or lack of action provided by your Community Council or one or more of its members, these can be reported through the Complaints Procedure for Community Councils (see Scheme Appendix 6).

16. Equal Opportunities

- 16.1 It shall be the duty of every Community Council to ensure that its general responsibilities and activities are carried out fully in accordance with current Equalities legislation e.g. in accordance with Glasgow City Council policies and practices (see Guidance Appendix 3).

17. Guidance and Induction

- 17.1 This Scheme can be read in conjunction with the Guidance and Induction for Community Councils which each provide additional information to assist Community Councils with interpretation of the Scheme. The Guidance and Induction documents are subject to ongoing internal review by the City Council and can be made available upon request, or alternatively they can be accessed via the Glasgow City Council Community Council web page (see page 2 of the Scheme (2018)).

Glasgow City Council

List of Approved Community Council Areas

**Population Estimates for Community Council Areas
Constituted Memberships
Election Years**



**This Appendix forms part of the core Governance
Arrangements for Community Councils in Glasgow**

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TOTAL 94: 80 active; 13 inactive; 1 suspended; 0 emerging as at 8th August 2019

Community Council (in alphabetical order)	Sector & Ward	Pop.	Members	Elections
1. Anderston	NW 10	6,081	14	2021/25
2. Arden, Carnwadric, Kennishead & Old Darnley	S 02	9,322	0	TBC
3. Auchenshuggle / Tollcross	NE 19	5,488	12	2019/23
4. Baillieston	NE 20	6,206	11	2022/26
5. Barrowfield / Camlachie	NE 09	2,285	10	2019/23
6. Blairdardie & Old Drumchapel	NW 14	4,272	10	2020/24
7. Blythswood & Broomielaw	NW 10	2,230	12	2021/25
8. Bridgeton & Dalmarnock	NE 09	8,556	11	2021/25
9. Broomhill	NW 12	4,642	12	2019/23
10. Broomhouse	NE 20	2,139	10	2022/26
11. Cadder	NW 16	3,098	10	2021/25
12. Calton	NE 09	7,739	12	2021/25
13. Carmunnock	S 01	1,321	10	2020/24
14. Carmyle	NE 19	2,663	10	2022/26
15. Castlemilk	S 01	14,755	20	2020/24
16. Cathcart & District	S 01	8,129	12	2022/26
17. Central Maryhill	NW 15	7,239	0	TBC
18. Claythorn	NW 23	1,608	10	2021/25
19. Craigton	S 06	2,994	12	2019/23
20. Cranhill	NE 18	4,115	15	2021/25
21. Croftfoot & Menock	S 01	6,168	0	TBC
22. Crosshill & Govanhill	S 08	12,591	15	2020/24
23. Darnley & South Park Village	S 03	5,182	0	TBC
24. Dennistoun	NE 22	16,402	17	2022/26
25. Dowanhill, Hyndland & Kelvinside	NW 23	12,278	20	2020/24
26. Drumchapel	NW 14	12,281	12	2019/23
27. Drumoyne	S 05	5,957	15	2019/23
28. Dumbreck	S 06	1,436	12	2020/24
29. Dundasvale	NW 10	1,709	0	TBC
30. Easterhouse	NE 21	7,450	15	2021/25
31. Fullarton	NE 19	2,086	0	TBC
32. Garnethill	NW 10	2,968	10	2022/26
33. Garrowhill	NE 20	5,861	11	2020/24
34. Gartcraig	NE 18	12,367	15	2020/24
35. Garthamlock, Craigend & Gartloch	NE 21	7,057	14	2019/23
36. Govan	S 05	7,463	14	2021/25
37. Govan East	S 05	3,272	15	2023/27
38. High Knightswood & Anniesland	NW 14	12,211	10	2019/23
39. Hillhead	NW 11	5,754	12	2020/24
40. Hillington, North Cardonald & Penilee	S 04	14,634	12	2022/26
41. Hurler & Brockburn	S 03	9,083	18	2021/25
42. Hutchesontown	S 08	6,223	18	2020/24
43. Ibrox & Cessnock	S 05	5,215	12	2022/26
44. Jordanhill	NW 12	5,169	12	2020/24
45. Kelvindale	NW 23	6,565	12	2022/26
46. King's Park	S 07	4,589	0	TBC
47. Kinning Park	S 05	5,187	10	2019/23
48. Knightswood	NW 13	10,954	18	2019/23
49. Lambhill & District	NW 16	1,638	17	2019/23
50. Langside, Battlefield & Camphill	S 07	9,641	13	2019/23

Community Council (in alphabetical order)	Sector & Ward	Pop.	Members	Elections
51. Laurieston	S 08	2,080	14	2021/25
52. Levern & District	S 03	11,698	20	2019/23
53. Mansewood & Hillpark	S 02	4,088	11	2021/25
54. Maryhill & Summerston	NW 15	10,939	15	2021/25
55. Merchant City & Trongate	NW 10	4,808	10	2019/23
56. Milton	NW 16	6,924	15	2022/26
57. Molendinar	NE 21	4,439	15	2020/24
58. Mosspark & Corkerhill	S 04	4,388	15	2021/25
59. Mount Florida	S 07	5,213	12	2021/25
60. Mount Vernon	NE 19	4,540	12	2022/26
61. Newlands & Auldhouse	S 02	5,882	12	2020/24
62. North Kelvin	NW 11	8,571	13	2019/23
63. Oatlands	S 08	1,380	12	2022/26
64. Parkhead	NE 09	7,992	11	2021/25
65. Parkhouse	NW 16	2,943	0	TBC
66. Partick	NW 23	8,682	12	2019/23
67. Pollok	S 03	2,554	0	TBC
68. Pollok North	S 04	3,589	0	TBC
69. Pollokshaws & Eastwood	S 02	5,242	11	2021/25
70. Pollokshields	S 06	14,331	15	2022/26
71. Possilpark	NW 16	6,851	12	2021/25
72. Robroyston	NE 17	4,816	10	2019/23
73. Ruchazie	NE 21	2,450	15	2022/26
74. Ruchill	NW 16	3,614	10	2021/25
75. Sandyhills	NE 19	3,571	11	2022/26
76. Scotstoun	NW 13	7,730	13	2021/25
77. Shawlands & Strathbungo	S 06	13,551	15	2019/23
78. Shettleston	NE 19	5,964	0	TBC
79. Sighthill / Royston / Germiston	NE 22	6,721	0	TBC
80. Simshill & Old Cathcart	S 01	3,604	10	2020/24
81. South Cardonald & Crookston	S 04	7,144	12	2020/24
82. Springboig / Barlanark	NE 18	10,423	0	TBC
83. Springburn	NE 17	13,112	12	2019/23
84. Swinton	NE 20	4,337	20	2019/23
85. Thornwood	NW 12	8,657	11	2019/23
86. Toryglen	S 07	4,259	10	2022/26
87. Townhead & Ladywell	NW 10	5,864	10	2021/25
88. Wallacewell	NE 17	8,089	13	2020/24
89. Wellhouse & Queenslie	NE 20	3,287	12	2019/23
90. Whiteinch	NW 12	3,940	12	2019/23
91. Woodlands & Park	NW 11	6,530	10	2019/23
92. Woodside	NW 11	7,305	15	2022/26
93. Yoker	NW 13	11,198	15	2021/25
94. Yorkhill & Kelvingrove	NW 10	8,740	15	2019/23
TOTAL 94: 80 active; 13 inactive; 1 suspended; 0 emerging as at 8th August 2019				

Glasgow City Council

Constitution for Community Councils

Name of individual Community Council



This Appendix forms part of the core Governance
Arrangements for Community Councils in Glasgow

1. Name

- (a) The name of the Community Council shall be [insert name] Community Council, which will subsequently be referred to as “the Community Council” in this Constitution.

2. Area of the Community Council

- (a) Glasgow City Council has produced a list of approved Community Council areas for Glasgow, and maps which outline their boundaries. Access to maps can be requested by contacting Glasgow City Council on 0141 287 0060. The area of the Community Council will be as designated on said map.

3. Objectives

The objectives of the Community Council shall be to:

- (a) Seek to develop a Local Vision e.g. a mission statement (see Guidance clause 1.1);
- (b) Gather and articulate the views of the community which it represents;
- (c) Express fairly the views, diversity of opinions and outlooks of the community to Glasgow City Council; and other public/private organisations;
- (d) Act as a voice for their local area on any matters affecting their community’s lives, welfare and environment;
- (e) Liaise with other community groups within their local area;
- (f) Take any such action in the interests of the community as appears to be practicable;
- (g) Promote the well-being of the community and to foster community spirit.

4. Role and Responsibilities

- (a) The role and responsibilities of the Community Council and its membership are governed by Glasgow City Council’s Scheme of Establishment for Community Councils (2018); see page 4 ‘Introduction’ and page 5 ‘Rights and Responsibilities’ sections of the Scheme.

5. Membership (see Scheme clause 3)

- (a) The stated constituted membership of the Community Council is **[insert #]**, and is governed by the Scheme.
- (b) The minimum number of Community Councillors is 10, with additional members being suggested at the rate of 1 per 1,000 head of population. The absolute maximum number of Community Councillors for an established Community Council is 20. The following quorums will apply to membership;
 - (i) 10, 11 or 12 requires a quorum of 4
 - (ii) 13, 14 or 15 requires a quorum of 5
 - (iii) 16, 17 or 18 requires a quorum of 6
 - (iv) 19 or 20 requires a quorum of 7
- (c) If a quorum cannot be achieved within 15 minutes of the advertised meeting start time, then the meeting and all items of formal business will be deferred to the next scheduled meeting date; see Scheme clauses 6.4 and 6.7v.
- (d) It should be noted that the minimum number of Community Councillors is 10, and this is the minimum number of vacancies that will be subject to a call for nominations when establishing a

Community Council. If 50% of the minimum number is achieved i.e. submission of 5 validated nominations, then Glasgow City Council may progress initial establishment (or re-establishment) of a Community Council. Further progress will be dependent on clear evidence that the Community Council can be sustained.

- (e) All Ex-Officio members within the boundary area of the Community Council are members of the Community Council and their views on matters concerning the Community Council should be actively sought. However, it should be noted that Ex-Officio members have no voting rights; are not eligible to take 'office' in the Community Council; cannot propose or second any nominations for 'office' positions; or act as a representative on the Community Council's behalf.

6. Method of Election

- (a) Election procedures are governed by the Scheme clauses 3.16 through 3.26.

7. Vacancies on the Community Council (see Scheme clauses 4; 14.1; 15 & 3.21 through to 3.26)

- (a) Where a vacancy arises which does not result in the number of Community Councillors falling to a half or less of the overall elected membership, the Community Council can agree to fill the vacancy in accordance with the Scheme, or the Community Council could leave the vacancy unfilled until local public awareness is raised and interest is expressed.
- (b) The ratification of appointments of new members following an interim election process to fill vacancies rests wholly with the current and existing constituted membership; although the validation of nomination forms rests wholly with Glasgow City Council.

8. Voting Rights of Members of the Community Council

- (a) The right to vote at any meeting of the Community Council or any committee thereof shall be held by all Community Councillors, but not by Ex-Officio members or Associate Members, (see Scheme clauses 3.13 and 3.15).
- (b) Although all Community Councillors hold the right to vote; a recommended approach to decision-making is working together to support Community Council's to make decisions based upon reaching a consensus.
- (c) Notwithstanding, and with the exception of instances relating to clauses 16 and 17 of this Constitution, all decisions of the Community Council, which may require a vote, will be decided by a simple majority of those present and eligible to vote (see Scheme clause 3.15 exception relating to Associate Members). **There is no provision for proxy votes.**
- (d) 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 in addition to their deliberative vote, whether or not exercised; (see Standing Orders clauses 5c and d).

9. Election of Office-Bearers (see Note within Guidance clause 1.4D)

- (a) In October of each year, as part of the Annual General Meeting, the Community Council shall elect a Chairperson, Secretary and Treasurer; and other such office-bearers as it may decide necessary e.g. Vice-chair, Minute Secretary.
- (b) The right to hold office in the Community Council or any committee thereof shall be held by all Community Councillors, but not by Associate Members or Ex-Officio members; (see Scheme clauses 3.13 and 3.15).
- (c) All office-bearers shall be elected for a maximum period of one year or until the date of the next Annual General Meeting and/or 'Full' election; whichever period of time is completed first; (see Scheme clause 4.3).

OFFICIAL

CC CORE GOVERNANCE 2018

- (d) Office-bearers and/or bank account signatories may not be directly related by birth, marriage, civil contract or co-habitation etc., (see Scheme clause 8.3 for definition of direct relatives).
- (e) No single Community Councillor shall hold more than one of the following offices at any one time; Chairperson, Vice-chair, Secretary or Treasurer, without written approval from Glasgow City Council.

10. Committees of the Community Council (see Scheme clauses 6.12 and 6.13)

- (a) The Community Council may appoint Community Councillors to committees of the Community Council and shall determine their composition, terms of reference, duration, duties and powers.

11. Meetings of the Community Council (see Scheme clause 6)

- (a) The Community Council shall abide by the Scheme, Code of Conduct and Standing Orders to ensure the proper conduct of its meetings.
- (b) The quorum for Community Council meetings shall be as stated in clause 5 of the Constitution.
- (c) In October of each year the Community Council shall convene an Annual General Meeting (AGM); see Standing Orders clause 3.
- (d) Including the Annual General Meeting (AGM), the Community Council shall meet not less than 7 times throughout the year.
- (e) Dates, times and venues of regular meetings of the Community Council should be identified at the first meeting of the Community Council following the Annual General Meeting (AGM) and/or elections. Meeting arrangements can be subject to review by the Community Council periodically thereafter but no later than at the following year's AGM.
- (f) Glasgow City Council has the discretion to call a meeting of the Community Council at any time.
- (g) 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 subject to the special circumstances outlined at clause 6.5viii of the Scheme.
- (h) A draft minute shall be circulated at least 7 days prior to its next meeting, to all members, and any other appropriate parties as agreed by the Community Council. Glasgow City Council can receive these upon request. An approved minute will be forwarded to Glasgow City Council within 14 days of the date of the meeting; a minimum of 7 minutes per year must be provided to Glasgow City Council.
- (i) Should the Community Council receive a written request (Petition), signed by at least 20 residents 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 4 weeks of receipt of such a request.
- (j) Special Meetings shall require at least 7 days public notice, and the wording of the motion calling the meeting should be set out on the agenda; (note Scheme clause 6.8vii and see clauses 6.8 through 6.12).
- (k) All meetings of the Community Council are open to members of the public. However the Community Council shall retain the right to discuss items of business in private where it considers it appropriate to do so e.g. internal Governance matters, complaints, etc.

12. Public participation in the work of the Community Council

- (a) 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; see Standing Orders clauses 4b & c.
- (b) Notices publicising meetings of the Community Council and/or its committees shall be posted within the Community Council area for a minimum period of seven days before the date of any such meeting e.g. public venues; notice boards; websites etc. (see Scheme clauses 6.8 through 6.12).

13. Information to Glasgow City Council

- (a) Glasgow City Council shall be sent an annual calendar of the Community Council's prescribed meeting dates, times and venues; minutes of all meetings; the annual chairperson's report; the Independently Examined Statement of Accounts and any other information, as may reasonably be required by Glasgow City Council.
- (b) When Special Meetings of the Community Council are to be held, Glasgow City Council should be advised of the date, time, venue and subject(s) of debate at such meetings 7 days in advance of the meeting date; (see Scheme clause 6.8 and note 6.8vii).

14. Control of Finance

- (a) Each Community Council is to maintain proper financial records and present regular financial reports at scheduled Community Council meetings. The Treasurer shall keep proper accounts of the finances of the Community Council.
- (b) All monies provided by Glasgow City Council and other sources or raised by alternative means on behalf of the Community Council shall only be applied to further the objectives and fulfil the responsibilities of the Community Council.
- (c) The monies provided by Glasgow City Council in the annual Administration Allowance shall be for Community Council administration and/or promotion purposes only, and shall not be expended on any other purpose; (see Scheme clause 7.3).
- (d) Monies raised from other sources for non-administration purposes may be used in accordance with the donor's terms so long as they do not conflict with the objectives of the Community Council. In the absence of any such terms, monies used will be to further the objectives and fulfil the responsibilities of the Community Council.
- (e) A minimum number of three authorised signatories should be appointed to authorise financial transactions i.e. signing of cheques, on behalf of the voting members of the Community Council.
- (f) Any two of the three authorised signatories, who need not be office-bearers of the Community Council, may sign cheques on behalf of the Community Council; the Treasurer should assume one of the three authorised signatory roles. Authorised signatories may not be related by birth, marriage, civil contract or co-habitation; (see Scheme clause 8.3).
- (g) A statement of accounts for the last financial year, examined by a competent independent examiner appointed by the Community Council, shall be submitted to the October Annual General Meeting of the Community Council and shall be available for inspection at a public location e.g. libraries, no later than 31 March following.
- (h) The independent examiner will not be a member of the Community Council. This includes Ex-Officio and Associate Members; (see Scheme clause 8).
- (i) The financial year of the Community Council shall be from 1 September in any year until 31 August in the succeeding year; (see Scheme clause 7.1).

- (j) An independently examined statement of accounts as received and approved by the Community Council should be submitted to Glasgow City Council following the Community Council’s October Annual General Meeting to be received no later than 31 December each year (see Scheme clauses 8.4 and 8.5).

15. Assets

- (a) An inventory of all assets e.g. equipment and materials, shall be produced and maintained by the Treasurer. Assets belonging to the Community Council shall be vested in the whole membership of the Community Council; (see Scheme clause 8.7).

16. Alterations to the Constitution

- (a) Any proposal by the Community Council to amend this Constitution must be first considered and minuted at a meeting of the Community Council, before representation is made to Glasgow City Council.
- (b) Any proposed amendments may not conflict with the Scheme of Establishment for Community Councils (2018) and the objectives contained within the Constitution.
- (c) If the proposal is supported by a simple majority of the total voting membership of the Community Council present and eligible to vote (see Constitution clause 8c), and is acknowledged (accepted) in writing (e.g. email acknowledgement) by Glasgow City Council, the amendment shall be deemed to have been duly authorised and can then come into effect at the next following meeting e.g. change to constituted membership level.
- (d) The authorised amendment to the Constitution shall be stated on the 7 day notice calling the next meeting.

17. Suspension and Dissolution (see Scheme clauses 11 & 12)

- (a) Where for any reason it is deemed by Glasgow City Council that a Community Council is not conforming to the Scheme, then Glasgow City Council, subject to the terms of clause 12 of the Scheme, can formally suspend the Community Council by giving appropriate notice.
- (b) Dissolution may occur either on a decision of Glasgow City Council City Administration Committee, or on a voluntary basis by resolution of the Community Council. Such a resolution by the Community Council would require support by two thirds majority of the total voting membership present; (see Scheme clauses 12.12 through 12.17).

18. Adoption of the Constitution

(a) Constitution adopted and signed on behalf of the Community Council on:

- Date
- Chairperson (*signature*)
- Member (*signature*)
- Member (*signature*)

(b) Confirmed on behalf of Glasgow City Council (GCC) by:

- GCC Officer (*signature*)
- Print name
- Date

Glasgow City Council

Code of Conduct for Community Councillors



This Appendix forms part of the core Governance
Arrangements for Community Councils in Glasgow

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

The Code of Conduct for Community Councillors is largely based on the Code of Conduct for Glasgow City Council councillors and relevant public bodies as provided for in:

- ***The Ethical Standards in Public Life etc. (Scotland) Act 2000***

Community councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct.

The Code of Conduct and its principles, shall apply to all Community Councillors and those agreed and minuted as representing the Community Council. These principles are as follows:

1. ***Service to the Community (Public Service)***
2. ***Selflessness***
3. ***Integrity***
4. ***Objectivity***
5. ***Accountability and Stewardship***
6. ***Openness***
7. ***Honesty***
8. ***Leadership***
9. ***Respect***

1. Service to the Community

As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent.

You also have a duty to act in accordance with the remit of Glasgow City Council's Scheme of Establishment for Community Councils (2018) (the 'Scheme'), as set out by Glasgow City Council under the terms of the Local Government (Scotland) Act 1973.

You 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.

You should ensure that you are, within reason, accessible to your local community and local residents. You should not attend meetings or events in your capacity as a Community Councillor under the influence of any substance which may impair your judgement or conduct.

Various mechanisms to enable the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should be made available where appropriate.

2. Selflessness

You have a duty to take decisions solely in terms of the interests of the community that you represent.

You must not use your position as a Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

3. Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community.

If you have any such private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary and Treasurer of the Community Council.

4. Objectivity

In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, by taking account of information which is provided to you or is publicly available; assessing its merit and gathering information as appropriate; whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your Community Council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

5. Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the Community Council. You must ensure that the Community Council uses its resources prudently and in accordance with the law.

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to Glasgow City Council's Scheme.

Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in Glasgow City Council's Scheme.

Community Councillors must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Council business and for no other purpose.

Draft minutes of meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting and no later than seven days prior to the next meeting (see Scheme clause 6.1 through 6.5).

6. Openness

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.

7. Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

8. Leadership

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves. Where groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

9. Respect

You must respect fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, you have dealings with in your capacity as a Community Councillor.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. You 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.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

Glasgow City Council

Standing Orders for Community Councils



This Appendix forms part of the core Governance
Arrangements for Community Councils in Glasgow

1. Meetings

- (a) All meetings of Community Councils are open to members of the public subject to clause 6.7vi of the Scheme.
- (b) The frequency of meetings will be determined by each Community Council, subject to a minimum of one Annual General Meeting (AGM) and 6 ordinary meetings being held each year.
- (c) Annual General Meetings (AGMs) are held each year in October.
- (d) Ordinary meetings of the Community Council should ideally be held on the same day in each of the months where a meeting is scheduled e.g. first Monday; third Wednesday etc.
- (e) 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 Glasgow City Council by the Secretary of the Community Council, at least 7 days before the date for the meeting.
- (f) Special Meetings may be called at any time under Clause 6.8 of the Scheme of Establishment for Community Councils (2018).
- (g) Glasgow City Council has the discretion to call a meeting of the Community Council (see Scheme clause 6.8viii).

2. Minutes

- (a) Minutes of the proceedings of a meeting of the Community Council shall be drawn up timeously and be distributed in accordance with clauses 6.2, 6.3 & 6.5 of the Scheme of Establishment for Community Councils (2018) and be submitted for approval to the next meeting of the Community Council.

3. Order of Business***(i) Ordinary Meeting***

Order of business at Ordinary meetings of the Community Council should include: -

- i. Recording of membership present and apologies received.
- ii. The minutes of the last meeting are submitted for approval.
- iii. Any matters arising are addressed
- iv. Correspondence
- v. Reports e.g. Treasurer; Elected Members; Police; Weekly Planning List; Licensing; Area Partnerships; Community Council Development Sessions, etc.
- vi. Consideration of other agreed items of business; as directed by the Chairperson
- vii. Any other competent business.
- viii. Questions from the floor.
- ix. 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 (AGM), 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 AGM minutes should be presented to the next ordinary meeting of the Community Council following the AGM for the purposes of establishing accuracy and noting their availability to the public. Although they remain in draft form until approved at the following year's AGM.

The order of business at Annual General Meetings (AGM) of the Community Council shall be as follows:

- i. Record membership attendance and apologies received;
- ii. Approve the presented minutes of the last Annual General Meeting (AGM) (see paragraph 2 of clause 3 ii of the Standing Orders);
- iii. Approve Chairperson's annual report (written or minuted at the AGM);
- iv. Approve Treasurer's submission of Independently Examined Statement of Accounts;
- v. *Note implementation/continuation of the Scheme of Establishment for Community Councils;
- vi. Current office bearers step down;
- vii. Election of office bearers;
- viii. *Confirm that the Constitution is signed and dated by the Chairperson and 2 other members of the Community Council;
- ix. Note appointment of Community Councillors to Outside Bodies e.g. Area Partnerships;
- x. Note the appointment of an Independent Examiner of accounts for the next year;
- xi. Note the appointment of Associate Members;
- xii. Review the Inventory and Additional Resources (see Scheme clause 8.7);
- xiii. Chairperson to declare that a date in October of following year will host the next AGM;
- xiv. Chairperson closes meeting.

*(*not all of the above items may be necessary agenda items)*

(iii) Special Meeting (see Scheme clause 6.8)

The order of business at Special Meetings of the Community Council shall be as follows: -

- i. Recording of membership present and apologies received.
- ii. The nature of the calling notice for the Special Meeting.
- iii. The business for debate, as described in the calling notice for the Special Meeting.
- iv. Chairperson to close meeting.

4. Order of Debate

- (a) In instances of the Chairperson's absence, the meeting should proceed through the Vice-Chairperson or other interim Chairperson as agreed by the members present.
- (b) The Chairperson shall decide the order of all questions, relevancy and competency arising at meetings of the Community Council and their ruling shall be final and shall not be open to discussion.
- (c) The Chairperson shall also determine the order, relevancy and competency of all questions from the public in attendance at meetings of the Community Council.
- (d) 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.
- (e) The Chairperson shall have the power, in the event of disorder arising at any meeting, to adjourn the Community Council meeting to the next scheduled meeting or another fixed time and/or date.
- (f) Every motion or amendment shall be proposed and seconded.
- (g) After a proposer of a motion has been called on by the Chairperson to reply, no other members shall speak to the motion or amendment.
- (h) A motion or amendment once made and seconded shall not be withdrawn without the consent of the proposer and seconder thereof.
- (i) A motion or amendment which is contrary to a previous decision of the Community Council shall not be competent within 6 months of that decision; unless an error or new information becomes available which requires further consideration. Any subsequent decision taken by the Community Council, which is contrary to a previous decision, can be implemented with agreement in writing from Glasgow City Council.

5. Voting

- (a) Voting shall be taken by a show of hands of those present and eligible to vote i.e. the elected membership of the Community Council.

- (b) An exception can be taken to a show of hands at Community Council meetings; in that voting may be held by secret ballot e.g. the election of office bearers at the Annual General Meeting (AGM) (see Constitution clause 8c).
- (c) The Chairperson of a meeting of the Community Council shall have a casting vote as well as a deliberative vote.
- (d) In instances of the Chairperson's absence their casting vote is transferred to the Vice-Chairperson or other interim Chairperson, as previously agreed by the members present.

6. Alteration to Standing Orders

- (a) A proposal to alter or add to these Standing Orders may be proposed to Glasgow City Council at any time by the Community Council, provided that notice of a motion to that effect is given at the meeting of the Community Council previous to that at which the motion is discussed.
- (b) Glasgow City Council shall have final discretion on any proposed change to these Standing Orders.

7. Committees (see *Scheme clauses 6.13 and 6.14 and Constitution clause 10a*)

- (a) The Community Council may appoint committees as it may from time to time decide and shall determine their composition, terms of reference, duration, duties and powers.

8. Suspension of Standing Orders

- (a) These Standing Orders shall not be suspended except at a meeting at which two-thirds of the stated constituted membership number of Community Council members are present and then only if the proposer states the object of their motion and if two-thirds of the Community Council members present consent to such suspension.
- (b) Glasgow City Council shall have final discretion on any proposed suspension of these Standing Orders.

Glasgow City Council

Annual Self-Assessment (RAG Analysis) for Community Councils

CONSIDERED GOVERNANCE STATUS

- **RED** – 1 or more CORE ADMINISTRATION items remain outstanding.
- **AMBER** – All (6) CORE ADMINISTRATION items met; and Any 1 GOOD PRACTICE item being met.
- **GREEN** – All (6) CORE ADMINISTRATION items met; and evidence of 6 GOOD PRACTICE items being met; which must include the Annual Self-Assessment (RAG Analysis).
- **RAG Analysis should be completed by last day of February each year. Community Councils with RED status will be ineligible to receive their annual Administration Allowance; AMBER status is satisfactory and provides eligibility to receive the Administration Allowance; GREEN status Community Councils will receive their Administration Allowance and can be held up as MODELS of GOOD PRACTICE.**



- **Name of Community Council:** _____

- **Year of Self-assessment:** _____

- **Date of Meeting which agreed Self-assessment:** _____

- **Considered RAG status**
 - Green**

 - Amber**

 - Red**

- **Completed by:**
 - (name block capital) _____

 - (signature) _____

 - (position) _____

 - (date assessment completed) _____

CORE ADMINISTRATION	MONITORING QUESTION	YES	NO	COMMENTS / EVIDENCE / CONCERNS
1. Constitution	is there a signed Constitution held on file and by the City Council? <i>(see Scheme clause 2.4)</i>			
2. Minutes	is the minimum number of minutes from the last 2 years held on file by the City Council? <i>(see Scheme clause 6.5 viii and Constitution clauses 11d & h)</i>			
3. Annual General Meeting	has an AGM been held in October of the most recent year? <i>(see Scheme clause 6.6)</i>			
4. Chairperson's Report	is a Chairperson's Report available from the most recent AGM? <i>(see Scheme clause 6.7 iii)</i>			
5. Annual Accounts	have the most recently approved accounts been submitted to the City Council? <i>(see Scheme clause 8.1)</i>			
6. Treasurer's Reports	are regular financial reports presented at scheduled meetings? <i>(see Constitution clause 14a)</i>			

OFFICIAL

CC CORE GOVERNANCE 2018

GOOD PRACTICE	MONITORING QUESTION	YES	NO	COMMENTS / EVIDENCE / CONCERNS
1. Annual Self-Assessment (RAG Analysis)	has the most recent self-assessment been submitted by the last day of February? <i>(see Scheme clause 10.1)</i>			
2. Area Partnership (AP) Reports	do AP representative's reports appear as regular/rolling agenda items? <i>(see GCPP Governance clause 5.5(6))</i>			
3. Elected Members' Reports	do Elected Members' reports appear as regular/rolling agenda items? <i>(see Scheme clause 6.5iv and Standing Orders clause 3(i)v)</i>			
4. Police Reports	do Police reports appear as regular/rolling agenda items? <i>(see Standing Orders clause 3(i)v)</i>			
5. Planning	is Planning included or acknowledged as a regular/rolling agenda item? <i>(see Scheme Introduction D)</i>			
6. Licensing	is Licensing included or acknowledged as a regular/rolling agenda item? <i>(see Scheme Introduction Paragraph E)</i>			
7. CC Development Sessions' (DS) Reports	do CCDS representative's reports appear as regular/rolling agenda items? <i>(see Guidance clause 1.5.2)</i>			
8. Notice Board	does the community council have a Notice Board? <i>(see Constitution clause 12b)</i>			
9. Generic Email	does the community council have a generic email? <i>(see Scheme clause 9.2)</i>			
10. Website	does the community council have a website? <i>(see Guidance clause 9.4)</i>			
11. Facebook	does the community council have a Facebook group, or equivalent? <i>(see Guidance clause 9.4)</i>			
12. Twitter	does the community council have a Twitter Account, or equivalent? <i>(see Guidance clause 9.4)</i>			
13. Training & Development Opportunities	is there uptake of any of the Modules? <i>(see Guidance Appendix 8)</i>			
14. Wider Participation	does the community council liaise with other community groups? <i>(see Constitution Objectives)</i>			
15. Consultations	have any consultations been conducted within the previous 12 months? <i>(see Scheme Introduction G and Constitution Objectives)</i>			
16. Local Vision	does the community council have a Local Vision or Mission Statement? <i>(see Guidance clause 1.1)</i>			

OFFICIAL USE: Chief Executive's (Community Empowerment Services) confirmation of RAG status:

Green **Amber** **Red**

Relevant Officer: _____

Date: _____

Glasgow City Council

General Public: Complaints Procedure for Community Councils



This Appendix forms part of the core Governance
Arrangements for Community Councils in Glasgow

GENERAL PUBLIC COMPLAINTS PROCEDURE FOR COMMUNITY COUNCILS

NOTE: The importance of transparency of process whilst retaining the appropriate level of confidentiality must be noted and practiced by all Community Council members upon receipt of any complaint e.g. a complaint against the collective membership of a Community Council may be considered appropriate to share with all members simultaneously, whereas a complaint against an individual member may be shared with that member only in the first instance, to provide them with time to reflect on the content of the complaint and to prepare an appropriate response, before the complaint is shared with the collective membership for discussion (see clauses 9.1 & 9.2 of this Complaints Procedure).

In any event, Community Councils may consider whether it would be appropriate to invoke Constitution clause 11k when in receipt of a complaint and undertaking an appropriate procedure.

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7. What do I tell the Community Council when complaining?
8. How long do I have to make a complaint?
9. What happens when I have complained?
10. What happens if I'm still unhappy?

Quick guide to the General Public Complaints Procedure for Community Councils**Complaints Procedure**

- You can complain in writing or in person to the Secretary of the Community Council or any of its Office Bearers.
- There is a two stage Complaints Procedure – **Resolution** and **Investigation Stages**. Community Councils should always try to deal with your complaint as quickly as possible, but if it is clear that the matter will require a detailed investigation you will be notified on progress.

Stage 1 – Resolution

- Community Councils should always try to resolve your complaint as soon as possible (within four weeks of their meeting schedule).
- If you are unhappy with a resolution response, you can request in writing that the Community Council considers your complaint as a Stage 2 Investigation.

Stage 2 – Investigation

- A specially appointed trained Panel of Community Councillors may consider investigating your complaint at this stage if you are unhappy with the stage 1 response. Certain types of complaints which are complex or require detailed investigation may progress straight to Stage 2.
- The Panel will acknowledge your request for investigation of your complaint within four weeks of it being established. It will give you its decision within 30 working days, unless particular circumstances do not make this possible.

Further Advice

If, after receiving the specially appointed Panel's response following the Stage 2 Investigation, you are still unhappy with the decision or the way your complaint has been handled; you can ask the Chief Executive's Department (Community Empowerment Services) for advice.

The General Public Complaints Procedure for Community Councils

1 Introduction

- 1.1 Community Councils should aim to represent all people in the area without prejudice: they are non-party political and non-sectarian. They must call for nominations publicly and hold elections when becoming established and/or filling vacancies.
- 1.2 Any person resident in the Community Council boundary area, aged 16 years or over, and included on the Electoral Register can be nominated to join their local Community Council.
- 1.3 Community Councils are regularly consulted by the local authority and public bodies on a wide range of issues which affect their area, such as planning and licensing.
- 1.4 All Community Council meetings are open to the public. See more at: <https://www.glasgow.gov.uk/communitycouncils>
- 1.5 Community Councils should adhere to the Code of Conduct included in the Scheme of Establishment for Community Councils (2018). However, from time to time, complaints may be made by the general public about Community Councils and/or individually against Community Councillors.
- 1.6 If you are dissatisfied or have concerns about the standard of service, actions or lack of action provided by your Community Council or one or more of its members, these can be reported through the General Public Complaints Procedure for Community Councils.
- 1.7 Please note that Glasgow City Council has a separate Complaints Policy to record and manage complaints by members of the public against the City Council and Council Officers, and this should not be confused with the General Public Complaints Procedure for Community Councils.

2 What is a Complaint?

- 2.1 A complaint against a Community Council is an expression of dissatisfaction or concern by members of the public. This may be about the conduct; standard of service; actions or lack of action by a Community Council and/or its members.

3 Who can complain?

- 3.1 Any member of the public who may be affected by a Community Council can make a complaint. Sometimes you may be unable or reluctant to make a complaint on your own. Complaints may be brought by third parties as long as evidence of personal consent from the complainant can be provided upon request. Anonymous complaints will generally not be accepted, although legal guidance may be sought depending on the nature of allegations made.
- 3.2 If you are under 16 and wish to complain, you may wish to contact Glasgow City Council in the first instance or if you would prefer; you can ask a trusted adult such as a parent; older brother or sister, or a guardian to contact us on your behalf.

- 3.3 If you believe yourself to be a vulnerable adult, you may likewise wish to contact Glasgow City Council directly or if you would prefer, you can ask someone you trust to contact us on your behalf.
- 3.4 An Officer of the City Council can be provided to offer guidance on how you may wish to make your complaint if you would prefer.

4 What can I complain about?

- 4.1 You can complain about things such as:
- Neglect by or contrary attitude of a Community Councillor when dealing with a Community Council issue which affects the local community;
 - Breaches to the Scheme of Establishment for Community Councils (2018) by Community Councils and/or their members;
 - Financial irregularities and fraud of public funds held by the Community Council;
 - Breaches of confidentiality, including data breaches;
 - Misusing social media, email or letters for the purpose of personal, political and/or financial gain;
 - Bringing the Community Council into disrepute e.g. misrepresenting the views and interests of the local community.
- 4.2 This list is not exhaustive and complaints may involve more than one thing.

5 What can't I complain about?

- 5.1 There are some things that Community Councils can't deal with. These include:
- Any decisions Glasgow City Council has made;
 - A request for compensation on a decision the Community Council has made.

6 How do I complain?

- 6.1 All complaints relating to Community Councils and/or individual Community Councillors should be directed for the attention of the appropriate office bearer/s or member/s of the relevant Community Council in the first instance.
- 6.2 All complaints should be made formally in writing (either by surface mail or email), making clear:
- iv. the nature of the complaint;
 - v. the grounds which support it; and
 - vi. including evidence which substantiates the grounds.

- 6.3 However, it may be appropriate for complaints to be resolved if they are made quickly and directly to the Community Council concerned. You may consider speaking to a member of the Community Council so they can try to resolve any problems on the spot.
- 6.4 If your complaint is about more than one issue or you feel that it is not appropriate for the Community Council to deal with the complaint, you can contact the Community Council Officer at Glasgow City Council, who can provide advice and guidance, and who may forward your complaint to the relevant Community Council on your behalf.

7 What do I tell the Community Council when complaining?

- 7.1 It may be considered easier for complaints to be resolved more quickly if they are not anonymous, although it is acknowledged that in some cases e.g. fear of reprisals, individuals may not wish to provide and/or share their personal details. Therefore the provision of such details to Community Councils should be considered optional.
- 7.2 However, Glasgow City Council reserve the right to request personal contact details if contacted to deal with a complaint to enable a transparent dialogue – any personal contact details provided to Glasgow City Council when a complaint is received will not be shared with any Community Councils and/or third parties.
- Your name and address (and email if available);
 - As much detail about the complaint as possible i.e. making clear the nature of the complaint and the grounds which support it, including any available evidence;
 - Any circumstances leading up to, or surrounding what has gone wrong;
 - How you want the Community Council to address and/or resolve the matter.

8 How long do I have to make a complaint?

- 8.1 You should make your complaint within a reasonable period of time e.g. within four weeks of the event you want to complain about.
- 8.2 You may wish to consider the meeting cycle of the Community Council to ensure the complaint is included as correspondence at the earliest opportunity i.e. check recess periods for the Community Council, especially during the summer and during December and January.
- 8.3 It is anticipated that most complaints would be submitted immediately or within a matter of days from the date of the incident.
- 8.4 In particular circumstances, a complaint may be accepted by the Community Council or Glasgow City Council after the suggested period of time. If you feel that the suggested period of time should not apply to your complaint, then this should be included in the formal written complaint.

9 What happens when I have complained?

9.1 All Community Councils should keep a clear audit trail of any complaints received to ensure transparency of process whilst retaining the appropriate level of confidentiality e.g. a complaint against the collective membership of a Community Council may be considered appropriate to share with all members simultaneously, whereas a complaint against an individual member may be shared with that member only in the first instance, to provide them with time to reflect on the content of the complaint and to prepare an appropriate response, before the complaint is shared with the collective membership for discussion.

9.2 In both examples provided in clause 9.1 above, the Community Council can invoke Scheme clause 6.8vi and Constitution clause 11k which enable a Community Council to hold a meeting, or parts of a meeting, in private where it considers it appropriate to do so e.g. to discuss complaints and/or Governance matters.

9.3 The Complaints Procedure for Community Councils should provide two opportunities to resolve complaints:

- Stage 1 – Resolution
- Stage 2 – Investigation

9.4 *Stage 1 – Resolution*

9.4.1 Most complaints may be able to be resolved quickly by the Community Council without it proceeding to a Stage 1. This could mean providing a written apology and explanation if something has clearly gone wrong i.e. in instances where the grounds and evidence, which substantiates the grounds, are not disputed by the recipient of the complaint. In such circumstances, appropriate steps should be taken to prevent such a problem re-occurring.

9.4.2 In the event that a complaint can't be resolved quickly, a Community Council should give its response to a Stage 1 complaint within two weeks or less of the date of the meeting at which it was discussed, unless there are particular circumstances which may not make this possible. If the latter arises, then the Community Council should notify the complainant that their complaint remains subject to ongoing consideration.

9.4.3 If the Community Council can't resolve a complaint at Stage 1, it should be automatically moved to Stage 2 Investigation; by the Community Council reaching a consensus or at least a decision by simple majority (see Constitution clauses 8b & c). If this is the decision of the Community Council, it should write to you within two weeks or less of the date of the meeting which acknowledged and discussed a complaint to advise the complainant that further investigation of the complaint may be required.

9.4.4 In circumstances where a Community Council moves a complaint from Stage 1 Resolution to Stage 2 Investigation then the Community Council will inform Glasgow City Council within two weeks of the date of the meeting which made the decision. The City Council will be provided with all details of the complaint, and may take any action deemed to be appropriate e.g. seek appropriate opinion, guidance or advice.

9.5 **Stage 2 – Investigation**

9.5.1 Stage two deals with two types of complaint:

- Those that have not been resolved at Stage 1 Resolution; and
- Those that are complex and require detailed investigation from the outset.

9.5.2 Stage 2 Investigations may go to a Panel of Community Councillors similar to that outlined in clauses 13:10 to 13:12 of the Scheme i.e. a specially appointed trained Panel of 3 Office Bearers from Community Councils from Sectors separate to, but abutting, that Sector containing the Community Council / Community Councillors subject to a complaint. Scheme clauses 13.10 and 13.11 also outline the steps for appeal by the recipient of a complaint.

9.5.3 A Community Council may consider offering and/or accepting a request for a leave of absence for a member (as recipient of the complaint) at this point until a full investigation has taken place (see Scheme clause 13.5).

9.5.4 Alternatively, the City Council may consider suspending a Community Council should a complaint be against the collective membership, and if the grounds and submitted evidence can't be proven beyond reasonable doubt as being unsubstantiated at this point in the process, (suspension of a Community Council will be in accordance with Scheme clause 11).

9.5.5 It should be clearly understood that a leave of absence or suspension is not an acceptance of the grounds and submitted evidence being upheld; it is an opportunity for all parties to gather materials regarding the circumstances of a complaint in an impartial and fair manner.

9.5.6 When conducting a Stage 2 Investigation, the specially appointed trained Panel, with appropriate support from Glasgow City Council, will:

- Send an acknowledgement to all parties of the request for further investigation of the complaint within two weeks of it being set up;
- Where appropriate, discuss a complaint with the complainant to understand their dissatisfaction and what outcome they are looking for;
- Give the complainant, and all other relevant parties, a full response to the complaint within 30 working days or sooner, from the date of the Panel meeting which arrives at a conclusion, unless there are particular circumstances which may not make this possible. If the latter arises then the Community Council should notify the complainant that their complaint remains subject to ongoing consideration.

10 **What happens if I'm still unhappy?**

10.1 If, after receiving the specially appointed trained Panel's response following the Stage 2 Investigation, a complainant is still unhappy with the decision or the way their complaint has been handled; they can ask the Chief Executive's Department (Community Empowerment Services) for advice.

For clarification – any advice provided does not act as an additional stage to the Complaints Procedure and should not form a review or revision of any conclusion drawn up by the specially appointed trained Panel.

- 10.2 The City Council will not normally look at events that happened, or that a potential complainant becomes aware of, from more than a year ago, unless there are exceptional circumstances which may make it necessary (although this will be at the sole discretion of Glasgow City Council).

Glasgow City Council

Guidance for Community Councils



This Document forms part of the Support
Arrangements for Community Councils in Glasgow

Guidance for Community Councils

The Guidance is intended to complement the City Councils' Governance for Community Councils i.e. the Scheme of Establishment for Community Councils (2018), which can be downloaded as a PDF document from the following web address:

<https://www.glasgow.gov.uk/communitycouncils>

The aim of this Guidance is to provide additional background information that Community Councillors may need in order to operate effectively within their Community Council.

The Guidance is designed to be updated, or added to, in response to any changing circumstances or requests from Community Councils for more information, and should be seen as a 'live' document.

Although this Guidance is intended to provide complementary information, any 'directives' provided by Glasgow City Council will be based upon the Scheme of Establishment for Community Councils (2018)

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1. Community Councils

The Local Government (Scotland) Act 1973 that originally set up Community Councils states their general purpose as:

"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 and to take such action in the interests of the community as appears to it to be expedient and practicable."

However there is other more general legislation to which all Community Councils are bound and this includes the general duty to promote equality (see Scheme clause 16.1 and Guidance Appendix 3). Therefore, Community Councils in carrying out their functions, should have due regard of the need to:

- eliminate discrimination
- promote equality of opportunity
- promote good relations between people of different racial groups.

1.1 Local Vision or Mission Statement

The value of developing a Local Vision, as a public declaration, is that Community Councils can use it to describe their goals for the future, and describe its core values and its long-term objectives (see Constitution clause 3).

In addition, or alternatively, a Mission Statement can be used to describe the Community Council's founding purpose and major commitments i.e. why it does what it does. A Mission Statement can describe a Community Council's commitments to its community.

1.2 Scheme of Establishment for Community Councils

Within the basic principles stated in the Scheme, each Community Council should reflect local needs, with regard to membership and election of members' e.g. demographic and geographic considerations.

In the event that there is any ambiguity or conflict on the issues Community Councils get involved in, the Scheme will take precedence.

There is a responsibility on behalf of Glasgow City Council to review the Scheme from time to time. For example, this may become necessary if communities outgrow the boundaries of their particular Community Council, or there is the need to update the Scheme to reflect legislation and/or local operational change.

1.3 Constitution

All Community Councils adopt a Constitution which has been agreed by Glasgow City Council (see Scheme clause 2.4) – the Constitution is a written set of aims, objectives, and rules which set out the ways that Community Councils will operate and how Office Bearers should be appointed. The Constitution forms part of the core Governance, along with the Scheme, Code of Conduct and Standing Orders, Annual Self-Assessment (RAG Analysis) and General Public: Complaints Procedure.

It is important that all Community Councillors familiarise themselves with all parts of the core Governance.

1.4 Liaison with the Local Authority

In terms of Community Councils, a key obligation for the City Council is

A) To prepare, publish and review the Scheme of Establishment for Community Councils; after due consultation with Community Councils and the public.

Furthermore, and on receipt of a Petition including 20 or more electors of the area, the City Council will, in terms of section 52 (7) of the Local Government (Scotland) Act 1973 arrange for the formation of a Community Council in an area where one does not exist.

In the circumstances where a petition is received from electors within the boundaries of an existing Community Council, then the City Council will consult with both parties and aim to reach an agreeable outcome.

In the event that agreement cannot be reached, then the City Council could proceed in accordance with Section 53 of the Local Government (Scotland) Act 1973, by initiating the statutory eight week public consultation period seeking to amend the Scheme e.g. consideration of boundary amendments.

This requires formal verbal and written submissions to be made to the appropriate Committee of the City Council for the purpose of enabling the City Council to consider the matter and to reach a decision appropriate to the given circumstances.

B) To provide appropriate financial and administrative assistance to Community Councils, subject to Community Councils complying with the core Governance and varying financial and resource constraints placed on the City Council. The City Council may provide an annual Administration Allowance to Community Councils to meet its costs in undertaking its functions e.g.

- (i) Representing the interests of the Community Council or Community Councils;
- (ii) Stationery and small items of office equipment;
- (iii) Postage;
- (iv) Printing, promotion and advertising, including costs for maintaining a website;
- (v) Secretary's expenses, and travelling expenses for Community Council members;
- (vi) Audit costs

The Administration Allowance shall be for administration and/or promotion purposes only, and shall not be expended on any other purpose. In addition, the City Council may consider additional funding e.g. Discretionary Grant Funding, for individual Community Councils which are seeking to strengthen and enhance their general purpose within the local community (see Guidance Appendix 7).

C) The City Council has a statutory obligation to consult with Community Councils regarding planning applications. This is achieved via Development and Regeneration Services (DRS) emailing a weekly list of planning applications to Community Councils. The list is also available online at:

<https://publicaccess.glasgow.gov.uk/online-applications/>

D) The City Council will help increase public awareness of Community Councils by providing publicity for common election dates i.e. Full Elections in October of each year.

It is hoped that this will emphasise the special role of the Community Council, highlight the close co-operation with the City Council and also reduce expenditure by individual Community Councils on advertising elections.

NOTE: all Community Councils hold full elections on a 4 yearly basis. This means that all Community Council members step down and are required to respond to a general call for nominations to re-establish the Community Council i.e. previous members are required to complete and submit a nomination form as provided by the City Council. This 4 yearly full election should not be confused with the requirement for all Office Bearers to step down annually at the October AGMs; previous Office Bearers are eligible to be re-considered for office as part of the Election of Office Bearers process (see Constitution clause 9).

1.5 Key Structures

Community Councils are elected bodies which are closest to local people. They can play a major role in ensuring decision-making remains as close to those affected as is practicable. For this to happen, all Community Councillors should do all they can to participate in community engagement structures and processes, and in their contributions to local government. The following key structures currently support the community engagement processes for Community Planning and the City Council:

1.5.1 Glasgow Community Planning Partnership (GCPP)

The Glasgow Community Planning Partnership was established in 2004 and brings key public, private, community and voluntary representatives together with the aim of delivering better, more joined-up public services in the city. The Glasgow Community Planning Partnership Strategic Board consists of the following organisations:

- Glasgow City Council;
- NHS Greater Glasgow & Clyde;
- Police Scotland;
- Scottish Enterprise;
- Scottish Fire & Rescue;
- Glasgow Housing Association;
- Glasgow's Third Sector Forum
- Glasgow & West of Scotland Forum of Housing Associations;
- Glasgow Chamber of Commerce;
- Glasgow Colleges Regional Board;
- Strathclyde Partnership for Transport (SPT);
- Skills Development Scotland;
- The Integrated Joint Board (Health & Social Care);
- Historic Environment Scotland;
- Scottish Environment Protection Agency (SEPA);
- Scottish Natural Heritage (SNH);
- Scottish Sports Council and
- Visit Scotland

Community Planning is about ensuring that the public services we all use are delivered in the most effective way possible. Many of the city's key partners are already working together to address the needs of Glasgow's citizens as part of their core business. However, Community Planning brings the added dimension of jointly planning services in a way that will ensure their most effective delivery through partnership. The benefits of increased partnership working are well documented and should rest upon more mainstream public service organisations working together with communities.

Effective community engagement is at the heart of the Community Planning process. Communities play a key role in taking forward the Community Planning agenda, both at the local level and across Partnerships as a whole.

1.5.2 Community Council Development Session (CCDS)

The Community Council Development Sessions (CCDS) are informal Presentation & Participation and Training & Capacity Building platforms which are normally held on Saturday mornings at least 4 times a year. It provides Community Councils from across Glasgow opportunities to engage with a wide range of public and private agencies and service providers.

The CCDS in turn provides opportunities for public and private agencies to share their operational vision; showcase their functions and areas of responsibilities; and to hear and gather first hand, the views, issues and concerns from a representative base of citywide Community Councils.

As a result, Community Councils can become better informed on matters such as service delivery; consultations; and Community Council focussed initiatives.

Community Councils should note that if they decide not to take an active part and/or involve themselves in decision-making processes and/or resources which can influence service provision e.g. the CCDS or Glasgow Community Planning Partnership (GCPP), then matters affecting their local community could be discussed, which may well lead to decisions being made about service provision in their area, without their input.

Glasgow City Council's support for the CCDS shows that it shares the same broad aims of Community Councils in so far as both wish to ensure that quality services are provided which meet the needs of local communities and are responsive to local demand.

1.6 Induction (see 'Induction for Prospective & New Community Councillors')

Induction is not a single event e.g. one meeting, nor is it just handing over a pack of information; it is an ongoing process. Induction helps new Community Council members to settle in and make a contribution to the group as quickly as possible. The induction seeks to cover some of the basic questions any new member is likely to ask e.g.

- What the Community Council does?
- What Community Council members do?
- Who are the other people involved?
- What support do Community Councils have?

Receiving help to settle in not only helps the individual, it also helps the Community Council; it may also be of value to identify a member who may act as a mentor by explaining procedures and agenda items and answering questions as they arise.

The induction process and initial face to face meetings will be led by Community Council members with appropriate support from relevant officers of the City Council. It should be understood from the outset of induction that the Scheme of Establishment for Community Councils (2018) not only underpins the Induction, it is the core Governance for all Community Councils.

1.7 Training & Development Modules (see Guidance Appendix 8)

The Training & Development Modules result from a review of capacity building activities which have been identified and developed in collaboration with Community Councils. Activities aim to support and enable Community Councils to act as positive agents for community development, and empowerment of Glasgow's communities.

Attendance at training and capacity building activities can support Community Councils to fulfil their 'general purpose' i.e. *"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 and to take such action in the interests of the community as appears to it to be expedient and practicable."*

2. Membership

2.1 Importance of being elected

Community Councillors are elected by the local community. They have this in common with City Councillors, Members of Parliament, etc. Even if, due to a shortage of nominations, a Community Councillor's 'seat' was uncontested and no actual election took place, the Constitution provides for nomination and election. If properly nominated you are as much elected as would be the case in a contested election.

For this reason, it is important that each Community Council distinguishes between its voting members and non-voting members, and others present at meetings (see Constitution clause 8).

As a member you should be regularly attending meetings, speaking to agenda items and, if required, voting on the future actions of the Community Council (in accordance with the Constitution). You serve for the term allowed by your Constitution (4 years in total before Full Election), and as a member you represent all the community, and not solely any specific group, although different members may inevitably have particular areas of interest. Such diversity can add to the collective strength of the Community Council.

2.2 Interim Election Checklist

The following steps are provided as a checklist for Community Councils when undertaking an Interim Election Process to Fill Vacancies. Community Councils should contact their named contact officer before any steps are taken to fill any vacancies, should they arise in the future:

1. The Community Council consider, agree and minute a decision to fill vacancies;
2. A notification in writing (email) is sent to the named contact officer to advise of this decision;
3. The officer confirms the current Community Council membership status as recorded on the City Council database;
4. Upon receipt from the Community Council of confirmation of vacancies, the dates of the next 2 meetings, and the venue address with postcode, the officer produces the public notice and nomination forms;
5. An appropriate period of public notice is included on the public notice and nomination forms calling for nominations to fill vacancies (public notices must be placed in at least three public places);
6. All completed nomination forms are returned for the named officer's attention;
7. The candidate, proposer and seconder are all subject to the validation process carried out by the named officer;
8. The officer advises the candidates of the status of their form following validation;
9. Following the closing date, the officer informs the Community Council of the status of the call for nominations;
10. Circumstances will dictate whether a contested or uncontested election is to take place (the officer will advise accordingly);
11. Subsequent appointments of any new members rests with the Community Council;
12. All new appointments must be considered, ratified and minuted by the Community Council;
13. The Community Council sends a confirmation email of appointment of new members to the officer;
14. The officer includes the new members details on the City Council database;
15. Confirmation of constituted membership status of the Community Council can be forwarded by the officer upon request.

2.3 Public visibility

All regularly scheduled Ordinary meetings and Annual General Meetings (AGMs) are open to the public (and members of the public should be encouraged to attend). Meetings can be advertised

via local housing organisations; the local press; announcements at local churches, and via the Community Councils' websites or social media presence (see Guidance section 9).

Every Community Council is required to have a minimum of three public notices displaying the date, time and venue of all meetings, and ideally the agenda for the next meeting (although more than this would be commendable). A list of meeting dates for the year ahead could be made available, and 'special items' could be highlighted to attract local interest.

From time to time, every Community Council may have matters that must be discussed in private (see Constitution clause 11k and Scheme clauses 6.8vi / viii). These matters may be discussed with only voting members present, although others may be invited to attend where special expertise is required i.e. Ex-officio and/or Associate Members. Such meetings are confidential and an approved redacted minute may be made available publicly, although it may be appropriate to simply record any conclusions reached at the next regular meeting of the Community Council.

The approved minutes of all meetings should be circulated to all members and copies should be made available to the public at local libraries or in other public places. An approved copy should also be sent to Glasgow City Council within 14 days of the date of the meeting which approved them.

Once in possession of a copy of the approved minutes, the City Council is then in a position to respond to any requests for minutes from members of the public and/or otherwise, although it is a principle function for the Community Council to make their minutes publicly available in the first instance and/or upon requests from members of the public.

3. Meetings

This section highlights the importance of meetings, what should be covered, and the different kinds of meetings a Community Council may have (see Scheme section 6, Constitution section 11, and Standing Orders).

Effective meetings are important not just in making sure the Community Council progresses what it should be doing and any decisions which are made, but also in keeping members and others involved and interested.

Meetings that drag on and on, with people straying off the point, not listening or being discourteous, can be a disincentive to even the most committed member. Good meetings are not just about getting things done but about respect and consideration for others.

3.1 Agendas

For all Ordinary, Annual General Meetings and Special Meetings, an agenda should be published by the Secretary at least seven days prior to the meeting taking place so that members and the public know what is to be discussed and can be prepared in advance. A standard format for agendas could include:

Meeting of the NAME Community Council at TIME on DAY, MONTH and YEAR in VENUE

AGENDA

- i. *Recording of membership present and apologies received.*
- ii. *The minutes of the last meeting are submitted for accuracy and approval.*
- iii. *Any matters arising (not already on the agenda) are addressed.*
- iv. *Correspondence (the Secretary should consider producing a 'list of correspondence' to be sent out with the agenda).*

- v. *Reports i.e. Treasurer; Elected Members; Police; Weekly Planning List; Licensing etc.*
- vi. *Consideration of other agreed items of business; as directed by the Chair*
- vii. *Any other competent business (AOCB).*
- viii. *Questions from the floor.*
- ix. *Chairperson to declare date of next meeting and close meeting.*

(a) Apologies

The apology of any Community Councillor who is unable to attend should be recorded in the minutes. This is important as Community Council members can be censured / vote of no confidence / disqualified if they fail to attend regularly and/or miss a specified number of consecutive meetings without good reason with or without submitting apologies (see Scheme clause 13.6 i).

Clauses 13.7 and 13.8 of the Scheme also includes the following, “*a Community Council may decide to grant a leave of absence in advance or retrospectively for an individual member.*” and “*This leave of absence can extend up to a maximum of 6 months or until the next AGM, whichever period is sooner.*”

It is also important to record who was present, so that it will be known in the future which Community Council members put their names to any particular motion. A member who is present, and who strongly disagrees with a motion adopted by the Community Council on a simple majority vote, can ask for their dissent to be formally recorded in the minutes.

(b) Minutes

It is a requirement of the Scheme for formal minutes to be kept. This is the responsibility of the Secretary but the Community Council may agree to appoint from within itself, or engage for reasonable payment or otherwise, a Minute Secretary. This can free the Secretary to take a more active part in the discussions.

The Minutes to be approved should be circulated to all members, and to those others present at the previous meeting, to confirm the accuracy of the minute. The Chair should ask whether everyone who attended the meeting in question is in agreement that the minutes are a true record of the meeting concerned. If any member wishes to query any point this is the time to do it.

Once the minutes are formally approved they cannot be changed; therefore any suggested amendments are discussed before approval, and if any amendments are agreed, the appropriate changes are made. It must be stressed that only the record of the previous Minute can be discussed and agreed at this stage. Discussions on the merits of any previously recorded decision should not be opened up at this point in the proceedings. It is the Chair’s responsibility to rule accordingly. A member then proposes the formal approval of the minutes as a true record. It is advised that Community Councils should also seek to identify a seconder to the formal approval.

If there are still objections, the matter should be put to the vote; the minutes can be formally approved by a simple majority, if not unanimously. This is recorded in the minutes of the current meeting. As in any other disagreement, a member whose views are not accepted and rejected on a vote can request that his/her dissent be recorded in the minutes.

(c) Matters arising from previous minutes

Community Councils should avoid reigniting any previous disputes following approval of the minutes. The current meeting’s agenda should ensure that previous and ongoing items are not forgotten, and that actions identified and taken up by members at the previous meeting, have in fact been carried out. As all discussion is recorded in the current minutes, items which have been completed can drop out, and items still ongoing remain; to automatically come up at the next

meeting. Any correspondence received relative to matters being discussed, and especially if requiring action/s, is best presented by the Secretary at the appropriate point.

(d) Correspondence

During correspondence, any letters, emails, faxes and telephone calls received since the previous meeting are made available by the Secretary for consideration and decisions for actions. To save time, potentially long items, e.g. Weekly Planning Lists, should not normally be read out but referred to and made available for perusal.

Good practice would include a Secretary compiling a correspondence 'bullet' list which can be circulated with the agenda and draft minute seven days prior to the date of the next meeting. In addition, the Secretary should ensure that appropriate attention is given to any short timescales or deadlines for responding. As such, and at the very least, the Secretary and Chair could discuss the most appropriate action to be taken e.g. sharing information with all other members prior to the date of the next meeting and outlining that actions and/or decisions are required.

REPORTS

Reports is the point in the meeting when regular attendees such as the local Community Police, City Councillors & other Elected Members; Associate Members and Community Council representatives to other groups e.g. Area Partnerships, are asked to give a brief report to the Community Council. This is the point at which the Community Council learns what others are doing and in the subsequent discussion can advise on what the Community Council and local community think. Some reports will be regular, i.e. Treasurer's report, Weekly Planning Lists etc., whilst others will be occasional i.e. Special Interest Items.

(e) Special Interest Items – visiting speakers

When there is an item of special interest it should be given its own spot on the agenda. It may be a presentation by a visiting speaker - in which case it can be a matter of common courtesy for the Chair to advance the item to the start of the meeting so the visitor does not have to sit through the routine business. This is not only common courtesy but particularly important if the speaker has far to travel, enabling him/her to get away as early as possible.

(f) Treasurer's Report

The Treasurer should report on the financial situation of the Community Council at each meeting, on any money received and spent, and consider other budgetary related activity. At the very least, the Treasurer should state the current bank balance taken from the monthly bank statement and whether any income has been received or any expenditure incurred since the previous meeting.

(g) Weekly Planning List

Planning is often a key concern of Community Councils and to the general public. Community Councils should have a regular slot on their agenda to deal with planning matters. These can range from considering Development Planning applications and how they should respond to these, to dealing with current and/or emerging Local Development Plans or considering responses to other forms of consultation.

Community Councils may consider establishing sub-groups to deal with planning issues, given the short timescales involved on occasion, and the degree of scrutiny often required. These sub-groups may meet between scheduled Community Council meetings (taking cognisance of closing dates for Planning responses), and report back to the main Community Council as appropriate.

(h) Licensing

Similarly to the Weekly Planning List, Licensing matters can also be a source of concern, and should likewise have a regular slot on the agenda. For those Community Councils experiencing a high volume of licensing matters, it may again be useful to establish a sub-group.

(i) AOCB

Any Other Competent Business (AOCB) gives members the chance to raise issues and, in particular, matters brought to them by the public. Ideally, the Chair will move round the table giving each member the chance to raise topics in turn, time permitting. It should be expected that it may be more appropriate for some topics to form an item for the next agenda, to allow enough time for adequate and informed discussion.

(j) Date, time and venue of next meeting

It is important where possible that everyone present knows, or is reminded of, the date, time and venue of the next meeting before the meeting breaks up, even if there is an existing published timetable of meetings.

3.2 Annual General Meetings (AGM) and Special Meetings

The Scheme, Constitution and Standing Orders all include the notice period required for all meetings (7 days), and the matters that can be considered at Annual General Meetings (AGM) and Special Meetings.

For every year at the AGM the procedure for election of office bearers is as detailed in the Constitution. Normally the outgoing Chair will hold the position until the new Chair is elected unless they are also standing for this office. In which case, another member of the Community Council who is not standing for office should preside (but preferably not Associate or Ex-officio members). Upon election, the new Chair takes on the Chairing role for the rest of the meeting. Under some circumstances, meetings may be more efficiently conducted on the basis that the outgoing Chair fully concludes the meeting before handing over.

In normal circumstances no other matters may be raised at the AGM other than those on the set agenda (see Scheme clause 6.7 and Standing Orders 3ii). The AGM agenda must be published at least seven days before the meeting. Although the previous year's AGM minutes receive final approval at the following year's AGM, the Secretary, and other members, should consider circulating the draft minutes of AGMs at the next following scheduled Ordinary meeting of the Community Council for approval in principle (rather than waiting 12 months). It would be pragmatic for Community Councils to also forward these 'draft' AGM minutes to the City Council for filing in the meantime.

The agenda for Special Meetings must be restricted to only those items raised in the motion calling for the meeting. No other matters must be discussed. Any special resolutions should be passed or rejected as printed on the agenda. Any alteration should only be made with the consent of those present and then only if the Constitution allows for the printed resolution to be amended. A typical agenda for a Special Meeting could be:

Special Meeting of the NAME Community Council at TIME on DAY, MONTH, YEAR in VENUE***AGENDA***

- i. Recording of membership present and apologies received.
- ii. The nature of the calling notice for the Special Meeting.
- iii. The business for debate, as described in the calling notice for the Special Meeting.
- iv. Chairperson to close meeting.

Voting will be as outlined by clause 8 of the Constitution, and all Community Councillors present may vote; there is no provision for proxy votes. Minutes will be taken of the meeting and considered at the next regular meeting unless the meeting was held in accordance with Scheme clause 6.8 vii and Constitution clause 11k.

3.3 Meeting Layout for Community Councils

The recommended meeting layout for Community Council meetings is the U-Shape:

- The layout consists of a series of rectangular tables set out in the shape of the letter U, with Chairs placed around the outside for Community Councillors to sit.
- This layout style is often used for committee meetings e.g. Community Councils, where there is an audience, speaker, presentation or other focal point.
- The U-Shape is one of the most popular seating arrangements and can easily cater for members of the public, up to circa 50, attending a meeting sitting in rows facing the Community Council members.
- This seating also lends itself to training sessions and speaker presentations. It is also a good setup for focus groups.
- The openness of this setup gives each participant space that encourages wider participation because there is no preferential seating and all seats have an equally good view of the meeting inputs.
- Overall *pros* include productive work space; encourages good interaction between participants; and because seating is around three sides of the room – it enables the public to clearly see the Community Council members as distinct from the public attendees.
- Main *con* is that if attendee numbers become too large e.g. over 50 then consideration may lead to adopting a more suitable meeting layout e.g. theatre layout.

4. Members' Interests

4.1 Declaration of Interests

All members shall declare in advance any financial or other interest however minor that they or their direct relatives may have in any matter which comes before the Community Council for consideration. The member shall withdraw from the meeting during consideration of this item of business and shall take no part in the discussions or decision thereon (see Scheme clauses 5.4 / 5.5 and clause 8.3 definition of direct relatives).

If a member is unclear as to whether a matter is sufficiently material so as to require him or her to make a declaration of interest he/she should declare it nevertheless to the Community Council for a view; the Community Council shall then decide if the member should make a declaration of interest and accordingly withdraw.

Unless those members present who have been requested to form a view are not in a simple majority (see Constitution clause 8c) that the matter does or does not require a declaration of interest, then the member will require to make a personal decision whether to make a declaration of interest and to withdraw.

It should be fully understood that all members are bound by the Scheme of Establishment for Community Councils (2018), which includes the Code of Conduct for Community Councillors, which itself includes the following clause 3: Integrity – *“If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members (see Scheme clause 5.5), withdraw from discussions and the decision making process with regard to that matter.”*

If it is subsequently established that a member had an interest in an item of business dealt with by the Community Council but had knowingly failed to declare that interest and to withdraw, the item of business shall be placed on the agenda of the next available meeting of the Community Council for re-consideration. Any earlier decision made by the Community Council may be upheld or changed.

At that next available meeting, the Community Council will also consider the position of the member who failed to make the declaration of interest, and having considered this issue, will be entitled to censure / vote of no confidence / and/or disqualify the member in accordance with clause 13.6 ii of the Scheme

5. Working Effectively

5.1 Working effectively at meetings

Meetings are of crucial importance to the work of Community Councils. It is at meetings that opinions, ideas, feelings, good intentions etc. get translated into hard decisions, and it is those decisions that will ultimately be translated into practical action in your community. If you really want to influence what is going on in your community then it is vital that you learn to participate effectively in the work of your Community Council's meetings.

It is perfectly normal that, in any meeting, the individuals present will have different, sometimes opposing views. For this reason it is important that meetings are chaired effectively so that there is a balance between hearing what everyone has to say on a subject and getting through all the items of the agenda.

If there is something of major significance that you want to raise at a meeting make sure that you tell the Chair, Secretary, and/or Treasurer in advance, ideally at least 7 days prior to the date of the meeting, so that it may be included as an item on the agenda. This means that the person in the Chair can try to ensure that sufficient time is made available to discuss your item. If you do put an item on the agenda be prepared to make a brief verbal representation to the meeting, setting out:

- the background to the item;
- what you think the central issue is;
- what you think ought to be done about it.

Be prepared to actively listen to other people's ideas on the matter; they may have information on the subject that you don't, they may help you to see things from a different perspective, or they may come up with ideas that offer a better solution than yours. Remember that the key activity for a good Community Councillor is to make things happen for the community. Discussion, seeking consensus and collective decision-making should be common practice; 'point scoring' at meetings on the other hand should be avoided.

Sometimes you may be asked to participate in a sub-group of the Community Council, in order to research some points for the next meeting of the Community Council. Sub-groups can play an important part in clarifying issues so that decision making is easier at future full meetings. Although sub-groups may involve some extra time commitment you should try as far as possible to get involved so that the work of your Community Council is spread evenly and you get a deeper insight into what is going on at Community Council meetings.

A formal record of what was agreed at sub-group meetings should be kept in an appropriate form. Make sure whether you agree or otherwise with the formal record as this will be presented to the full Community Council meeting and will usually determine exactly what action is to be taken.

As a general rule, it is much easier to influence decisions by working together and co-operating, rather than by confrontation. This is equally true whether in meetings, in dealings with other members or in correspondence, e.g. when writing to Officials of the Local Authority.

Community Councils that make a positive contribution can gain respect, and be increasingly involved in consultations on any proposals affecting their community. It is crucial that effective working relationships are established.

5.2 Using time effectively

For many people, participating in the work of Community Councils involves the giving up of valuable personal time. On the one hand people want to be active in the affairs of their community; on the other hand they should ensure that there is minimum intrusion into their free time.

In order to achieve this it is necessary to take a fairly disciplined approach to the use of time. This is particularly important when it comes to meetings. Perhaps the single most damaging thing for any Community Council is unproductive meetings where the discussion is not focused on issues of importance to the community and where those doing the talking are more interested in their personal agenda than the agenda of the Community Council.

For those less used to public speaking or debating, it is sometimes useful to write down in brief on a piece of paper or card the particular points which you intend to raise. This can help to concentrate thoughts and further discussion.

5.3 Establishing priorities

Another problem that some Community Councils have acknowledged is that it can be more difficult to deal with matters that are not practical issues such as 'grass cutting' or 'potholes in the road'. While these 'bread and butter' issues are an important part of the work of a Community Council it should never be forgotten that there are other matters, that may appear to be less obviously important in the short term, but which may have a future bigger impact on the community e.g.

- changing economic conditions
- population changes in the local community
- long-term development proposals

It is important that placing too much emphasis on 'everyday' issues does not lead the Community Council to overlook matters like the ones above, which are of strategic importance to your community. The way to overcome this potential problem is for Community Council members to think as a collective body and work effectively with Local Elected Members to progress other matters.

Try to be clear about which issues are most important for your community and which to allocate most time to. This may mean choosing between the short-term and longer-term matters. Always remember that strategic issues are important and should not be set aside simply because there is another issue that appears on the surface to be more urgent.

One way to get through complex issues that are important and long term is to break them down into chunks and deal with them one by one over a series of meetings. Another approach would be to split up the task and allocate responsibility for bits of the task to different individuals or working groups of the Community Council.

Another way that Community Councils can deal with ongoing issues is for individual members with specific knowledge, experience or interest, to take on the role of 'looking out' for news on issues in local press or in the public sphere generally. This would also help in dealing with the wide range of consultation documents that Community Councils are asked to respond to e.g. a Weekly Planning

List contact and/or sub-group are often appointed to ensure that timely responses to planning applications are made.

The Community Council should also seek to participate on other initiatives and structures, such as Area and Sector Partnerships; Local Housing Forums and Community Safety Groups etc. Appointed representatives to these bodies can ensure that the communities' voices are heard. A substitute representative is also useful to ensure continuity of attendance.

5.4 Preparation before and action afterwards

Effective meetings don't just happen - there is a sequence of events leading up to and following on from a meeting that will help determine whether the meeting goes well or not.

To assist with preparation before a meeting and actions afterwards it is best practice that the minutes are produced shortly after a meeting and sent out to Community Council members and/or committees so that people can see what was said; what had been agreed; and what would be done before the next meeting.

It is important to send minutes not just to those that were at the meeting but to others who missed the meeting or who may be expected to do something as a result of the meeting. It is all too easy for people who have been involved to inadvertently slip out of the information loop, by simply missing one or two meetings.

When coordinating the circulation of minutes the Secretary will send an approved minute within 14 days from the date of the meeting which approved them to Glasgow City Council as a matter of course, and make same available to the public for inspection via websites; libraries; and any other appropriate public space.

A model of good practice in sharing minutes publicly could be a Community Council negotiating and securing dedicated noticeboard space within a library and provision for a publicly accessible minute folder which can effectively advertise meeting dates, agendas and minutes of meetings on an ongoing basis.

It is always important to make the minutes of meetings publicly available so that the wider community has an understanding of what the Community Council and its members are doing. To assist in this process it is also important that the minutes are written in such a way that it is easy to identify what actions and timescales have been agreed and who is responsible. It is invariably the case that work between meetings moves things forward rather than the meetings themselves.

5.5 Key roles for the Chair

The Chairperson, working with the Secretary and Treasurer, or perhaps other agreed Community Council members, has a lead role to play in between meetings in making sure that other members and/or third parties (the Community Council is seeking assistance from) are on target to report to scheduled meetings.

The Chair and Secretary should work together, and/or with others to set the agenda for the meeting, based on the priorities of the Community Council and any ongoing actions that are taking place between the meetings; and any other new and important emerging issues.

The Chair needs to run the meeting effectively. Included in this are starting and finishing on time; keeping people to the agenda; timetabling and managing the meeting so discussion doesn't get bogged down on one topic unless it merits it; and summing up at the end of each item so that action points are agreed and made clear, including who has been tasked with an action and within what timescale.

In order to manage the meeting in this business-like way, it is important for the Chair to have strong leadership qualities, as well as a range of personal and interpersonal skills that make for a productive and business like experience for all.

This involves not dominating a meeting, and making sure the views of all are heard, and not just those of the most confident or loudest around the table. It means being able to foster an environment where people are happy to ask questions if they are unclear about something and to support each other's work and interest.

The Chair has to maintain a neutral point of view. Where an issue arises that the Chair has an opinion on, they can temporarily vacate the Chair (handing over to the Vice-chair) in order to be able to state their viewpoint.

5.6 Key roles for others

It is often the case that members are championing specific areas of the Community Council's work, and they may be doing that through leading sub-groups. If this is the case then it is often important that they consider producing short summary reports or equivalent for the full Community Council meeting. They have a duty not to bring all the detailed discussions of a sub-group into the full meeting, but to summarise the key issues; the progress being made; and to highlight any decisions that need to be made by the full meeting.

Similarly the Treasurer should have produced a financial report for the regular and full meetings to enable the Community Council to look at and go over the main points as required and highlight areas where decisions or action may be required – at the very least this should be a statement of the current balance should there have been no financial activity since the previous meeting.

One of the main roles at the meeting for the Secretary (and Minute Secretary) is formally recording and producing the Minutes of meetings. Taking formal Minutes is a commonly underrated skill. One of the main abilities within this skill is to be able to summarise a discussion focusing in on the:

- topic being discussed;
- important facts;
- any significant points made;
- any major decisions made;
- actions agreed;
- timescales; and
- who is tasked with any actions.

Minutes should not be a verbatim account!

It's important that the Secretary asks for any points of clarification if he/she is unsure what has been stated, concluded, decided or agreed. In this clarifying role they can often quietly and legitimately support the role of the Chair.

And lastly, everyone on the Community Council has a role in supporting the Chair in his/her efforts to make the meeting business-like, well-timed, pleasant and inclusive.

5.7 Using sub-groups

Sub-groups often arise from a realisation that it is difficult to get everything done in one overall meeting of the Community Council. It is common for Community Councils to set up sub-groups to look at particular issues, or deal with work that has tight deadlines. An example of an ongoing issue would be planning, which requires inspection of the Weekly List of planning applications; this is because the deadline for responses can sometimes expire before the next Community Council meeting.

Sub-groups can prevent any one specific activity from overshadowing the agenda of a full Community Council meeting. In addition, a dedicated sub-group can focus on its specific project or task and spend more time on the detail, which can result in an increased achievement.

It then becomes important that there are good connections and feedback between the sub-groups and the full Community Council meeting. When a need for a sub-group has been identified, make sure that it has a clear remit for its work; what it can and cannot decide upon; and what has to be given final approval by the Community Council.

Remember the full Community Council holds ultimate responsibility for the recommendations and actions of the sub-groups, and therefore the full Community Council must agree any important decisions it makes.

5.8 Venues for meetings

All meetings of Community Councils are open to members of the public and wherever possible should be held in a venue contained within the Community Council boundary area (see Scheme clause 6.1).

Any meeting whether it is a regular meeting, sub-group meeting or AGM, benefits from a decent warm venue that is accessible & open for people arriving, with accompanying tea and coffee (if possible).

5.9 Quick checklist for meetings

1. Do your meetings start on time and finish on time?
2. Do your meetings never or rarely exceed two hours in length?
3. Does everyone turn up? Or, if not, have they put in their apologies?
4. Has everyone prepared by reading previous minutes and being aware of the agenda?
5. Do minutes go out early after a meeting?
6. Are the minutes usually a short and accurate reflection of what went on and the main things stated and if necessary agreed?
7. Are the action points on them clearly stated?
8. Are they sent to everyone who should see them?
9. Does the Chair or other member e.g. Associate Members follow up in between meetings to see what progress is being made and that people are geared up to report back at the next meeting?
10. Does the Chair work with the Secretary and any others to set the agenda ahead of the next meeting?

5.10 Block Insurance Policy

Your attention is drawn to the Block Insurance Policy being subject to scrutiny and review on an ongoing basis; therefore all insurance queries should be directed to your named contact officer within the City Council in the first instance.

Glasgow City Council currently facilitates a block insurance for Community Councils, the cost of which is deducted from the annual administration allowance. It is important that Community Councillors ensure that the public liability and other insurance protection provided by the local authority or additional policies taken out by them are adequate.

Community Councils are currently constituted as unincorporated bodies, and as such do not have limited liability status. The current block insurance for Community Councils does not include Indemnity Insurance i.e. providing legal exemption from penalties incurred through a Community Councillor's acts or defaults; the responsibility for a Community Councillor's actions and words lies solely with the individual. It should be made clear that Community Councillors should show due

diligence with their individual and collective conduct, use of social media etc. in the same way that they would personally. If the conduct of a Community Councillor is such that grounds are raised and substantiated by undisputable evidence for someone to consider a lawsuit, the onus is on Community Councillors to explain themselves.

All Community Councils are advised to confirm with their named contact officer at the City Council that any extra-curricular activities i.e. activities out with of regular meetings, are satisfactorily covered by the block insurance before proceeding.

Community Councils can consider raising funds from private and charitable sources for example the National Lottery 'Awards for All', or alternatively, Community Councils can consider establishing Community Development Trusts to give the community a vehicle for funding projects and taking a more proactive role in development.

If a relationship like that above is established, it is usually reflected in a formal connection between the Community Council and a Community Development Trust with the Community Council having nomination rights to appoint one of their members to the Trust.

5.11 General Data Protection Regulation – GDPR (see *Guidance Appendix 4*)

The General Data Protection Regulation (GDPR) was implemented on Friday 25th May 2018. Glasgow City Council is required to provide information for all Community Councillors of what the City Council do with your information which has been, or will be, supplied when a formal Community Council Nomination Form is submitted to Glasgow City Council i.e.

1. Glasgow City Council will electronically and securely hold supplied information of Community Councillors because this is necessary for the City Council to carry out its functions under the provisions of the Local Government (Scotland) Act 1973 which supports the establishment of Community Councils;
2. Publication of any of this information on our website will be on the basis of consent e.g. the Community Council Public Contact List and meeting Schedule will only contain information which a Community Councillor has agreed to be included;
3. All prospective Community Council candidates are required to advise their Proposer and Secunder of how their respective information will be processed and retained to enable Glasgow City Council to carry out its statutory functions; and
4. A privacy statement will be provided alongside the formal Community Council Nomination Form for any prospective Community Council candidates.

The Privacy Statement pertaining to Community Councils and current / prospective Community Councillors within the Glasgow City Council boundary is included for your information as Appendix 4 to this Guidance. A copy of this Privacy Statement is also included on the City Council's website.

In addition to the Glasgow City Council Privacy Statement pertaining to Community Councils included as Appendix 4; there is also further guidance for Community Councils to consider in relation to any information and/or data that they may hold or process.

5.12 Promoting Equality

Community Councils should take responsibility for ensuring their members' participation in the activities of their Community Council complies with equal opportunities legislation. UK laws cover discrimination on the basis of sex, marital status, sexual orientation, age, religion, race, colour, nationality, ethnic or national origins and disability (see *Guidance Appendix 3*).

As a Community Councillor it is important that you recognise from the outset that you are required to play a role in your Community Council. This means not simply offering your own views and opinions on local issues, or taking decisions that are based on your own self-interest.

The role of the Community Councillor is one that requires you to represent the views of your community. In practice, this will involve discussing issues with people in the community to clarify their views and assess the strength of their feelings on different topics.

It is also a good idea to encourage people to bring issues to you so that you can take them up at Community Council meetings. Try to check out the facts, however, before taking matters to the Community Council, and if there are two sides to the story, make sure that both of them are put forward. There is little point in taking up time at meetings to discuss problems that are based simply on misunderstandings or misrepresentations of the facts.

At some point it may be that you will find some conflict between your own personal views and interests and those of the community that you are representing. If such a situation does arise, make every effort to ensure that the views of the community take precedence. Experience shows that if the views of individuals on the Community Council are allowed to take priority then the community will very quickly lose confidence in the Community Council and its work may subsequently be devalued.

A task for any Community Council is to identify the needs and aspirations of its community and to take decisions that will lead to appropriate action in that community. At some point this might involve setting priorities on the competing or conflicting needs of different sections of the community.

Competition and conflict are normal in any community, so you shouldn't think of them as something that can be altogether avoided. What is important is that you approach competition or conflict in a fair and reasonable manner. This means taking a balanced view of your community's needs and aspirations and giving a fair hearing to representatives from different interest groups in your community, and any decisions should be balanced and be able to be justified.

6. Role of Office Bearers & Members

6.1 The Chair

The Chair has perhaps the most important single role to play in ensuring that Community Council meetings run smoothly, but even a good Chair will find the task challenging unless all the members of the Community Council give the role appropriate respect and support.

The Chair's job is to make sure that decisions are taken on all of the items that are on the agenda. In practice, this usually means that the Chair will have to make judgments about how much time to allocate to each agenda item. It also means that he or she may occasionally have to bring speakers back to the agenda and generally encourage people to make their contributions brief and to the point.

In regular meetings, the role of the Chair is a formal one; all speakers will be expected to address their comments through the Chair. This helps the Chair to keep control of the discussion. In meetings, where proceedings need not be so formal, the Chair may be content simply to steer the general direction of the discussion – this may be described as an enabling role. The extent to which a Chair adopts either of these roles will depend upon the circumstances at a particular time.

Perhaps most importantly of all, the Chair is expected to know the rules by which the Community Council functions, and ensure that at all stages of its work the Community Council is operating in accordance with the Governance for Community Councils i.e. the Scheme. In this context the Chair may be called upon to act as an arbiter when there is a disagreement about how the Governance should be interpreted.

For this reason, it is advised that a copy of the Scheme is at hand at every meeting of the Community Council, and that every member of the community can gain access to it. It is important to recognise that the Chair's role extends out with the meeting itself. The Chair may be called upon to act on behalf of the Community Council or to represent the Community Council in dealing with outside bodies. This role may also be delegated by the Community Council to other office bearers or members. It is advised that the Chair pro-actively shares 'courtesy' communication amongst the members should he or she be requested to act or attend an event on behalf of the Community Council between scheduled meetings.

Very often the Chair may be seen as the 'official' spokesperson for the Community Council and must be seen as authoritative and fair in all of their dealings with outside bodies, groups, individuals and the Press.

6.2 The Vice-chair

The Vice-chair has no specific duties other than standing in for the Chair when he or she is unable to be present. The Vice-chair post can be a useful preparatory role for a future Chairperson, by 'shadowing' the current Chair, supporting the Chairperson in their role, and taking over some of the Chairperson's work load when necessary or when asked to. This would be particularly applicable where the Community Council has appointed sub-groups to work on specific topics.

6.3 The Secretary

The Secretary should take responsibility for:

- Arranging the venue for meetings;
- Forwarding, and responding to, correspondence, as agreed by the Community Council;
- Compiling the agenda for meetings (in conjunction with the Chair);
- Distributing the agenda in advance of meetings i.e. at least 7 days before;
- Copying and distributing minutes in advance of the next meeting, by post or email;
- Circulating a bullet point correspondence list to members along with the agenda;
- Taking minutes of meetings, or delegating this to a dedicated Minute Secretary;
- Liaison with officials of the local authority and other public bodies;
- Public relations, dealing with the media (the Community Council may decide to delegate this role to the Chair, or a dedicated media representative).

To be successful, a Community Council must have an energetic and conscientious Secretary prepared to put in the necessary time and effort. It is more than desirable for all members, but especially the Chair, to spread the Secretary's load by, for instance, delegating some of his or her responsibilities to other members.

It is bad policy to overload your Secretary - you might find difficulty getting volunteers! The duties may be allocated to more than one person, for instance having someone to act as Minute Secretary i.e. taking minutes at meetings; the circulation of minutes remains however, the responsibility of the Secretary – with support from all other members!

It may be considered essential by the Community Council that the Secretary has the necessary skills and capacity to fulfill their responsibilities e.g. access and knowledge of ICT; word-processing and photocopying facilities; and a familiar and confident user of the Internet, emailing and ideally social media.

6.4 The Treasurer

The Treasurer is responsible for banking matters relating to receipt of the annual Administration Allowance; Discretionary Grant Funding; third party funding and donations; and issuing cheques and making payments on behalf of the Community Council.

The Treasurer must manage the bank account; and account for all funds received, and ensure money is only spent in a manner which meets the objectives and approval of the Community Council and its members, as recorded in the formal minutes.

The Treasurer must maintain the Community Council's financial records so that they can disclose, with reasonable accuracy at any time, the financial position of the Community Council.

All cheques issued should be signed by at least two of three persons appointed to act as signatories by the Community Council members. These appointments need to be recorded in the minutes, and notified to the bank in writing. It is necessary to have more than two authorised signatories, in the event of someone being unavailable at short notice. It should be a given that the Treasurer needs to be one of the three bank signatories. As a general rule, Treasurers should avoid paying out money except by cheque. This makes accounting for expenditure much easier.

The Treasurer must keep proper accounts of all receipts and expenditure and prepare an Annual Statement of Accounts. Community Councils need to use an independent, external competent person to verify the accounts. This need not be a professional accountant, but should be someone who has some relevant knowledge and/or is considered competent by Glasgow City Council, e.g. the book-keeper of a local community centre, local housing organisation (LHO), or housing association.

The statement of accounts must be formally approved at the scheduled AGM held in October each year, when the Treasurer must report and answer any questions raised by members or the public. When certified and approved, accounts should be sent to Glasgow City Council, as part of the process of consideration to receive the annual Administration Allowance for the appropriate year (see Scheme section 8).

The standard form of words for the Treasurer's Certificate is: *"I certify that the above accounts have been prepared by me and accurately reflect the financial provisions relating to the financial period"* (see Guidance Appendix 1).

7. Working Strategically

There are two ways of working available to any Community Council on any given issue. It can choose to play a reactive role or it can choose to play a proactive role.

7.1 The reactive role

Some Community Councils believe that their primary responsibility is to react efficiently to the issues and matters that are brought to them by members of their community; and to correspondence coming in from public bodies' e.g. Local Authority departments.

A view that could be taken by Community Councils is, if a problem or complaint is brought before the Community Council, then something will be done about it. In such circumstances the agenda would be made up almost entirely of issues such as street lighting needing repair, grass that needs cut, etc. Clearly these are issues of importance to the community, and therefore matters which need to be resolved.

Working in this way is reactive in the sense that individuals and organisations outside the Community Council set the Community Council's agenda.

7.2 The proactive role

Some other Community Councils see it as their job, in addition to responding to issues such as those mentioned above, to facilitate an approach that does not wait for problems and issues to be brought before it. Rather, it would set out to identify the various issues that it thinks might affect the community, both in the short and longer term.

Having identified those issues as best it can, it would then proceed to set out some priorities for the community and the Community Council. This involves thinking what actions the Community Council might play in making things happen.

7.3 Examining what is going on inside and outside the community

The first step is to take a careful look at the ways in which your community and local environment might be improved. Examine the needs that are apparent in the community, gather the evidence which supports the needs, and try to identify any related hopes and ambitions, based upon these needs, that could be translated into reality.

Then have a look at what is going on in the outside world. What are the major opportunities or threats? You might consider the likely impact of matters such as the availability of funding in this category. How could your Community Council take full advantage of the opportunities available, or take action to minimise the impact of any threats?

7.4 Reviewing the options

The next stage is to set out all of the possibilities, all of the things that the Community Council might get involved in to benefit the community. These are your strategic options and they need to be carefully considered before deciding which particular options to pursue. Try to be clear about how much time, energy and resources would have to be put in to the various options, and establish whether or not those could be justified in terms of the outcome that you would want to achieve.

7.5 Making strategic decisions

Once you are satisfied that you have examined all of the options open to the Community Council it is possible to start taking decisions about which options offer most benefit, or make most sense given the circumstances. Effectively this means choosing a direction for the Community Council to pursue. Direction is important for any organisation since it allows the people involved to share a vision of where they are going (see Guidance clause 1.1 and Constitution clause 3a).

Once you have chosen the overall direction, try to consult widely within your community. Find out whether people in general are behind you, and try to identify any particular concerns that they might have. By consulting early there is a greater likelihood that the community as a whole will be supportive of any action that the Community Council subsequently takes. It also helps to minimise the risk that the Community Council moves in a direction that might alienate the wider community. It may also galvanise the community, identify skills and contact in the wider community, and allow proactive actions to be taken by and for the wider community.

7.6 Setting the objectives

Once you are clear about what the overall vision is, it is easier to set an aim and specific objectives. For example, if your chosen aim is to improve the cleanliness of the area, then your objectives might be as follows:

- to make local people aware of the issues;
- to involve local schoolchildren in projects; and
- to carry out specific clean-up projects.

7.7 Developing the Strategy

When the objectives are clearly set out you can then consider the things that need to be done in order to achieve them. This requires you to think about which actions are likely to be the most effective in the particular circumstances of your Community Council; a Strategy can help to achieve this, which is a way of simply setting down the steps to be taken in order to meet the objectives, achieve the aim, and ultimately fulfill the vision.

8. Report Writing

If there is a particular issue which your Community Council feels strongly, you may want to write up a short report so that your fellow Community Councillors can make themselves familiar with it. Some people find the thought of writing a report quite daunting. However, writing a report can be very simple if you approach it in the right way; suggested stages of report writing are set out below:

8.1 Stage 1 - Planning the report

The first thing to do is to write down on a piece of paper why you are writing the report. You should try to become clear about what it is that you are trying to achieve by writing a report. Are you merely trying to inform your fellow councillors about something or are you trying to influence them to take a particular decision on an issue?

Once you are clear about what it is that you want to achieve it is much easier to decide how to set about the task. Remember, very few people want to read reports just for the sake of it!

The next thing to do is to decide what information you will need to include, in order to achieve your objective. The golden rule here is to make sure that you include no more information than is absolutely necessary. You can always supply additional information if anyone asks for it!

8.2 Stage 2 - Preparing the report

Having decided what you want to include you will then have to gather your information. This might involve taking statements from people, or doing some research of records. The important thing is to try to make sure that your information is accurate and balanced. People are seldom persuaded by a one-sided report; and remember the following points:

- Don't put in too many statistics as people generally find statistics hard to swallow (these can be put in an Appendix);
- Keep your sentences short and 'punchy', and try to avoid using long words and formal language that you would not normally use;
- Start with an introduction that explains in a nutshell what the report is about;
- Go on to develop your ideas in the main body of the report then do a short summary;
- Finish off with a conclusion that sets out clearly what it is that you are recommending the Community Council to do about the matter.

9. Media & Publicity

9.1 Dealing with the Press

From time to time it may be advisable to issue a formal press release stating the Community Council's views or clarifying facts. This is particularly important when a controversial issue divides the community or when, in the opinion of the Community Council, their discussions have been either incompletely reported or misrepresented in the media.

As a Community Councillor, someone may approach you at some time from the Press who is looking for a story. Alternatively there may come a time when, for whatever reason, you decide that you want to take information to the Press. In either case it is important that you recognise how the Press operates so that you can gain maximum benefit and avoid some of the common pitfalls.

The Press has two major priorities:

- to get 'copy'; that is to say, material to fill up newspaper columns;
- to get good 'stories', that is to say, articles that have a human-interest value and which sell newspapers, which includes lightening up the contents of the newspaper.

When you are dealing with someone from the Press it is likely that they will make a quick assessment as to which category your information falls into, and this assessment is likely to be important in determining what actually happens to the information that you pass over. By giving your information a 'human interest' dimension it may be possible to get much fuller coverage than would be otherwise possible.

For example, if you wanted to publicise an event in your community you might simply pass details of the event over to a local paper. Alternatively, you might write a short article on the person who is organising the event and the particular problems that have been encountered on the way. If you choose the first option it is likely that the information will be tucked away in a corner of the paper where not many people will notice it, whereas if you choose the second option you may find that a fairly lengthy article appears with a photograph alongside.

The primary concern of the Press is to sell newspapers and that means providing news and information that people will want to read. So try to make sure that you are providing material that will interest people as well as simply informing them.

Perhaps the best way to interest the Press is to issue a formal 'Press Release', which at its most effective is probably a half to three-quarters page of A4. It can be issued to both local and regional newspapers and on occasion may interest national papers. Don't forget local radio and television stations.

You should also keep in mind that journalists have the power to edit news items. In practice this means they can put an emphasis on particular words or events that you may not have intended and in this way the message that you were trying to convey may end up getting distorted. The solution is to try to ensure that you choose your words carefully; knowing that anything you say could end up as a headline. It is not difficult to make the headlines in a local paper, but it is sometimes difficult to live with the headlines that you make!

Try to remember the constraints that local newspapers work under. They have tight deadlines to meet so make sure that you submit your copy in plenty of time. They also appreciate information and articles that can be printed without a lot of cutting and reorganising so try to make sure that the information you provide is to the point.

9.2 Handling Press interviews

If a journalist is interviewing you it is necessary to be particularly careful about what you say. It is easy to be caught off guard and to say something that you didn't really mean. Be very wary about off the record comments because these may end up being attributed to you.

The best approach is to think out what you want to say before the interview starts. If that means taking a few minutes to prepare your thoughts, do so. Try to be clear about what sort of message you want to convey, and make sure that it doesn't get lost during the interview (what happens to that message later on is in the hands of the journalist!). If you are unclear, ask them to call back later, and do your research e.g. by checking with the Chair or Secretary before you commit yourself to comment.

Be aware that spreading erroneous or inaccurate information or indulging in abusive criticism of other parties, can not only devalue what may have been a reasonable case, but could also invoke legal action for defamation. Note: there is no provision of cover against claims of defamation contained within the block insurance for Community Councils (correct at date of writing).

9.3 Keeping people informed

It is worth remembering that a regular information source about the work of the Community Council is what communities read in the Press. For this reason, it is a good idea that Community Councils make every effort to pass good quality information to the local Press. The more informed the community are about local issues, the greater the likelihood that they will want to get involved in what's going on.

9.4 Using Social Media & Creating Websites (see Guidance Appendix 5)

Social media is a part of our culture now, and it's important to take advantage of these new mediums.

- **Facebook Pages** are essentially profiles for organisations. A 'Page' allows your Community Council to have a public Facebook presence, which is visible on search engines such as Google, and can act as an extension of your own Community Council website;
- **Gmail** is Google's free Web and cloud-based email service. Gmail offers more than 10GB of free storage with the ability to upgrade to a larger storage capacity on demand. Gmail offers spam protection, phone calling, searching, chat for your Community Council. It is simple to configure for use;
- **Twitter** is an online social networking service and microblogging service that enables its users to send and read text-based posts of up to 280 characters, known as "tweets". It was created in March 2006 by Jack Dorsey and launched that July. The service rapidly gained worldwide popularity, with over 328 million users as of January 2018, generating over 500 million tweets and handling over 1.6 billion search queries per day. It has been described as the SMS [text message] of the Internet;
- Creating a Website Using **WordPress** is free to use. You need to register for an account on WordPress.com and agree to abide by the Terms of Service. WordPress has evolved throughout the years into a versatile content management system (CMS). WordPress currently powers 24% of all websites on the internet including Time Magazine; Google; Facebook; Sony; Disney; LinkedIn; The New York Times; CNN; eBay, and more.

9.5 Social Media Policy (see Guidance Appendix 6)

Social media such as Twitter, Facebook, Google+, YouTube and blogging represent a growing form of communication, allowing engagement with your community and the public more easily than ever before.

However, it is also an area in which rules and boundaries are constantly being tested. Putting a policy in place for the appropriate use of social media to increase engagement, can also protect your reputation.

The Community Council should nominate a Communications Officer to co-ordinate and manage social media content on behalf of the Community Council. The Communications Officer will oversee expansion of social media although all passwords and access should be shared amongst at least 3 members of the Community Council – but remain accessible by all members should this be required.

Members and volunteers may, from time to time, and where appropriate, post on behalf of the Community Council using the organisation's online social media profiles. This should only be done with the express knowledge and authorisation of the Communications Officer (who has been granted delegated authority by the Community Council and which has been clearly minuted within the formal approved Community Council minute).

The reputation of the Community Council is first and foremost, and this involves maintaining a safe and friendly environment for its members. From time to time social media forums may be hijacked by trolls or spammers, or attract people who attack other contributors or the organisation aggressively. In order to maintain a pleasant environment for everybody, these posts need to be moderated and/or removed if deemed appropriate to do so.

10. Divergent Views (see Code of Conduct for Community Councillors)

10.1 Dealing with conflict

Working in a Community Council may not, at first sight, appear to have much to do with 'politics'; indeed all Community Councils are required to act as non-political bodies at all times. However, it has to be recognised that the work of Community Councils does at times concern the exercise of power, albeit at a very local level. For example, there is the power to:

- get things done in the community;
- take issue with other tiers of government;
- advise on allocating resources within the community.

Wherever power is exercised there is always the possibility of conflict developing. This may be because individuals and organisations find themselves competing for access to the same resources in the community. Or it may be simply that individuals or organisations wish to demonstrate their ability to wield power and influence in the community.

But whatever the reason, conflict can break out from time to time even in the most peaceful of communities. When it does it is important to know how to deal with it effectively so that major rifts do not develop in the community.

Because community harmony is so important, Community Councils need to ensure that, as far as possible, they exercise their power in a fair and reasonable manner. They should also try to ensure that they work in a tactful and diplomatic manner, liaising and consulting with individuals and other organisations in the community wherever possible.

10.2 Conflict within Community Councils

It also has to be recognised that conflict can break out within Community Councils, just as in any other part of the community. It may be that conflicts are imported into the context of the Community Council from outside, or it may be that conflict breaks out because of a particular issue that is on the agenda. In any case it is useful to think about dealing with such conflict before you actually find

yourself in the situation. This gives you a chance to work out a strategy before you get caught up in the emotion of the event.

10.3 Personality clashes

Conflict which relates to a clash of personality is perhaps the most difficult to deal with because the actual issue over which the clash takes place may simply provide an opportunity for the parties to demonstrate their strongly opposing views. Where this is the case they may be less concerned with reaching agreement or getting through the Community Council's agenda than with addressing their own personal agenda.

Such personality clashes can make other Community Councillors feel uncomfortable, and can prove damaging in the long term to the work of the Community Council. In this situation it is worthwhile remembering that it is not usually possible to change a person's personality. What can be changed, however, is their behaviour, that is, what they actually do.

If there are certain things which someone is doing that cause conflict in the group e.g. rudely interrupting other people, or monopolising the discussion, it may be possible to find a way of persuading that person to change his or her behaviour. This can sometimes be achieved by the use of appropriate pointers, aimed at making the person aware of the behaviour that other people find offensive. At other times it may be necessary to try to persuade the Chair to intervene more forcefully so as to prevent that behaviour leading to conflict.

In any case it is generally a good idea for Community Councillors to talk about how they feel about 'difficult' behaviour, otherwise there is a danger that communication will break down and conflict may eventually emerge in an even more damaging form e.g. Community Councillors resigning and/or leading to an established Community Council becoming entirely undermined.

10.4 Conflict over community issues

Another form of conflict that you might come across in meetings relates to the particular community issues on the agenda, rather than to more general clashes of personality. From time to time issues will arise that some Community Councillors feel particularly strongly about. This may be because of their personal beliefs or values, or it may be because they are representing the strong views that are held in sections of the community.

If you do find yourself in this sort of conflict it is important to show that, even if you don't see things in the same way as others, you do recognise that they feel strongly about the issue, and you understand what their concern is.

You should then explain your feelings on the matter, being firm but friendly, trying wherever possible to find concerns that you share with them. Then move on to the areas where you differ and try to use their ideas as a base on which to build a solution that is acceptable to all concerned e.g. *"I understand your concern about X and think that it's something that we ought to do something about. However, I would want to approach the problem from a different angle because I think that Y is important too. Why don't we do Z, which will meet your concerns about X and my concerns about Y?"*

In this way it is possible to demonstrate to other people that you are able to listen to other people's ideas as well as presenting your own. By demonstrating your ability to listen you will also increase the likelihood that other people will listen to you.

In all types of conflict a Community Councillor arriving at the meeting 'fired up' about a particular issue is unlikely to act constructively or agree compromise. An experienced Chair will, as early as possible, allow both sides ample time to state their case and then try to broker a compromise.

Planning issues can often arouse considerable ill-feeling and/or conflict, and are potentially divisive. It is important that all sides are given the opportunity to make their views known and the role of the Chair can be crucial in managing a difficult situation. Depending on the circumstances, it may be useful to hear representations from prospective developers and from those that are either supporting or objecting to development proposals. It is important that equal opportunity is given to all sides and in these circumstances in relation to speaking time; number of questions asked etc.

11. Sources of Funding & Accounting Procedures

11.1 Area Partnerships

Community Councils can apply to the appropriate Area Partnership for additional funding e.g. for a festival/gala/community event.

Community Councils which apply for such funding should keep a separate account/budget header for the festival/gala as best practice and these accounts must also be audited as part of the Community Council accounts and submitted to the City Council.

The festival/gala account/budget header must show all income generated for the gala and all expenditure incurred, not simply that expenditure covered by the City Council allowance. The City Council acknowledges that in holding a festival/gala the Community Council may generate income and incur expenditure in excess of the funds provided by the City Council.

11.2 Other sources

Community Councils may generate income from sources other than the City Council. This income may also be applied towards expenditure not covered by funding awards made by the City Council. The accounts of the Community Council will however disclose all income from whatever source it is obtained and will show all expenditure even where it is not simply the expenditure of the City Council Administration Allowance and/or additional discretionary funding. It is common that any such sources of funding of this nature are likely to be committed and/or restricted.

11.3 Bank accounts

The Community Council should nominate 3 unrelated members (see Constitution clause 14f and Scheme clause 8.3) to act as signatories to the Community Council bank accounts. All cheques and withdrawals should require two from these three signatures (one signatory should be the Treasurer). Any changes to authorised signatories should be approved by the Community Council and minuted in the first instance.

The level of cash held should not be excessive and the Community Council should ensure that banking is made when the level of cash held reaches £50.00. Any petty cash should be held in a lock-fast container and stored securely. All income received should be banked and should not be used directly to meet expenditure. If funds are required for incurred expenditure they should either be paid by cheque or alternatively cash should be withdrawn from the bank.

Once banking has been made, all records should be retained and checked by the Treasurer against the bank statement or bank book to ensure that the income has been credited correctly.

11.4 Expenditure

All expenditure must be approved in advance by the Community Council. All expenditure must be accompanied by proof of purchase, either an expenditure voucher or receipted invoice. Receipts should be given a sequential number and filed accordingly.

Details of the expenditure can be recorded in a cash book as soon as the expenditure is incurred. Where a receipt is not available, the person making the purchase should complete a form stating the nature of the expenditure. The form should be authorised by two of the three 'signatory' members of the Community Council. A current account will normally be used for day to day transactions.

The Treasurer should await the bank statements and once received should carry out a bank reconciliation to ensure that the bank balance agrees with the balance recorded in the cash book. All bank statements should be retained.

Where petty cash is issued, all petty cash vouchers should be signed by the person requesting the money and countersigned by the Treasurer and one other authorised signatory - this must not be the person who is requesting the expenditure. All receipts for items of expenditure should be retained and attached to the appropriate petty cash voucher.

Reimbursement of travel expenses should only be available to persons on official Community Council business. Claimants should submit a detailed record of dates, times, destination, reason for travel and mode of transport. Reimbursement of travel expenses (for example bus, taxi, train, parking fees etc.) should only be awarded if accompanied by an appropriate receipt.

Where travel is by car, a detailed record of distances travelled should be submitted for reimbursement to be considered. Proof of the average miles per gallon could be used to calculate an appropriate rate of claim for mileage covered on Community Council business. Claimants should sign and date any claims for travel allowance and submit this to the Treasurer.

If the Community Council requires telephone calls to be made, reimbursement of expenses can be made at the discretion of the Community Council. The person making the claim should submit the itemised telephone statement highlighting the calls claimed. Reimbursement will be authorised by the Community Council.

11.5 Annual Accounts (see Guidance Appendix 1)

An annual statement of accounts, including all income and expenditure, must be prepared at the end of the Community Councils' financial year i.e. from 1 September until 31 August in the following year, thus providing the entire month of September leading up to the regular October AGM and/or Election meetings to prepare the accounts for approval.

The statement must be audited by a person unconnected with the Community Council. The audited accounts must be presented to the Community Council and the original signed copy passed to Glasgow City Council immediately after the October AGM (see Scheme clauses 8.4 & 8.5).

11.6 Inventory

The Community Council must maintain an inventory detailing all the assets of the Community Council. The inventory should be updated on an ongoing basis (see Scheme clause 8.7).

12. Summary

To summarise, the work and operational methods of Community Councils can be varied, and can lead to Community Councils interpreting their role in the community by carrying out tasks such as:

- environmental projects – clean up days, for example;
- organising local galas in partnership with other local groups;

- printing and distributing local newsletters, and running dedicated Community Council websites;
- conducting local surveys and campaigning on local issues;

It should not be forgotten, however, that the main purpose of your Community Council is to represent the views of your community. Given the current broad legislative remit of Community Councils, the scope for their potential for future development remains substantial.

Glasgow City Council

Annual Accounts for Community Councils



NAME Community Council; page 1 of 2

Independently Examined Accounts for period: 1 September 20-- to 31 August 20--

(see Scheme clause 8.1)

<u>ITEMISED INCOME</u>	£
Balance carried forward from previous year	▪
Bank interest	▪
Administration Allowance	▪
Discretionary Grant	▪
*Other external funding	▪
*Other self-generated income	▪
<i>TOTAL INCOME</i>	

*PLEASE SPECIFY:

<u>ITEMISED EXPENDITURE</u>	
Insurance (<i>deducted at source</i>)	▪
Accommodation costs	▪
Stationary	▪
Photocopying	▪
Postage	▪
Telephone	▪
Circulation of agendas and minutes	▪
Travel expenses	▪
Independent Examiner's Fees	▪
**Other expenses and expenditure e.g. newsletters; small items of equipment; activities which build Community Councils' capacity etc.	▪
<i>TOTAL EXPENDITURE</i>	

**PLEASE SPECIFY:

NOTE:

Accounts must be submitted to Glasgow City Council in accordance with clause 8.4 of the Scheme and clause 14j of the Constitution (also note Scheme clause 8.5).

NAME Community Council; page 2 of 2

Independently Examined Accounts for period: 1 September 20-- to 31 August 20--

TOTAL INCOME	£ 20--/--	£ 20--/--
Balance carried forward from previous year		
Bank interest		
Administration allowance		
Discretionary grant		
Other self-generated income		
TOTAL		

TOTAL EXPENDITURE		
Insurance (<i>deducted at source</i>)		
Accommodation costs		
Independent Examiner's Fees		
Stationery		
Photocopying		
Postage		
Telephone		
Circulation of agendas and minutes		
Travel expenses		
*Other expenses and expenditure e.g. newsletters; equipment etc.		
TOTAL		

*PLEASE SPECIFY:

BALANCE SURPLUS		
Represented by:		
Cash in bank		
Cash in hand		
*Other		
TOTAL		

*PLEASE SPECIFY:

The above statement has been compiled from the available records, books and explanations;

- Name (please print) _____
- Organisation _____
- Designation / Position _____
- Address & Post Code _____
- Phone or Email _____
- Signature (**Examiner**) _____ Date _____

Statement countersigned on behalf of the Community Council by;

- Signature (**Treasurer**) _____ Date _____
- Signature (**Chair**) _____ Date _____

Glasgow City Council

Health & Safety Statement for Community Councils



Health & Safety Statement

All Community Councillors, regardless of whether they are an office bearer or nominated representative, should take responsibility for ensuring that they take reasonable care to avoid injury to themselves and others whilst undertaking business on behalf of the Community Council e.g. attending meetings; conducting public meetings; attending conferences, seminars etc.

The Health and Safety at Work etc. Act 1974 states that:

“It shall be the duty of every employee while at work to take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions at work.”
“As regards any duty or requirement imposed on their employer or any other person by or under any of the relevant statutory provisions, co-operate with them, as far as is necessary, to enable that duty or requirement to be performed or complied with.” *“No person shall intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety or welfare in pursuance of any of the relevant statutory provisions.”*

Although the above may not immediately strike Community Councillors as being relevant to them, the principles contained within the Act do have resonance i.e. principally *“take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions”* and *“no person shall intentionally or recklessly interfere with or misuse anything provided in the interests of health, safety or welfare”*.

All Community Councillors, regardless of status, should observe the following:

- take reasonable care to avoid injury to themselves and others;
- report all hazards which they cannot eliminate or control themselves to the appropriate person;
- use all equipment owned by the Community Council safely and in accordance with the instructions;
- cease any activity or leave any area where there is serious/imminent danger to themselves or others;
- seek first aid treatment for any injury sustained;
- report all accidents, incidents or near misses to the appropriate person;
- co-operate in joint consultation on Health and Safety matters, and accept the need for safety training when appropriate;
- co-operate directly and fully with any investigation into the circumstances of any incident in which they, or the Community Council, are involved.

Glasgow City Council

Equalities Statement for Community Councils



Equalities Statement

Achieving equality and diversity on Community Councils is important for local communities. Community Councils are required to respect all walks of life, and be a sensitive and understanding community based representative structure. Community Councils should support people to be themselves so that they can fully participate and better reflect the diversity of local communities.

Community Councils are committed to:

- Challenging and eliminating discrimination, harassment and victimisation;
- Advancing equality of opportunity and improving the diversity and make up of its members;
- Generally raising local awareness of equality and diversity.

Nominations are welcomed from everyone in the community and should only be considered on candidates' abilities to represent their community. Vacancies on Community Councils are advertised in the local areas, and on the Community Council pages on the Glasgow City Council website.

When a member of the local community submits a nomination form to join a Community Council, they are agreeing to conform to the requirements of Glasgow City Council's core Governance for Community Councils which includes the Scheme, Constitution, Code of Conduct, Standing Orders, Annual Self-Assessment (RAG Analysis) and General Public: Complaints Procedure.

The Governance contains commitments for Community Councils to uphold equalities, and states that it shall be a duty of every Community Council to ensure that its general responsibilities and activities are carried out fully in accordance with current Equalities Legislation.

The Community Councils' objectives include promoting the well-being of the community and to foster community spirit, as well as fairly expressing the communities' views and diversity of opinions. Respect and objectivity are key principles that Community Councils, and their members, have a responsibility to make sure they are familiar with, and that their actions comply with these, along with the Code of Conduct in its entirety.

From time to time, Glasgow City Council (or a Community Council), may undertake information gathering based upon equalities. Information being sought may include age, gender, ethnicity, disability and sexual orientation etc. Providing this information would be optional and may be anonymous, and if there's something individuals don't wish to provide, then they can choose not to disclose that information.

Information will be strictly confidential and not shared with any third parties. Information will only be used to analyse the diversity of Community Council members and to identify possible 'equalities gaps'. Anonymous equalities information could be circulated amongst Community Councils to help them identify any actions which best support the existing Community Council members, and address any areas of underrepresentation from local communities.

Glasgow City Council

General Data Protection Regulation



(1) Glasgow City Council Privacy Statement for Community Councils and current / potential Community Councillors within the Glasgow City boundary.

Who we are:

Glasgow City Council is a local authority established under the Local Government etc. (Scotland) Act 1994. Its head office is located at City Chambers, George Square, Glasgow G2 1DU, United Kingdom, and you can contact our Data Protection Officer by post at this address, by telephone on 0141 287 1055, and by email at: dataprotection@glasgow.gov.uk

Why do we need your personal information and what do we do with it?

You are giving us your personal information to allow us to process Nomination Forms to become / be a Community Councillor within the Glasgow City Council boundary. We also use your information to verify your identity where required, contact you by post, email or telephone and to maintain our records.

Legal basis for using your information:

We provide these services to you as part of our statutory function as your local authority. You can find more details of our role on our website at www.glasgow.gov.uk/privacy. Processing your personal information is necessary for the performance of a task carried out in the public interest by the council.

If you do not provide us with the information we have asked for then we will not be able to provide this service to you and you would be unable to become a Community Councillor within the Glasgow City Council boundary.

Who do we share your information with?

We are legally obliged to safeguard public funds so we are required to verify and check your details internally for fraud prevention. We may share this information with other public bodies (and also receive information from these other bodies) for fraud checking purposes. We are also legally obliged to share certain data with other public bodies, such as HMRC and will do so where the law requires this. We will also generally comply with requests for specific information from other regulatory and law enforcement bodies where this is necessary and appropriate. Your information is also analysed internally to help us improve our services. This data sharing is in accordance with our Information Use and Privacy Policy and covered in our full privacy statement on our website. It also forms part of our requirements in line with our Records Management Plan approved in terms of the Public Records (Scotland) Act 2011.

How long do we keep your information for?

We only keep your personal information for the minimum period amount of time necessary. Sometimes this time period is set out in the law, but in most cases it is based on the business need. We maintain a records retention and disposal schedule which sets out how long we hold different types of information for. You can view this on our website at www.glasgow.gov.uk/rrds or you can request a hard copy from the contact address stated above.

Your rights under data protection law:

- **Access to your information** – you have the right to request a copy of the personal information that we hold about you.
- **Correcting your information** – we want to make sure that your personal information is accurate, complete and up to date. Therefore you may ask us to correct any personal information about you that you believe does not meet these standards.
- **Deletion of your information** – you have the right to ask us to delete personal information about you were:

- I. you think that we no longer need to hold the information for the purposes for which it was originally obtained
- II. we are using that information with your consent and you have withdrawn your consent – see *Withdrawing consent to using your information* below
- III. you have a genuine objection to our use of your personal information – see *Objecting to how we may use your information* below
- IV. Our use of your personal information is contrary to law or our other legal obligations.

Objecting to how we may use your information – You have the right at any time to tell us to stop using your personal information for direct marketing purposes.

Restricting how we may use your information – in some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information that we hold about you or we are assessing the objection you have made to our use of your information. This right might also apply if we no longer have a basis for using your personal information but you don't want us to delete the data. Where this right is realistically applied will mean that we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

Withdrawing consent to use your information – Where we use your personal information with your consent you may withdraw that consent at any time and we will stop using your personal information for the purpose(s) for which consent was given. **If consent is removed then you will no longer be able to serve as a Community Councillor within the Glasgow City Council boundary.**

Please contact us as stated above if you wish to exercise any of these rights.

Information you have given us about other people:

If you have provided anyone else's details on the Nomination Form, or other Community Council related paper work, please make sure that you have told them that you have given their information to Glasgow City Council. We will only use this information to confirm that your nomination/s to become a Community Councillor, or representative on related structures, within the Glasgow City Council boundary is valid and these records would be held electronically and subject to the aforementioned retentions policy. If they want any more information on how we will use their information they can visit our web site at www.glasgow.gov.uk/privacy or email dataprotection@glasgow.gov.uk.

Complaints:

We aim to directly resolve all complaints about how we handle personal information. If your complaint is about how we have handled your personal information, you can contact the Council's Data Protection Officer by email at dataprotection@glasgow.gov.uk or by telephone on 0141 287 1055.

However, you also have the right to lodge a complaint about data protection matters with the Information Commissioner's Office, who can be contacted by post at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. By phone on 0303 123 1113 (local rate) or 01625 545 745. Visit their website for more information at- <https://ico.org.uk/concerns>

If your complaint is not about a data protection matter you can find details on how to make a complaint on our website at www.glasgow.gov.uk/complaints

More information:

For more details on how we process your personal information visit www.glasgow.gov.uk/privacy
If you do not have access to the internet you can contact us via telephone to request hard copies of our documents.

(2) Further guidance for Community Councils to consider in relation to any information and/or data that they may hold or process.

Privacy statement for XXXX Community Council

1. **Who we are:** XXXX Community Council was first established under the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act 1994, which produced the current system of unitary local authorities, made the provision for the continuation of community councils.
2. **How your personal information helps us to fulfil our General Purpose:** By providing us with your contact details, you can help us *“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.”*
(Local Government (Scotland) Act 1973 section 51, 2)

We may also use your information to verify your identity where deemed appropriate, contact you by post, email or telephone and to maintain our records.

3. **Legislative basis for using your information:** We aim to fulfil our General purpose as part of our statutory function as your local Community Council. You can find more details of our role by contacting XXXX.

Information is also available at www.glasgow.gov.uk/communitycouncils

4. **What might we do with your information?** We will not share your personal information with any third parties unless we secure your full permission to do so in the first instance.

Information may be analysed internally to help us to reach all communities within our boundary area. It could also help us to improve our engagement and representation of the whole community.

We will normally keep your personal information for the purposes it was collated for. The Scottish Council on Archives (in their capacity as an advisory body on local authority records management) does not specify a retention period for Community Councils, although it is considered appropriate for any records to be reviewed and/or confidentially deleted at the end of the Community Council's 4-yearly cycle, or sooner should the Community Council decide to do so.

5. Your rights under data protection law:

- **Access to your information** – you have the right to request a copy of the personal information that we hold for you at any time.
- **Correcting your information** – we want to make sure that your personal information is accurate, complete and up to date. Therefore you may ask us to correct any personal information about you.
- **Deletion of your information** – you have the right to ask us to delete personal information about you (at any time) were:
 - V. we no longer need to hold the information for the purposes for which it was originally obtained.
 - VI. you have an objection to our use of your personal information e.g. you have the right at any time to tell us to stop using your personal information for marketing and/or promotional purposes of the Community Council.

- VII. we are using that information with your consent and you have withdrawn your consent – see *Withdrawing consent to using your information* below.
- VIII. Our use of your personal information is contrary to statutory role and/or General Purpose.

- 6. Withdrawing consent to use your information** – where we use your personal information with your consent you may withdraw that consent at any time and we will stop using your personal information for the purpose(s) for which consent was given.

Please contact us as stated in section 3 if you wish to exercise any of these rights.

- 7. Restricting how we may use your information** – you may ask us to restrict how we use your personal information e.g. where we are (1) checking the accuracy of personal information that we hold; (2) an objection you have made to our use of your information; (3) if we no longer have a basis for using your personal information but you don't want us to delete the data.

Where a restriction is applied, we may only use the relevant personal information with your consent.

- 8. Information you have given us about other people** – if you have provided anyone else's details as part of your correspondence, please make sure that you have told them that you have given their information to XXXX Community Council and provide them with this Privacy Statement for Guidance.

We will only use their information to contact them if it becomes necessary as part of your enquiry or request, or in the event of an emergency.

- 9. Complaints** – we aim to resolve any complaints about how we handle personal information as quickly as possible. If your complaint is about how we have handled your personal information, you can contact the Community Council's Secretary by XXXX.

Appendix 6 of the Scheme of Establishment for Community Councils 2018 provides the 'General Public: Complaints Procedure for Community Councils'.

Should you be dissatisfied with the response from the Community Council to your complaint, you may consider contacting the Community Councils' Support Officers at Glasgow City Council. Their contact details are as follows:

- Lawrence O'Neill Lawrence.ONeill@glasgow.gov.uk 0141 287 4109
- Steven Dowling Steven.Dowling@glasgow.gov.uk 0141 287 4111

NOTE: you also have the right to lodge a complaint about data protection matters with the Information Commissioner's Office, which can be contacted by post at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. By phone on 0303 123 1113 (local rate) or 01625 545 745. You may also visit their website for more information at - <https://ico.org.uk/concerns>

Glasgow City Council

Use of Social Media for Community Councils



Using Facebook

- **Facebook Pages v. Groups**

Facebook is an important tool for Community Councils. It's a good way to connect with residents, introduce the CC, and to reach out to people who may wish to give their views but find it difficult to attend meetings.

Social media is a part of our culture now, and it's important to take advantage of these new mediums. With that in mind, there are a few different account types to be aware of and use to get the most out of Facebook.

- **A Note on Facebook Profiles**

If you already have your own Facebook profile, it might be tempting to set one up for your Community Council. While this method is fast and easy, it is important to note that Facebook actively searches for and deletes Profiles representing organisations. This is because Profiles were designed solely to represent an individual, and not an organisation or a group. In addition, groups and pages provide more tools which will help your organisation flourish on Facebook. With these things in mind, skip the urge to create a profile, and take a look at **pages** and **groups** instead.

- **Facebook Pages**

Facebook Pages are essentially profiles for organisations. A Page allows your Community Council to have a public Facebook presence, which is visible on search engines such as Google, and can act as an extension of your own Community Council website.

Facebook Pages have administrators (Admins), which are Facebook users who have been given permission to post on behalf of the Community Council. When Admins post content to the Page's timeline, by default the posts show up as the Page's name and not as the Admin's. You can also customize the name of your Page as *facebook.com/yourcommunitycouncil*

Another advantage of Pages is a feature called *Insights*. Facebook Insights are analytics on who is interacting with content on your Page. Facebook Insights are only available to Pages, which is a key reason to use a Page for your Community Council.

One limitation to be aware of with Pages is that you cannot send a Message to all of the users who like your Page in the same way you can with a Profile or Group. You are limited to posting status updates on the Page which will then appear in the News Feed of your audience.

- **Facebook Groups**

Groups are better used for smaller collections of people and generally have a more personal feel to them. Groups have the advantage of customised privacy through public or invite-only access. You are also able to send Messages to members of a Group, which is helpful for coordinating group activities or discussions. In addition, Groups allow individuals to schedule events and even share documents with other members.

Unlike Pages, though, Groups cannot have their own Facebook URL which can make it more difficult to find in search engines. You must be logged in to Facebook to be able to see the Group or to join the Group. Another notable difference is that when owners of the Group post, they show up as their personal Profile rather than showing up as the Group.

- **Groups and Pages - Using Both**

One way that Community Councils can take advantage of both sets of features (Page and Group) is to create a Page to start for their Community Council as a whole, then set up a Group for a specific target audience like local residents or for all members of the Community Council.

- **Creating a Facebook Page**

Facebook Pages enable public figures, businesses, organisations and other entities to create an authentic and public presence on Facebook. Pages are visible to everyone on the internet by default. By becoming a fan, any Facebook user can receive Page updates in their News Feed.

To create your Facebook page, go to <https://www.facebook.com/pages/create.php> and select Local Business or Place. You can then fill in the name and address of your Community Council.

- **Profile Picture**

You can add a picture of your Community Council logo which will be associated with every post you make as the Community Council. To do this, you can either upload one from your computer, or link to one from your Community Council website. (Note: This step can be skipped, although it is recommended as it will make your website more visually appealing).

- **About**

Add a brief description of your Community Council in the About Section. Remember, a Facebook Page is by default viewable by anyone on the internet. Think about making your description outward facing, so people unfamiliar with Community Councils will feel welcome.

- **Facebook Web Address**

You can create a unique web address for your Page which will make visiting the page easier for visitors. Don't try to get too fancy with a long Web Address here, the goal is to make something easy to type for your users.

Once you have completed this section, your Facebook Page will be created. Now, you will want to Edit the page and add some content to attract attention to your page!

- **Editing a Facebook Page**

Once your Facebook Page has been created, you will be walked through the page setup. After you read through the "Getting Started" suggestions, getting your new Page up to speed can be broken down into two categories:

- Editing your Page and Building your Audience;
- Editing the Page Settings Customising the Look

The first thing you will want to do after creating your Page is make it unique to your Community Council / Organisation.

- **Cover Photo**

One of the best ways to do this is by adding a cover photo which will immediately make the page your own. A cover photo is the large image across the top of your Page. This can be an image of your area or something that people associate with your community.

For the best quality cover photo, upload an image that's 851 pixels wide, by 315 pixels tall. This will ensure that your image does not get squished in either direction on your Page.

- **Profile Picture**

It is also important to add a profile picture for your Page, if you did not do this in the initial setup. Your Page's profile picture will be shown next to messages and images you post to your Page. In the same way that your Cover Photos should represent your Community Council, your profile picture should be something unique to your Community Council/organisation.

Profile pictures are square, being displayed at 160 pixels wide, by 160 pixels tall. You can upload a picture that is larger than this, and Facebook will allow you to specify a portion of the image to use.

- **Editing the Settings**

You will notice a menu bar across the top of your page with buttons for both 'Editing your Page' as well as 'Building your Audience'.

Update Info: This section allows you to make changes to the basic information of your Facebook Page. This includes the Name, Address, Description, and general information about your Page. The more information you can include in this section, the more your users will get out of your Page.

- **Manage Permissions**

This section allows you to lock down your Page from general Facebook users. This includes the ability to hide your entire Page from Facebook, restrict the ability for users to post comments/images on your Page, and the ability to block Profanity. Since everyone can view a Page by default, it is a good idea to lock down the ability for users to post to your Page as well as implement a profanity blacklist to prevent unwanted comments from being added to your Page.

- **Admin Roles**

You can assign different users access to work on your Page through this section. Each admin user can have a different role depending on what they will have access on your page. If you have multiple people in the Community Council who want to help with the page, it is a good idea to setup the users with different tasks/roles to spread the work out in the Community Council. The following roles are available for your administrators:

- **Manager** - Can manage admin roles, send messages and create posts as the Page, create ads, and view insights.
- **Content Creator** - Can edit the Page, send messages and create posts as the Page, create ads, and view insights.
- **Moderator** - Can respond to and delete comments on the Page, send messages as the Page, create ads, and view insights.
- **Advertiser** - Can create ads and view insights. You can read more about Ads in the Building your Audience section below.
- **Insights Analyst** - Can view insights. You can read more about Insights in the Building your Audience section below.

- **Manage Notifications**

You can adjust email notifications in this section, to specify if you want to receive email notifications about your Page.

- **Use Activity Log**

The Activity Log shows you a timeline of the events which have happened relating to your Page. This is a good way to track what has happened on your Page from its creation to present day.

- **Claim this Page**

By 'Claiming' your page, you prevent anyone else from coming to your page and allowing them to become an administrator without your consent. In order to claim your page, you will need to show proof that you are an authorised representative of your Community Council. This can be done with an email address connected to your official website (i.e. you@yourcommunitycouncil.com) or through a scanned document connecting you to the organisation.

- **Use Facebook as "Your Page"**

Using Facebook as your Page allows you to post comments and items as Your Page itself. This way, when users view the content which you post, it will appear to come from your Community Council or organisation rather than yourself. This is a good way to make the community more interactive. You can tell when you are using Facebook as your Page by looking at the Name and Icon on the right side of the Top Bar. Make sure that this is set to the correct user before trying to make a post from your personal account.

- **Building Your Audience**

Building Your Audience begins with inviting people to become a fan of your Page. You have the option to invite your friends on Facebook, as well as invite people by email address. Inviting friends from Facebook is easy, all you have to do is click on **Invite Friends...** and then check the box for each friend who you want to see your Facebook Page.

For people who aren't on Facebook, you have the option to send them an email telling them about the page. Once they receive the email, they will be invited to join Facebook so that they can interact with your Page.

In addition to cultivating your Facebook community, getting **likes** on your Facebook Page also helps by unlocking some useful features on your Page as well, such as **Insights**.

- **Insights**

Insights provide Facebook Page owners with statistics about their content. You are able to track how many active users your Page has, the amount of Likes on your various content, how many people are talking about your Page, and your total reach to Facebook users.

Once your Page has received 30 Likes you will have access to Insights. This is another reason it is important to build a community around your Facebook Page. By looking at your insights, you can see how people respond to your content, and cater your posts to your viewers. It is important to keep your Page updated regularly. You will be able to see the effect of letting your page go un-updated in your Insights as well, as the viewership will drop off.

- **Advertising**

If you would like to spend a little money to get your Page more views, you can create advertisements for your Page. Advertisements can either link to your Page itself, or a specific story (such as a post about your upcoming Festival or Gala Day). Advertisements on Facebook can be targeted to different audiences, so this can be a great way to spread the word for different events at your Community Council.

To create an Ad, go to <https://www.facebook.com/advertising> and click Create Ad. You will then be walked through a three step process of creating and tailoring your ad for your targeted goal. First, you will choose an ad for your entire Page or specific content.

Next, you will be able to select many different options for targeting your Advertisement to people such as a specific location, interests, language, or connection to other Users/Pages. The last step for creating an Ad is to setup a Pricing Schedule. You can either pay by "Clicks" or "Impressions".

- **Creating a Facebook Group**

While Pages were designed to be the official profiles for entities, such as celebrities, brands or businesses, Facebook Groups are the place for small group communication and for people to share their common interests and express their opinion.

Groups allow people to come together around a common cause, issue, or activity; they may express objectives, discuss issues, post photos, and share related content.

To create your Facebook Group, go to <https://www.facebook.com/about/groups/> and click Create Group. The next page will give you some initial options for creating your Facebook Group:

- **Group Name**

This will be the Title of your group. It can be anything, but it is a good idea to give your Group a meaningful name. If you are making a Group for your Community Council, make sure the Community Council name is in the title as well.

- **Members**

The members are the focus of any Group. While you can add members (and have them request to join) after setting up the Group, you must add at least one member during the setup.

- **Privacy**

- **Open:** This can be good for a general purpose Group. The members and content written by the group is visible to the general public. If you are planning on posting a lot of pictures from activities, and other Community Council content which you don't want visible by anyone on Facebook, consider the next two privacy options.
- **Closed:** This option is good for discussion based content, or for sub-groups working on a particular task or project. The list of members is visible but the content being posted is only visible to those in the Group.
- **Secret:** This option provides the maximum privacy. Only members of the Group are able to see that it exists, who's in it, and the content that is posted. You will have to add each member to the Group, as they won't be able to search for it on their own.

Your last step will be to choose an icon for your Group. This is a small graphic which will be associated with your page. You can skip this step if you'd like, and this can be changed later from your Group's Setting page.

Once you have completed this section your Facebook Group will be created. Now you can begin adding content to attract your users to your Group!

- **Using a Facebook Group**

Once your Facebook Group has been created, you will be taken to your Group's home page. Along the top you will see the Profile Pictures of the members of your group, followed by a menu bar:

- **Your Group**

This is the Home Page of your Group. It resembles a user's wall and functions much the same way. You can post content (articles, messages, images, links) which will then be visible to all members of your Group. This is also what members will first see when visiting your page.

- **About**

The About page shows a list of all of your members as well as a description of the Group. Your description can be anything, but it is a good idea to include a mission statement, so that joining members will know the purpose of the Group.

- **Events**

This section is a great way to plan future events. You can create an Event for a specific day, with a specific purpose, and send an invitation to every member of your Group to attend. You can then keep track of who can come and send any changes or updates to those members.

- **Photos**

Photos allows you to upload pictures relating to your Group. You can create galleries for your different events so that all of your members can see them. This is a good way to keep the images centralize, as opposed to waiting for individual members to upload their own images to their own pages and tagging each member.

- **Files**

If you have any documents related to your Group, you can now add them to Facebook. This could include registration forms, flyers, or other information for your group. Remember that this is stored on Facebook's servers, so any sensitive information may be best left off of the site.

- **Editing the Settings**

Facebook Groups are very flexible. Once they are created, you can still change many of the properties to fit an evolving Group. To do this, click on the Settings button followed by Edit Group Settings. On the Edit page you can change the Name of the Group, the Privacy settings, how members are approved, the **Group Address**, the Description of the Group, and Posting Permissions. A Group Address allows you to create an email address which will send an email to every member of your group. This can be handy when sending out an update which should reach every member of your Group.

How to Create a Gmail Account for a Community Council

Gmail is Google's free Web and cloud-based email service. Gmail offers more than 10GB of free storage with the ability to upgrade to a larger storage capacity on demand. Gmail offers spam protection, phone calling, search and chat for your Community Council. It is simple to configure for use by a group.

Step 1

Open your Internet browser and navigate to the Gmail website <https://mail.google.com/>

Step 2

Select "Create an Account."

Step 3

Enter the appropriate information in the following fields: Name, User Name, Password, Birthday, Gender, Mobile Phone and Email Address. When configuring a Gmail group account, the person configuring the account may use their first and last name.

Step 4

Select "I agree to the Google Terms of Service and Private Policy."

Step 5

Click "Next Step" and add a profile photo if applicable.

Step 6

Click "Next Step" and "Continue to Gmail." Login with the new group Gmail account and validate access.

Step 7

Share the Gmail account and password with your group for group access

Guide to Using Twitter

- **What Is Twitter?**

Twitter is an online social networking service and microblogging service that enables its users to send and read text-based posts of up to 280 characters, known as "tweets". It was created in March 2006 by Jack Dorsey and launched that July. The service rapidly gained worldwide popularity, with over 328 million users as of January 2018, generating over 500 million tweets and handling over 1.6 billion search queries per day. It has been described as "the SMS [text message] of the Internet."

Over 15 million users are signed up in the UK with a significantly high proportion under 25 years old.

- **How can it help your Community Council?**

A Twitter page can be used by any Community Council as long as they are willing and receptive to engage with their community in this way. Twitter can be used on computers as well as on smartphones and mobile devices which can provide a useful platform to engage in a quick, effective way. It is an especially useful tool for getting a brief message out to a wide audience, so publicising a community event, promoting a special offer in the local shop, requesting volunteer support or communicating in a community emergency are the types of activity that could all be carried out via Twitter.

Once the page is set up (a step by step guide on how to go through the process is included in the next section) and residents are signed up, you have a platform to broadcast short messages, share pictures, advertise events and update local information and news.

- **How do you set up a Twitter page?**

Going to www.twitter.com will take you to the sign-up page, enter your name, email and password and this will take you to the Join **Twitter today screen**. Select your user name, it will provide you with a list of available ones; accept the Terms and Conditions and click **Create my account**.

Once logged in, Twitter will take you through a few steps to get you following categories and people from your email contacts.

'Following' is how you will receive updates from people as it is essentially the same as subscribing to news updates from someone.

You will be faced with various prompts when setting up your Twitter account. Twitter helps you try and find people and categories to follow to start you off. This might be of some use in giving inspiration on whom to follow, although you can easily just skip through each step.

- **How do you post a tweet?**

Posting a tweet is very simple.

Clicking in the **Compose new Tweet** box will open up the box to enable you to type your tweet. Remember you only have 280 characters to use here so it needs to be short and concise.

Also, here you can see data on the number of tweets you have posted, the number of people following you and the number of followers you have.

- **Re-tweets (RT)**

Re-tweeting means a follower of your Twitter feed can re-post your message onto their Twitter feed. It will then be read by this person's followers, therefore reaching a wider audience. You can also re-tweet other people's messages. Hovering the mouse or cursor over any tweet will display the options to **Reply** or **Re-tweet**.

- **Useful tactics - Hash tags or #tags**

Twitter defines a hash tag as "The # symbol, called a hashtag, is used to mark keywords or topics in a Tweet. It was created organically by Twitter users as a way to categorize messages."

People use the #tag in messages before a relevant keyword allowing it to become searchable and therefore visible to other users interested in the subject that it is referring to.

#tags are a very important tool on Twitter.

It is a powerful way of getting other people to read your tweet and can dramatically increase visibility and the size of your network. Twitter users often follow #tags that they are interested in, and the # often refers to a subject or something of interest, for example, #ccdisscussionforum, or #glasgow

A #tag can be anything; they can be included anywhere in your Tweet and will then be shown to all following the #tag.

For example, searching on #glasgow shows all tweets, from everyone on Twitter who has put #glasgow in their tweet

- **Mentions (@)**

A mention is when a Twitter @username is included anywhere within a tweet. It is a way of tagging or highlighting someone in your tweet.

Along with your followers, each user mentioned in the tweet will see it in their Twitter feed and it will also appear in their list of "Tweets mentioning". This is very useful, as it is a direct way of letting someone know you are talking about, or to them, even if they are not following you.

- **How do you increase followers?**

1. Tell people that you are on Twitter, add your Twitter name to contact details / email signatures etc.
2. Use the search option to find and follow people - Identify relevant people, groups, organisations in your area or business area and follow them, such as: Councils / Councillors / MPs / Police / Church and religious leaders / Schools Local businesses / cafes / restaurants / pubs / Charities / Youth Council members / Sports clubs / Local residents / local groups
3. #tags dramatically increase visibility and the size of your network.
4. Using @ in front of another users name will mean that they will be made aware that you are talking to or about them. E.g. @ddppbb1234 thanks for this document!
5. RT or Re-Tweet means that you can easily pass on other peoples Tweets to your followers.
6. Use Twitter to have a dialogue, not just to tell people about what is happening, but to respond to specific questions aimed at your organisation.
7. Make all Tweets interesting and relevant.
8. Make the experience interactive for your followers by including links to pictures, videos and interesting stories. You can use a web address (URL) to shorten sites so you do not use up all of your characters. www.bitly.com or www.tinyurl.com are free sites that allow you to enter a web address and they will convert it to a shorter version for you to post in your Twitter update.
9. Use slightly more informal language.
10. Tweet regularly, but not too often.

There is also a wealth of information on the internet about how to boost Twitter followers, such as the link below:

<http://wordpress-websitebuilder.com/4-tips-to-quickly-increase-twitter-followers/>

- **How do you manage the account?**

To make the page successful it does need some attention. Interesting tweets need to be uploaded on a relatively frequently basis.

Reviewing your page on a frequent basis and responding to comments is good practice, along with adding new content weekly. If this level of use seems daunting, logging on every couple of days would be adequate. This doesn't need to take a long time; quite often this can be done in a few minutes.

The key thing to remember with Twitter security is that it is an open site. Anyone could choose to follow you and see all of your Tweets, so whatever you Tweet, make sure that you are happy for this to be in the public domain. Always make sure you use a strong password to avoid anyone trying to hack your account.

All of the key information you need to know has been included in this document, however the link below is for the Twitter glossary which outlines each word or phrase and may be useful.

<https://support.twitter.com/articles/166337-the-twitterglossary>

Creating a Website Using WordPress

- **Why Use WordPress?**

WordPress is free to use. You need to register for an account on WordPress.com and agree to abide by the Terms of Service.

WordPress has evolved throughout the years into a versatile [content management system \(CMS\)](#). WordPress currently powers 24% of all websites on the internet, including Time Magazine, Google, Facebook, Sony, Disney, LinkedIn, The New York Times, CNN, eBay, and more.

Website hosting, security, and backups are included.

Hundreds of free customizable themes and colour schemes are available.

WordPress websites can be integrated with Facebook, Twitter, Tumblr, and other social networks.

Popular features like sharing, stats, comments, and polls are included. There's no need to install plugins.

Online support and the WordPress.com support forums are available 24/7 via <https://en.support.wordpress.com/>

WordPress is mobile enabled, which means that websites are viewable on a range of devices including Tablets and mobile phones.

- **How Do I Create a WordPress website?**

To learn how to create a website using Wordpress.com, see the step by step guide listed at:

<https://learn.wordpress.com/get-started/>

Glasgow City Council

Social Media Policy for Community Councils



NAME Community Council

Policy on the appropriate use of Social Media – adopted INSERT DATE

1. Introduction

- 1.1 Social media such as Twitter, Facebook, Google+, YouTube and blogging represent a growing form of communication, allowing engagement with your community and the wider public more easily than ever before.
- 1.2 However, it is also an area in which rules and boundaries are constantly being tested. This policy acts to increase our engagement while protecting our public reputation.

2. Purpose

- 2.1 The Community Council seeks to encourage information and link-sharing amongst its membership, the community, and volunteers, and seeks to utilise the expertise of its members and volunteers in generating appropriate social media content.
- 2.2 At the same time, social media posts should be in keeping with the image that the Community Council wishes to present to the public, and posts made through its social media channels should not damage its reputation e.g. there should be no posts which could bring the Community Council's apolitical status into question.
- 2.3 The Community Council may choose to engage widely with communities using social media such as:
- Twitter
 - Facebook
 - Google+
 - WordPress/Blogger
 - YouTube/Vimeo
 - iTunes/Podcasting
- 2.4 Due to the fast-moving nature of social media and the constant development of new social media programs, it is important that this policy and its procedures be reviewed at regular intervals.
- 2.5 The Community Council may seek to grow its social media base and use this to engage with existing and potential members, the wider community, potential funding sources and other stakeholders. At the same time, a balance must be struck which avoids placing the Community Council's reputation at risk.
- 2.6 In respect of the above, the Community Council would draw the attention of all parties to section 2.2 above, and clauses 12 through 16 (inclusively) of the Scheme of Establishment for Community Councils.

3. Core Policy

- 3.1 The Community Council's social media use shall be consistent with the following core values:
- **Integrity:** The Community Council will not knowingly post incorrect, defamatory or misleading information about its own work, the work of other organisations, or individuals. In addition, it will post in accordance with relevant organisations' Copyright and Privacy policies. In addition, the Community Council will not knowingly post (or enable postings

from third parties), which do not comply with its commitment to Equal Opportunities and apolitical activities.

- **Professionalism:** The Community Council's social media represents the collective Community Council membership and should seek to maintain a professional and uniform tone at all times. Community Council members may, from time to time and as appropriate (e.g. as previously agreed and minuted by the collective membership of the Community Council), post on behalf of the Community Council using its online profiles.
- **Information Sharing:** The Community Council encourages the sharing and reposting of online information that is relevant, appropriate to its aims, and of interest to its members.

4. Responsibilities

4.1 The Community Council should consider nominating a Communications Officer to co-ordinate and manage social media content on behalf of the Community Council. The Communications Officer will oversee expansion of social media although all passwords and access should be shared amongst at least 3 members of the Community Council.

4.2 The members (amongst whom passwords and access have been shared) may, from time to time and where appropriate, post on behalf of the Community Council using its online social media profiles. This should only be done with the express knowledge and authorisation of the Communications Officer and/or the collective membership of the Community Council.

4.3 The Communications Officer has ultimate responsibility for:

- Ensuring that all posts are in keeping with the Community Council's core Social Media Policy;
- Ensuring appropriate and timely action is taken to correct or remove inappropriate posts (including political, defamatory and/or illegal content) and in minimising the risk of a repeat incident;
- Ensuring that appropriate and timely action is taken in repairing relations with any persons or organisations offended by an inappropriate post;
- Moderating and monitoring public response to social media, such as blog comments and Facebook replies, to ensure that trolling and spamming does not occur, to remove offensive or inappropriate replies, or caution offensive posters, and to reply to any further requests for information generated by the post topic.

4.4 It is important to maintain the balance between encouraging discussion and information sharing, and maintaining a professional and appropriate online presence.

5. Delegation

5.1 Social media is by nature a 24/7 operation; as such, such responsibilities as outlined above may be delegated by the Communications Officer to other appropriate members of the Community Council.

6. Processes

6.1 Before social media posts are made, Community Council members should ask themselves the following questions:

- Is the information I am posting, or reposting, likely to be of interest to the members and community?
- Is the information in keeping with the objectives (see clause 3 of the Constitution) of the Community Council?

- Could the post be construed as an attack on another individual, organisation or project?
- Would the Community Council's funders be happy to read the post?
- If there is a link attached to the post, does the link work, and have I read the information it links to and judged it to be an appropriate source?
- If reposting information, is the original poster an individual or organisation that the Community Council would be happy to associate itself with?
- Are the tone and the content of the post in keeping with other posts made by the Community Council? Does it maintain the organisation's overall tone?

6.2 If there is any uncertainty about whether a post is suitable, it should not be posted (or enabled to be posted) until the item has been reviewed by the Communications Officer. A few moments spent checking can ensure that the Community Council's integrity is not compromised.

7. Damage limitation

7.1 In the event of a damaging or misleading post being made, the Communications Officer should be notified as soon as possible, and the following actions should occur:

- The offending post should be removed;
- Where necessary, an apology should be issued, either publicly or to the individual or organisation involved;
- The origin of the offending post should be explored and steps taken to prevent a similar incident occurring in the future e.g. blocking posts which do not comply with the Scheme and/or this policy on acceptable use of social media (see sections 8.4 & 8.5 of this policy).

8. Moderating social media

8.1 The reputation of the Community Council is first and foremost, and this involves maintaining a safe and friendly environment for its members. From time to time social media forums may be hijacked by trolls or spammers, or attract people who attack other posters or the Community Council aggressively. In order to maintain a pleasant environment for everybody, these posts need to be moderated.

8.2 Freedom of speech is to be encouraged, but if posts contain one or more of the following, it may be time to act:

- Excessive or inappropriate use of swearing;
- Defamatory or aggressive attacks on the Community Council, other individuals, organisations, projects or public figures;
- Breach of copyrighted material not within reasonable use, in the public domain, or available under Creative Commons license;
- Breach of data protection or privacy laws;
- Repetitive advertisements;
- Topics which fall outside the realms of interest to members and the community, and which do not appear to be within the context of a legitimate discussion or enquiry.

8.3 If a poster continues to post inappropriate content, or if the post can be considered spam:

- Remove the post as soon as possible;
- If possible/appropriate, contact the poster privately to explain why you have removed the post and highlighting the Community Council's appropriate use of social media policy;
- Ban or block the poster to prevent them from posting again.

8.4 Banning and blocking should be used as a last resort only, and only when it is clear that the poster intends to continue to contribute inappropriate content. However, if that is the case, action must be taken swiftly to maintain the welfare of other social media users.

8.5 The decision to block, ban and remove posts ultimately lies with the Community Council, but the Communications Officer can take a preliminary view and present this to the Community Council members for further consideration.

Glasgow City Council

Discretionary Grant Fund (DGF) for Community Councils

includes approved:

Guidelines & Conditions
Application Form
Glasgow City Council Checklist



GUIDELINES & CONDITIONS

Guidelines

1. Glasgow City Council (GCC) has agreed to the provision of a discretionary grant fund which is only open to applications from Community Councils. The fund is limited and any awards made will be solely at the discretion of GCC.
2. The fund will be known as 'The Discretionary Grant Fund (DGF) for Community Councils in Glasgow'. The absolute maximum grant that can be awarded in any one year to any one Community Council in Glasgow is £400.
3. The maximum DGF that a Community Council can request in a financial year is £400. More than one application per Community Council (up to this maximum) may be considered. DGF should be spent within the financial year it is awarded.
4. Applications which can indicate secured sources of match funding may be considered to demonstrate a widened level of support from the local community and/or service providers; and could serve to strengthen the application.
5. It is considered by GCC, as way of providing examples, that the DGF may support;
 - (a) Community Council newsletters;
 - (b) small items of equipment (GCC may request an inventory of existing equipment);
 - (c) activities which build Community Councils' capacity;
 - (d) attendance at conferences and/or seminars which meet 5c and are approved by GCC;
 - (e) registration as 'data controllers' with the Information Commissioner's Office (ICO).
6. The above examples are not exhaustive; although it should be clearly understood by all applicants that all proposals need to demonstrate a direct relationship to the objectives (see Constitution) of Community Councils.
7. Applications to the DGF shall be made in advance i.e. before any activities and expenditure are undertaken. Retrospective DGF awards will not be made.
8. Applications to the DGF can be made at any time throughout the year; however DGF awards should be spent within the Community Council's financial year it is awarded.
9. All applications will be subject to availability of funds and consideration by GCC; which will endeavour to reach a decision on applications within 4 weeks from the date of receipt of the application form.

Conditions

10. The DGF award by GCC is for the specific purpose of supporting the 'Proposal' and 'Costings' stated in the application form. The award may only be used for this approved purpose, and no changes to this purpose may be made without the prior written consent of GCC.
11. The DGF award may not be used for any purpose which has a detrimental effect on the environment, is immoral or illegal, or any other purpose the effect of which is reasonably considered by GCC to be likely to cause harm or offence to members of the general public (including but not limited to any purpose which promotes smoking or tobacco products, alcoholic drinks, and/or pornography), or which is contrary to the objectives of Community Councils as outlined in the 'Scheme of Establishment for Community Councils'.
12. GCC must be satisfied that Community Councils submitting an application to the 'The Discretionary Grant Fund (DGF) for Community Councils in Glasgow' are judged to be

conforming to the Scheme of Establishment for Community Councils and the Constitution i.e. submitted minutes up to date; no accounts outstanding; Constitution signed and returned.

13. A Community Council must provide a complete breakdown of costs relating to its proposal within the application form; both for the amount that is being requested from the DGF; and any amounts relating to sources of match funding.
14. The Community Council will provide information or financial records relating to the DGF funded activities to GCC when requested to do so. Separate and in addition to this, the Community Council's independently examined annual statement of accounts should include clear reference to DGF grant income and expenditure.
15. An independent examiner should be appointed to verify the annual statement of accounts and must not be related to any member of the Community Council and should not have any responsibility for the day to day financial administration of the Community Council.
16. Prior to presenting an award from the DGF, consideration will be given to a Community Council's surplus cash balance in its account(s). Where it is established that a Community Council has available to it uncommitted surplus funds, it will be advised to withdraw the application and utilise the existing funds accordingly. Thereafter, consideration will be given to future DGF applications.
17. To enable GCC to make accurate considerations, all copies of correspondence which clearly identifies alternative funding income ring-fenced for specific purposes should be submitted along with a completed application form.
18. Any underspend of a DGF award should be returned to GCC immediately following the deadline of all activities outlined in the original proposal. However, should a Community Council wish to utilise underspend for an additional or alternative proposal; then the proposal should be submitted in writing to GCC for consideration at the earliest opportunity and before any additional or alternative activity takes place.
19. The Community Council must ensure that the support of GCC and any funding partner(s) is acknowledged in all promotional material including leaflets, brochures, posters, advertisements, plaques, signs and press releases and in any publication produced by the Community Council; copies shall be submitted to GCC if requested to do so.
20. To enable GCC to comply with the provisions of the Local Government Act 1986 (as amended) the Community Council must give and hereby gives a positive assurance that its activities do not promote or pose a view on a question of political controversy which is identifiable as the view of one political party.
21. Applications can be emailed in the first instance. However, no DGF awards will be made on solely emailed applications; a hard copy of the application signed by the Chairperson and one other office bearer must be received by GCC before any awards can be made.
22. A decision by a Community Council to submit an application for a DGF award must be recorded in the minute from the meeting the decision to do so was agreed; a copy of the minute should accompany the application form.
23. The delegated authority leading to a final decision for DGF awards to be made to a Community Council rests with the Community Empowerment Services Manager on behalf of Community Empowerment Services within Glasgow City Council.

24. All DGF application forms should be returned to the following address:

Community Engagement Officers (Sectors)
Community Empowerment Services
Glasgow City Council
City Chambers, George Square
Glasgow G2 1DU

Email: lawrence.oneill@glasgow.gov.uk

North East Wards 9 & 17 – 22
North West Wards 13 – 16

steven.dowling@glasgow.gov.uk

South Wards 1 – 8
North West Wards 10 – 12 & 23

25. This document is subject to ongoing review by Glasgow City Council.

26. Please complete electronically or in black ink.

27. Incomplete forms and/or missing copies of correspondence cannot be progressed.

'The Discretionary Grant Fund (DGF) for Community Councils in Glasgow'

APPLICATION FORM

Contact Details

<i>Date of application</i>	
<i>Name of Community Council</i>	
<i>Name of contact</i>	
<i>Daytime phone number</i>	
<i>Email</i>	

Proposal

<i>Please provide a brief description of how a DGF award would be utilised; see clause 5 of guidelines</i>	<i>e.g. if newsletter; no of issues; no of pages; no of copies etc.</i>
---	---

Funding

<i>Total cost of proposal</i>	•
<i>Amount of DGF requested</i>	•
<i>Details of match funding: indicate whether match is secured or unsecured</i>	•

Costings

	<i>Item</i>	<i>Cost</i>
<i>Please provide an itemised breakdown of total cost of proposal</i>	•	•
	•	•
	•	•

Finances of Community Council

<i>Please indicate the current level of funds held in the Community Council bank accounts</i>	
<i>Administrative Allowance</i>	•
<i>Additional General Funds</i>	•
<i>Additional Ring-fenced Funds</i>	•
TOTAL FUNDS HELD	•

Endorsements

List any local community /organisations / residents endorsements	
Name	Comments
List any locally elected members' endorsements	
Name	Comments

Community Council Minute – Decision Agreed

<i>Please provide the date of the minute showing the decision to submit a DGF application</i>	
--	--

Additional Information

<i>Please provide any additional information in support of this DGF application that you consider to be relevant</i>	
---	--

Signatures

<i>This application should be signed by the Chairperson and <u>at least one</u> other Office Bearer</i>		
	Signature	Date
Chairperson		
Secretary		
Treasurer		
Vice-chair		

For official use only; checklist to be completed by Glasgow City Council:

Name of Community Council: _____

Named contact: _____

Date of receipt of application: _____

Signed hard copy received?: yes no

Background paperwork received?: yes no
 (i.e. letters of award; minutes; other as requested)

Detail: _____

Match funding secured?: yes no

Detail: _____

Application relates to objectives?: yes no

Detail: _____

Minutes up to date?: yes no

Accounts in order?: yes no

Signed Constitution?: yes no

Detail: _____

Date of last DGF award: _____
 (include amount and purpose of award)

Award to be made?: yes no
 (amount awarded; or reason for refusal etc.)

Signed & Dated: _____

(Community Empowerment Services Manager)

Glasgow City Council

Training & Development Modules for Community Councils



NOTE: For Modules to proceed and be resourced and facilitated, confirmation of attendance by a minimum number of 10 Community Councillors must be received by the indicated closing date for responses (Note: Modules may be combined to achieve the minimum number of 10 Community Councillors for them to proceed).

All Modules will be run within the City Chambers Complex unless it is impracticable to do so.

MODULES & PROPOSED FACILITATION	SUGGESTED CONTENT	MODULE TIMELINES & CLOSING DATES
<p>(1) Governance for Community Councils – Big Picture</p> <p>Facilitation – to be confirmed</p>	<ul style="list-style-type: none"> • What are the key aspects of the: <ul style="list-style-type: none"> ○ Scheme; ○ Boundary Areas; ○ Constitution; ○ Code of Conduct; ○ Standing Orders ○ Annual Self-Assessment; ○ General Public: Complaints Procedure. 	<p>Day: Date: Time: Venue:</p> <p>Closing date:</p> <p>Status:</p>
<p>(2) Support Arrangements for Community Councils</p> <p>Facilitation – to be confirmed</p>	<ul style="list-style-type: none"> • What are the key features of the: <ul style="list-style-type: none"> ○ Guidance; ○ Induction. 	<p>Day: Date: Time: Venue:</p> <p>Closing date:</p> <p>Status:</p>
<p>(3) Governance for Community Councils – Administration</p> <p>Facilitation – to be confirmed</p>	<ul style="list-style-type: none"> • What are key aspects of administration: <ul style="list-style-type: none"> ○ Meetings; ○ Minutes; ○ Accounts; ○ Reports; ○ Budgeting; ○ Fundraising; ○ Discretionary grant Fund; ○ Office Bearer Roles; ○ Delegation and reporting back; ○ Ex-officio and Associates' roles 	<p>Day: Date: Time: Venue:</p> <p>Closing date:</p> <p>Status:</p>
<p>(4) Self-assessment of You & Your Community Council – Applying a SWOT Analysis</p> <p>Facilitation – to be confirmed</p>	<ul style="list-style-type: none"> • How can effectiveness be increased: <ul style="list-style-type: none"> ○ What is the purpose of your Community Council; ○ Why you became a Community Councillor; ○ What are your aspirations; ○ What support, skills and tools do you think you need to be effective; ○ Gathering evidence of need; ○ What does success look like; ○ Setting out a vision; 	<p>Day: Date: Time: Venue:</p> <p>Closing date:</p> <p>Status:</p>

MODULES & PROPOSED FACILITATION	SUGGESTED CONTENT	MODULE TIMELINES & CLOSING DATES
<p>(5) Leadership</p> <p>Facilitation – to be confirmed</p>	<ul style="list-style-type: none"> • Leadership Training: <ul style="list-style-type: none"> ○ Envisioning and setting direction; ○ Developing and enabling others; ○ Project management; ○ Alternative resourcing. • Exercises to Develop your Organisation <ul style="list-style-type: none"> ○ Compare the priorities, operation and achievements of your CC to other CCs in Glasgow; ○ Compare Glasgow with other Local Authority areas, with respect to the function of the CC system. 	<p>Day:</p> <p>Date:</p> <p>Time:</p> <p>Venue:</p> <p>Closing date:</p> <p>Status:</p>
<p>(6) Legislation</p> <p>Facilitation – to be confirmed</p>	<ul style="list-style-type: none"> • What are the general purpose and powers of Community Councils (CC): <ul style="list-style-type: none"> ○ What does good CC democracy look like – contested elections; ○ Responsibilities of CCs, and of Local Authorities re: 1973 Act etc; ○ Community Empowerment Bill ○ How can GCC and CCs jointly deliver outcomes ○ Structure of City Council ‘Family’; ○ How GCC goes about making decisions and the Scheme of Delegated Powers. ○ The role of and relationship with Elected Members; ○ Examples of successful partnership working between CCs and GCC departments. 	<p>Day:</p> <p>Date:</p> <p>Time:</p> <p>Venue:</p> <p>Closing date:</p> <p>Status:</p>
<p>(7) Community Engagement – National Standards</p> <p>Facilitation – to be confirmed</p>	<ul style="list-style-type: none"> • The National Standards are: <ul style="list-style-type: none"> ○ Good-practice principles; ○ Designed to support and inform the process of community engagement ○ Monitoring quantity & measuring quality; ○ Improving what can happen • The 7 National Standards include: <ul style="list-style-type: none"> ○ Planning; ○ Working together; ○ Methods; ○ Communication; ○ Inclusion; ○ Support; ○ Impact. 	<p>Day:</p> <p>Date:</p> <p>Time:</p> <p>Venue:</p> <p>Closing date:</p> <p>Status:</p>

MODULES & PROPOSED FACILITATION	SUGGESTED CONTENT	MODULE TIMELINES & CLOSING DATES
<p>(8) Community Engagement – Discussion & Feedback Tools</p> <p>Facilitation – to be confirmed</p>	<ul style="list-style-type: none"> • Feedback Tools - Methods & Approach: <ul style="list-style-type: none"> ○ Active listening; ○ Representing your community ; ○ Acting as the voice of your community; ○ Public/Open Meetings; ○ Negotiations with residents; ○ Surveys, consultations, questionnaires, newsletters; ○ Community Needs Assessment; ○ Focus Groups; ○ Online Forums; ○ Gathering evidence; ○ Walkabouts; ○ Dealing with the findings; ○ Marketing and publicity; ○ Social media 	<p>Day: Date: Time: Venue:</p> <p>Closing date:</p> <p>Status:</p>
<p>(9) Community Engagement – Press & other Media</p> <p>Facilitation – to be confirmed</p>	<ul style="list-style-type: none"> • How to deal with the Press and other Media: <ul style="list-style-type: none"> ○ Dealing with the Press; ○ Handling Press interviews; ○ Keeping people informed; ○ Using social Media; ○ Managing social media. 	<p>Day: Date: Time: Venue:</p> <p>Closing date:</p> <p>Status:</p>
<p>(10) Representation – Effective Community Engagement</p> <p>Facilitation – to be confirmed</p>	<ul style="list-style-type: none"> • How to strengthen representation with effective community engagement: <ul style="list-style-type: none"> ○ Communicating with constituents, and raise your profile, see Module 7; ○ Setting direction, priorities and take decisions based on evidence of local opinion. How to get that evidence, see Modules 5, 7 & 8; ○ Ensuring your CC is representative of the community – both in its makeup and in the views it expresses on behalf of the community; ○ Build relationships with partner organisations and work together; ○ Strengthen relationships with support services. 	<p>Day: Date: Time: Venue:</p> <p>Closing date:</p> <p>Status:</p>
<p>(11) Representation – Community Planning Partnership</p> <p>Facilitation – to be confirmed</p>	<ul style="list-style-type: none"> • Community Planning Partnership: <ul style="list-style-type: none"> ○ GCPP Governance; ○ Role of Community and support arrangements, Partners' roles; ○ Function of Area and Sector Partnerships, Glasgow CPP Strategic Board; ○ Youth Unemployment / Alcohol / Vulnerable People / Thriving Places / Participatory Budgeting; ○ Community Empowerment and Participation Requests 	<p>Day: Date: Time: Venue:</p> <p>Closing date:</p> <p>Status:</p>

MODULES & PROPOSED FACILITATION	SUGGESTED CONTENT	MODULE TIMELINES & CLOSING DATES
<p>(12) Representation – Community Planning Partnership</p> <p>Facilitation – to be confirmed</p>	<ul style="list-style-type: none"> • Community Planning Partnership: <ul style="list-style-type: none"> ○ GCPP Governance; ○ Role of Community Representatives and support arrangements; ○ Partners' roles; ○ Area Partnerships, Sector Partnerships, and the Glasgow CPP Strategic Board: Functions / Processes / Priorities; ○ Youth Unemployment / Alcohol / Vulnerable people / Thriving Places / participatory Budgeting; ○ Community Empowerment and Participation Requests 	<p>Day: Date: Time: Venue:</p> <p>Closing date:</p> <p>Status:</p>
<p>(13) Representation – Spatial Planning Process</p> <p>Facilitation – to be confirmed</p>	<ul style="list-style-type: none"> • Planning Process: <ul style="list-style-type: none"> ○ Basic introduction to planning law; ○ CC rights and powers; ○ Introduction to Glasgow's Local Development Plan; ○ Planning Advice Notices 40 and 47, 3/2010; ○ How GCC and CC could work together; ○ Assessing the impact of decisions. • Planning Process - Development exercises: <ul style="list-style-type: none"> ○ Make contact with GCC planning officer designated for your area. Understand Glasgow City Plan specifics for your area; ○ Compare CC - local authority collaboration on Planning in Glasgow with other local authority areas; ○ Find examples of CCs constructively influencing the Planning process for the benefit of their community. 	<p>Day: Date: Time: Venue:</p> <p>Closing date:</p> <p>Status:</p>
<p>(14) Representation – Licensing re: Alcohol, Taxis, Street Traders, HMO's etc.</p> <p>Facilitation – to be confirmed</p>	<ul style="list-style-type: none"> • Licensing Processes (various): <ul style="list-style-type: none"> ○ Basic introduction to Licensing law; ○ CC rights and powers; ○ Introduction to Alcohol Licensing Policy; ○ How GCC and CC could work together; ○ Assessing the impact of decisions. • Licensing: Development Exercises: <ul style="list-style-type: none"> ○ Make contact with the GCC Licensing Standards officer (alcohol) designated for your area. Understand your area e.g. Alcohol Licensing Overprovision Areas. ○ Compare collaboration on Licensing in Glasgow with other local authorities; ○ Find examples of CCs influencing Licensing to the benefit of their community. 	<p>Day: Date: Time: Venue:</p> <p>Closing date:</p> <p>Status:</p>

Glasgow City Council

Unacceptable Actions Policy for Community Councils



Policy on Unacceptable Actions by Customers

1. Introduction

- 1.1 This Policy sets out Glasgow City Council's (GCC) approach to the relatively few customers whose actions or behaviour we consider unacceptable. The term also includes anyone acting on behalf of a customer or who contacts us in connection with our business. The principles set out in this Policy also apply to our dealings with customers who are complaining about us. This Policy should be read and understood along with the council's Comments, Compliments and Complaints Procedure.

2. Policy aims

2.1. *In this Policy, we aim to:*

- 2.1.1. deal fairly, honestly, consistently and appropriately with all customers, including those whose actions we consider unacceptable. We believe that all customers have the right to be heard, understood and respected. We also consider that our staff have these same rights.
- 2.1.2 be accessible to all our customers. However, we retain the right, where we consider a customer's actions to be unacceptable, to restrict or change access to our service.
- 2.1.3 ensure that other customers and council staff do not suffer any disadvantage from someone who acts in an unacceptable manner.

3 Unacceptable Actions by Customers

3.1 *Definition:*

People may act out of character in times of trouble or distress. There may have been upsetting or distressing circumstances leading up to a customer coming to us. We do not view behaviour as unacceptable just because a customer is forceful or determined. However, the actions of customers who are angry, demanding or persistent may result in unreasonable demands on our resources or in unacceptable behaviour towards our staff. It is these actions that we consider unacceptable and aim to manage under this Policy. We have grouped these actions under three broad headings:

3.2 *Aggressive or Abusive Behaviour:*

- 3.2.1 Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether oral or written) that may cause staff to feel afraid, threatened or abused.
- 3.2.2 Examples of behaviours grouped under this heading include threats, physical violence, personal verbal abuse, derogatory remarks, and rudeness towards our staff when they are engaged on council business. We also consider that inflammatory statements and unsubstantiated allegations can be abusive behaviour.
- 3.3 We expect our staff to be treated courteously and with respect. Violence or abuse towards staff is unacceptable. We understand the difference between aggression and anger. The anger felt by many customers involves the subject matter of their contact with us. However, it is not acceptable when anger escalates into aggression directed towards council staff.

3.3 ***Unreasonable Demands:***

3.3.1 Customers may make what we consider unreasonable demands on us through the amount of information they seek, the nature and scale of service they expect or the number of approaches they make. What amounts to unreasonable demands will always depend on the circumstances surrounding the behaviour and the seriousness of the issues raised by the customer.

3.3.2 Examples of actions grouped under this heading include:

- demanding responses within an unreasonable time-scale;
- insisting on seeing or speaking to a particular member of staff;
- continual phone calls or letters: and,
- repeatedly changing the substance of the issue or complaint, or raising unrelated concerns.

3.3.3 We consider these demands as unacceptable and unreasonable if they start to impact substantially on the work of the department involved, such as taking up an excessive amount of staff time to the disadvantage of other customers, services or functions.

3.4 ***Unreasonable Persistence:***

3.4.1 We recognise that some customers will not or cannot accept that we are unable to provide a level of service other than that provided already. Customers may persist in disagreeing with the action or decision taken in relation to their issue or complaint, or contact us persistently about the same issue.

3.4.2 Examples of actions grouped under this heading include:

- persistent refusal to accept a decision made in relation to an issue or complaint;
- persistent refusal to accept explanations relating to what we can or cannot do; and,
- continuing to pursue an issue or complaint without presenting any new information.

3.4.3 The way in which these customers approach us may be entirely reasonable, but it is their persistent behaviour in continuing to do so that is not.

3.4.4 We consider the actions of persistent customers to be unacceptable when they take up what we regard as being a disproportionate amount of time and resources.

3.4.5 Where appropriate, we will consider referring a persistent complainant to the SPSO ourselves, if the complainant will not and does not do so themselves, and ask that the SPSO be the final arbiter in any dispute that has arisen.

4. **Managing Unacceptable Actions by Customers**

4.1 There are relatively few customers whose actions we consider unacceptable. We aim to manage these actions based on their nature and extent. If our ability to do our work and provide a service to others is affected adversely, we may need to restrict that customer's contact with us in order to manage the unacceptable action.

4.2 We aim to do this in a way, wherever possible, that allows a complaint to progress to completion through our Comments, Compliments and Complaints Procedure.

4.2.1 We may restrict contact in person, by telephone, fax, letter or electronically or by any combination of these.

- 4.2.2 We try to maintain at least one form of contact.
- 4.2.3 In extreme situations, we tell the customer in writing that their name is on a 'no personal contact' list for specific council departments. This means that they must restrict contact to our Customer Care Team only, whether this is in writing, personal contact or through a third party.
- 4.3 The threat or use of physical violence, verbal abuse or harassment towards staff is likely to result in the ending of all direct contact immediately with the customer. Incidents may be reported to the police. This will always be the case if physical violence is used or threatened.
- 4.4 We also view the use of social media to be covered by this policy.
- 4.5 We do not deal with correspondence (letter, fax or electronic) that is abusive to staff. When this happens we tell the customer that we consider their language offensive, unnecessary and unhelpful. We ask them to stop using such language and state that we will not respond to their correspondence. We may require future contact to be through a third party if they persist.
- 4.6 Staff will end telephone calls if the caller is considered aggressive, abusive or offensive. The staff member taking the call has the right to make this decision, tell the caller that the behaviour is unacceptable and end the call if the behaviour does not stop.
- 4.7 Where a customer repeatedly phones, visits, sends irrelevant documents or raises the same issues, we may decide to:
- only take telephone calls from the customers at set times on set days or put an arrangement in place for only one member of staff to deal with calls or correspondence from the complainant in future. The Corporate Customer Care Team, on behalf of the Chief Executive, will arrange this;
 - require the customer to make an appointment to see a named member of staff before visiting the office; or,
 - that the customer contacts the office in writing only;
 - return the documents to the customer or, in extreme cases, advise them that further irrelevant documents will be destroyed; or
 - take other action that we consider appropriate. We will, however, always tell the customer what action we are taking and why.
- 4.8 Where a customer continues to correspond on a wide range of issues, and this action is considered excessive, then they will be told that only a certain number of issues will be considered in a given period and asked to limit or focus their requests accordingly.
- 4.9 Customer action may be considered unreasonably persistent if all internal review mechanisms have been exhausted and the customer continues to dispute the council decision relating to their complaint or issue. The customer will be told that no future phone calls will be accepted or interviews granted concerning this complaint or issue. Any future contact by the customer on this issue must be in writing. Future correspondence is read and filed, but only acknowledged or responded to if the customer provides significant new information relating to the complaint or issue.

5. Customer Confidentiality

- 5.1 Where appropriate, we will always respect the confidentiality of a customer. However, confidentiality is not an absolute obligation as the law has always recognised that where appropriate it is permissible to release information which would normally be confidential if

this is necessary to fulfil an overriding public interest, such as protecting someone else from harm. There may be cases where the professional's view is that there is no substance behind such a threat. If someone threatens someone else, we should be able to take appropriate steps in response such as alerting that person, the police or associated agencies.

6. Deciding to Restrict Customer Contact

- 6.1 Staff that directly experience aggressive or abusive behaviour from a customer have the authority to deal immediately with that behaviour in a manner they consider appropriate to the situation and in line with this Policy and the Violence at Work Procedure.
- 6.2 With the exception of such immediate decisions taken at the time of an incident, decisions to restrict contact with the council are only taken after careful consideration of the situation by a more senior member of staff, either the Executive Director of that service or another member of the Senior Management Team, and the customer's case is then referred to the Corporate Customer Care Team. Wherever possible, we give a customer the opportunity to modify their behaviour or action before a decision is taken.
- 6.3 Customers will be issued with a warning letter containing a copy of this Policy. They will be told why their actions are deemed to be unacceptable, and asked to moderate this behaviour. If this is not done, then they will be told that a contact restriction can be put in place.
- 6.4 When a decision has been made to restrict future contact, the customer will be written to with details of the restricted contact arrangements and, if relevant, the length of time that these restrictions will be in place.
- 6.5 If a serious threat of violence is made, then a warning letter is not necessary and the customer can be issued with a restricted contact letter immediately.

7. Appealing a Decision to Restrict Contact

- 7.1 A customer can appeal a warning letter, on the grounds of factual inaccuracy. They can do so, in writing only, to the Corporate Customer Care Team, within 10 working days of receipt of the letter. This letter must contain details of the appeal process.
- 7.2 A customer can appeal a decision to restrict contact. This must be done within 10 working days of receipt of the letter. This letter must contain details of the appeals process. A senior member of staff who was not involved in the original decision considers the appeal. They advise the customer in writing that either the restricted contact arrangements still apply or a different course of action has been agreed. This should be done within 10 working days.

8. Recording and Reviewing a Decision to Restrict Contact

- 8.1 Where it is decided to restrict customer contact, an entry noting this is made in the relevant file and on appropriate computer records.
- 8.2 A decision to restrict contact may be reconsidered if the customer demonstrates a more acceptable approach. The Corporate Customer Care Team reviews the status of all customers with restricted contact arrangements on a regular basis.

Glasgow City Council ‘Family’

**Glasgow City Council Departments
Glasgow City Council City Policy Committees
Partner Organisations**



GLASGOW CITY COUNCIL DEPARTMENTS

CHIEF EXECUTIVE'S DEPARTMENT. Within the department there are six key sections:

- Communication and Strategic Partnerships - role is to develop and maintain a positive public profile for the council and to enhance it's reputation by ensuring a consistent, proactive and high quality approach to communication.
- Strategic Policy and Planning - role is to drive and lead improvement and change to achieve the priorities contained in the council's Strategic Plan.
- Legal and Administration Services - ensures that legislative requirements are met and that the interests of the council are safeguarded. It provides services to elected members including the Leader, the Lord Provost and International Office. It provides legal services to the council, its departments and ALEOs. It provides the Licensing and Registrar functions.
- Corporate Governance – role to promote and share best practice and facilitate the efficient and effective delivery of services.
- Corporate HR – works to build and maintain a reliable and flexible HR framework which supports and develops managers and staff to develop better services and to meet the Council's objectives, to value diversity and to embrace modern ways of working.
- Procurement - The procurement of goods, services and works for the Glasgow council family.

Together they have a strategic and service delivery role to lead and support the development, delivery and review of the Council's key objectives and commitments as outlined in the Glasgow City Council Strategic Plan 2017 - 2022.

- Community Empowerment Services Section also sits within Chief Executive's Department and comprises a range of services aimed at empowering communities to participate equally in service design and delivery, and local decision making. The core service areas within Community Empowerment Services are:
 - Partnership & Development
 - Community Justice
 - Community Engagement
 - Community Development
 - Grants and Initiatives

DEVELOPMENT AND REGENERATION SERVICES (DRS)

Development and Regeneration Services will drive, direct and deliver economic growth, closing the inequality gap and tackling poverty. Our outcomes are those contained in the City Development Plan which reflects the spatial interpretation of the Strategic Plan (and Refresh) and the Single Outcome Agreement. We wish to achieve a high quality and healthy sustainable place by delivering:

- A vibrant place with a growing economy - by providing the right environment for businesses to develop;
- A thriving and sustainable place to live and work - by providing opportunities to build new housing, and creating vibrant places and town centres to provide a good quality of life in the long term for the City's growing population;
- A connected place to move around and do business in - by improving accessibility for all citizens to employment, shopping and leisure destinations, and providing more sustainable travel options; and
- A green place - by helping to care for Glasgow's historic and green environments, increasing the City's resilience to climate change, and reducing energy use.

EDUCATION SERVICES

- Education and early years is a key commitment of this council and our goal is to raise the aspirations, expectations and ambitions of all of our young people. We are the largest education

services in the country and responsible for educating almost 70,000 young people in more than 300 schools and nurseries across the city.

- Key priorities are:
 - Raise attainment and achievement for all
 - Continue to develop Curriculum for Excellence (CfE)
 - Meet the needs of all learners, in particular those with additional support needs
 - Further develop One Glasgow and bringing together a range of services, including the voluntary sector, for our youngest citizens and their families
 - Improve our approached to finance and resource management
 - Work with partner services to improve outcomes for children, young people and their families

FINANCIAL SERVICES

- The professionalism, commitment and dedication of the staff in Financial Services ensures the council has sound finances and all budget strategies are delivered on time and on target. The scale of the financial responsibility is significant. An annual expenditure budget of £2.2 billion, income budget of £0.7 billion, collection of £250 million council tax and £373 million non-domestic rates and the payment of over £403 million in benefits to our most vulnerable citizens. Strathclyde Pension Fund has assets of over £18 billion and provides an excellent service to its 215,000 members.

NEIGHBOURHOODS AND SUSTAINABILITY SERVICES

- With 2,944 staff, Neighbourhoods and Sustainability is the major operational service department within Glasgow City Council. It is responsible for providing cleansing, parks, roads, environmental and sustainability and other related services for the city. Environmental and sustainability includes council wide carbon management, all environmental strategy and policy and the Council's input to the Sustainability Glasgow partnership. This contributes to the quality of life, safety and well-being of the people of Glasgow.
- Neighbourhoods and Sustainability have adopted the following Mission Statement;
 - Protecting and enhancing the natural and built environment:-
 - Pride in what we do
 - Pride in our people
 - Pride in Glasgow

SOCIAL WORK SERVICES

- Our vision is to provide high quality services that protect children and adults from harm, promote independence and deliver positive outcomes for Glasgow citizens. Our vision statement is an aspirational description of what we would like to achieve in the mid-term or long-term future. It's intended to provide the strategic direction for current and future courses of action so will have a huge influence on decision making and the way we allocate resources in the future.

GLASGOW CITY COUNCIL CITY POLICY COMMITTEES**CITY ADMINISTRATION COMMITTEE**

- **Membership:** 23 members of the Council comprising:-

SNP	11
Labour	8
Conservative	2
Green	2

Substitutes may be appointed
- **Convener:** Leader of the Council
- **Quorum:** 6
- **Meeting arrangements:** 2 weekly
- **Terms of Reference:** to discharge all of the Council's functions except those reserved to the Council and those matters specifically otherwise delegated by the Council.

CITY POLICY (CP) COMMITTEES (x5)

- **Membership:** 15 members of the Council comprising:-

SNP	7
Labour	6
Conservative	1
Green	1
- Each Committee may appoint up to 4 people as non-voting co-optees to bring access to external expertise, knowledge or experience, as necessary.
- **Convener:** Member of the Administration
- **Quorum:** 4
- **Meeting arrangements:** 6-weekly
- **General Terms of Reference for all City Policy Committees:-** each City Policy (CP) Committee has responsibility for discharging the following functions:
 - 1 To examine on behalf of the Council various policies, strategies and plans in draft relating to functions within its Terms of Reference (whether provided directly by the Council, external organisations or partnerships) and report on these to the City Administration Committee. These policies can be Council policies, or City policies developed with Community Planning partners.
 - 2 To undertake reviews of policies, revise or create new policies in relation to any matters falling within the specific Terms of Reference of the committee or as requested by the City Administration Committee and to submit these to the City Administration Committee for approval. These policies can be Council policies, or policies developed with Community Planning partners.
 - 3 To review, develop and oversee the implementation of those Council Plan commitments and priorities assigned to it under the specific Terms of Reference to deliver the Council Plan.
 - 4 To review the delivery of services in connection with the discharge of any Council function that falls within the committee's specific Terms of Reference, subject to any review ensuring that operations remain within the Budget set and agreed by Council or any additional funding allocated to that committee by the Council or the City Administration Committee.
 - 5 To work on a cross cutting basis with other City Policy Committees, Conveners, services and ALEOs as appropriate.

- 6 To establish Working Groups as deemed appropriate, and for a time limited period, in order to take forward specific pieces of policy review or development which will then be reported back to the City Policy Committee, and then, if necessary, to the City Administration Committee.
- 7 To take account of any implications of Brexit and the City Region Economic Strategy in making any recommendations or taking any decisions.

EDUCATION, SKILLS AND EARLY YEARS CITY POLICY COMMITTEE.

- **Terms of Reference** in addition to the general terms of reference for all CP committees:
 - 1 To address the work plan of the proposed Council Plan theme: **Excellent and Inclusive Education**; and
 - 2 To fulfil the functions of policy development (including consideration of equalities issues) as they relate to Council policies and services for education, skills and early years, but specifically excluding policy decisions relating to children and family social care functions, which are delegated to the Glasgow City Integration Joint Board. These functions include:
 - nursery, primary and secondary school provision and provision for children with additional support needs;
 - educational attainment and achievement of children and young people;
 - school catchment area reviews;
 - schools estate;
 - development of school curricula and in-service training;
 - provision of educational psychological services for children and young people;
 - vocational training and skills for young people;
 - education policy affecting the Children's Services' Plan; and
 - parent and partnership engagement.

ENVIRONMENT, SUSTAINABILITY AND CARBON REDUCTION CITY POLICY COMMITTEE.

- **Terms of Reference** in addition to the general terms of reference for all CP committees:
 - 1 To address the work plan of the proposed Council Plan theme: **A Sustainable and Low Carbon City**; and
 - 2 To fulfil the functions of policy development (including consideration of equalities issues) as they relate to Council policies and services for environment, sustainability and carbon reduction. These functions include:
 - transport infrastructure;
 - active travel strategy;
 - transport for Glasgow;
 - highway maintenance and improvements;
 - sustainability;
 - climate change;
 - road safety;
 - lighting strategy;
 - parks regeneration and events;
 - street environment;
 - waste and recycling;

- energy management;
- environmental health;
- pollution;
- trading standards;
- scientific services;
- Nuclear Free Zones;
- low emission zone;
- flood risk management; and
- partnership engagement.

GENERAL PURPOSES CITY POLICY COMMITTEE.

- **Terms of Reference** in addition to the general terms of reference for all City Policy committees, to fulfil the functions of policy development (including consideration of equalities issues) as they relate to corporate Council policies, services and activities. These functions include:
 - employment and personnel issues;
 - corporate communications and marketing;
 - customer care;
 - procurement strategy;
 - partnership engagement; and
 - any other issues not within the Terms of Reference of another City Policy Committee.

NEIGHBOURHOODS, HOUSING AND PUBLIC REALM CITY POLICY COMMITTEE.

- **Terms of Reference** in addition to the general Terms of Reference for all City Policy committees:
 - 1 To address the work plan of the proposed Council Plan themes: A Thriving Economy; Resilient and Empowered Neighbourhood; and Vibrant City; and
 - 2 To fulfil the functions of policy development (including consideration of equalities issues) as they relate to Council policies and services on neighbourhoods, housing and public realm but specifically excluding housing functions delegated to the Glasgow City Integration Joint Board. These functions include:
 - planning and strategic and local housing policy;
 - regeneration and transport;
 - natural and built environment;
 - land and property management;
 - building control;
 - economic, business and social development initiatives;
 - derelict land;
 - city centre;
 - international links; and
 - partnership engagement.

WELLBEING, EMPOWERMENT, COMMUNITY AND CITIZEN ENGAGEMENT CITY POLICY COMMITTEE.

- **Terms of Reference** in addition to general Terms of Reference for all City Policy committees:
 - 1 To address the work plan of the proposed Council Plan themes: A Well Governed City that

Listens and Responds; and a Healthier City;

2 To fulfil the functions of policy development (including consideration of equalities issues) as they relate to Council policies and services for wellbeing, empowerment, community and citizen engagement. These functions include:

- Community Planning, including community justice;
- Integrated Grant Fund;
- financial inclusion;
- community councils;
- public processions;
- public petitions;
- relationships with the third sector;
- community capacity building;
- community empowerment;
- participatory budgeting; and
- partnership engagement; and
- to act as a sounding board for the Council's input to the Glasgow City Integration Joint Board.

SCRUTINY COMMITTEES (x2)

- **Membership:** 15 members of the Council comprising:-
 - SNP – 7
 - Labour – 6
 - Conservative – 1
 - Green – 1
- The Committee may appoint up to 4 people as non-voting co-optees to bring access to external expertise, knowledge or experience, as necessary.
- **Convener:** Member of the Opposition
- **Quorum:** 4
- **Meeting Arrangements:** 4 weekly
- **General Terms of Reference for all Scrutiny Committees:**
 - 1 The City Administration Committee is held to account through 'call-in'. This is the process which gives each Scrutiny Committee an important role in ensuring that the City Administration Committee is accountable for the decisions and actions it takes and that it is delivering the corporate objectives the Council has agreed. The call-in process is set out in the Council and Committee Standing Orders.
 - 2 Scrutiny Committees shall take account of any implications of Brexit and the City Region Economic Strategy in making any recommendations or taking any decisions.

FINANCE AND AUDIT SCRUTINY COMMITTEE.

Terms of Reference - the Finance and Audit Scrutiny Committee is responsible for: monitoring the financial performance of the Council, its Trading Operations and ALEOs; money allocated to it by the Glasgow City Integration Joint Board; the performance of audit and inspection within the Council; and for promoting the observance by Councillors of high standards of conduct.

These functions include:

1 Scrutinising financial information on:

- Council budget;
 - management of Council assets;
 - control, monitoring and review of income and expenditure, both revenue and capital;
 - Members' allowances;
 - employment and personnel issues;
 - Trading Operations;
 - civic matters;
 - Children's Panel; and
 - Common Good Fund.
- 2 Initiating and undertaking specific scrutiny reviews of any matters falling within the remit of this committee or requested by the City Administration Committee.
 - 3 Monitoring the annual strategic audit plan and reviewing all Council Audit and Inspection work against the audit plan.
 - 4 Receiving and considering summaries of internal and external audit reports which relate to any issue falling within the remit of this committee.
 - 5 Promoting value for money studies and best value.
 - 6 Monitoring internal financial control, corporate risk management and corporate governance.
 - 7 Monitoring grant allocation across the Council.
 - 8 Taking an overview of the Transformation Programme (including consideration of equalities issues).
 - 9 Promoting the observance by Councillors of high standards of conduct and assisting them in observing the Code of Conduct, in accordance with any guidance issued by the Standards Commission for Scotland.
 - 10 Referring back to the appropriate City Policy Committee, ALEO or the Glasgow City Integration Joint Board for its consideration, any financial performance issue which might have implications for City policy.

OPERATIONAL PERFORMANCE AND DELIVERY SCRUTINY COMMITTEE.

- 1 **Terms of Reference:** to scrutinise and monitor the operational performance of all Council Family Group Services (services and ALEOs) in relation to the Council's policy objectives and performance targets. These functions will include:-
 - (a) considering any performance reports and information which relate to issues falling within the remit of the Council's services, including complaint handling, customer care and ombudsman reports;
 - (b) monitoring the outcomes of the Glasgow Community Plan in relation to the Council's input;
 - (c) considering any operational issues which are relevant to any subject falling within the remit of this committee;
 - (d) monitoring employment, personnel and equalities issues as they relate to the operation of the Council corporately and to its individual services and ALEOs;
 - (e) considering any external audit (or equivalent) reports which relate to any issue falling within the remit of this committee;

- (f) inviting the relevant City Convener to attend committee and where appropriate, to question and hold them to account on the operational performance of their service area; and
- (g) referring back to the appropriate City Policy Committee for its consideration, any service performance issue which might have implications for City policy coming within the remit of the City Policy Committee;

2 **Terms of Reference:** to scrutinise the performance of the arm's-length external organisations (ALEOs) established by the Council. These functions will include:-

- (a) contractual performance/compliance;
- (b) statutory and other performance targets and outcomes set through the Glasgow Community Plan which are relevant to partnership working;
- (c) internal and external audit reports;
- (d) decision-making structures and compliance with applicable codes of conduct;
- (e) risk management;
- (f) compliance with equalities obligations;
- (g) complaint handling and customer care; and
- (h) referring back to the appropriate ALEO Board for its consideration, any service performance issue coming within the remit of the ALEO, or under the contractual agreement which the Council has with that ALEO.

OTHER COMMITTEES (x11) ETC:-

APPOINTMENT OF SENIOR OFFICERS COMMITTEE.

- **Membership:** 7, comprising:
 - Leader of the Council
 - Depute Leader of the Council
 - Council Business Manager
 - City Treasurer
 - City Convener for Workforce
 - 1 other member of the Administration
 - Leader of the Opposition
 - Plus, where appropriate, relevant City Convener
- **Convenor** Leader of the Council
- **Quorum:** 3
- **Meeting Cycle:** As required.
- **Terms of Reference:** The power to appoint Executive Directors and Assistant Directors.

CONTRACTS AND PROPERTY COMMITTEE

- **Membership:** 15 members of the Council comprising:-

SNP – 7
Labour – 6
Conservative – 1
Green – 1

- **Convener:** Member of the Administration
- **Quorum:** 4
- **Meeting Cycle:** 3-weekly
- **Terms of Reference:**

- 1 The power to approve all contract matters not delegated to officers unless deemed by the committee to be controversial in which case the matter will be referred to the City Administration Committee for decision.
- 2 The power to decide on all property lease, acquisition and disposal matters not delegated to officers unless deemed by the committee to be controversial in which case the matter will be referred to the City Administration Committee for decision.
3. To oversee the implementation of the procurement and land and property strategies.
- 4 The power to deal with requests for review of asset transfer request decisions made under delegated authority, in terms of the Community Empowerment (Scotland) Act 2015.

EDUCATION APPEAL COMMITTEE.

- **Membership:** All members of the Council who have undertaken the necessary training together with a list of independent members forming panels comprising 2 independent members and 1 councillor.
- **Convener:** To be appointed by each committee
- **Quorum:** 3
- **Meeting Cycle:** As required
- **Terms of Reference:** To determine appeals from parents or young persons regarding:

- 1 refusals by the education authority of placing requests made by parents for places in schools of their choice; and
- 2 decisions to exclude children or young persons from school.

EMERGENCY COMMITTEE.

- **Membership:** 4, comprising:-
Leader of the Council
Lord Provost
Depute Leader of the Council
Leader of the Opposition
- **Convener:** Leader of the Council
- **Quorum:** 2
- **Meeting Cycle:** As required.
- **Terms of Reference:**

To direct and supervise the operations of the Council and to incur such expenditure as may be necessary on an interim basis, in the time between the start of a civil emergency (or in other extreme circumstances) and the date of the next ordinary meeting of the Council, or for a longer period if agreed by the Council, in order to discharge those functions of the Council which are essential in those particular circumstances.

LICENSING AND REGULATORY COMMITTEE.

- **Membership:** 12, comprising
 - SNP – 5
 - Labour – 5
 - Conservative – 1
 - Green - 1
- **Convener:** Member of the Administration
- **Quorum:** 3
- **Meeting Cycle:** Weekly on Wednesdays except week 6, with additional Thursday meetings in weeks 1, 3 and 5.
- **Terms of Reference:**
 - 1 The power to exercise the Council's statutory functions in connection with all licensing and regulatory matters having effect within the area of the city unless the licensing or regulatory matter has been specifically referred to another committee.
 - 2 The power to discharge the Council's statutory functions in relation to safety at sports grounds and regulated stands.
 - 3 The power to discharge the Council's statutory powers relating to Building Control.
 - 4 To oversee the exercise of all the Council's functions under Parts 7 and 8 of the Antisocial Behaviour (Scotland) Act 2004, and to make such decisions in exercise of these powers as are not delegated to officers including in particular any decision to refuse or revoke registration under Part 8 or to apply for a Management Control Order under Section 74.
 - 5 The power to exclude persons persistently breaching park rules from Glasgow City Council's parks and to consider any written or oral representations made by the subject of an exclusion order, all in terms of Section 117 of the Civic Government (Scotland) Act 1982.

PERSONNEL APPEALS COMMITTEE.

- **Membership:** All members of the Council who have received the required training to operate on the basis of panels of 3 members.
- **Convener:** To be appointed by each committee
- **Quorum:** 3
- **Meeting arrangements:** As required.
- **Terms of Reference:**
 - 1 The power to hear and determine appeals against dismissal and appeals against all disciplinary action taken by the Chief Executive.
 - 2 The power to uphold or reject such appeals or to vary the disciplinary action taken in respect of all staff, including teachers.
 - 3 The power to hear representations by trade unions and heads of department in respect of disputes not capable of resolution by other means and discuss and reach decisions thereon.

- 4 The power to consider and reach decisions on grievances by employees, groups of employees or trade unions in terms of the procedures for staff and the Grievance Framework and Procedure for Teachers.

PLANNING APPLICATIONS COMMITTEE.

- **Membership:** 18 members of the Council comprising:-
 - SNP – 8
 - Labour – 6
 - Conservative – 2
 - Green – 2
- **Convener:** Member of the Administration
- **Quorum:** 5
- **Meeting arrangements:** Fortnightly on Tuesdays.
- **Terms of Reference:**

1 The power to decide on all applications for

- (a) planning permission and planning permission in principle,
- (b) matters specified in conditions,
- (c) listed building and conservation area consent,
- (d) amendments and material variations to consent,
- (e) advertisement consent,
- (f) applications to discharge, amend or delete conditions of a consent,
- (g) certificates of lawfulness,
- (h) screening and scoping opinions,
- (i) hazardous substances consent,
- (j) prior notifications for agricultural development and demolition,
- (k) notice of intent to develop by Government departments, and
- (l) certificates of appropriate alternative development.

2 To instruct enforcement and interdict actions where appropriate in respect of breaches of planning control.

3 To refer to the Court of Session appeal decisions containing a misdirection in law.

4 The power to designate Conservation Areas and their associated appraisals in the city.

5 To approve consultation responses on the strategic operation of the planning framework including legislative changes.

6 To approve road closures and the diversion of services subsequent to development previously approved.

- 7 The power to revoke any consent where considered appropriate.
- 8 To determine whether developments are permitted under the terms of relevant orders.
- 9 To decline to determine applications where a Pre-Application Report has not been submitted with the application.

PLANNING LOCAL REVIEW COMMITTEE.

- **Membership:** To meet on the basis of panels of 3 members drawn from membership of the Planning Applications Committee.
- **Convener:** To be appointed by each committee.
- **Quorum:** 3
- **Meeting arrangements:** As required.
- **Terms of Reference:**

In respect of local planning applications, to deal with appeals against refusal of planning permission, the imposition of conditions or the failure to deal with an application within the prescribed timescale, in terms of section 17 of the Planning etc. (Scotland) Act 2006.

PUBLIC PROCESSIONS COMMITTEE.

- **Membership:** To meet on the basis of panels of 3 members drawn from membership of the Wellbeing, Empowerment, Community and Citizen Engagement City Policy Committee.
- **Convener:** To be appointed by each committee.
- **Quorum:** 3
- **Meeting arrangements:** As required.
- **Terms of Reference:**

- 1 To oversee and discharge the exercise of all the Council's functions under Part V of the Civic Government (Scotland) Act 1982, as amended by the Police, Public Order and Criminal Justice (Scotland) Act 2006, in relation to Public Processions and to make such decisions in exercise of these powers as are not delegated to officers.
- 2 The power to make an order under Section 63 of the Civic Government (Scotland) Act 1982 prohibiting or imposing conditions on a public procession, after hearing the parties involved.

SOCIAL WORK COMPLAINTS REVIEW COMMITTEE.

- **Membership:** Panels of 3 drawn from a list of independent members.
 - **Convener:** To be appointed by each committee.
 - **Quorum:** 3
 - **Meeting arrangements:** As required.
 - **Terms of Reference:**
- 1 To review the provision or non-provision of services, the quality and extent of services, the operation of services and allied issues, with the exception of grievance procedures which concern staff issues or disciplinary matters, all in terms of the appropriate legislation and consider any complaints where the complainer has indicated dissatisfaction with the response from the Chief Officer of the Glasgow City Health and Social Care Partnership and thereafter to make recommendations to the Operational Performance and Delivery Scrutiny Committee or the Glasgow City Integration Joint Board where investigation of complaints have identified

implications in relation to the policies, functions or decisions of the Glasgow City Integration Joint Board.

STRATHCLYDE PENSION FUND COMMITTEE.

- **Membership:** 8, comprising:-
 - SNP – 5
 - Labour – 1
 - Conservative – 1
 - Green - 1
- **Convener:** City Treasurer
- **Quorum:** 3
- **Meeting arrangements:** Quarterly
- **Terms of Reference:**

The power to discharge all functions and responsibilities relating to the Council's role as administering authority for the Strathclyde Pension Fund in terms of the Local Government (Scotland) Act 1994 and the Public Service Pensions Act 2013. These functions include:-

- 1 To oversee the administration of the Local Government Pension Scheme in accordance with the Local Government Pension Scheme (Scotland) Regulations 2014 and other relevant regulations.
- 2 To manage the investments of the Strathclyde Pension Fund in accordance with the Local Government Pension Scheme (Management and Investment of Funds) (Scotland) Regulations 2010.
- 3 To prepare, publish and maintain:-
 - (a) a Funding Strategy Statement;
 - (b) a Statement of Investment Principles;
 - (c) a Governance Compliance Statement;
 - (d) a Pension Administration Strategy; and
 - (e) a Communications Policy.
- 4 To make suitable arrangements for the actuarial valuation of the assets and liabilities of the Fund.
- 5 To consider and agree an investment strategy and management structure for the Fund and to:-
 - (a) develop a responsible investment strategy;
 - (b) appoint and terminate investment managers, advisers and consultants following due procurement process;
 - (c) establish performance benchmarks and targets; and
 - (d) monitor performance.
- 6 To make suitable arrangements for the safekeeping and servicing of the Fund's

investment assets.

- 7 To agree an accounting policy for the Fund consistent with IFRS and relevant authoritative guidance and to prepare and publish a Pension Fund Annual Report including an abstract of accounts.
- 8 To be responsible for governance arrangements including regulatory compliance and implementation of audit recommendations.
- 9 To oversee and support the work of the Strathclyde Pension Fund Office.
- 10 To contribute to the development of the Local Government Pension Scheme and pensions policy and to ensure that regulatory and other changes are implemented timeously.

PARTNER ORGANISATIONS (ALEOS)

- **City Building (Glasgow) LLP** www.citybuildingglasgow.co.uk

City Building is a highly successful and evolving business which has a proven track record of strategic delivery within the commercial marketplace.

- **City Parking (Glasgow) LLP** www.cityparkingglasgow.co.uk

City Parking (Glasgow) LLP is a wholly-owned subsidiary of Glasgow City Council, formed in June 2007 to manage and develop the off-street public car parks previously operated by the Council. Our status as an autonomous company with its own Board and Managing Director helps us to bring flexibility and innovation to delivering quality parking services to the business community and public alike.

- **City Property Glasgow (Investments) LLP** www.citypropertyglasgow.co.uk

City Property Glasgow (Investments) LLP portfolio consists of around 2,500 commercial assets – including 19 industrial estates ranging from 6 to 26 units, hundreds of shops and business space around the city. We specialise in helping companies find suitable accommodation as well as offering flexible leases, competitive rents and incentives.

- **Clyde Gateway URC** www.clydegateway.com

Clyde Gateway is Scotland's biggest and most ambitious regeneration programme. It is a partnership between Glasgow City Council, South Lanarkshire Council and Scottish Enterprise, backed by funding and direct support from the Scottish Government.

- **Glasgow Life** www.glasgowlife.org.uk

Glasgow Life is a charitable organisation. Our mission is to inspire the city's citizens and visitors to lead richer and more active lives through culture, sport and learning. Glasgow Life is a charity that delivers cultural, sporting and learning activities on behalf of Glasgow City Council. In doing so we aim to make a positive impact on individuals, the communities in which they live and the city as a whole.

- **Glasgow City Marketing Bureau Limited** www.glasgow.gov.uk

Responsible for communicating Glasgow's reputation as a world-class city in which to live, work, study, invest and visit.

- **Jobs & Business Glasgow**

www.jbg.org.uk

Positively transforming Glasgow. Proud to be an integral part of Glasgow's economic development. At the heart of Jobs & Business Glasgow, we place 'customers first' highlighting our commitment to Glasgow's residents and businesses. We are ambitious and determined to provide professional, innovative solutions and go beyond expectation. Providing real solutions for our customers helps us to maintain focus and drive in everything we do.

- **The Metropolitan Glasgow Strategic Drainage Partnership (MGSDP) www.mgsdp.org**

Metropolitan Glasgow encompasses seven local authority areas, served by a complex network of watercourses and underground drainage systems.

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Glasgow City Council

Induction for Prospective & New Community Councillors



This Document forms part of the Support
Arrangements for Community Councils in Glasgow

Sections	Page	Tick list	Date
1. Introduction	3	<input type="checkbox"/>	_____
2. Establishing a Community Council	4	<input type="checkbox"/>	_____
3. Becoming a Community Councillor	4	<input type="checkbox"/>	_____
4. Meetings	5	<input type="checkbox"/>	_____
5. Community Council Membership Flowchart	7	<input type="checkbox"/>	_____
6. Glossary of Terms	8	<input type="checkbox"/>	_____

Further Reference

• The Scheme of Establishment for Community Councils	<input type="checkbox"/>	_____
• Guidance for Community Councils	<input type="checkbox"/>	_____
• Online Powerpoint Induction	<input type="checkbox"/>	_____
• Map of the Community Council Boundary Area	<input type="checkbox"/>	_____

Contact:

• steven.dowling@glasgow.gov.uk 0141 287 4111	South Wards North West Wards	1 – 8 10 – 12 & 23
• lawrence.oneill@glasgow.gov.uk 0141 287 4109	North East Wards North West Wards	9 & 17 – 22 13 - 16

Chief Executive's Department
Community Empowerment Services
Community Councils
Glasgow City Council
City Chambers
40 John Street
G1 1JL

Tel: 0141 287 0060

GCC Website: www.glasgow.gov.uk/en/Residents/YourCommunity/CommunityCouncils/

Community Council Secretaries should add the above appropriate sector e-mail, and postal address to their distribution lists.

Adding these addresses to distribution lists will enable all papers to be forwarded routinely to the City Council as part of Community Council's standard meeting notification system.

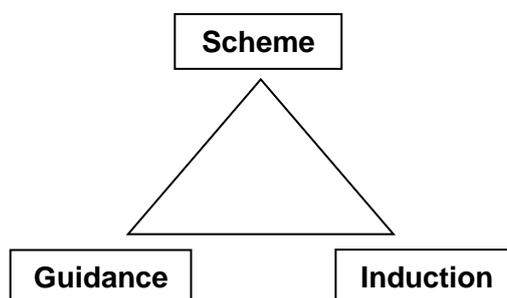
1. Introduction

This Induction looks to introduce the workings of a Community Council in stages. Induction should not be a single event e.g. one meeting, nor should it just be handing over a pack of information; it should be viewed as an ongoing process.

Information should be provided in steps, and in a way that can be readily understood e.g. by relaxed discussion at an appropriate pace, covering basic Governance and answering any specific questions.

This Induction document forms part of the Support Arrangements for Community Councils in Glasgow and is 1 of 2 components; the other being 'Guidance for Community Councils'.

Both the 'Induction' and 'Guidance' form the Support Arrangements which link directly into the core 'Governance' for Community Councils in Glasgow i.e. the Scheme of Establishment for Community Councils (2018).



It should be made clear to prospective and new Community Councillors from the outset that the Scheme of Establishment for Community Councils (2018) forms the core legislative Governance for Community Councils and their members.

- **Online Induction – Powerpoint Presentation**

In addition to relaxed discussion at an appropriate pace, there is also access available to an online 'Induction - powerpoint presentation' (a paper copy can be made available by request).

This online resource is similarly aimed at helping prospective and new Community Councillors become familiar with the workings of a Community Council. The online resource can be accessed via the following link [here](#)

- **The Benefits of Induction**

Induction can help prospective and new Community Councillors to settle in and make a contribution to the group as quickly as possible by covering some basic questions any new member is likely to ask e.g.

- What does the Community Council do?
- What do members do?
- Are there any other people involved?
- Do Community Councils receive any support?

Becoming a Community Councillor is not the same for everyone e.g. one person may already have experience of working as part of a group or committee; another may be new to volunteering; but both can benefit from a 'mentor' explaining procedures and answering questions as they arise.

- **The First Steps for Induction**

The initial face to face meetings will be arranged and led by Community Council members with appropriate support from Community Empowerment Services staff.

2. Establishing a Community Council

1. A request is made to Glasgow City Council Community Empowerment Services for a Petition to establish a Community Council;
2. The Petition is completed and submitted to Community Empowerment Services with a minimum of 20 signatures from residents within the boundary area of the Community Council to be established;
3. At least 20 of the Petition signatories need to be 'validated' i.e. need to be resident within the Community Council boundary area; included on the Electoral Register; and aged 16 years plus;
4. Community Empowerment Services then seek to set up an initial meeting with those who have signed the Petition, to confirm that they are willing to oversee the process of establishment (and who may wish to form a Steering Committee);
5. Community Empowerment Services can progress establishment if sufficient interest from Petitioners is identified at this initial meeting or any subsequent meeting;
6. Further meeting/s should (1) define the role and function of Community Councils and the role of Office Bearers; (2) increase familiarisation and understanding of the core Governance (i.e. Scheme) and Support Arrangements for Community Councils; and (3) raise awareness of the Constitution;
7. After the Petitioners/Steering Committees' awareness of the Constitution is raised, it can then be adopted on behalf of the emergent Community Council;
8. Election procedures are put in place and coordinated by Community Empowerment Services, including all advertising and publicity;
9. A subsequent (1) uncontested Election Meeting is called if there are less or the same number of candidates as membership places (there needs to be a minimum of 50% valid nominations received) or; (2) a contested Election Ballot is called if more valid candidates than membership places are received – following a ballot (arranged and overseen by Community Empowerment Services staff, those with the greatest number of votes should be duly elected);
10. The first meeting of the newly formed Community Council can (1) affirm compliance with the Governance i.e. the Scheme of Establishment for Community Councils (2018); (2) elect Office Bearers; (3) sign the Constitution; (4) agree a meeting cycle; (5) identify any development and/or support needs; (6) commence business.

3. Becoming a Community Councillor

- ***Being a Community Council***

The general purpose of a Community Council is to ascertain, co-ordinate and express the wider views of the entire community within its agreed boundaries. They can complement the role of the local authority but are not part of local government, although they can be viewed as a localised tier of democracy.

Community Councils are voluntary bodies which exist within a statutory framework and which have been granted statutory rights to consultation on all planning applications in their area. They have the right to receive copies of applications, and are recognised as competent bodies to make representations.

Community Councils are also statutory consultees in terms of section 21 of the Licensing (Scotland) Act 2005 and are consulted on all applications for provisional/premises licences and major variations to premises licences. They are also consulted on the development of the Licensing Policy Statement and any supplementary Licensing Policy Statement.

Community Councils may also undertake other functions within the terms of the Constitution. It is the responsibility of a Community Council to satisfy Glasgow City Council, that it has taken positive steps to ascertain the views of the wider community within their area, before making representations on any matter, on behalf of the community.

To assist Community Councils, and prospective and new Community Councillors, a summary is contained within the Scheme of Establishment for Community Councils (2018) of the general rights and responsibilities of Community Councils, and obligations of Glasgow City Council (see Scheme page 5).

- ***Being a member***

Community Councillors are elected by the local community; they have this in common with Elected Members of Glasgow City Council and Members of Parliament etc.

Even if, due to a shortage of nominations, a Community Councillor's 'seat' was uncontested and no actual election took place, the Constitution provides for nomination and election. If properly nominated, Community Councillors are as much elected as would be the case in a contested election.

For this reason, it is important that each Community Council distinguishes between its voting members and non-voting members; as well as any others allowed to sit in at meetings.

As a member generally, you have a right to attend meetings and speak to agenda items; if you are a constitutionally elected member you have the added dimension of being able to vote on proposals.

As a constitutionally elected member you may serve for any period up to the standard four years of office (see Scheme section 4), and should represent all the community, and not any specific group or area. However, it is inevitable that different members will have particular areas of interest; the desired outcome is that such diversity adds to the collective strength of the Community Council.

Your local Glasgow City Council Elected Members; Members of the Scottish, Westminster, European and Youth Parliaments are also members of the Community Council, in an Ex-Officio capacity; this means that although they have no voting rights or can hold office bearer positions, their views on matters concerning the Community Council should be actively sought.

The third form of membership is Associate membership whereby appointments are agreed by the Community Council based upon an individual's particular skills, experience or knowledge bringing additionality to the constitutionally elected membership.

Community Councils can also invite representatives from the Police; City Council etc. to attend their meetings on a regular basis; and others to attend by special invitation. Such 'guests' can make an important contribution to the meeting, although if appropriate it should be pointed out to invited guests that they may not vote and should only speak through the Chair.

4. Meetings

Community Councils generally meet monthly on the same day, at the same time, and in the same venue. All meetings of Community Councils are normally open to the public, and each Community Council shall meet at least seven times per year which can include the Annual General Meeting (AGM). Every meeting requires a quorum i.e. the minimum number of voting members present before the meeting can proceed (see Constitution clause 5b).

<i>Name of Community Council</i>			
<i>Day</i>	<i>Time</i>	<i>Venue</i>	<i>Recess</i>

Effective meetings are important, not just in making sure the Community Council progresses what it should be doing and any decisions which are made, but in keeping members and others involved and interested (see Guidance section 5 – ‘Working Effectively’).

- **Support**

Glasgow City Council Community Empowerment Services provides support and guidance to every Community Council in Glasgow, and is required to monitor Community Council activity in order to ensure that Community Councils are operating constitutionally and in compliance with the Scheme of Establishment for Community Councils (2018). The key roles of Community Empowerment Services include:

- supporting the development of Community Councils in Glasgow;
- responding to enquiries from the wider public in relation to Community Councils;
- ensuring that Community Councils are democratically accountable to the local community;
- providing financial assistance to all Community Councils through the administration allowance;
- organising capacity building activities e.g. the Community Councils' Discussion Forum;
- providing guidance to Community Councils on difficult issues; and
- offering additional support in instances where this is appropriate.

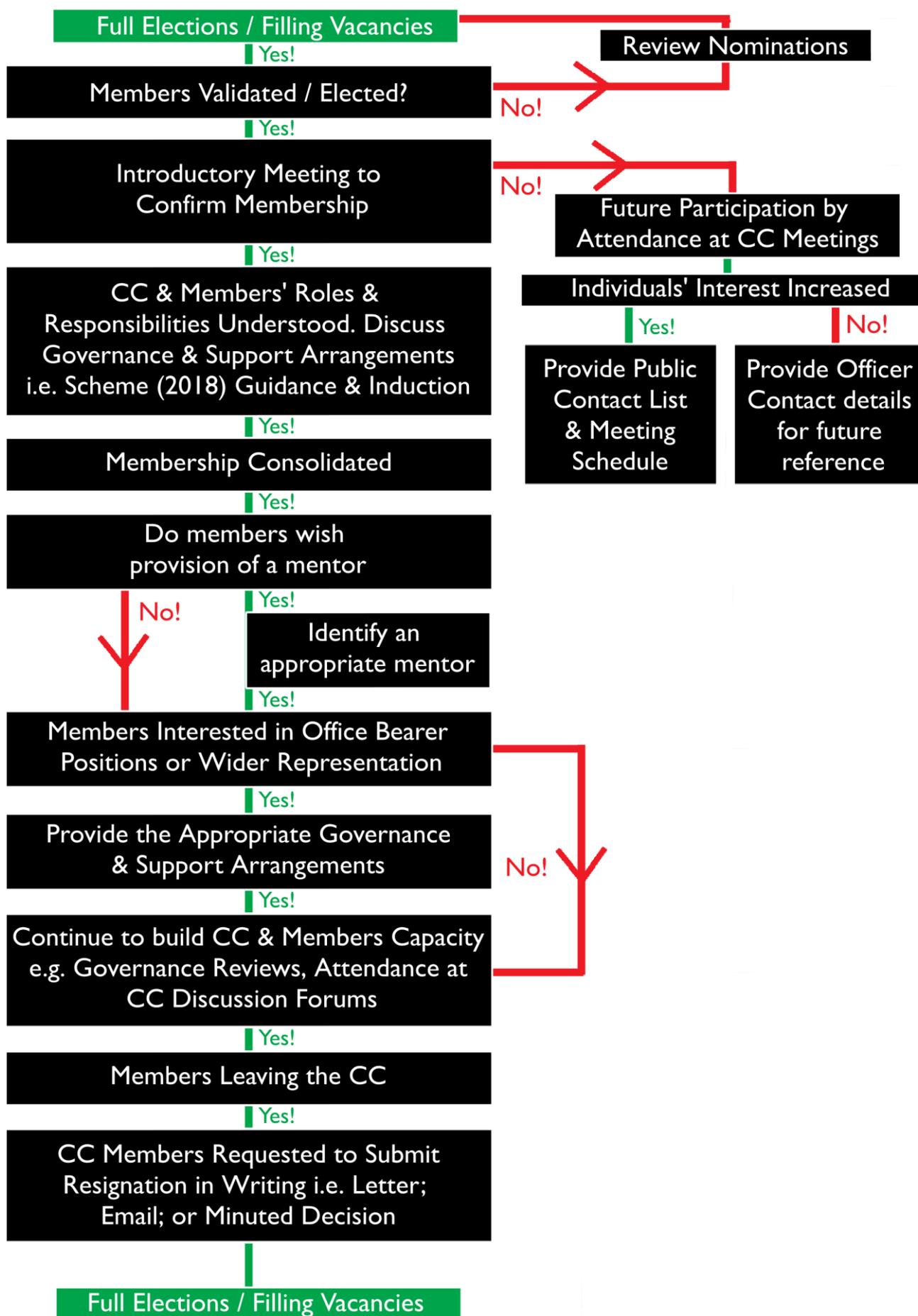
- **Governance**

Governance for Community Councils is very important for a number of reasons e.g. (1) the effective functioning of meetings; (2) meeting the requirements to receive Administration Allowances, and to be considered for Discretionary Grants; (3) listening and responding to local issues; and (4) responding to planning and licensing issues.

A further pivotal reason for clear and concise governance documentation is to enable Glasgow City Council to hold ‘hard evidence’, which can ‘protect’ Community Councils if they are ever subject to questioning from third parties e.g. removing doubts about Community Councils’ meeting arrangements; those in attendance; items being discussed; planning issues not being dealt with etc.

By receiving and holding on file the ‘hard evidence’ e.g. agendas, minutes, constitution and accounts; the City Council can very quickly confirm or counter any doubts that may be raised about a Community Council’s constitutional integrity by members of the public; partner agencies; or other third parties.

4. Community Council Membership Flowchart



GLOSSARY OF TERMS – (this list is not exhaustive and will be subject to ongoing amendments)

Area Partnerships

Glasgow Community Planning Partnership has 23 Area Partnerships (AP) - one for each Council Ward in the City. The APs review and influence the operational progress made at an electoral ward level towards implementing the strategic priorities of the Glasgow Community Planning Partnership (GCPP) and Glasgow City Council (GCC), including those identified in the Single Outcome Agreement.

Area Senior Officers Group (ASOG)

Area Senior Officers Group brings together senior managers of Glasgow City Council and Community Planning partners. Each group can have a coordinating role for one of the city's 3 strategic planning areas. They deliver support and guidance to Local Community Planning Partnerships.

Citizen's Panel

A Citizen's Panel can provide a frequent source of consultation with individuals on a range of local issues across the city. A Panel can be integral to both community engagement and Neighbourhood Management processes.

Communities / Community

Either a 'geographic community' (a group of people living in one area) or a 'community of interest' (a group of people who share a common characteristic or identity, such as black and minority ethnic communities).

Community Budgeting

Community Budgeting (CB), also known as Participatory Budgeting, is a democratic innovation based on a simple idea: involving citizens in making decisions about public expenditure.

Community Capacity Building (CCB)

Activities, resources and support that strengthen the skills, abilities and confidence of people and community groups to take effective action and leading roles in the development of communities.

Community Empowerment (Scotland) Act 2015

The Act reflects the policy principles of subsidiarity and community empowerment; and provides a framework to empower community bodies through the ownership of land and buildings; support an increase in the pace and scale of public service; and improve the process of community planning.

Community Councils (CC)

Community Councils are voluntary bodies which exist within a statutory framework and which have been granted statutory rights of consultation. The general purpose of a Community Council is to ascertain, co-ordinate and express the wider views of the entire community within its agreed boundaries. They can complement the role of the local authority but are not part of local government.

The following bullets refer directly to Community Councils:

- **CC Accounts**

Provides hard evidence that the financial undertakings of Community Councils are wholly legitimate and in keeping with furthering Community Councils' objectives as stated in the Constitution. The annual accounts of each Community Council shall be independently examined by an appointed examiner. The accounts shall be forwarded immediately to Glasgow City Council following approval at the AGM.

- **CC Administration Allowance**

Glasgow City Council (GCC) provides an Administrative Allowance to Community Councils to assist with their operating costs – Community Councils must be in full compliance with the requirements of the governance documents i.e. Scheme etc.

- **CC Administration Allowance Receipt**
The return of the allowance receipt ensures that the necessary administration steps are completed to further ensure the release of Administration Allowances.
- **CC Agendas**
Provides evidence that Community Councils are meeting and the items for discussion. Agendas should be posted in at least 3 public places and must also be presented to Glasgow City Council 7 days prior to the date of the next meeting.
- **CC Code of Conduct**
The Code of Conduct describes the expectations of those who serve on Community Councils. It sets out the way in which they should conduct themselves in undertaking their duties. It is largely based on the Code of Conduct for Glasgow City Council councillors and relevant public bodies as provided for in the Ethical Standards in Public Life etc (Scotland) Act 2000.
- **CC Communities' Voices**
A foundation of Community Councils is to act as a voice for their local area; and because Community Councils are apolitical they can encompass the widest range of issues, views and concerns of local people and make representations to Glasgow City Council (GCC), other public sector bodies and private agencies on matters which are important to them.
- **CC Complaints Procedure**
If anyone is dissatisfied or has concerns about the standard of service, actions or lack of action provided by Community Councils or their members, these can be reported through the Complaints Procedure for Community Councils
- **CC Constitution**
Describes the objectives of the Community Councils and how Community Councils govern their affairs e.g. membership numbers and quorum; filling vacancies; voting; election of office bearers and appointment of bank signatories.
- **CC Decision Making**
All decisions are made by the 'collective' Community Council members i.e. those with voting rights; in the main a simple majority will identify the collective decision – decisions are not made by individual members and/or those elected as Office Bearers.
- **CC Declaration of Interests**
The Declaration of Interest sets out the policy with regard to Community Council members' potential conflict of interest. All members of Community Councils will be expected to adhere both to the letter and the spirit of this clause within the Scheme for the Establishment of Community Councils (2018).
- **CC Development Sessions (formerly Discussion Forum)**
The Development Sessions is a regular and popular capacity building session which offers the Community Council members from across Glasgow a platform to engage effectively with a wide range of partners and service providers. The Development Sessions aim to better inform Community Councils on matters such as service delivery; consultations; and Community Council focussed concerns (improved service delivery can result from this Forum).
- It is also the intention that Development Sessions will also include opportunities for Training and Development of Community Councils and their members via specialist knowledge and/or experience, including peer learning.
- **CC Discretionary Grant Fund (DGF)**
The Discretionary Grant Fund (DGF) is only open to applications from Community Councils. The DGF may support; (a) Community Council newsletters; (b) small items of equipment; (c) activities

which build Community Councils' capacity; (d) attendance at conferences and/or seminars; although this list may not be exhaustive. A maximum of £400 can be applied for in any one financial year

- **CC Elections**

Open, transparent and democratic process which is overseen by support officers to Community Councils; all necessary legitimacy checks are carried out to ensure that subsequent elections meet the requirements of the governing documentation i.e. the Scheme.

When advertising vacancies and/or elections, all Community Councils shall be seen to advertise across their entire boundary area; with the aim of securing a geographical and demographical spread of members to enhance the Community Council's overall representational membership.

- **CC Guidance**

This Induction can be read in conjunction with the Guidance for Community Councils which provides further assistance to Community Councils for interpretation of the Scheme; and to provide additional background information that Community Councillors may need in order to operate effectively within their Community Council. The Guidance is subject to ongoing review by the City Council and is available upon request.

- **CC Induction**

Induction helps new Community Council members to settle in and make a contribution to the group as quickly as possible.

- **CC Insurance**

Ensures that Community Councils are covered generally in relation to undertaking their standard operational requirements e.g. holding meetings etc. Insurance covers 2 main areas: (1) Combined Liability & Money; and (2) Fidelity Guarantee (*see the full policies for further information*).

- **CC Licensing**

Community Councils are statutory consultees in terms of section 21 of the Licensing (Scotland) Act 2005 and are consulted on all applications for provisional/premises licences and major variations to premises licences. They are also consulted on the development of the Licensing Policy Statement and any supplementary Licensing Policy Statement.

- **CC Minutes**

Provides hard evidence and protection to Community Councils in relation to recorded attendance, discussion and decisions taken on behalf of the community. Likewise to agendas, minutes should be available 7 days prior to the date of the next meeting.

- **CC Office Bearers**

Provides tailored key points of contact between Community Councils and Glasgow City Council. Usually Chair; Vice-Chair; Secretary; and Treasurer. All positions are of equal a status to elected Community Councillors with only exception being that these positions undertake additional responsibilities.

- **CC Partnership Working & Relationships**

Communities are partners within the whole sphere of community planning; all partners' contributions are highly valued to ensure that a '*product*' of working in partnership can be improved service delivery.

Constructive and mutually supportive relationships can have an increased positive impact on desired outcomes and the ongoing development of policy e.g. the ongoing review and improvement of the governing documentation relating to Community Councils.

- **CC Planning**
Recognised Community Councils unlike other community organisations are included in the consultation process for all planning applications. They have the right to receive copies of applications, and will be recognised as competent bodies to make representations regarding applications.
- **CC Political status**
The apolitical status of Community Councils ensures that they remain a neutral and inclusive representational base for local residents from within their local communities. This can ensure that the views expressed by Community Councils reflect the wider communities' views and not those of a single political viewpoint.
- **CC Quorum / Quorate**
The minimum number of voting members required for business to be discussed at meetings. The quorum for each meeting is a third of the stated voting membership as specified in clause 5 of the Constitution. A proper quorum present at meetings ensures that any business conducted and decisions made are legitimate; and meet the requirements of the governance documentation.
- **CC Recess**
The periods by which Community Councils take time out from holding meetings. These periods are traditionally during the summer and December / January holiday periods.
- **CC Resources & Support**
Glasgow City Council (GCC) support officers will endeavour to prepare, publish and review the Scheme as necessary, after due consultation with Community Councils and the public; arrange initial elections for new Community Councils; manage interim elections for existing Community Councils; conduct and administrate Community Council elections; provide such financial and administrative assistance as is possible, subject to the various constraints placed on GCC; consult with Community Councils, e.g. on planning applications; provide publicity for common election dates.
- **CC Scheme of Establishment for Community Councils**
The core governance for Community Councils. Describes how Community Councils in Glasgow are formed, the conditions under which they operate, and the minimum standards to be met for recognition as a Community Council.
- **CC Standing Orders**
Describes the proper conduct and order of business at Community Council meetings.
- **CC Training & Development Opportunities**
An ongoing review of capacity building activities which have been identified and developed in collaboration with Community Councils to support and enable them to act as positive agents for community development and empowerment of Glasgow's communities.

Community Development

An approach to tackling social injustice within the local community. This is done by enabling people to find solutions and give them the means to change their relationships with public, private and voluntary organisations.

Community Empowerment

A process where people work together to make change happen in their communities by having more power and influence over what matters to them.

Community Engagement

A process that involves two way discussions between public agencies and communities aimed at improving understanding between them. By developing and sustaining a working relationship between them, they will be able to take more effective action to achieve change.

Community Engagement, National Standards

The Standards are good-practice principles designed to support and inform the process of community engagement, and improve what happens as a result.

Community Engagement, Protocols

An agreement between the partners to take an agreed approach to co-ordinating engagement activities and meeting the development and/or support needs identified through these activities.

Community Engagement, Spectrum for

A table which shows an understanding of varying levels of engagement between partners. This in turn could underpin the development of effective and sustainable relationships. The levels are; inform; consult; involve; collaborate; and empower.

Community Learning and Development (CLD)

Learning and social development work with individuals and groups in communities. This involves using a range of formal and informal methods. Teams may include specialist community development or community capacity building workers. They work alongside colleagues who apply community development principles to adult learning or youth work. CLD's main aim is to help individuals and communities tackle real issues in their lives through community action and community-based learning.

Community Plan

The City's Community Plan was published by October 2017 along with a number of local plans setting out how priority issues will be tackled with communities in their areas (Locality Plans).

Community Planning

A process of planning and providing local public services through consultation with public bodies and community groups. Community Planning is about ensuring that the public services we all use are delivered in the most effective way possible. Effective and genuine community engagement is at the heart of this.

Community Regeneration

A process of tackling poverty, deprivation and social exclusion in a particular geographic area or within a particular group of people.

Deliberative Dialogue

Deliberative dialogue is a form of discussion aimed at finding the best course of action. Deliberative questions take the form "What should we do?" The purpose is not so much to solve a problem or resolve an issue as to explore the most promising avenues for action.

EPIC – Enforcement; Prevention; Intelligence; and Communication

An EPIC Plan is a practical example of action taken to support Police Scotland Public Reassurance Strategy; the implementation of the Strategy is based on the development of EPIC Action Plans for particular hot-spot areas that have been identified as requiring police attention.

The production of the EPIC Action Plans involves a range of methodologies including analysis of police statistics, visual audits and structured interviews with community residents who form part of the Key Individual Networks (KINs).

Financial Inclusion

A collective term for the range of services delivered by the public and voluntary sectors. These services provide support, guidance and advice related to personal financial issues e.g. budgeting, financial management, debt etc

Framework for Dialogue

A group made up of refugees and asylum seekers. This group discusses service provision and the needs of those they represent.

Glasgow Council on Alcohol – Alcohol & Drugs Prevention & Education

This is an alcohol and drug prevention and education initiative who in partnership with local people and organisations seek to reduce alcohol and drug related harm by providing information and advice, delivering groupwork and training and developing local campaigns.

Glasgow Housing Association

Glasgow Housing Association is one of the largest social landlords in the UK, with more than 43,000 tenants. It is part of the Wheatley Housing Group, a group of organisations which work together to provide affordable housing, community regeneration and property management services.

Housing Association (HA)

Housing Associations are independent not-for-profit organisations that provide affordable homes (for rent or to purchase) for people in need. Housing Associations that have registered with the Housing Corporation are known as Registered Social Landlords (RSLs).

Integration Networks

A network of organisations and individuals that actively support and are strongly committed to the principles of integration in Glasgow. The networks support a number of services and projects that aim to promote integration between local people, asylum seekers, refugees and other communities in the area.

Key Individual Networks (KIN)

A method of community engagement and a two-way communication channel between the police and the community, which includes contacts with people with a sphere of influence in their local area. It can also act as a method of determining perceptions of crime; fear of crime; and the location of problems within a ward or local area.

Local Outcomes Improvement Plan (LOIP)

Each Community Planning Partnership (CPP) must prepare and publish a LOIP. A LOIP is a plan which sets out (a) local outcomes to which priority is to be given by the CPP with a view to improving the achievement of the outcomes; (b) a description of the proposed improvement in the achievement of the outcomes; (c) the period within which the proposed improvement is to be achieved, and (d) a description of the needs and circumstances of persons residing in the area of the local authority to which the plan relates.

Local Childcare Forums

There are currently ten locality Childcare forums which form the infrastructure of the Glasgow Early Childhood and Extended Services Partnership, and play a fundamental role in considering and informing future service provision within our local communities.

Local Housing Forums (LHF)

Local Housing Forums bring together communities and housing providers serving the area, to inform the planning and development of housing in the area. Ten Local Housing Forums have been established across the city to facilitate local engagement between housing providers and other stakeholders in relation to strategic housing planning and other associated community matters.

Local Housing Organisations (LHO)

Independent community based organisation that manages designated housing stock on behalf of Glasgow Housing Association (GHA). GHA have LHOs across Glasgow, run by tenant-led committees. This means that although GHA own the property, it is the LHO that is responsible for the delivery of the services that tenants receive.

Locality Plan

Each community planning partnership must prepare and publish a locality plan for each locality in which persons residing there experience significantly poorer outcomes which result from socio-economic disadvantage. A locality plan (there are 10 across Glasgow) sets out the purposes of the locality to which the plan relates.

The 10 Locality Plans for Glasgow cover:

North West

Drumchapel
Lambhill & Milton
Ruchill & Possilpark

North East

Easterhouse
Parkhead, Dalrnarnock & Camlachie
Springboig Barlanark

South

Gorbals
Govan
Govanhill
Priesthill & Househillwood

Mini-Publics

Mini-publics are forums of citizens, which seek to represent a microcosm of the public – hence the name ‘mini-public’. Participants are selected by lot to reflect the characteristics and perspectives of their population. Their job is usually to produce recommendations to inform decision making on a particular policy or issue.

More Choices, More Chances (MC²)

A Strategy to reduce the proportion of young people not in Education, Employment or Training (NEET) in Scotland.

National Outcomes

The Scottish Government’s National Performance Framework. It specifies a set of 14 National Outcomes which will be sought by the Government. They also form the basis for local Single Outcome Agreements, along with additional local outcomes. They are backed by 49 National Indicators and Targets.

NEET – Not in Education, Employment or Training

A term for young people who are not in education, employment or training.

Neighbourhood Management

An approach whereby local residents and agencies work together to improve services at the neighbourhood level. It is about changing ways of working rather than delivering projects or putting in significant amounts of new money. NM is designed to improve the quality and responsiveness of public services to local needs around core service areas of; security; environment; and cleansing.

Participatory Budgeting

See ‘Community Budgeting’.

Participatory Democracy

Participatory democracy is a process emphasizing the broad participation of constituents in the direction and operation of political systems. Participatory democracy tends to advocate more involved forms of citizen participation and greater political representation than traditional representative democracy.

Public Partnership Forums (PPFs)

Bodies established to allow each Community Health Partnership to maintain an effective dialogue with its local communities. It also keeps local communities informed.

Registered Social Landlords (RSL)

The new general name for not-for-profit housing providers approved and regulated by Government through the Housing Corporation. The vast majority of Registered Social Landlords are also known as Housing Associations. Housing associations are independent, not-for-profit organisations that provide homes for people in housing need. They are now the UK’s major providers of new homes for rent.

Registered Tenants Organisation (RTO)

RTOs are central to the tenant participation process; they are an independent organisation set up primarily to represent tenants' housing and related interests. Their aim is to give tenants associations a recognised role in the tenant participation process. However, consultation with registered tenant's organisations is not a substitute for consulting with individual tenants.

Representative Democracy

Representative democracy is a variety of democracy founded on the principle of elected officials representing a group of people. All modern Western-style democracies are types of representative democracies; for example, the United Kingdom is a constitutional monarchy and Germany is a parliamentary republic.

Scottish Community Development Centre (SCDC)

The designated National Development Centre for community development in Scotland. It is the lead organisation for developing the National Standards for Community Engagement.

Scottish Index of Multiple Deprivation (SIMD)

A single measurement, combining 37 indicators of Income, Employment, Health, Education, Skills and Training, Geographic Access to Services, Housing and Crime. It identifies concentrations of multiple deprivation in small areas across Scotland in a consistent way.

Sector Partnerships (North West; North East; South)

The Sector Partnerships develop an implementation plan and investment strategy, which reflects the strategic priorities of the Glasgow Community Planning Partnership (GCPP) and Glasgow City Council (GCC).

Service Level Agreement (SLA)

A Service Level Agreement between partners can provide details of the requirements for the effective operation of the community planning structure in Glasgow.

Tenants & Residents Associations

A voluntary body of tenants representing the views of its membership and local residents to their landlord, the local authority and any other relevant agencies. (Chartered Institute of Housing definition)

Terms of Reference (ToR)

Terms of Reference should describe the roles and remits of a group. It can include a list of membership and the level of delegated responsibility.

Thriving Places

Thriving Places are neighbourhoods and communities which have been identified as needing further support to tackle complicated local issues. The Thriving Places approach centres on partners working much more collaboratively with one another and with specific communities making better use of existing resources and assets in order to form an approach which is specific to each individual community's issues.

There are 9 Thriving Places across Glasgow. These mirror those areas listed under the 10 'Locality Plans' with the exception of Govanhill, which at the time (2012) of identifying those areas ranked as most in need using the deprivation index (SIMD), didn't rank as highly as other areas.

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PREFACE - COMMUNITY COUNCILS IN HIGHLAND

Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government (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.

Community Councils in each Local Authority area are created through a Scheme of Establishment and each Scheme sets out the framework through which Community Councils are to operate.

This Scheme is based upon the model Scheme published by the Scottish Government in March 2009 for use by Local Authorities. The Scheme encompasses a suite of documents which include:

- Community Council Boundary Maps (appendix 1)
- Community Council Membership Numbers (appendix 2)
- Standard Community Council Constitution (appendix 3)
- Standard Community Council Standing Orders (appendix 4)
- Code of Conduct for Community Councillors (appendix 5)

These documents are designed to support the operation of Community Councils across the Highland area.



Scheme for the Establishment of Community Councils in Highland

Updated September 2019

1. Background

- 1.1 The Highland Council, in accordance with the terms of Section 22 of the Local Government (Scotland) Act 1994, has adopted the following Scheme for the Establishment of Community Councils.

- 1.2 This current version of the Scheme was reviewed in 2018/19 under the terms of the Local Government (Scotland) Act 1973. It was agreed by a Special Meeting of the Council on 5 September 2019 and will come into effect on 16 September 2019.

2. Statutory Purposes

- 2.1 The statutory purposes of Community Councils established under this 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

3.1 General Role

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 making representations to The Highland Council, other public sector bodies and private agencies on matters within their sphere of interest.

Community Councils have key roles in consultations on planning applications and liquor licence applications.

Planning:

- Community Councils will be consulted on the submission of planning applications for proposed developments that are categorised as being of national or major scale or of significance to the community. Community Councillors may also be invited to attend events held by applicants to inform members of the community about the development proposed prior to submission of a planning application. Community Councils may also request to be consulted on specific applications once the application has been submitted.
- Once a planning application is submitted it will be recorded on the weekly list of applications and the e-planning website compiled by the planning authority and made available to Community Councils. If the Community Council wishes to be consulted on an application not directly referred to it by the planning team, it must timeously contact the planning officer concerned.
- To support Community Councillors in this role, the Council will make efforts to brief Community Councillors on new planning legislation when it is enacted. Community Councillors should make themselves available to attend such training sessions where reasonably possible.

Licensing:

- From time to time the Licensing Board will also consult on policy issues and will notify Community Councils of all new premises licences and major variation applications.

Community Councils may be consulted on any other matters by The Highland Council, other public sector bodies and private agencies. Community Councils are expected to facilitate local views and represent these in wider local forums where appropriate such as community planning activity.

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, hereinafter respectively referred to as 'the Scheme'.

As set out at section 15 of the Community Council Constitution, 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 as Trustees of the Community Council.

There should be mutual engagement in the establishment of working relationships with The Highland Council and other agencies.

3.2 Responsibilities

In carrying out their activities Community Councils and their members must at all times adhere to the law and to the terms of the Council's Scheme, their Constitution and Standing Orders and the Community Councillors' Code of Conduct (Appendix 5).

Each Community Council is required to adopt Highland Council's Child Protection Policy for Community Groups, where the Community Council intends to involve children in its activities.

Each Community Council has a duty to:

Maintain proper financial records in accordance with standard financial reporting format provided to Community Councils, subject to a minimum of a cashbook, bank statements, invoices and/or receipts. It is also expected that a written financial report including the current balance, will be presented at each Community Council meeting. Standard templates for presenting financial information at the year end must be used.

Any proposal to amend or update the financial templates will include engagement with Community Councils.

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, websites and notice boards.

In addition, Community Councils should consider: the use of social media as a way of promoting and sharing information about Community Council activity; promoting what the Community Council has achieved through local media, social media and newsletters; and attendance at local events and activity as a way of raising awareness and promoting the work of the Community Council.

Ensure that the Community Council is accessible by the wider community and, subject to the provisions contained within Data Protection Legislation, make available contact details of Community Council office bearers.

3.3 Equality

Communities Councils must ensure that responsibilities and activities are carried out in accordance with equal opportunities legislation. The Equality Act 2010 makes it unlawful to discriminate against persons or groups on the grounds of the protected characteristics of race, sex, gender recognition, disability, age, sexual orientation, marriage and civil partnership, pregnancy and maternity, and religion or belief.

Community Councils are subject to the Public Sector Equality Duty within the Act and must consider general duties to:

- Eliminate discrimination, harassment, victimisation or any other prohibited conduct.
- Advance equality of opportunity.
- Foster good relations by reducing prejudice and promoting understanding.

Community Councils must act in a manner that is non-discriminatory at all times and should consider, in particular, how they can contribute towards promoting equality on the basis of the above named grounds, whether in relation to their role advising on planning applications, running community facilities, improving the quality of life through local community safety projects and ensuring meetings are held in accessible venues or otherwise.

Community Councils should recognise and value diversity in their membership and in their communities, and ensure that equality of opportunity be given to every resident to have their knowledge, opinion, skill and experience taken into account.

3.4 Representing the Community

Community Councils have a duty under statute to represent the views of their local community. It is essential that these views are demonstrated to be representative of the community and that they reflect the broad spectrum of opinion and interests of all sections of the community.

In order to fulfil their responsibilities to be effective and representative, Community Councils: -

- Should be aware of the National Standards for Community Engagement available on the Scottish Government website, the link to the document at the time of publishing this Scheme being: <http://www.voicescotland.org.uk/>
- Shall identify, in consultation with The Highland Council, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sectors of the community.
- This may include the use of social media, newsletters and local surveys,

targeting and liaison with key groups within the community and attendance at local events and activity.

- Will make particular efforts to encourage young people and other under-represented groups to attend or participate in Community Council meetings and to ensure equality of opportunity in the way the Community Council carries out its functions.
- Shall seek to broaden both representation and expertise by promoting the Associate Membership of the Community Council of persons for specific projects/issues.
- Respond to enquiries and complaints from the community, using the Community Council complaints handling process.

4. Community Council Areas within The Highland Council Area

- 4.1 The Highland Council has produced a list of named Community Council areas and a map or maps that define their boundaries. Detailed maps of these areas can be found on The Highland Council's website or through the appropriate local office.

5. Membership of Community Councils

- 5.1 The minimum membership level of a Community Council shall be seven and the maximum thirteen. The formula for determining individual Community Council membership levels is:

- Each Community Council shall have a core membership of 7
- Each Community Council shall have one additional member per thousand of population up to the stated maximum
- In any Community Council area where the population density is less than the Highland average of 9.1 residents per square km, that Community Council shall have one additional member, subject to the maximum of thirteen members not being exceeded
- No Community Council shall have a membership greater than the maximum permitted membership of 13

The membership numbers for each Community Council based on the latest available population figures at the time this Scheme was drafted are set out at Appendix 2.

- 5.2 No person shall vote in a Community Council election or stand for election as a Community Councillor unless he or she is named in the electoral register for that Community Council area and will have attained the age of 16 years on the date fixed by The Highland Council for the Community Council election.
- 5.3 Community Councillors and candidates for Community Council membership must reside within and be named on the electoral register for the particular Community Council area.
- 5.4 Provision shall be made for non-voting Associate and Ex-Officio Membership as set out below. Such persons will not be counted in terms of meeting a quorum, or towards the total number of Community Council members.
- 5.5 *Associate Members*
Associate members, who need not be resident within the Community Council area, may be appointed by a majority vote of a Community Council where there is considered to be a need for individuals with particular skills or knowledge. Associate members shall have no voting rights on the Community Council. 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 whichever is the shorter. Associate members may include representation from other constituted local voluntary organisations and persons under the age of 16. At the first meeting of a Community Council following an election, consideration should be given whether to grant associate membership to key groups within the community, such as parent councils, development trusts etc., to broaden membership and strengthen links within the community. Associate members can be appointed at any time.
- 5.6 *Ex-Officio Members*
Members of The Highland Council and members of the Scottish, United Kingdom and European Parliaments shall be ineligible to remain or become Community Councillors, or to stand for election to a Community Council.

Members of the aforementioned bodies whose wards or constituencies fall wholly or partly within the geographical area of the Community Council, shall be deemed ex-officio members of the Community Council. Ex-officio members shall have no voting rights on the Community Council.

5.7 *Youth Membership*

Each Community Council is able to appoint two youth members between the ages of 16-18. Youth members must live within the Community Council area. The appointment shall be made in liaison with the local High School and Youth Work Service. These members shall be in addition to the total membership of each Community Council but will be considered as full members of the Community Council. They will have full voting rights, with the exception of co-option and will be appointed for a two year term.

6. **Community Council Elections**

6.1 **Eligibility**

- 6.1.1 Only individuals aged over 16 and resident in the Community Council area and named in the Electoral Register for that area may stand for election to a Community Council or vote in a Community Council election.
- 6.1.2 Any Community Councillor who no longer resides within that Community Council area or whose name has been removed from the electoral register for that Community Council area, will only be eligible to remain as a Community Councillor until the date of the next Community Council elections, whether interim or full, regardless of whether the creation of the vacancy triggers an election.

6.2 **Nominations and Elections**

6.2.1 Background

The first elections to be held under this Scheme shall be held during November 2019 on a date or dates to be fixed by The Highland Council.

Subsequent elections will be held on a four-yearly-cycle, on dates to be determined by The Highland Council.

The Highland Council will administer all elections, with the exception of interim elections outlined at section 6.2.6 b.

All Community Councillors shall stand down at each *full* election but shall be eligible for re-election.

6.2.2 Returning Officer

The Highland Council will appoint an Independent Returning Officer. The Independent Returning Officer must not be a member of that Community Council nor intending to stand for election to that Community Council.

6.2.3 Nominations

Candidates eligible to stand for election in terms of paragraph 6.1.1 of this Scheme should complete a Nomination Form.

Nomination forms must be submitted to the Returning Officer by the date and time set down in the election timetable. No nomination forms submitted after that date and time will be accepted.

6.2.4 Process

On the expiry of the period for withdrawing 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 2 of the Scheme, the said candidates will be declared elected from that date 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 ballot shall be implemented. Each elector shall be entitled to vote for a number of candidates up to and including 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. In that event, it shall be at the discretion of The Highland Council to issue a further call(s) for nominations when it is deemed appropriate.

6.2.5 Method of Election

- Elections will be run across the whole Highland Council area or devolved administrative areas, as deemed appropriate.
- All elections will be carried out by means of a postal and/or electronic ballot. Where an electronic ballot is used this will be in conjunction with a postal ballot.
- Community Councillors shall be elected on a simple majority basis.

6.2.6 Filling of casual places/vacancies between elections

Casual vacancies on a Community Council may arise in a number of circumstances including:

- When an elected Community Councillor submits his or her resignation;
- When a member ceases to be resident in or on the electoral role for that Community Council area;
- When a member is disqualified from holding office. (Section 11).

Should a vacancy or vacancies arise on a Community Council between elections:

- the Community Council must inform the named Highland Council officer.
- Subject to the following paragraph, should the vacancy or vacancies result in the number of elected Community Councillors falling below **HALF** of the maximum permitted membership:
 - then the Community Council shall stop operating immediately until an interim election is called. The exception to this is where, with existing co-opted members, the Community Council can still fulfil quorum requirements. In these circumstances the Community Council can continue to operate until the next interim election.
 - Interim elections will be held twice annually on dates scheduled by The Highland Council. Dates for interim elections will be notified to

Community Councils at the start of each year. Any interim election will only seek to fill vacant positions or those held by co-opted members. In these circumstances the Highland Council will administer the election.

- If, following this election the Community Council fails to achieve HALF its maximum permitted membership, the Community Council will be dissolved at that time.
- If the number of elected Community Councillors falls below **HALF** of the maximum permitted membership less than six months prior to a scheduled election then there will be no interim election at that time but the Community Council *may* continue to operate with the agreement of The Highland Council but only if the number of Community Councillors remaining meet the quorum level.
- For all other vacancies, the Community Council may fill the vacancy either:
 - a) through co-option within the parameters set out at section 6.3.

OR

 - b) by itself undertaking an interim postal ballot as per the standard election procedure set out earlier.

6.3 Co-option to Community Councils

- Notice of any proposed co-option of a member or members shall appear as an item on the agenda for the Community Council meeting which will be sent to all of the Community Council's members at least 7 days prior to the meeting when the matter will be decided.
- Co-opted members must be eligible for membership of the Community Council in terms of paragraphs 5.2 and 5.3 of this Scheme.
- Members cannot be co-opted on to the Community Council except by a majority of no less than two thirds of the elected (general and interim) Community Councillors present and voting.
- 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). Community Councils may co-opt up to their maximum permitted membership, as long as the number of co-opted members does

not exceed 4 and half of all Community Councillors are elected.

7. Meetings

7.1 The first meeting of a Community Council following a Community Council election, will be called by the Returning Officer appointed by The Highland Council and will take place within 21 days of the date of the election, or as soon as practicable thereafter. The business of the meeting following the first election under this Scheme will include the adoption of the Constitution and Standing Orders set out at Appendices 3 and 4 of this Scheme. Any Community Council's constitution which is not exactly in terms of Appendix 3 is required to be approved by Highland Council. Any changes to the constitution of a Community Council must be approved by The Highland Council.

Thereafter, the first meeting following each election, and each interim election, will include the appointment of office bearers and any outstanding business matters from the outgoing Community Council.

7.2 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 before the end of June.

7.3 The quorum for Community Council meetings shall be 4 voting members of the Community Council.

7.4 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 Standing Orders.

8. Liaison with The Highland Council

8.1 In order to facilitate the effective functioning of Community Councils, The Highland Council will identify a named officer to act as a Liaison Officer with each Community Council. Unless there is a specific agreement or an issue is a specific

departmental issue, all correspondence between The Highland Council and the Community Council should, in the first instance, be directed through the named Highland Council Officer.

- 8.2 Community Councils may make representations to The Highland Council and other public and private agencies, on matters in which it has an interest. Representations should be made, in the case of statutory objections, such as planning or licensing matters, to the appropriate Highland Council official. On issues where a Highland Council service is consulting with Community Councils, representations should be made to the appropriate service officer.
- 8.3 Community Councils will present draft minutes of Community Council meetings to The Highland Council via its named officer normally within 14 days from the date of that meeting taking place. Meeting agendas will be distributed 7 days prior to the date of the meeting. Draft minutes and agendas will be circulated to Community Council members (including ex officio members who were present or express an interest and associate members), and the named Highland Council Officer.
- 8.4 Community Councils will inform The Highland Council of any change in membership (including resignations, Co-options, Associate Membership, Office Bearers etc.) and the circumstances of these changes, as soon as is practicable.

9. Resourcing a Community Council

- 9.1 The financial year of each Community Council shall run from 1st April each year to 31st March in the succeeding year. A certified financial report (as detailed in section 9.2 of this Scheme) will be presented to the Community Council's annual general meeting and a copy submitted to The Highland Council before the end of June each year in the prescribed format set by The Highland Council.
- 9.2 The Financial Report of each Community Council shall be independently examined and certified by at least one examiner appointed by the Community Council, who is not a member of that Community Council and has no personal or

professional relationship with the Treasurer. A copy of the certified financial report shall be submitted for approval at the Community Council's annual general meeting and immediately thereafter a copy shall also be forwarded to the appropriate named Highland Council officer.

- 9.3 The appropriate named Highland Council officer may at his or her discretion, and in consultation with the Council's Chief Financial Officer, require the Community Council to produce such of its financial records - cashbook, bank statements, invoices and/or receipts records - as may be required to verify the financial statement.
- 9.4 Each Community Council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions.
- 9.5 Each Community Council shall be eligible to apply for grants or funding in kind for suitable projects through The Highland Council's grant system.
- 9.6 The Highland Council shall provide an administrative grant to Community Councils for the purpose of assisting with the operating costs of the Community Council. The use to which the grant is put will be clearly identified in the minutes and shown in the Community Council's financial records. The grant shall be fixed at a minimum flat rate of £ **(to be determined by The Highland Council)** with an additional amount **(to be determined by The Highland Council)** to reflect those serving rural and sparsely populated communities.
- 9.7 The Highland Council 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 Highland Council and other relevant topics.
- 9.8 In election year, all Community Councils are required to ensure their accounts are up to date and a mid-year balance is taken prior to the election.

10. Liability of Community Councillors

- 10.1 It is the responsibility of the Community Council to have appropriate insurance cover for all assets of the Community Council, for the actions of the Community Council and for the actions of individual Community Councillors while acting as such. Advice on this can only be obtained directly from the Insurers.
- 10.2 A local scheme of insurance liability and property cover is available through the Highland Council's Insurers. The insurance liability cover, in standard terms, should be requested directly from the Insurers. This cannot be done on the organisation's behalf. Insurance cover not in standard terms will be granted on a discretionary basis and may take longer to obtain.
- 10.3 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 as Trustees for the Community Council.

11. Disqualification of Membership

- 11.1 As per paragraph 6.1.3, any Community Councillor who no longer resides within that Community Council area and/or whose name has been removed from the electoral register for that Community Council area is only be eligible to remain as a Community Councillor until the date of the next Community Council elections, whether interim or full, regardless of whether the creation of the vacancy triggers an election. This excludes associate members appointed to the Community Council and ex-officio members.
- 11.2 If a Community Councillor does not attend a Community Council meeting for 6 consecutive months the Community Councillor will be disqualified from office; unless at the first opportunity after the 6 months period has elapsed the Community Council agree by majority that the absence is reasonable in all the circumstances. Disqualification under this rule will not prevent the Community Councillor from standing at the next election.

12. Establishment of Community Councils Under this Scheme

12.1 The Scheme as revised and approved on 5 September 2019 shall come into effect on 16 September 2019 and said Community Councils shall be required to operate within the terms of this Scheme.

12.2 Any funds, assets and liabilities pertaining to any existing Community Councils as at the expiry of the withdrawal period or election day - should a ballot be undertaken - whose boundaries shall be substantially changed or amended shall transfer proportionately to any new Community Councils covering their area. The division of funds, assets and liabilities between the new Community Councils will be made on an equitable basis and if agreement cannot be reached, The Highland Council shall be the final arbiter.

12.3 Details outlining when the first elections under this Scheme will take place are found in section 6 of this Scheme.

12.4 Notwithstanding the above, where a Community Council is not formed or has formed and been dissolved in terms of section 13 below, should twenty or more electors wish the establishment or re-establishment of a Community Council for that area, these electors shall submit a requisition to The Highland Council in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which The Highland Council shall arrange for elections to be held in accordance with section 6 of this Scheme.

12.5 Once established under this Scheme a Community Council shall conduct itself in accordance with the provisions of this Scheme.

13. Dissolution of a Community Council

13.1 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.

Not less than ten days prior to the date of such meeting a public notice will be published in the Community Council area giving intention of the proposal to dissolve. If the resolution is supported by a majority of those persons present and qualified to vote, and is subsequently approved by The Highland Council, the Community Council shall be deemed to be dissolved and all assets remaining, subject to the approval of The Highland Council, after the satisfaction of any proper debts or liabilities shall transfer to The Highland Council who shall hold same in Trust for a future Community Council representing that area. Upon transfer, and the submission of a satisfactory, certified financial report, the potential liabilities of members and officers of the former Community Council are extinguished.

- 13.2 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 Highland Council 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 this Scheme.
- 13.3 Where for any reason, the number of Community Councillors falls below **HALF** the maximum permitted membership in this Scheme The Highland Council 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, identified in section 13.2, shall apply for the establishment of a new Community Council.
- 13.4 Notwithstanding the above terms, should a Community Council fail to hold a quorate meeting for a period of 3 consecutive prescribed meeting dates, The Highland Council may take action to dissolve that Community Council or instigate a Special Meeting.

14. Review of the Scheme of Establishment for Community Councils

- 14.1 This Scheme supersedes the previous Scheme set out under the Local

Government (Scotland) Acts. The revocation of that Scheme is without prejudice to the validity of all decisions reached and implemented under it.

14.2 The Highland Council will review this Scheme of Establishment for Community Councils in Highland in each Local Government electoral cycle.

14.3 This will not preclude, where necessary, minor amendments to this Scheme in the intervening years. Minor amendments will require the approval of The Highland Council and would be considered annually at the Council meeting in June.

Boundary maps are available on Highland Council website.

Community Council Membership Numbers*

Caithness Sutherland and Easter Ross

Community Council	Total Community Council Membership
Alness	13
Ardgay and District	8
Ardross	8
Assynt	9
Balintore and Hilton	8
Berriedale and Dunbeath	8
Bettyhill, Strathnaver and Altnaharra	8
Bower	8
Bra	8
Braora	8
Caithness West	9
Castletown	8
Creich	9
Dornoch	9
Dunnet and Canisbay	9
Durness	8
Edderton	8
Fearn	7
Golspie	8
Halkirk	9
Helmsdale	8
Inver	7
Invergordon	10
Kilmuir and Logie Easter	8
Kiltearn	8
Kinlochbervie	8

Total Population	Area (sq kms)	Population Density (Persons per sq km)	Core membership	Additional Member / 1000 population	Additional Member if pop. density < 9.1
6014	11.9	505.3	7	6	0
654	570.7	1.1	7	0	1
485	235.6	2.1	7	0	1
1031	552.6	1.9	7	1	1
1171	12.4	94.5	7	1	0
536	347.4	1.5	7	0	1
397	596.3	0.7	7	0	1
476	72.6	6.6	7	0	1
1766	188.8	9.4	7	1	0
1825	254.9	7.2	7	1	1
1512	66.8	22.6	7	1	0
1048	395.9	2.6	7	1	1
2522	150.9	16.7	7	2	0
1558	183.0	8.5	7	1	1
312	522.3	0.6	7	0	1
377	89.5	4.2	7	0	1
556	18.2	30.5	7	0	0
1651	69.5	23.8	7	1	0
1665	409.3	4.1	7	1	1
867	601.6	1.4	7	0	1
382	18.7	20.4	7	0	0
3953	24.1	164.0	7	3	0
1863	85.4	21.8	7	1	0
1909	174.1	11.0	7	1	0
409	240.2	1.7	7	0	1

*Highland Scheme for the Establishment of Community Councils
Appendix 2*

Community Council	Total Community Council Membership
Lairg	8
Latheron, Lybster and Clyth	9
Melvich	8
Nigg and Shandwick	7
Rogart	8
Saltburn and Westwood	7
Scourie	8
Sinclairs Bay	8
Strathy and Armadale	8
Tain	11
Tannach and District	7
Tarbat	7
Thurso	13**
Tongue	8
Watten	8
Wick	13

Total Population	Area (sq kms)	Population Density (Persons per sq km)	Core membership	Additional Member / 1000 population	Additional Member if pop. density < 9.1
936	508.3	1.8	7	0	1
1261	149.8	8.4	7	1	1
343	252.7	1.4	7	0	1
382	32.2	11.9	7	0	0
469	427.8	1.1	7	0	1
421	0.7	602.1	7	0	0
226	345.2	0.7	7	0	1
1471	83.5	17.6	7	1	0
207	231.6	0.9	7	0	1
4132	58.4	70.8	7	4	0
929	92.9	10.0	7	0	0
734	23.7	31.0	7	0	0
7353	5.1	1441.8	7	7	0
559	411.7	1.4	7	0	1
678	132.4	5.1	7	0	1
6807	7.7	884.0	7	6	0

**Total Membership permitted is 13

Ross, Skye and Lochaber

Community Council	Total Community Council Membership
Acharacle	8
Applecross	8
Ardgour	8
Arisaig	8
Aultbea	8
Avoch and Killen	8
Ballachulish	7
Broadford and Strath	9
Caol	10
Coigach	8
Conon Bridge	8
Contin	7
Cromarty	7
Dingwall	12
Dornie And District	8
Dunvegan	8
Duror and Kentallen	8
Ferintosh	9
Fort William, Inverlochy and Torlundy	13
Fortrose and Rosemarkie	9
Gairloch	9
Garve and District	8
Glencoe and Glen Etive	8
Glendale	8
Glenelg and Arnisdale	8

Total Population	Area (sq kms)	Population Density (Persons per sq km)	Core membership	Additional Member / 1000 population	Additional Member if pop. density < 9.1
573	221.8	2.6	7	0	1
211	195.9	1.1	7	0	1
379	321.0	1.2	7	0	1
564	150.0	3.8	7	0	1
643	97.5	6.6	7	0	1
1366	32.2	42.4	7	1	0
735	42.2	17.4	7	0	0
1584	235.4	6.7	7	1	1
3053	3.6	848.0	7	3	0
254	171.4	1.5	7	0	1
1865	2.2	847.9	7	1	0
627	35.4	17.7	7	0	0
939	34.6	27.1	7	0	0
5593	12.1	462.2	7	5	0
399	404.1	1.0	7	0	1
529	99.5	5.3	7	0	1
354	52.4	6.8	7	0	1
2024	52.6	38.5	7	2	0
6085	173.8	35.0	7	6	0
2506	24.7	101.4	7	2	0
1109	170.7	6.5	7	1	1
348	611.1	0.6	7	0	1
376	328.1	1.1	7	0	1
382	102.6	3.7	7	0	1
301	219.6	1.4	7	0	1

*Highland Scheme for the Establishment of Community Councils
Appendix 2*

Community Council	Total Community Council Membership
Glenfinnan	8
Glengarry	8
Killearnan	7
Kilmallie	8
Kilmuir	8
Kinlochleven	8
Knockbain	9
Kyle	7
Kyleakin and Kyclerhea	7
Lochalsh	8
Lochbroom	10
Lochcarron	8
Lochduich	8
Mallaig	7
Marybank, Scatwell and Strathconon	8
Maryburgh	8
Minginish	8
Morar	8
Morvern	8
Muir of Ord	10
Nether Lochaber	7
Plockton and District	7
Portree	9
Raasay	8
Resolis	7
Sconser	8

Total Population	Area (sq kms)	Population Density (Persons per sq km)	Core membership	Additional Member / 1000 population	Additional Member if pop. density < 9.1
124	187.4	0.7	7	0	1
378	521.7	0.7	7	0	1
688	31.4	21.9	7	0	0
1819	165.5	11.0	7	1	0
374	64.2	5.8	7	0	1
864	220.6	3.9	7	0	1
2334	47.3	49.4	7	2	0
751	7.7	97.6	7	0	0
383	41.1	9.3	7	0	0
262	29.1	9.0	7	0	1
2168	932.4	2.3	7	2	1
867	293.2	3.0	7	0	1
312	267.1	1.2	7	0	1
826	27.65	30	7	0	1
645	440.3	1.5	7	0	1
1381	22.3	61.9	7	1	0
521	264.0	2.0	7	0	1
283	211.0	1.3	7	0	1
374	330.1	1.1	7	0	1
3392	36.16	93.8	7	3	0
469	48.2	9.7	7	0	0
495	21.2	23.3	7	0	0
2770	129.3	21.4	7	2	0
232	73.1	3.2	7	0	1
811	50.9	15.9	7	0	0
63	45.4	1.4	7	0	1

*Highland Scheme for the Establishment of Community Councils
Appendix 2*

Community Council	Total Community Council Membership
Shieldaig	8
Skeabost	9
Sleat	8
Small Isles	8
South Knoydart	8
Spean Bridge, Roy Bridge and Achnacarry	9
Staffin	8
Strathpeffer	8
Stromeferry and Achmore	8
Struan	8
Sunart	8
Torrion and Kinlochewe	8
Ug	8
Waternish	8
Wester Loch Ewe	8
Western Ardnamurchan	8

Total Population	Area (sq kms)	Population Density (Persons per sq km)	Core membership	Additional Member / 1000 population	Additional Member if pop. density < 9.1
170	108.6	1.6	7	0	1
1148	177.8	6.5	7	1	1
933	172.3	5.4	7	0	1
131	155.9	0.8	7	0	1
132	250.86	0.53	7		1
1578	964.6	1.6	7	1	1
503	109.2	4.6	7	0	1
1686	182.7	9.2	7	1	0
138	29.7	4.7	7	0	1
250	111.9	2.2	7	0	1
408	210.4	1.9	7	0	1
364	653.5	0.6	7	0	1
413	59.3	7.0	7	0	1
288	66.5	4.3	7	0	1
437	150.6	2.9	7	0	1
349	164.8	2.1	7	0	1

Inverness, Nairn, Badenoch and Strathspey

Community Council	Total Community Council Membership
Ardersier and Petty	8
Auldearn	8
Aviemore	10
Ballifeary	8
Balloch	8
Beauly	8
Boat of Garten	7
Carrbridge	8
Cawdor And West Nairnshire	9
Cradlehall and Westhill	12
Cromdale and Advie	8
Crown and City Centre	13
Croy and Culloden Moor	8
Culcabock and Drakies	10
Culloden	9
Dalneigh and Columba	10
Dalwhinnie	8
Dores and Essich	8
Dulnain Bridge	8
East Nairnshire	8
Fort Augustus and Glenmoriston	9
Glen Urquhart	9
Grantown On Spey	9
Hilton, Milton and Castle Heather	12
Holm	9
Inshes and Milton of Leys	11

Total Population	Area (sq kms)	Population Density (Persons per sq km)	Core membership	Additional Member / 1000 population	Additional Member if pop. density < 9.1
1967	41.1	47.9	7	1	0
1086	34.1	31.8	7	1	0
3632	198.3	18.3	7	3	0
1279	1.6	799.2	7	1	0
1514	8.77	172.6	7	1	0
1442	4.07	354.3	7	1	0
670	32.4	20.7	7	0	0
778	154.2	5.0	7	0	1
1193	200.9	5.9	7	1	1
5616	10.17	552.2	7	5	0
532	165.7	3.2	7	0	1
6615	5.0	1323	7	6	0
1483	27.59	53.8	7	1	0
3426	1.4	2447.0	7	3	0
2806	2.93	957.7	7	2	0
3794	1.2	3161.4	7	3	0
100	136.9	0.7	7	0	1
345	71.5	4.8	7	0	1
474	64.3	7.4	7	0	1
588	173.7	3.4	7	0	1
1129	476.9	2.4	7	1	1
2219	230.7	9.6	7	2	0
2639	71.1	37.1	7	2	0
5671	1.2	4726.0	7	5	0
2080	2.7	770.5	7	2	0
4686	9.61	487.6	7	4	0

*Highland Scheme for the Establishment of Community Councils
Appendix 2*

Community Council	Total Community Council Membership
Inverness West	9
Kilmorack	7
Kiltarlity	8
Kincraig	8
Kingussie	9
Kirkhill and Bunchrew	8
Laggan	8
Lochardil	11
Merkinch	11
Muirtown	11
Nairn West and Suburban	11
Nairn River	12
Nethy Bridge	9
Newtonmore	9
Park	9
Raigmore	8
Slackbuie	8
Smithton	10
Strathdearn	8
Stratherrick and Foyers	8
Strathglass	8
Strathnairn	9

Total Population	Area (sq kms)	Population Density (Persons per sq km)	Core membership	Additional Member / 1000 population	Additional Member if pop. density < 9.1
2755	53.8	51.2	7	2	0
674	62.7	10.8	7	0	0
1491	103.3	14.4	7	1	0
716	437.0	1.6	7	0	1
1515	185.5	8.2	7	1	1
1843	48.6	37.9	7	1	0
295	525.1	0.6	7	0	1
4976	4.1	1213.6	7	4	0
4578	1.3	3521.4	7	4	0
4204	1.7	2472.9	7	4	0
4495	3.3	1362.1	7	4	0
5505	7.1	775.4	7	5	0
1068	240.0	4.4	7	1	1
1235	181.0	6.8	7	1	1
2431	0.5	4862.5	7	2	0
1386	1.0	1385.9	7	1	0
1980	7.87	251.6	7	1	0
3600	3.48	1034.5	7	3	0
618	427.6	1.4	7	0	1
780	382.3	2.0	7	0	1
564	680.7	0.8	7	0	1
1316	234.53	5.6	7	1	1

The Highland Council

Community Council Constitution

1. Name

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

2. Area of the Community Council

- 2.1 The area of the COMMUNITY COUNCIL shall be as shown on the map for
..... Community Council attached to The Highland Council’s Scheme for the Establishment of Community Councils, a copy of which is attached hereto.

3. Objectives

- 3.1 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 Highland Council to public authorities and other organisations;
 - c) to take such action in the interests of the community as appears 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

- 4.1 In the discharge of their functions and the conduct of their business, the COMMUNITY COUNCIL and its members shall have regard to their role and responsibilities as set out in section 3 of the Scheme for the Establishment of Community Councils, approved by The Highland Council and the Community Councillors’ Code of Conduct, hereinafter referred to as ‘the Scheme’ and ‘the Code of Conduct’ respectively.

5. Membership

- 5.1 The COMMUNITY COUNCIL'S membership is as governed by section 5 of the Scheme and set out in Appendix 2 of the Scheme.

6. Method of Election

- 6.1 Election procedures shall be governed by the method of election laid down in section 6 of the Scheme.

7. Casual Vacancies on the Community Council

- 7.1 Where a vacancy arises, which does not result in the number of COMMUNITY COUNCILLORS falling below the minimum number as specified in section 6.2.6 of the Scheme, the COMMUNITY COUNCIL may, if it considers it to be desirable, agree to:

- a) fill the vacancy by co-option with voting rights up to their maximum permitted membership, as long as the number of co-opted members does not exceed 4, and half of all Community Councillors are elected. Taking into account the exclusion of co-opted members from this process as outlined in section 8 below.

OR

- b) fill the vacancy by undertaking a postal ballot as per standard election procedure set out in section 6 of the Scheme for the Establishment of Community Councils. Any interim election however, other than when the number of Community Councillors falls below the minimum level specified, will be administered by the Community Council.

The vacancy can 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

- 8.1 The right to vote at any meeting of the COMMUNITY COUNCIL or any committee thereof, shall be held by all COMMUNITY COUNCILLORS whether elected, co-opted, or youth member, but not by Associate, or Ex-officio members. For the avoidance of doubt, co-opted and youth members while otherwise holding full voting rights will not

be entitled to vote on co-option of members.

8.2 With the exception of circumstances which may arise:

- under the Scheme section 6.3 relating to Co-option;
- under the Constitution section 16 Alterations to the Constitution; and
- under the Constitution section 17 Dissolution;

all decisions of the COMMUNITY COUNCIL will be decided by a simple majority of those eligible to vote and present and voting.

8.3 In the event of a vote of the Community Councillors that results in a tie, the chairperson of the meeting shall have a second and casting vote, and the use of a casting vote will be recorded in the minute of the meeting.

9. Election of Office-Bearers

9.1 COMMUNITY COUNCIL office bearers will be elected following every election (full and interim). Office bearers will also be elected at every AGM. The COMMUNITY COUNCIL shall elect a Chair, Secretary, Treasurer and other such office-bearers as it shall from time to time decide. The COMMUNITY COUNCIL may choose to appoint a Minute Secretary or Associate Member as a Secretary however, such individuals shall have no voting rights. In these circumstances the COMMUNITY COUNCIL must elect a Vice Chair to ensure the COMMUNITY COUNCIL has three office bearers from its membership.

9.2 All office-bearers shall be elected for one year, but shall be eligible for re-election annually. A vote of no confidence can be held in an office bearer. The procedure for this is set out in the standing orders.

9.3 Without the express approval of The Highland Council, no one member shall hold more than one of the following offices at any one time: Chairperson, Secretary, Treasurer.

10. Committees of the Community Council

10.1 The COMMUNITY COUNCIL may establish sub-committees and appoint Community Councillors and associate members to serve on these committees. The

COMMUNITY COUNCIL shall determine the composition, terms of reference, duration, duties and powers of any sub-committee. The decision to set up a subcommittee, its remit and any agreed decision making powers given to it must be agreed and recorded in the CC minute. A note of subcommittee decisions must be circulated at the following CC meeting.

While a person or persons not members and not eligible to be members of the Community Council may be appointed as having special expertise relevant to the purposes of the committee, such external member shall not have voting rights.

11. Meetings of the Community Council

- 11.1
- a) The quorum for COMMUNITY COUNCIL meetings shall be 4 voting members.
 - b) Once in each year, before the 30th June, 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 financial statement and the appointment of office bearers.
 - c) In addition to the annual general meeting, the COMMUNITY COUNCIL shall hold not less than 6 ordinary meeting throughout the year.
 - d) Dates, times and venues of regular meetings of the COMMUNITY COUNCIL shall be provisionally 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 7 days public notice, either called by the Chairperson, or on the written request of not less than one-half of the total number of COMMUNITY COUNCILLORS. The named officer of The Highland Council has the discretion to call a special 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 (excluding minutes of the Annual General Meeting), but the draft minute shall be circulated normally within 14 days from the date of that meeting, to COMMUNITY COUNCIL members and Highland Council's named officer for the COMMUNITY COUNCIL.

- f) The COMMUNITY COUNCIL shall abide by the Standing Orders for the proper conduct of its meetings. Individual Community Councillors shall abide by the Code of Conduct for Community Councillors set out in Appendix 5 of the Scheme.
- 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 and eligible to vote 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 locally in the manner prescribed for special meetings called by the COMMUNITY COUNCIL.
- h) In exceptional circumstances, and in accordance with sections 1.1 and 9.1 of the Standing Orders, the COMMUNITY COUNCIL may suspend Standing Orders and discuss items of business in private. A motion to meet in private may be agreed by the Community Council either at its previous meeting or immediately prior to an item being taken. Any such motion requires three-quarters of the total COMMUNITY COUNCILLORS to be present and at least two-thirds of the Community councillors present consenting to the motion. The reason to meet in private must be recorded in the minutes of the meeting at which the decision to take the matter in private was made. If a decision to take an item in private is made at the previous meeting of the Community Council, the notice of such a meeting, given to the public in the usual way; will record that an item or items are to be taken in private. Minutes of the discussion and decisions shall be taken and recorded in a manner which does not compromise the private material.

12. Public Participation in the Work of the Community Council

- 12.1 a) All meetings of the COMMUNITY COUNCIL and its committees (subject to 11.1 (h), above) shall be open to members of the public. Every effort should be made to ensure proper accessible provision for the accommodation of members of the public.
- b) 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.

- c) Notices calling meetings of the COMMUNITY COUNCIL and its committees shall be posted prominently within the COMMUNITY COUNCIL area, and on its website / social media presence where appropriate, for a minimum period of 7 days before the date of any such meeting, and, where possible, be advertised by other suitable means.

13. Information to The Highland Council

13.1 The Community Council Secretary shall, as soon as the following documents become available, send to the named Highland Council officer:

- 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 and agendas 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 Highland Council. When special meetings of the COMMUNITY COUNCIL are to be held, the named Highland Council officer should be advised of the date, time venue and subject(s) of debate of such meetings, at least 7 days in advance of the meeting date.

14. Control of Finance

14.1 a) All monies raised by or on behalf of the COMMUNITY COUNCIL or provided by The Highland Council and other sources shall be applied to further the objectives of the COMMUNITY COUNCIL and for no other purpose. The monies provided by The Highland Council in the annual Administrative Grant for administrative and other approved purposes shall be used only as prescribed in the conditions of grant. Funds raised from other sources may be used in accordance with the terms of those funds (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 COMMUNITY COUNCIL shall open a bank account in the name of the Community Council.
- c) The Treasurer shall undertake to maintain proper financial records of the finances of the Community Council as per the standard financial templates provided. The Treasurer shall also provide a written financial statement, including the current balance, to each Community Council meeting.
- d) Any two of three authorised signatories, who would normally be office-bearers of the Community Council, must authorise by signature financial transactions on behalf of the COMMUNITY COUNCIL. Authorised signatories may not be members of the same household.
- e) A financial report, in the style set out by The Highland Council, shall be submitted to an annual general meeting of the COMMUNITY COUNCIL for the preceding financial year, being circulated with the agenda for that meeting and shall be available for inspection at a convenient location 7 days prior to the meeting. The report shall be independently examined and certified by at least one examiner appointed by the COMMUNITY COUNCIL, who is not a member of this COMMUNITY COUNCIL and has no personal or professional relationship with the Treasurer,
- f) The financial year of the COMMUNITY COUNCIL shall be from 1st April each year until 31st March the succeeding year. The certified financial statement as received and approved by the COMMUNITY COUNCIL at the annual general meeting shall be submitted to the named Highland Council officer following approval at the Community Council's annual general meeting.
- g) In election year, all Community Councils are required to ensure their accounts are up to date and a mid-year balance is taken prior to the election.

15. Title to Property

- 15.1 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 as Trustees of the Community Council.

16. Alterations to the Constitution

- 16.1 Any proposal by the COMMUNITY COUNCIL to alter this Constitution must be first

considered by a special 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 published not less than ten days prior to the meeting. Any proposed alterations may not prejudice the terms and objectives contained within the Scheme.

16.2 If the proposal is supported by two-thirds of the total voting membership of the COMMUNITY COUNCIL, and is subsequently approved in writing by The Highland Council, the alteration shall be deemed to have been duly authorised and can then come into immediate effect. For the avoidance of doubt unless and until the proposed alteration is approved in writing by The Highland Council, the proposed alteration shall be of no effect.

17. Dissolution

17.1 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. Not less than ten days prior to the date of such a meeting a public notice will be published in the Community Council area giving intention of the proposal to dissolve. If the resolution is supported by a majority of those persons present and qualified to vote and is subsequently approved by The Highland Council, the COMMUNITY COUNCIL shall be deemed to be dissolved and all assets remaining, subject to the approval of The Highland Council, after the satisfaction of any proper debts or liabilities shall transfer to The Highland Council who shall hold same in Trust for a future COMMUNITY COUNCIL representing that area. Upon transfer, and the submission of a satisfactory certified financial report, the potential liabilities of members and officers of the former Community Council are extinguished.

17.2 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 Highland Council 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 this Scheme.

17.3 Where for any reason, the number of COMMUNITY COUNCILLORS falls below **HALF** the maximum permitted membership specified in the Scheme The Highland Council 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 in 17.2, shall apply for the establishment of a new Community Council.

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 The Highland Council on: _____

_____	Signed
_____	Designation
_____	Date

The Highland Council

Community Council Standing Orders

1. Meetings

1.1 Except where a decision is taken in accordance with section 11.1(h) of the Constitution of a Community Council in relation to specific items of business, all ordinary meetings of the Community Council shall be held in public.

1.2 **Ordinary** meetings of the COMMUNITY COUNCIL shall be held in the months of [to be entered, minimum of 6 per year].

Special Meetings may be called at any time:

- by the Chair of the Community Council;
- on the written request of not less than one-half of the total number of COMMUNITY COUNCILLORS;
- or the receipt of a common written request (petition), signed by at least 20 persons, resident within the COMMUNITY COUNCIL area and eligible to vote, to convene a special meeting for a particular matter or matters to be debated such matter or matters to be specified in accordance with section 11.1 (g) of the Community Council's constitution. The named officer of The Highland Council has the discretion to call a special meeting of the COMMUNITY COUNCIL.

A special meeting shall be held within 14 days of the receipt of the written request made to the Secretary of the COMMUNITY COUNCIL.

An **Annual General Meeting** will be held annually between 1st April and 30th June.

1.3 The notice of ordinary, annual general and special meetings of the COMMUNITY COUNCIL, featuring the date, time and venue, shall be provided to each COMMUNITY COUNCIL member and Highland Council's named officer by the Secretary of the COMMUNITY COUNCIL, at least 7 days before the date fixed for the meeting.

2. Minutes

- 2.1 Draft minutes of the proceedings of all meetings of the COMMUNITY COUNCIL shall be drawn up normally within fourteen days from the date of that meeting, distributed in accordance with Section 8 paragraph 8.3 of the Scheme 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. This excludes minutes pertaining to the Annual General meeting.

3. Quorum

- 3.1 Quorum shall be 4 voting members of the Community Council for every meeting of the Community Council.
- 3.2 In order to minimise the risk of a meeting becoming inquorate members who require to declare an interest in any item of the agenda should give notice to one of the Office Bearers.

4. Order of Business

4.1 Ordinary Meeting

The order of business at every Ordinary Meeting of the COMMUNITY COUNCIL shall be as follows: -

- a) Recording of membership present, apologies received and any declarations of interests.
- b) The minutes of the previous ordinary meeting of the COMMUNITY COUNCIL shall be submitted for approval.
- c) Written Financial report from the Treasurer
- d) Any other item of business, which the Chairperson has directed, should be considered.
- e) Any other competent business.
- f) Questions or contributions from the public present
- g) Chairperson to declare date of next meeting and close meeting.

At the first meeting of the COMMUNITY COUNCIL after elections in the year when elections are held, the COMMUNITY COUNCIL shall elect a Chair, Secretary, Treasurer. At this first meeting, consideration should be given whether to grant

associate membership to key groups within the community, such as parent councils, development trusts etc., to broaden membership and strengthen links within the community.

4.2.1 Annual General Meeting

The order of business at every Annual General Meeting of the COMMUNITY COUNCIL shall be as follows: -

- a) Recording of Community Council membership present, apologies received and any declarations of interests.
- b) The minutes of the previous Annual General Meeting of the COMMUNITY COUNCIL shall be submitted for adoption.
- c) Chairperson's Annual Report (and questions from the floor).
- d) Treasurer's submission of the Financial Statement duly independently examined and certified correct (and questions from the floor). Formal adoption of the Financial Statement should be proposed and seconded.
- e) Demit of current office bearers and election of office bearers. The Community Council may, at any time, vote to make changes to their office bearers.
- f) Chairperson to declare provisional date of next annual general meeting and close meeting.

4.2.2 An Ordinary meeting of the Community Council may follow directly on from an AGM.

4.3 Special Meeting

The order of business at every Special Meeting of the COMMUNITY COUNCIL shall be as follows: -

- a) Recording of Community Council membership present, apologies received and any declarations of interests.
- b) Business for debate, as described in the written request for the Special meeting.
- c) Chairperson to close meeting.

4.4 All Meetings

At the direction of the Chairperson, with the consent of the meeting:

- a) An item on the agenda may be taken out of order;
- b) An item not on the agenda may be considered in an emergency, provided any decision reached shall require to be retrospectively approved at the next Community Council meeting.

5. Order of Debate

- 5.1 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 or contributions 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.
- 5.2 Every motion or amendment shall be moved and seconded.
- 5.3 A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- 5.4 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

- 6.1 Voting shall be taken by a show of hands of those present and eligible to vote, with the exception that the election of office bearers may be held by secret ballot should the Community Council agree this approach.
- 6.2 The Chairperson of a meeting of the COMMUNITY COUNCIL shall have a second and casting vote in the event of a tie during voting.

6.3 A Community Councillor may have his or her dissent recorded to a decision of the Community Council provided that he or she has moved a Motion or Amendment and failed to find a seconder or else has taken part in a vote provided that such member asks immediately after the item is disposed of that such dissent be recorded.

6.4 A COMMUNITY COUNCIL may hold a vote of no confidence in its office bearers. An office bearer may be removed from office before the date of the next election of the COMMUNITY COUNCIL or AGM, provided that a majority of the Members of the COMMUNITY COUNCIL present and voting so decide. No proposal to remove an office bearer of the COMMUNITY COUNCIL from office shall be made without notice being given at one meeting of the COMMUNITY COUNCIL to be discussed at the following one. Once taken, a vote of no confidence shall not be competent again within six months of that decision.

7. Alteration of Standing Orders

7.1 A proposal to alter these Standing Orders may be proposed to The Highland Council 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 Highland Council shall have final discretion on any proposed change.

8. Committees

8.1 The COMMUNITY COUNCIL may establish sub-committees and appoint Community Councillors to serve on these committees. The COMMUNITY COUNCIL shall determine the composition, terms of reference, duration, duties and powers of any sub-committee. The decision to set up a subcommittee, its remit and any agreed decision making powers given to it must be agreed and recorded in the CC minute. A note of subcommittee decisions must be circulated at the following CC meeting.

9. Suspension of Standing Orders

9.1 These Standing Orders shall not be suspended except at a meeting at which at least three-quarters of the total number of COMMUNITY COUNCILLORS are present and

then only if the mover states, and if called upon by the Chairperson submits in writing, the object of his/her motion and if at least two-thirds of the COMMUNITY COUNCILLORS present consent to such suspension.

10. Code of Conduct

- 10.1 All Community Councillors will pay due regard to the provisions of the Code of Conduct for Community Councillors to be found at Appendix 5 of the Scheme.
-

The Highland Council Scheme of Establishment for Community Councils

Code of Conduct for Community Councillors

Background

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for Local Authority Councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

Community Councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles, shall apply to all Community Councillors and those representing the Community Council wherever and whenever they are acting in an official capacity as Community Councillors. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Details of the requirements under these principles are set out in Section two. Section one of the Code sets out Community Councillors' responsibilities in relation to Declaration of Interests.

SECTION ONE

Declaration of Interests

General

The key principles of the Code, especially those that specify integrity, honesty and openness, are given further practical effect by the requirement for you to declare interests at meetings which you attend. The rules on declaration of interest are intended to produce transparency in regard to interests which might influence, or be thought to influence, your actions as a community councillor.

“Interests” includes your financial interests, your non-financial interests and the interests, financial and non financial of other persons who are related to you or connected to you by means of close friendship, an employer/employee relationship or similar.

In the event that you have an “interest” as defined above in any matter, which could give rise to any person reasonably believing that you have a conflict of interest in that matter, you should declare that interest at the earliest stage possible. Where the interest is financial, you should withdraw from the meeting until discussion of the matter has concluded. Where that interest is non-financial, you must make a decision as to whether to participate in the discussion. You must consider the relationship between the interest which has been declared and the particular matter to be considered.

It is your responsibility to make decisions about whether you have to declare an interest or make a judgement as to whether a declared interest prevents you from taking part in any discussions or voting. You are in the best position to assess your personal circumstances and to judge how these circumstances affect your role as a community councillor in regard to a particular matter.

In making decisions for which you are personally responsible, you are advised to err on the side of caution. You may feel able to state truthfully that an interest would no influence your role as a Community Councillor in discussion or decision making but you must also keep in mind that the test to be applied is whether a member of the public, acting reasonably, would think that a particular interest in relation to any matter being considered by the Community Council could influence your role as a Community Councillor.

Planning Matters

Community Councils will be consulted on the submission of Planning applications for proposed developments that are categorised as being of national or major scale or of significance to the community. Community Councillors may also be invited to attend events held by applicants to inform members of the community about the development proposed prior to submission of a planning application. In dealing with interested parties in relation to planning applications, Community Councillors must pay particular regard to the principles set out in this Code.

Once a planning application is submitted it will be recorded on the weekly list of applications and the e-planning website compiled by the planning authority and made available to Community Councils. If the Community Council wishes to be consulted on an application not directly referred to it by the planning team, it must timeously contact the planning officer concerned.

To support Community Councillors in this role, the Council will make efforts to brief Community Councillors on new planning legislation when it is enacted. Community Councillors should make themselves available to attend such training sessions where reasonably possible.

If you have an interest, whether financial, non-financial, or personal, in the outcome of a decision on a planning application to be considered at a Community Council meeting, you must declare that interest and refrain from taking part in making the decision.

When making a planning application for your own property or acting on behalf of an applicant, you must not take any further part in the decision making process following submission of the planning application.

As part of your role in planning applications, you are obliged to recognise planning legislation and recognise that The Highland Council is bound to act under the terms of this legislation.

Liquor Licensing

This is similar to Planning and the Community Council will be notified of all new premises and major variation applications

If you have an interest, whether financial, non-financial, or personal, in the outcome of a decision on a licensing application to be considered at a Community Council meeting, you must declare that interest and refrain from taking part in making the decision.

When making a licensing application for your own property or acting on behalf of an applicant, you must not take any further part in the decision making process following submission of the application.

As part of your role in licensing applications, you are obliged to recognise the relevant legislation and recognise that the Highland Licensing Board is bound to act under the terms of this legislation.

SECTION TWO

Service to the Community

As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Council's Scheme, as set out by The Highland Council under the terms of the Local Government (Scotland) Act 1973 and 1994.

You 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.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Council.

Objectivity

In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your Community Council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations; however, you must ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the Community Council. You must ensure that the Community Council uses its resources prudently and in accordance with the law.

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to The Highland Council's Scheme.

Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in The Highland Council's Scheme for the Establishment of Community Councils. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Council business and for no other purpose.

Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting.

Any breach of the Council's Scheme may be reported to The Highland Council to determine what action, if necessary, should be taken.

Openness

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the Media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.

Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times, this includes acting within planning legislation. You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

Leadership

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

Respect

You must respect fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, you have dealings with in your capacity as a Community Councillor.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. You 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.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

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SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN INVERCLYDE

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, coordinate 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/or 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 £ **(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.

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, particularly in relation to community safety issues, 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 onehalf 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),
- (b) 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.
- (c) 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

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
- (d) members shall speak to the question.
- (e) A motion or amendment once made and seconded shall not be withdrawn without the
- (f) consent of the mover and seconder thereof.
- (g) 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.

Community Councils – Populations (best fit from SIMD data)

Community Council	Population
1 - Kilmacolm	5107
2 - Port Glasgow East	8215
3 - Port Glasgow West	6990
4 - Greenock East	8217
5 - Greenock Central	11838
6 - Holefarm and Codenknowes	2351
7 - Greenock Southwest	6135
8 - Larkfield, Braeside and Branchton	7050
9 - Greenock West and Cardwell Bay	11263
10 - Gourock	8600
11 - Inverkip and Wemyss Bay	5314

FORM FOR CO-OPTION OF COMMUNITY COUNCILLORS

..... **Community Council**

- Please arrange for this form to be completed and returned to the Community Council Liaison Officer, Inverclyde Council, Legal and Property Services, Municipal Buildings, Clyde Square, Greenock, PA15 1LY.
- The form should be signed by the Co-Opted member and on behalf of the Community Council.

Co-Opted Member's Details and Declaration

I, the below named, consent to my Co-Option as a Member of the named Community Council and I declare that:

- I am aged 16 or over;
- I live within the Community Council area;
- I am named on the Electoral Register for that area.

First Name:-

Any Middle Names:-

Surname:-

Address:-
.....

Postcode:-

Telephone:- Mobile:-.....

Email address:-

Electoral Roll No:-

Electoral Registration details can be obtained from the Electoral Registration Officer, The Robertson Centre, 16 Glasgow Road, Paisley PA1 3QF, Telephone 0300 300 0150.

I understand that, if successful, my name and address will be included on the register of Community Council Members made available to view on www.inverclyde.gov.uk, and that my details will be retained by Inverclyde Council and used to contact me on Community Council business . Information on how Inverclyde Council processes personal information and guards privacy can be viewed at <http://www.inverclyde.gov.uk/privacy>.

I have read and understood the Code of Conduct for Community Councillors

This is available on the Scottish Government website at

<http://www.scotland.gov.uk/Topics/Government/local-government/CommunityCouncils/RelevantPublications>

Co-Opted Member's Signature:-.....

Date:-.....

Community Council's Declaration

.....**Community Council**

I, as Secretary of and on behalf of the named Community Council, declare that:

- a motion to co-opt the named Co-Opted Member to the Community Council was passed at the meeting of the Community Council detailed below;
- the motion was proposed and seconded by the Community Councillors detailed below;
- the co-option was carried out in accordance with the terms of the Inverclyde Council Scheme of Establishment of Community Councils, and the Constitution and Standing Orders of the Community Council; and
- therefore, the named Co-Opted Member is now a Community Councillor on the named Community Council.

Name of Co-Opted Member:-

Community Councillor Proposing:-

Community Councillor Seconding:-

Date of Meeting:-

Name of Secretary:-

Secretary's Signature:-.....

Date:-.....

NOTES

1. The Co-Opted Member must be 16 or over and must reside in the Community Council area **and** appear on the Electoral Register for that area.
2. The maximum number of co-opted members is one quarter of the Community Council's total membership (i.e. the total of elected **and** co-opted Community Councillors).
3. Notice must have been given to all Community Councillors 14 days prior to the meeting at which the co-option was decided that a proposed co-option was to be discussed.
4. A decision to co-opt can only be voted on by elected (i.e. **not** co-opted) Community Councillors, and must be passed by at least a two-thirds majority of those present and eligible to vote at the meeting.

Please arrange for this form to be completed and returned to:

**The Community Council Liaison Officer
 Inverclyde Council
 Legal and Property Services
 Municipal Buildings
 Clyde Square
 Greenock
 PA15 1LY**

Your Community Council - Getting Involved

Community Councils come in many different forms, reflecting the different communities they represent. Even though there are differences, they all have the same core purpose, which is to act as a voice for their community. In Inverclyde, that means their main role is to let Inverclyde Council and other public bodies know the view of their community.

For many Community Councils, that is simply the beginning. Many are actively involved in the organisation of community events, and in gathering the views of other groups in their community, such as tenants and residents groups or clubs and associations, making sure their views are also heard.

We at Inverclyde Council have a Community Council Liaison as a point of contact for Community Councils, who will be happy to discuss Community Council matters. **The Community Council Liaison can be contacted on:**

community.councils@inverclyde.gov.uk or **01475 712 618**

If there is no Community Council in your area, then you can ask for one to be set up. At least 20 people registered to vote in the area must write to us at Inverclyde Council asking that elections be held to set one up. In practice, this usually means one person write a letter, and the other 19 add their signatures. If you are interested in setting up a Community Council, and wish to discuss this further, please contact the Community Council Liaison.

We would like more people to get involved in the work of their local Community Council, either by putting themselves forward for vacancies as they arise or simply by attending their regular meetings, raising concerns and contributing ideas. This will be to their, their community's and their Community Council's benefit.

We would also like to see our Community Councils represent the wider communities they serve and have representatives from neighbourhood groups of all types either in attendance at Community Councils meetings or as Community Councillors.

There are a minimum of 6 meetings per Community Council per year, and they are publicised in advance. If you wish to attend and are unsure of how to contact your Community Council, feel free to contact the Community Council Liaison, and who will be happy to put you in touch with them.

An agenda setting down what will be discussed will be available before each Community Council meeting, and Minutes will be taken to publicise what was discussed and decided at the meeting.

If you wish to get more involved in your Community Council, you can also seek to become a member. Community Council elections are held every 4 years, giving new members the

opportunity to be elected. If more people seek nomination than the maximum number of members allowed on the Community Council, then a ballot will be held in which the members of the community will be entitled to vote for their Community Councillors.

Vacancies may also arise during the four year period. These may be filled either by an interim election or by the Community Council co-opting of further members. How such vacancies are filled is normally a decision for the Community Council involved, so if you do wish to join, you should contact them to discuss matters. Again, the Community Council Liaison will also be happy to discuss matters with you and put you in touch with your Community Council.

A good Community Councillor is someone who:

- is committed to their community;
- puts forward the views of the community not their own; and
- wants to make their community a better place to live, learn and work.

Anyone can seek election as a member of a Community Council provided they are:

- at least 16 years old;
- live within the Community Council Area;
- are on the registered to vote in that area; and
- are not elected as a member of The Inverclyde Council or the Scottish, UK or European Parliaments.

Community Councils can also appoint Associate Members. Their role is more as an advisor and they cannot vote at meetings. They are often chosen for their particular knowledge or expertise on a matter or issue that the Community Council is dealing with. There is no limit on the number of Associate Members and there is more flexibility on how long they are appointed for.

We provide ongoing training, guidance and support for Community Councils and their members through our Community Learning and Development Service (CLD). CLD staff are active in neighbourhoods across Inverclyde, working with Community Councils to recruit, organise and engage with the communities they represent. **CLD staff can be contacted on:**

CLD.Admin@inverclyde.gov.uk or **01475 715 450.**

We also provide Community Councils with grant funding to cover administrative costs, such as general running costs, stationery, publicity, hall hires and the like. They can also seek to raise funds, be that further grants or other fundraising, for other matters or specific projects.

If you have questions about Community Councils, or are interested in joining or forming a Community Council, then please contact the Community Council Liaison who will be happy to discuss matters with you.



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1. Introduction

Inverclyde Council approved a revised Scheme for the Establishment of Community Councils in Inverclyde on the 14 April 2011 (“the Scheme”). The terms of the Scheme are available on the Inverclyde Council website and from the liaison service referred to below.

This handbook has been prepared to assist Community Council Members, but may also be of interest to other members of the public in Inverclyde. It is intended to provide procedural guidance on questions which are likely to arise on the Scheme. To effectively provide such guidance, this handbook needs to be of some length and detail.

Those wishing to get involved with the work of their Community Council, and Community Councils wishing to recruit members, should also look at the document “Your Community Council – Getting Involved” which is available on the Inverclyde Council website and from the liaison service referred to below. It is a shorter document covering the role of the Community Councils and Community Council Members, and how to join or form a Community Council.

Community Councils in Inverclyde are formed and operate under the terms of the Scheme. A list of Community Council Areas in Inverclyde is shown at Appendix 3 at the end of the handbook. Maps showing the extent of the Community Council areas are available on the Inverclyde Council website and from the liaison service referred to below.

In terms of the Scheme, Inverclyde Council provides a liaison service with Community Councils through the Head of Legal and Property Services. All correspondence relating to Community Councils should therefore be directed to:

Inverclyde Council
Legal and Property Services
Municipal Buildings
Clyde Square
Greenock
PA15 1LY
Tel: 01475 712618
Fax: 01475 712137

community.councils@inverclyde.gov.uk

Helpful guidance, including the Good Practice Guidance and the Model Code of Conduct for Community Councillors, has also been provided by the Scottish Government. These can be downloaded from their website on:

<http://www.scotland.gov.uk/Topics/Government/local-government/CommunityCouncils/RelevantPublications>

Date: August 2014

2. What is a Community Council?

Community Councils were established by the Local Government (Scotland) Act 1973 as a way of bridging the gap between local authorities and local communities. They are made up of volunteers who are elected or co-opted to serve as members. Each Community Council appoints from its membership a Chairperson, a Secretary and a Treasurer, and in some cases a Vice Chairperson, whose roles are set out in more detail later in this handbook.

The purpose of Community Councils is set out in the 1973 Act 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”

The role of Community Councils includes:

- finding out what local people think about issues affecting the local community;
- making sure that Local Authorities and other public bodies are aware of those views;
- communicating information to the local community; and
- acting in the interests of the local community.

Community Councils have an important role to play in ensuring that their local authority and other public bodies are as informed as possible about the views, needs and wishes of their communities and in helping to keep the local community informed. If Community Councils are to be fully representative and act in the interests of their communities as a whole, it is important that they do not favour a particular political party, ethnic group, gender or age group. They should seek the views of the local community and avoid any automatic assumption that the views of the Community Council or of its individual member's views reflect those of the wider community.

There are specific areas where public bodies will approach Community Councils directly seeking their views. For example, if they are statutory consultees on certain planning and licensing matters. Their feedback may also from time to time be sought on public consultations. However, the breadth of the statutory purpose is such that this is by no means the limit of the role of Community Councils. It is not possible to produce an exhaustive list of activities that a Community Council might undertake, but examples could include:

- writing letters following a meeting of the Community Council in order to highlight an issue;
- attending meetings with public officials;
- holding public meetings either at regular intervals or in response to a specific issue, or to find out what are the areas of concern within the community;

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- carrying out surveys in the area, typically by using questionnaires ;
- meeting with other Community Councils or other community groups;
- responding to a draft policy report or consultation document;
- work in partnership with other agencies ;
- receiving and responding to enquiries and problems raised by members of the public;
- sending representatives to attend a meeting of an Inverclyde Council committee, advisory group or regeneration partnership;
- producing a newsletter and distributing it to all homes in the area,
- having a website;
- using social media services;
- negotiating codes of practice with local authorities;
- arranging for public officials or others to attend meetings of the Community Council;
- arranging community events such as gala days, fetes, or clean up days in order to promote the Community Council; and
- co-ordinating smaller, local organisations to ensure that resources aren't wasted and that several groups aren't all trying to do the same job.

As can be seen from the above, there is a great deal of scope and flexibility to what a Community Council can do, and different Community Councils will do different things. However, all Community Councils should keep as their core role acting as a voice for representing the views of their community.

3. Setting up a Community Council

If no Community Council has been formed for a Community Council area under the Scheme, members of the community have the right to ask for a Community Council to be established. At least 20 local electors must write to Inverclyde Council to make such a formal request.

In practice, this means that a local elector will normally write to the Chief Executive of Inverclyde Council (Municipal Buildings, Clyde Square, Greenock, PA15 1LX) requesting that a Community Council to be set up in the area in question, and at least 19 other local electors will add their own names, addresses and signatures in support of the letter.

It is helpful if a telephone number is given for the principal local elector so that Inverclyde Council officers can liaise with him or her in respect of election arrangements.

When a valid formal request for a Community Council to be established is received by Inverclyde Council, it will make arrangements for an initial election to be held. This is normally done quite quickly and, in any event, the election must be held **within 6 weeks** of the request.

At least 28 days before the election is due to be held, Inverclyde Council will place a notice in the local press and on any public notice boards in the area to advise the local community of the date, time and venue of the election. The notice will invite local electors to attend the election and will also ask for nominations in writing. Guidance will be provided in the notice as to how nomination forms can be obtained.

Inverclyde Council would then proceed to administer the process of nominations and elections in the usual manner and this is dealt with in more detail in the Elections section of this handbook.

4. Elections

Elections to the Community Councils fall into two categories:-

- **Full elections**

These are held every four years, and will normally be across all active Community Council areas at the one time. They bring to an end any Community Council memberships, and Community Councillors wishing to continue in that role are required to seek re-election along with any other members of the community who wish to become involved.

The exception to the four year cycle would be where an application is made to Inverclyde Council for a Community Council to be formed in a Community Council Area which doesn't have one. An election following such an application would be in the same form as above, but would only relate to that particular area. See the previous section on Setting Up a Community Council.

- **Interim elections**

These are held outwith the four year cycle, usually at the request of a Community Council. They relate to one particular Community Council, and are intended to fill vacancies on that Community Council.

An interim election will not bring to an end the membership of any elected members of the Community Council, however it will bring to an end any co-opted memberships. See the Filling Vacancies section of this handbook, which explains this in greater detail.

- **Election Process**

Elections to the Community Councils are administered by Inverclyde Council. There will be discussion with existing Community Councils as the process proceeds, particularly in the case of an interim election.

A Notice will be published:

- confirming the number of vacancies and that elections are to be held;
- seeking nominations;
- advising how nomination forms may be obtained;
- advising of the date by which nomination forms must be returned, and where they must be returned to; and
- confirming the date of any ballot, should there be more nominations than vacancies.

In the case of an interim election, the Community Council should also arrange for the display of this notice throughout the Community Council area.

The Scheme sets out the eligibility criteria that those wishing to be elected to a Community Council must meet. These are that they:

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- **must** reside in and be named on the electoral register for the Community Council area;
- **must** be at least sixteen years old; and
- **must not** be elected to serve on Inverclyde Council, the Scottish Parliament, the UK Parliament or the European Parliament.

All nomination forms received are checked by the Community Council Liaison at Inverclyde Council, and once the period for nominations has closed:

- if the number of validly nominated candidates is less or equal to the number of vacancies, then the election is uncontested and the validly nominated candidates are declared members of the Community Council; **or**
- if the number of validly nominated candidates is more than the number of vacancies, then the election is contested and a ballot will be arranged by Inverclyde Council, in consultation with the Community Council, to allow local residents to elect members.

The date and location of a possible ballot will have been agreed at the start of the process. Where a ballot is required, a further notice will be published to this effect. Again, in the case of an interim election, the Community Council should also arrange for the display of this throughout the Community Council area.

The ballot and the subsequent count will be conducted by Inverclyde Council, in accordance with good election practice. Following this process, a declaration will be made by the Returning Officer confirming the candidates who have been successfully elected as members of the Community Council.

Once the new members are elected, be that at a contested or an uncontested election, then notice will be published confirming the new members and their details passed on to the relevant Community Council or Councils.

Depending on the particular circumstances, either Inverclyde Council or the Community Council or Councils involved, will pass on the details of the first meeting to be held following the election to the members. Following a full election, the adoption of the Constitution and Standing Orders would normally be discussed at this meeting. The Constitution and Standing Orders sections of this handbook deal with this in more detail.

5. The Role of the Community Councillors

It is important that Community Councillors recognise from the outset that they are required to play a role in their community. In practice, this will involve discussing issues with people in the community to get their views and assess the strength of their feelings on different topics.

Community Councillors should also encourage people to bring issues to them so that they can be discussed at Community Council meetings. They should however try to check out the facts before taking matters to the Community Council, and if there are two sides to the story, make sure that both of them are put forward. There is little point in taking up time at meetings to discuss problems that may be based simply on misunderstandings or misrepresentations of the facts.

It is possible Community Councillors may at some point find some conflict between their personal views and interests and those of the community. If such a situation does arise, the views of the community should take precedence. Experience shows that if the views of individuals on the Community Council are allowed to take priority then the community will very quickly lose confidence in the Community Council and its work may subsequently be devalued.

In some instances, it may be necessary and appropriate for a Community Councillor to declare an interest in a matter under discussion and to withdraw from that debate and decision-making.

In some instances, the discussion or decisions of the Community Council may also involve setting priorities on the competing or conflicting needs of different sections of the community.

Competition and conflict are normal in any community, so should not be thought of as something that can be altogether avoided. What is important is that competition or conflict is approached in a fair and reasonable manner. This means taking a balanced view of the community's needs and aspirations and giving a fair hearing to representatives from different interest groups in the community. In particular, Community Councillors should try to avoid being influenced by any prejudice or bias, whether in the sphere of race, religion, gender or any other basis.

6. The Roles of the Office Bearers

- **Generally**

Community Councils should appoint a Chair, Secretary and Treasurer from among their elected and co-opted members. *Ex officio* and associate members are **not** eligible to become office bearers.

In some cases, particularly with smaller Community Councils, a single person may perform more than one of these roles, however that would need the approval of Inverclyde Council.

In addition, some Community Councils may decide to appoint a Vice Chairperson to deputise for the Chairperson or assist in his or her duties, or a Minute Secretary whose sole function is to produce the Minutes of Community Council meetings, leaving the Secretary to perform the other tasks associated with that role.

These appointments are normally made at the Annual General Meeting (AGM) of the Community Council, and last for the year until the subsequent AGM. Interim appointments can however be made should a vacancy arise.

Office bearers are often appointed based on their previous experience and skills. However, training and support is available from Inverclyde Council for all Community Council members, whether they are current office bearers or are simply interested in taking up positions in the future. For more information please contact Inverclyde Council's Community Learning and Development Service on tel 01475 715450.

- **The Chairperson and Vice Chairperson**

The Chairperson has the most important role to play in making sure that Community Council meetings run smoothly but even a good Chairperson will find the task exhausting unless the role is respected by all members of the Community Council.

The Chairperson is elected in line with the rules set out in the Community Council's Constitution. The Secretary should be able to provide a copy. The Constitution is very important because it provides the framework of procedures that govern the work of the Community Council.

The Chairperson's job is to make sure that decisions are taken on all of the items which are on the agenda. This usually means that they have to make judgements about how much time to allocate to each agenda item. It also means that he or she may occasionally have to bring speakers back to the agenda and encourage people to make their contributions brief and to the point.

In regular meetings the role is a formal one and all speakers will be expected to address their comments to the Chairperson. This helps the Chairperson to keep

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control of the discussion. In committee meetings where proceedings do not need to be so formal, the Chairperson may be happy simply to steer the general direction of the discussion. These approaches to chairing meetings are set out below:

General role and responsibilities	
The Formal Chairperson	The Enabling Chairperson
<p style="text-align: center;">Encourage fair play</p> <p style="text-align: center;">Stay in charge</p> <p style="text-align: center;">Remain neutral</p> <p style="text-align: center;">Agenda and timekeeping</p> <p style="text-align: center;">Open the meeting</p> <p style="text-align: center;">Introduce all agenda items</p> <p style="text-align: center;">Be familiar with all agenda items</p> <p style="text-align: center;">Get through the agenda in the allotted time</p>	<p style="text-align: center;">Have an overview of the task/goals of the meeting</p> <p style="text-align: center;">Help to clarify goals</p> <p style="text-align: center;">Help the group to take responsibility for what it wants to accomplish</p> <p style="text-align: center;">Help the group to carry out its tasks</p> <p style="text-align: center;">Have little emotional investment</p> <p style="text-align: center;">Run through the agenda at the beginning and get the meeting's approval for it</p> <p style="text-align: center;">Arrange in advance for someone to introduce each agenda item</p> <p style="text-align: center;">Update latecomers</p> <p style="text-align: center;">Keep track of the time</p> <p style="text-align: center;">Evaluate how the meeting went at the end</p>

Discussion	
The Formal Chairperson	The Enabling Chairperson
<p style="text-align: center;">Select speakers</p> <p style="text-align: center;">Summarise discussion</p> <p style="text-align: center;">End discussion</p> <p style="text-align: center;">Make sure that people keep to the subject</p>	<p style="text-align: center;">Encourage and help everyone to participate</p> <p style="text-align: center;">Encourage expression of various viewpoints</p> <p style="text-align: center;">Encourage people to keep to the subject</p> <p style="text-align: center;">Clarify and summarise discussion</p> <p style="text-align: center;">Make it safe to share feelings</p> <p style="text-align: center;">Suggest ways of handling conflict</p>

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Decision making and voting	
The Formal Chairperson	The Enabling Chairperson
Make sure decisions are taken and agreed Decide when to vote Conduct the vote Make sure that the responsibility for action is allocated	Suggest structures for decision making Look for areas of agreement Test to see if there is agreement Make sure someone will carry out decisions

It is important to recognise that the Chairperson's role extends outwith the meeting itself. He or she may be called upon to act on behalf of the Community Council between meetings, or to represent the Community Council in dealing with outside bodies.

The Chairperson is expected to know the terms of the Community Council's Constitution, Standing Orders and the terms of the Scheme, and to make sure that at all stages of its work it is operating in line with any formal procedures. In this context, the Chairperson can be called upon to act as an arbiter when there is a disagreement about how the rules should be interpreted. The duties of the Chairperson includes:

- checking that the meeting has been called in accordance with the rules;
- having a thorough knowledge of the rules;
- ruling on points of order and procedure;
- acting on behalf of the organisation between meetings; and
- pursuing decisions made in meetings.

The Vice Chairperson has no specific duties other than standing in for the Chairperson when he or she is unable to be present.

- **The Secretary**

The Secretary is responsible for:

- preparing and circulating the agendas of meetings;
- preparing and circulating the Minutes of meetings;
- answering all correspondence;
- writing any letters;
- circulating information to Community Council members;
- public relations, dealing with the press, TV and radio;
- looking after visitors;
- arranging the venue for meetings;
- liaising with officials of the local authority; and
- supporting the Chair and obtaining any external specialist advice required by the Community Council.

To be successful, a Community Council must have an energetic and conscientious Secretary prepared to put in the necessary time and effort. Community Council members in general and the Chairperson in particular, should

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try to spread the Secretary's load. For instance, by allowing delegation of some of his or her responsibilities to others, either individually or to small sub-committees, the Secretary's time can be freed up. It is a bad policy to overload the Secretary and might result in difficulty getting volunteers in future. The duties may, of course, be allocated to more than one person.

- **The Treasurer**

The Treasurer is responsible for the finances of the Community Council. He or she will deal with the issuing of cheques and making of payments on behalf of the Community Council and must keep up to date the Community Council's financial records so that they disclose, with reasonable accuracy at any time, the financial position of the Community Council.

The Treasurer should:

- manage the bank account;
- account for all funds received; and
- ensure that money is only spent in a manner approved by the Community Council members as recorded in the Minutes.

All cheques issued should be signed by at least two persons authorised by the Community Council members as recorded in the Minutes, and notified to the bank in writing. As a general rule, Treasurers should avoid paying out money except by cheque. This makes accounting for expenditure much easier.

The Treasurer must keep proper accounts of all receipts and expenditure, prepare an annual statement of income and expenditure and have it certified as correct by two competent and independent examiners of accounts. They should be formally appointed by the members and named in the Minutes. This is expanded on in the section later in this handbook on Community Council finances.

The statement must be formally approved at the next Annual General Meeting when the Treasurer must report and answer questions raised by members of the Community Council or the public. A certified and approved copy should be sent to the local authority. A standard form of words for the Treasurer's Certificate is:

- "I certify that the above accounts have been prepared by me and accurately reflect the financial provisions relating to the period"

The Treasurer should also prepare simple budgets to advise members before the Community Council commits to spending any funds.

7. Consulting with the Community

The core purpose of Community Councils under the 1973 Act is:

“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.”

If Community Councils are to fulfil this purpose, it is vital that they consult as fully as possible with the local community and give local people the opportunity to make their views known. Advice from the Scottish Government emphasises the importance of Community Councillors resisting any temptation simply to assume that their own personal views reflect those of the wider community and instead make an active effort to represent the interests of their community as a whole.

Community Councils can consult with the local community in a variety of ways. Making local people aware of Community Council meetings and encouraging them to attend is a good start. As a minimum requirement, the model Constitution in the Scheme requires Community Councils to post a notice of all meetings on locally at least ten days in advance. Minutes of meetings should also be available for public inspection by contacting the Secretary directly.

Community Councils might wish to consider other ways to publicise their meetings and encourage attendance, such as a notice in the local supermarket, newsagent or leisure facility.

Some Community Councils, whose members have the necessary expertise, set up their own websites, giving details of meetings, copies of agendas and Minutes and information on important issues. A website can also be a means by which members of the community can express their views to the Community Council.

Another option to a separate website is such the setting up of pages social media websites, which can serve the same purpose and be an effective tool in light of the now widespread use of the internet.

Traditional media options, such as the issue of a regular newsletter, can also be used, and depending on the community in question may be felt to be more appropriate.

Some Community Councils routinely have an “open forum” section at their meetings, during which members of the public can speak in order to raise matters of concern or interest. It is important for the Chairperson to manage this part of the meeting effectively, particularly to avoid discussion of personal issues which might be better suited to elected member surgeries. It is also a good idea to consider setting a limit on the time for such an open forum.

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Where there is a particularly important or contentious matter to be discussed, the Community Council may wish to consider more extensive publicity for its meetings, perhaps by putting up notices in relevant extra venues or, subject to budget considerations, leafleting relevant households in the area. It is up to each Community Council to find the best means of involving their local community and balance this with good financial management of a limited budget.

In cases where the Community Council has been asked to respond to some form of consultation on a particularly contentious issue, it lends credibility and authority to the Community Council's submission if it can be demonstrated that an effort has been made to consult the local community. This might entail questionnaires targeted at relevant sectors of the community and/or canvassing the views of local households. At the meeting, the Chair may also call for an informal show of hands from the members of the public present. For issues covering more than one Community Council area, consideration might even be given to working in partnership with a neighbouring Community Council to pool expertise and resources in terms of consulting with the communities affected. All of the above requires a significant effort and commitment from Community Councillors. However, the rewards, in terms of raising the profile of the Community Council and lending credibility and authority to the views it expresses, are also considerable.

For further information or advice on carrying out community surveys, contact Inverclyde Council's Community Learning and Development Service on tel: 01475 715450. This service is happy to work with Community Councils, community associations and other community groups and organisations to identify particular training requirements and design and deliver courses to develop "community engagement" and "capacity building".

In summary, Community Councils should consider:

- Widely publicising meetings;
- Mechanisms for encouraging the public to attend meetings;
- Different ways to make Minutes more accessible to the local community;
- The use of community surveys, questionnaires and canvassing on important issues;
- Issuing a regular newsletter;
- The use of the internet, in particular websites and social media; and
- Incorporating a public "open forum" in meetings.

8. The Constitution and Standing Orders

The Scheme provides a model Constitution and Standing Orders which should be adopted by Community Councils. These are included at the end of this handbook. The Community Councils can make changes to these models, but any changes must still conform to the terms of the Scheme itself, and will need to be approved by Inverclyde Council.

Inverclyde Council will provide a copy of the model Constitution and Standing Orders prior to the first meeting of a newly established Community Council, which the Chairperson should have copied and sent to all members for their consideration and discussion at the first meeting. It is preferable that the adoption of the Constitution and Standing Orders is dealt with at this first meeting.

After an ordinary election for a previously established Community Council, the Chairperson will refer to the Constitution and Standing Orders which are already in place and may call for any amendments the members of the Community Council may wish to make to them.

The Scheme, and the model Constitution and Standing Orders contained in it, follows closely the form recommended by the Scottish Government. Officers of Inverclyde Council will therefore require a Community Council to provide a reasoned justification for any variations proposed.

- **The Constitution**

The Constitution is the core governing document of a Community Council which should be based on the model Constitution contained in the Scheme. The Constitution should be adopted by the Community Council, preferably at the first meeting following their initial formation, and if not certainly in the course of the first few meetings.

Where appropriate, the Constitution can be changed to meet the needs of a particular Community Council. However any such changes must:

- be approved by two thirds of the total voting membership of the Community Council;
- be approved by Inverclyde Council; and
- **not** be contrary to the terms of the Scheme.

The Constitution must be formally agreed by the Community Council and then submitted to Inverclyde Council for approval. The date on which the Constitution was agreed by the Community Council is normally noted at the bottom of the document which should also be signed by two office bearers.

Once the Constitution has been agreed and approved, the original should be retained by the Community Council, usually in the hands of the Secretary, and a copy provided to Inverclyde Council.

- **Standing Orders**

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The Standing Orders are the rules a Community Council agrees will apply to the conduct of its meetings and again should be based on the model Standing Orders in the Scheme.

They can be changed to suit the requirements of a particular Community Council. If the Community Council wish to discuss such changes, they must first provide notice at one of their meetings that such a discussion is to take place at the following meeting. This provides notice to both the members of the Community Council and to the community that such a change is to be considered. Any changes approved by the Community Council at that following meeting will also need to be approved by Inverclyde Council before they will take effect.

Once the Standing Orders have been agreed and approved, the original should be retained by the Community Council, usually in the hands of the Secretary, and a copy provided to Inverclyde Council.

9. Meetings of the Community Council

- **Meetings in General**

The Scheme provides for three different types of Community Council meetings:

- Ordinary meetings;
- Special meetings; and
- Annual General Meeting (AGM).

Meetings are where the decisions of the Community Council are made and where the community gets to see the decision making process in action.

The Secretary must provide notice of ordinary meetings, including the date, time and venue, to all members of the Community Council (including *ex officio* and associate members) and to Inverclyde Council at least 10 days before the date fixed for the meeting. Notices of these meetings shall be also be posted prominently within the Community Council area for a minimum period of 10 days before the date of the meeting, and where possible be advertised by other suitable means, for example on a Community Council's website or social media pages.

The norm should be that all meetings of a Community Council are to be open to members of the public. When choosing a venue for such meetings the Community Council should therefore make sure there is sufficient space to accommodate members of the public. Members of the public should be given the opportunity to address the Community Council under the guidance of the Chairperson.

A Community Council can meet to discuss an item or 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. This decision should make clear the basis on which the Community Council considers it appropriate that the item of business be private. Notice of such a meeting will be given to the public in the usual way, which notice will record that all or part of the meeting is to be held in private.

Dealing with items of business or meetings in private should be seen very much as the exception and not the rule. Where too many matters are treated as private, the transparency and accountability of the Community Council is undermined, which may result in a loss of confidence by the community in the work of the Community Council.

- **Ordinary Meetings**

Following an election forming a Community Council, the first of these meetings is called by the Returning Officer and will take place within 21 days of the date of the election or as soon as practicable thereafter. The frequency and timing of meetings will then be determined by the Community Council, subject to a minimum of six ordinary meetings (and one Annual General Meeting) being held each year.

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The majority of the business of the Community Council will be dealt with at such ordinary meetings.

As part of the process of release of the administrative grant to the Community Council, Inverclyde Council will seek verification that the required number of meetings has taken place.

- **Special Meetings**

Special Meetings may be called at any time on the instructions of the Chairperson of the Community Council to allow a particular matter or particular matters to be debated on **either** the request of not less than one-half of the total number of Community Council members **or** the receipt by the Community Council of a written petition, signed by at least 20 persons resident within the Community Council area requesting they convene such a meeting for such a purpose.

The meeting shall be held within 14 days of the receipt of the request.

Special meetings may be considered appropriate either where a particular matter requires urgent consideration outwith the cycle of ordinary meetings, or where the importance or complexity of an issue is such that it merits devoting the full attentions of the Community Council and attending public for a whole meeting.

Although not a requirement, special meetings may also be considered appropriate if there is to be a guest speaker or presentation.

- **Annual General Meeting (AGM)**

Community Councils are required to have Annual General Meetings. AGMs in Inverclyde are to be held in May of each year. This allows sufficient time for the completion and verification of the annual accounts following the end of the financial year.

One of the purposes of the AGM is to update the members of the Community Council and members of the public on the work of the Community Council in the course of the preceding year. It would also be an appropriate place to document any future plans of the Community Council, be they for the year following or longer term.

The AGM also marks the end of the term of office for the office bearers and is where the office bearers for the year to come are elected, be they new to the role or re-elected.

There are certain specific items that require to be addressed at the AGM, including:

- Chairperson's Annual Report (and questions from the floor);
- Secretary's Annual Report (and questions from the floor);
- Treasurer's submission of Annual Accounts (in the form of a Balance sheet and a Statement of Income and Expenditure) duly independently examined and certified correct (and questions from the floor);

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- Current office bearers stand down and election of office bearers for the year to follow;
- A timetable of ordinary meetings for the year to follow to be agreed (this should thereafter be sent to the Community Council Liaison for their records); and
- Chairperson to declare date of next Annual General Meeting and close meeting.

As part of the process of release of the administrative grant by Inverclyde Council to the Community Council, the Community Council Liaison will seek verification that the AGM has taken place, and in particular that the Balance Sheet and Annual Accounts have been approved by the Community Council at that meeting.

It is also important, to ensure that records are up to date, that confirmation of the details of the current office bearers is provided to the Community Council Liaison by the Secretary as soon as possible after the AGM.

- **The First Meeting of a Newly Established Council Following an Election.**

The first meeting of a Community Council which has been newly formed is simply one of their ordinary meetings. There is no set rule as to the business of such a first meeting, but items such as the appointment of office bearers, financial matters/accounts, the adoption of the Constitution and Standing Orders would be expected.

- **Quorum**

The Scheme and the model Standing Orders provide that the quorum required for a meeting is **the higher of** a) one third of the current voting membership (i.e. the total number of elected and co-opted members) **or** b) three voting members.

Put simply, if the minimum number of voting Community Council members in terms of this quorum is not present at a meeting, then that meeting cannot proceed as a formal meeting of the Community Council and no decisions can be made.

A Community Council may if it wishes adopt a higher figure than this for its quorum within its Standing Orders, but **cannot** opt for a lower figure.

10. Agendas

Preparation of agendas for meetings of the Community Council is one of the responsibilities of the Secretary, and links closely with their preparation of the Minutes.

There is no prescribed form of agenda for such meetings. What matters are to be included on an agenda for discussion at a meeting of the Community Council is very much a matter in the discretion of the Community Council, ultimately through its Secretary. Furthermore, as Community Councils have such a wide scope of matters with which they can become involved, it is not possible to create a standard agenda fitting all circumstances.

There are however certain items which would be expected to appear on an agenda. These include:-

- **Apologies**

At the meeting the Chairperson will normally, as a first item call for any apologies for absence. The calling for apologies also provides a reminder to ensure that there are enough members present for the meeting to go ahead.

The apologies provided by members unable to attend would normally be passed on to the group and recorded at the start of the Minute.

- **Minutes of Previous Meeting**

At the meeting, the Chairperson will also refer to the Minutes of the previous meeting and ask for them to be approved as an accurate record, subject to any suggested amendments. At this point an elected or co-opted member who was present at said previous meeting would move that the Minutes be approved and another such member would second that motion. The Secretary would then record that the Minutes have been approved as an accurate record, subject to any amendment agreed.

- **Matters Arising**

The next item of business would be any matters arising from the last meeting, usually by way of an update on the position at the last meeting or perhaps something which was considered at the previous meeting, but continued for further information or more consideration.

- **Other Business**

Other items might include local issues raised with the Chair or Secretary by Community Councillors or members of the public and put on the Agenda for discussion.

Some examples of possible Agenda items are as follows:-

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- a report by the Treasurer on a grant, some expenditure or other financial matter;
- a report by the Secretary on correspondence received;
- a report by the community police officer;
- consideration of planning applications;
- consideration of licensing matters;
- consideration of consultation documents received;
- a report by the local elected Members;
- a presentation by an invited officer of Inverclyde Council or another public body;
- a public forum allowing members of the public to speak/raise issues; and
- intimation of the time and place of the next meeting or meetings.

As the role of Community Councils is so wide-ranging, the list of items which might form part of an agenda for a meeting is potentially vast. The Chairperson would normally have the final decision as to which items appear on any particular agenda and which agenda items might have to be continued to a future meeting where it is felt that there is not enough time (or information perhaps) to consider them fully.

For assistance, a style agenda is shown on the following page. Bearing in mind, as stated above, that there area a variety of matters that can be included, this should be seen very much as a guide only and be changed to suit a particular meeting of a particular Community Council.

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- **Model Style of Agenda for a Community Council Meeting**

MEETING OF THE [*add council name*] COMMUNITY COUNCIL

to be held at [*place of meeting*]

on the [*date of meeting*] at [*time of meeting*]

AGENDA

1. Welcome, Attendance and Apologies.
2. Approval of the Minute of the meeting held on [].
3. Matters arising.
 - a. [*add detail if and as required*]
4. Chairperson's Report.
 - a. [*add detail if and as required*]
5. Secretary's Report.
 - a. [*add detail if and as required*]
6. Treasurer's Report.
 - a. [*add detail if and as required*]
7. Community Police Report.
 - a. [*add detail if and as required*]
8. Planning matters.
 - a. [*add detail if and as required*]
9. Licensing matters.
 - a. [*add detail if and as required*]
10. [*add heading(s) for additional items if and as required*]
 - a. [*add detail if and as required*]
11. Any Other Competent Business.
 - a. [*add detail if and as required*]
12. Dates of Next Meetings.

11. Decisions and Voting at Community Council Meetings

Most decisions at Community Council meetings are reached by consensus amongst all elected or co-opted members present at the meeting (*ex officio* and associate members can take part in any discussion or debate, but not any decision or vote).

However, where it is clear that more than one view persists, the Chairperson will call for a formal motion to be put before the meeting. Any elected or co-opted member present at the meeting may decide to put forward a motion, which will require to be seconded by another such elected or co-opted member. Subsequent motions are referred to as amendments and, likewise, they must be seconded by an elected or co-opted member. Any motion or amendment which fails to find a seconder automatically falls.

The Scheme, and the model Standing Orders and Constitution under that Scheme, provide that:

- decisions of the Community Council shall be (with certain exceptions) by majority vote of the members present, eligible to vote and voting;
- when voting on decisions, the Chairperson shall have a casting as well as a deliberative vote;
- voting on decisions shall be by show of hands (with the exception of the election of office bearers which may be by secret ballot);
- motions and amendments require to be moved and seconded (and cannot then be recalled without the consent of both the mover and the seconder);
- a motion or amendment which is contrary to a previous decision of the Community Council shall not be competent within six months of that original decision; and
- the Chairperson shall ensure that decisions are reached in a democratic manner.

Beyond this, it is very much up to the individual Community Councils and their Chairpersons how they wish to conduct voting at their meetings, as long as it is conducted in a democratic manner. Further guidance can be provided on voting procedures by the Community Council Liaison.

12. Minutes of Meetings

Minutes must be taken of all meetings, be they ordinary, special or Annual General Meetings. These Minutes should be in a consistent format and record:

- the date of meeting;
- time and location;
- those present;
- apologies received;
- who was in the Chair;
- all elections;
- appointments;
- votes;
- agreed expenditure; and
- topics discussed and agreed actions.

It is not necessary to record every word spoken except in the case of formal motions. Instead, the Minutes should be the summarised views of the members. The following points should also be taken into account:

- good Minute taking is a skill, so that neither too little nor too much detail is included;
- as a permanent record of the Community Council's business, Minutes are a very important document with both historical and legal implications;
- responsibility for the Minutes rests with the Secretary, although a Minute Secretary may be appointed for convenience;
- the format of the Minutes follows closely that detailed for the agenda with subheadings corresponding to agenda items and each topic discussed;
- copies of the Minutes should be sent to all members and ex officio members of the Community Council and to Inverclyde Council; and
- Minutes of all meetings must be retained for future reference and passed on to each new Secretary for safekeeping.

The Minutes of meetings should be sent to Inverclyde Council for their records within 14 days of the meeting, even if by that stage they still await formal approval at a subsequent meeting.

Community Councils must however retain the minutes for their own records, and should make them available to members of their community if requested. Community Councils with websites may wish to make their minutes available there.

Community Councils are free to adopt such style of Minute as they wish, provided it adequately documents the meeting, but the following pages contain some model Minutes for guidance purposes.

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- Model minute of meeting – first meeting following election

_____ **COMMUNITY COUNCIL**

Minutes of a post election meeting held in [_____] at [_____] p.m.
on [_____]

Present

[Insert the names of Community Councillors, including ex officio and associate members]

In Attendance

[Insert the names of others present, eg Officers of Inverclyde Council, guest speakers, etc]

Apologies

[Insert the names of Community Councillors who have submitted their apologies]

1. Results of Initial Election

_____ welcomed those present to the meeting and confirmed that the results of _____ Community Council's election held on _____ were as follows:-

Community Councillor Address

[Enter names and addresses of newly elected members]

_____ confirmed that the above Community Councillors have been elected to serve for an initial period of 4 years in accordance with Inverclyde Council's current Scheme for the Establishment of Community Councils in Inverclyde.

Noted.

2. Appointment of Chairperson

_____, seconded by _____, moved that _____ be appointed to the Chair for the period up to the AGM to be held in _____. The motion was carried by a [unanimous/majority] vote, and accordingly, _____ was appointed as Chair and assumed the Chair for the remainder of the meeting.

3. Appointment of Secretary

_____, seconded by _____, moved that _____ be appointed to the position of Secretary for the period up to the AGM to be held in _____. The motion was carried by a [unanimous/majority] vote, and accordingly, _____ was appointed as Secretary.

4. Appointment of Treasurer

_____, seconded by _____, moved that _____ be appointed to the position of Treasurer for the period up to the AGM to be held in _____. The motion was carried by a [unanimous/majority] vote, and accordingly, _____ was appointed as Treasurer.

5. Administrative and Other Arrangements

_____ responded to questions about a number of issues associated with the Community Council's role within the local community, administrative arrangements associated with its future meetings, provisions for consulting with Inverclyde Council on matters relevant to the local community and financial support arrangements.

Noted.

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6. Any Other Competent Business

7. Next Meeting

It was agreed that:

- (a) subject to venue availability, the next meeting of the Community Council take place at _____ p.m. on _____ in _____; and
- (b) the Secretary make the necessary arrangements for the meeting, advising Community Councillors and local elected Members accordingly, and publicising the meeting arrangements locally.

The meeting ended at _____ p.m.

13. Membership of the Community Council

The Scheme sets out the types of membership of Community Councils. For each type of member the important questions are how they become members, how that membership comes to an end, and what voting rights they have at meetings.

Elected and co-opted members have voting rights and thus make the decisions of the Community Council. They can be grouped together as voting members.

There are maximum and minimum numbers of such members, and also a limit on the proportion of the membership that can be co-opted. Such members must also meet certain eligibility criteria throughout their membership. There is more detail on the co-option limits and the eligibility criteria below.

The Scheme also provides for further types of membership, *ex-officio* and associate, who have the same rights to be notified of, attend and participate in the meetings of the Community Council, but who **do not** have any voting rights. These two types can be grouped together as non-voting members.

Voting Members:

- **Elected Members**

As the name suggests, these are the members of the Community Council who are elected, be that at one of the general elections every four years, or at an interim election.

Their membership, unless earlier brought to an end, runs until the next round of elections in the normal cycle.

They have full voting rights at meetings of the Community Council.

- **Co-opted Members**

Co-opted members are nominated, seconded and appointed by the current elected members of the Community Council where there are vacancies. This is in contrast to the elected members who are nominated, seconded and (in a contested situation) voted for by the members of the community. The co-option process is dealt with in more detail at the Filling Vacancies section later in this handbook.

Their membership, again unless earlier brought to an end, runs until the earlier of **either** the next round of elections in the normal cycle **or** an interim election held prior to a normal cycle election. If there is an interim election held, any co-opted member wishing to remain a member of the Community Council, will need to seek nomination and election as an elected member in that process.

Co-opted members have full voting rights at the meetings of the Community Council **with the exception that** they cannot participate in any vote to appoint another co-opted member.

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There is also a limit on the number of co-opted members that a Community Council can have, namely the number of co-opted members cannot be more than one third of the number of elected members. Should this happen, then the Community Council should contact Inverclyde Council to arrange for an interim election to be held.

Non-Voting Members:

- **Ex-Officio Members**

These are automatic members of the Community Council, who are members because of another elected office they hold. These members are the Councillors of Inverclyde Council, MPs, MSPs and MEPs whose wards or constituencies fall wholly or partly within the geographical area of the Community Council.

Their membership is linked to the other elected office they hold – so when they cease to be a holder of that office, they will also cease to be an *ex-officio* member of the Community Council.

The Community Council has no powers to bring such memberships to an end.

Ex-officio members are not subject to the various eligibility criteria that apply to the co-opted and elected members.

Ex-officio members have no voting rights on the Community Council.

- **Associate Members**

These are individuals appointed by decision of the Community Council, and the period of their membership is again up to the Community Council.

Associate members have no voting rights on the Community Council, and are not subject to the eligibility criteria that apply to elected and co-opted members.

The Scheme is fairly open on the grounds on which such associate members can be appointed, stating they may be appointed “where there may be a need for individuals with particular skills or knowledge”. This leaves individual Community Councils with a wide discretion on where they consider it appropriate to appoint such members.

- **Membership levels**

The Scheme provides for there to be maximum and minimum number of voting (i.e. both elected and co-opted) members of a Community Council set by Inverclyde Council, and these levels are shown in the table below. Where, for whatever reason, the membership levels of a Community Council fall below the minimum level in this table, then Inverclyde Council has an option to dissolve that Community Council. This would be seen by Council Officers very much as a last resort, and in the first instance discussions would take place with the remaining

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members of the Community Council in relation to the possibility of filling the vacancies.

Community Council	Number of Voting Members	
	Maximum	Minimum
Gourock	11	5
Greenock Central	12	5
Greenock East	11	5
Greenock Southwest	10	5
Greenock West and Cardwell Bay	12	5
Holefarm and Cowdenknowes	9	5
Inverkip and Wemyss Bay	9	5
Kilmacolm	9	5
Larkfield, Braeside and Branchton	10	5
Port Glasgow East	11	5
Port Glasgow West	10	5

- **Eligibility Criteria for voting members and disqualification**

The Scheme sets out the eligibility criteria that voting members, that is elected and co-opted members, must meet. These are that they:

- **must** reside in and be named on the electoral register for the Community Council area;
- **must** be at least sixteen years old; and
- **must not** be elected to serve on Inverclyde Council, the Scottish Parliament, the UK Parliament or the European Parliament.

They must meet these criteria to qualify for election or co-option.

They must also continue to meet these criteria throughout their membership.

Should the circumstances of a member change during the term of their membership, so that they no longer meet such criteria, then they will be disqualified and automatically cease to be a member of the Community Council. Examples of this that have arisen in the past are where a member moved house outside the area of the Community Council, or where a Community Councillor was elected as a member of Inverclyde Council, the Scottish, the UK or the European Parliament.

Where a voting member of a Community Council fails to attend any of the meetings of that Community Council for a period of 6 months or more, then the Community Council has power under the Scheme to remove that member. This is an option, not a requirement, to remove. Therefore, while the recommendation is that if a member is not participating in the work of the Community Council then that member be removed to allow the space to be filled by someone who will so

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participate, it is open to the Community Council **not** to do so if it is felt there are facts and circumstances which reasonably justify such an absence.

- **Record of Membership**

The individual Community Councils are responsible for maintaining records of their membership. Where that membership changes, be that by way of resignation, automatic disqualification, removal for non-attendance or indeed the filling of a vacancy by co-option, then the Community Council should, via its Secretary, advise the Community Council Liaison at Inverclyde Council. This should be done as soon as reasonably possible, in order that both the internal records and the information on the website of Inverclyde Council can be kept up to date. It would be preferable if this could be done as soon as possible following the actual meeting even if it is prior to a copy of the full Minutes of the meeting being available.

14. Filling Vacancies

Elections to all Community Councils in Inverclyde are held every four years. However, sometimes Community Councils need to increase membership numbers and fill vacancies before a scheduled four yearly general election is due. To do this, individual Community Councils can decide **either** to co-opt further members **or** to hold an Interim Election.

- **Co-option**

The co-option process is technically a motion of the Community Council at one of their meetings, however there are particular rules which apply to the co-option process. A person wishing to be co-opted as a member of a Community Council will require in the first instance the support of two existing members of that Community Council to propose and second that motion.

The maximum number of co-opted members that a Community Council can have is one quarter of their total membership (i.e. the total number of elected members and co-opted members).

Notice must be given to all Community Councillors that there is a proposed co-option 14 days prior to the meeting at which the matter will be decided.

A motion to co-opt a member must be proposed and seconded by members of the Community Council in attendance at the meeting in question. They are however different from normal motions in that:

- to pass the motion, any vote will require at least a two thirds majority of members present and eligible to vote; and
- only elected members are eligible to vote on a co-option, and co-opted members are not.

A form is available from Inverclyde Council covering the details of a co-option which should be completed and signed by both the co-opted member and the Secretary of the Community Council, and then returned to the Community Council Liaison in order that membership records can be kept up to date.

Co-opted members have all the voting rights of the elected members, with the exception that, as stated previously, they cannot vote on a further co-option.

They will remain a co-opted member for the remainder of the current term of the Community Council, that is until the next round of general elections in the four yearly cycle, **unless** an interim election is held.

If there is an interim election for whatever reason, then their co-option is brought to an end by that interim election. Should they wish to remain on the Community Council they would need to seek nomination and election at that interim election.

The same general rules as regards eligibility for membership of Community Councils as apply to elected member of the Community Council also apply to co-opted members.

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- **Interim Elections**

A Community Council may also fill vacancies through an interim election.

In some circumstances, the interim election process may be the only option, for example if the addition of a co-opted member **or** a resignation results in the maximum number of co-opted members being exceeded.

If the number of members of the Community Council has fallen below the minimum shown in the table at page 30, or if a change in membership means the level of co-opted members now exceeds the maximum permitted, the Community Council Liaison should be informed as an interim election process will be required in terms of the Scheme.

It is important to remember that an interim election will bring to an end the membership of any co-opted members, and consequently should they wish to remain on the Community Council, they will require to seek nomination and election as part of that interim election.

Inverclyde Council and the Community Council will agree a timetable for the election to be conducted. The election process is dealt with in greater detail in the Elections section of this handbook.

15. Community Council Finances

- **Administrative Grant**

Under the Scheme, Inverclyde Council can provide an administrative grant to Community Councils to assist with their operating costs. The level of this grant is set by Inverclyde Council and for each Community Council is presently made up of a fixed grant of £700.00 and an enhanced grant based on population. The amount of the enhanced grant will vary from year to year depending on other charges on the Community Council budget, such as insurance or election costs. As an indication, the amount of the enhanced grant for the 2012 to 2013 financial year came to 11.6p per head of population. If you wish clarification of the anticipated grant for the current year, please contact the Community Council Liaison.

There are a number of items which the Community Council Liaison will need to check prior to the release of the administrative grant in a given year. These include:

- that the requisite number of meetings have taken place, and that Minutes have been provided for the same;
- that the AGM, including approval of the annual accounts, has taken place and that Minutes of that AGM have been provided; and
- that satisfactory annual accounts have been provided, which have been prepared, approved and independently verified in accordance with the Scheme;
- that, the Community Council appears to have conducted itself in accordance with the Scheme and other guidance; and
- a current bank statement to confirm bank details and allow a transfer of funds electronically.

- **Administrative Grant - Acceptable Areas of Expenditure**

The purpose of the administrative grant is to cover the costs in administering Community Council business. Examples of such costs are detailed below:

- Insurance
- Auditors' fees
- Production and circulation of Minutes, agenda and annual reports
- Maintaining a website
- Stationery
- Photocopying
- Postage
- Travel costs
- Telephone costs
- Accommodation lets
- Affiliation fees
- Subscriptions
- Bank charges
- Advertising
- General Publicity and promotional activities.
- Consultation with the community.

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- **Other Funding**

Community Councils may generate income from sources other than the administrative grant. This income may be applied towards expenditure not contemplated by the grants awarded by Inverclyde Council. The accounts of the Community Council should still disclose all income from whatever source it is obtained, and all expenditure.

A Treasurer seeking additional funding on behalf of the Community Council should seek the formal, minuted approval of the Community Council before making any application and should ensure that any funding requests are also signed by another office bearer.

Community Councils may also from time to time qualify for additional funding from Inverclyde Council under schemes targeted at community groups or community projects. Information about such further funding can be found on the Inverclyde Council website.

- **Accounting Procedures – Cash**

Each Community Council should have a cash book and all income and expenditure should be recorded in it. The date, description, amount and receipt number should also be recorded.

The Community Council should nominate three unrelated office bearers to act as authorised signatories to the Community Council bank accounts. All cheques and withdrawals should require signature by two of the three authorised signatories. Any changes to authorised signatories should be approved by the Community Council.

The level of cash held should not be excessive and should be in proportion to the monthly expenditure.

The best practice is that all income received should be banked and should not be used to meet expenditure. If funds are required for incurred expenditure they should either be paid by cheque or alternatively cash should be separately withdrawn from the bank for that specific purpose. This means the bank statement will reflect more accurately specific items of income or expenditure.

Once a deposit in the bank account has been made the stamped bank pay-in slip should be retained and checked against the bank statement or bank book to ensure that the income has been credited correctly.

- **Accounting Procedures – Expenditure**

All expenditure must be approved in advance by the Community Council.

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All expenditure must be accompanied by proof of purchase, either an expenditure voucher or receipted invoice. Receipts should be given a sequential number and filed accordingly.

Details of the expenditure should be recorded in the cash book as soon as the expenditure is incurred. Where a receipt is not available, the person making the purchase should complete a form stating the nature of the expenditure. The form should be authorised by a member of the Community Council.

A current account will normally be used for day to day transactions with a further deposit or saving account if required, so that interest may be attracted on accumulated funds.

The Treasurer should await the bank statements and once received should carry out a bank reconciliation to ensure that the bank balance agrees with the balance recorded in the cash book. All bank statements should be retained.

Where petty cash is issued all petty cash vouchers should be signed by the person requesting the money and countersigned by the Treasurer or other authorised signatory - this must not be the person who is requesting the expenditure. All receipts for items of expenditure should be retained and attached to the appropriate petty cash voucher.

Reimbursement of travel expenses should only be available to persons on official Community Council business. Claimants should submit a detailed record of dates, times, destination, reason for travel and mode of transport. Reimbursement of travel expenses (for example bus, taxi, train, parking fees etc) should only be awarded if accompanied by an appropriate receipt.

If the Community Council requires telephone calls to be made, reimbursement of expenses can be made at the discretion of the Community Council. The person making the claim should submit the itemised telephone statement highlighting the calls claimed. Reimbursement will be authorised by the Community Council.

- **Accounting Procedures – Inventory**

A Community Council must maintain an inventory detailing all the assets of the Community Council. The inventory should be updated on an ongoing basis for additions and deletions. The good practice guidance published by the Scottish Government provides a recommended layout for this statement that can be followed. A copy of this can be provided by the Community Council Liaison if required.

- **Accounting Procedures - Annual Accounts**

The Scheme requires all Community Councils to maintain proper accounts, detailing all sums received and payments made by them. This is the responsibility of the Treasurer.

Additionally, both the Scheme and the model Constitution require Community Councils to produce a Statement of Income and Expenditure and a Balance Sheet

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for the financial year, running from 1 April to the following 31 March. This should be drawn up after 31 March, and detail all monies in and monies out in the financial year. The good practice guidance published by the Scottish Government provides a recommended layout for this statement that can be followed. A copy of this can be provided by the Community Council Liaison if required.

This process is as follows:-

- The first step is to prepare the statement. How this task is allocated is of course a matter for each individual Community Council to deal with as they see fit, but is the responsibility of the Treasurer. The recommended style does not require each individual transaction to be detailed, but simply totals to be shown under various broad headings of expenditure. This style is of course for guidance only, and the headings can be changed to suit a particular Community Council's circumstances. The Community Council Liaison will carry out an initial review of the statement and seek any further detail that is required.
- Once this statement has been prepared, it is then necessary to have it examined by **two** independent examiners unconnected to the Community Council. To complete this exercise each examiner is likely to require all the financial records which were reviewed in the completion of the statement. Once they have carried out their examination, the best practice would be to have each of them sign and date the statement confirming they consider it to be a true statement of the financial position.
- Once the statement has been independently examined, it should then be submitted to the Community Council as an item for approval at the Annual General Meeting.
- Finally, after the statement has been approved at the Annual General Meeting, the Treasurer should send the Community Council Liaison a copy of the Statement, signed and approved by **both** independent examiners and certified by the Treasurer, together with (if not already sent) a copy of the Minutes of the AGM showing the approval of the Statement as a separate agenda item.

It is worth noting that it is no longer an automatic requirement for the Community Council to submit to Inverclyde Council all background financial records that go into the preparation of this statement. As a preliminary, the statement independently verified and minuted as approved at the AGM is sufficient. Should any further information be necessary to allow completion of Inverclyde Council's review of your accounts, the Community Council Liaison will contact the Secretary.

The submission of the statement in terms of the above is a requirement on the Community Councils. It is also one of the steps that must be completed prior to the release of the administrative grant.

16. Insurance

Inverclyde Council arranges insurance covering a number of risks for all Community Councils in Inverclyde. The cost of this policy is met out of the annual Community Councils' budget prior to the distribution of the administrative grant.

A copy of the policy will be issued to each Community Council around the renewal date. Although this policy is arranged by Inverclyde Council on behalf of the Community Councils, it is the responsibility of each Community Council to ensure the cover provided is adequate for their purposes and they should each carefully check the terms of the policy. They also should repeat this check of the policy each year when the new policy is issued as the particular risks covered, the limits of cover and terms of the policy itself may change from year to year.

For guidance the policy in force at the date of this handbook can be summarised as follows:

- All Risks Cover for records, books, stationery, up to a stated limit;
- Public Liability Cover up to a stated limit;
- Libel & Slander Cover up to a stated limit;
- Fidelity Cover up to a stated limit; and
- Personal Accident Cover covering volunteers and Community Council members up to a stated limit.

As stated, this is a summary to broadly indicate the matters covered, and **only the terms of the current policy should be relied on**. The policy will also state the limits that will apply to any claim under any of the insured risks.

Any specific questions on the policy should be directed to the Community Council Liaison, who will arrange for an appropriate response.,

Community Councils should also ensure that the standard cover is adequate for any activity or activities they undertake. In particular, whilst the policy will ordinarily cover the normal business activities of a Community Council, such as their regular meetings open to the public, it may not cover special events either organised by a Community Council, or which a Community Council takes part in. In cases of doubt, the Community Councils are advised to contact the Community Council Liaison. If it is determined that an activity is not covered by the policy, it may be possible to arrange additional cover, for which there may be an additional charge. A Community Council may also make its own arrangements for such additional cover.

17. Data Protection

As can be seen from this handbook, Community Councils act in a variety of roles. Much of the information they will be working with in these roles will be personal information in terms of the Data Protection Act 1998 (DPA). For example: maintaining contact lists; minuting their proceedings; and publishing correspondence, agendas, Minutes etc. They may also retain details of members of their community who have written to them or have spoken at meetings on a matter, **or** in connection matters which they are taking up on behalf of a member or members of the community.

Personal information means data which relates to a living individual who can be identified:

- from that data; or
- from data and other information which is in the possession of, or is likely to come into the possession of, the data controller, and includes any expression of opinion about the individual, and any indication of the intentions of the data controller or any other person in respect of the individual.

Where such personal data is “processed” by a person or body, then there is a requirement for that person or body to register with the Information Commissioner as “data controller”.

Processing as defined in the DPA, in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data, including:

- organisation, adaptation or alteration of the information or data;
- retrieval, consultation or use of the information or data;
- disclosure of the information or data by transmission, dissemination or otherwise making available; or
- alignment, combination, blocking, erasure or destruction of the information or data.

The view of both Inverclyde Council and the Information Commissioner is that Community Councils must register with the Information Commissioner as “Data Controllers”. There must also be a named person from the Community Council, probably an office bearer, with lead responsibility for DPA compliance. The annual cost of registering is £35.00, which would be met by the Community Council from their administrative grant.

Failure to comply with the DPA can be a criminal offence. It is recommended that Community Councils seek advice from the Information Commissioner on the question of registration and compliance with the DPA.

For further information on registering, please see the Information Commissioner’s website at:

http://www.ico.org.uk/for_organisations/data_protection/notification

18. Dissolution of a Community Council

There is a mechanism within the Scheme for a Community Council to take steps to commence a process of dissolution, however this should be regarded very much as a last resort. Before such a step is taken it is recommended that contact be made with the Community Council Liaison to discuss why this step is being considered and what alternative options or support may be available.

In terms of the Scheme, if at any time a two thirds majority of the voting members of a Community Council decide that it should be dissolved, then a date shall be agreed for a public meeting to consider such a resolution.

This meeting will need to be advertised in a local newspaper at least 10 days in advance.

The Community Council will then be dissolved if:

- the majority of those present at the meeting and eligible to vote support the dissolution; and
- Inverclyde Council approves the dissolution.

Once a Community Council is dissolved under the above, following payment of all debts, all assets of the Community Council will transfer to Inverclyde Council to be held in trust for a future Community Council appointed to represent the area.

Where the membership of a Community Council falls below the minimum levels set out in the “Membership of a Community Council” section of this handbook, Inverclyde Council may by suspending the Constitution of that Community Council, cause it to be dissolved.

Inverclyde Council can exercise discretion in whether or not to carry this out, and such dissolution would be seen very much as a last resort. The Community Council Liaison will discuss matters with any Community Council in this situation with a view to trying to increase numbers by co-option or interim election processes as seen in the “Filling Vacancies” section of this handbook.

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, particularly in relation to community safety issues, 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.

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- (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 onehalf 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

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(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),
- (b) 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.
- (c) 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

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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

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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

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.

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- (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.

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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
- (d) members shall speak to the question.
- (e) A motion or amendment once made and seconded shall not be withdrawn without the
- (f) consent of the mover and seconder thereof.
- (g) 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.

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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.

Community Council Areas (as referred to in the Scheme).

Community Council	Population
1 - Kilmacolm	5107
2 - Port Glasgow East	8215
3 - Port Glasgow West	6990
4 - Greenock East	8217
5 - Greenock Central	11838
6 - Holefarm and Cowdenknowes	2351
7 - Greenock Southwest	6135
8 - Larkfield, Braeside and Branchton	7050
9 - Greenock West and Cardwell Bay	11263
10 - Gourrock	8600
11 - Inverkip and Wemyss Bay	5314

Note:

1. Population figures quoted above best fit from SIMD data as relied upon for the report to Inverclyde Council of 14/4/11.
2. The plans of Community Council Areas have not been reproduced in this handbook but they can be obtained from the Community Council Liaison if required, who can be contacted on the details provided at the start of this handbook.

MIDLOTHIAN COUNCIL 2014

Handbook for SCHEME FOR COMMUNITY COUNCILS

The purpose of this document is to provide guidance in the meaning and implementation of the Midlothian Scheme for Community Councils. It is not part of the Scheme, but is provided solely as an interpretation to assist in understanding the rationale. In case of any conflict between the Scheme and the Guidance, the Scheme shall provide the definitive information.

The body of this document follows the same structure as the Scheme itself to allow simple cross-referencing between the documents.

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1 Introduction

This is the standard introduction from the Scottish Government model text.

This (2013) amendment to the scheme is intended to be less prescriptive than the original 1976 scheme, allowing Community Councils more flexibility in running their own affairs. As Community Councils are defined by the Local Government Act, they do not have complete autonomy from their local Council, and so some aspects of the scheme, in particular those that concern the relationship with Midlothian Council, are not able to be removed.

2 Title

A standard title is defined for ease of future reference to this document.

3 Definitions

These definitions are provided to simplify references later in the text and remove ambiguities that might otherwise arise.

4 Statutory Purposes

Taken from the Model Scheme, this defines the statutory purposes for which a Community Council exists, but does not prevent a Community Council from undertaking other activities. Note that a key aspect of the Statutory Purpose is to “express ... the views of the community it represents” (i.e. not simply the views of the Community Councillors).

5 The Role and Responsibilities of Community Councils

As above, Community Councils must be (and be seen to be) representative of the community.

There are certain topics (e.g. Planning Applications and Liquor Licensing) where the Community Council is required to be consulted, but this does not prevent consultation on any other mutually agreed topics.

In addition to the statutory Purposes of a Community Council, it may choose to carry out other activities (provided they do not conflict with the Scheme). Where a Community Council intends to pursue other activities, it should ensure that these activities are included in its own Constitution.

Obvious as it may seem, Community Councils are not exempt from the law, or from the applicable Codes of Conduct.

A **Community Council Constitution** is required and should not be seen as a static document, but as one which can change over time as the relationship between the Community, the Community Council and Midlothian Council changes. All Community Councils will be required to review their Constitution to ensure that it complies with the requirements of this Scheme.

The final part of this section provides more detail on the requirement to be truly representative. There can be a perception that Community Councillors represent their own views and not those of the community at large. Community Councils should both consult their Community and, where practical, keep records of such consultations. They should also ensure that their activities are published to their Community in whichever manner is most effective for their particular circumstances.

6 Community Council Areas within Midlothian

The physical boundary locations of the Community Council areas are unchanged from the 1976 Scheme, although now presented as maps for ease of interpretation. The Council planning staff and external developers have been using the maps as the definitive reference for some time, as the written definitions from the 1976 Scheme are open to misinterpretation as a result of developments over the past 30 years or so. References to plot numbers and unclassified road numbers have little meaning to the general public or external developers.

As the 1976 Scheme did not address a mechanism for boundary changes, any boundary change prior to the adoption of the 2013 Scheme would have meant the dissolution of the 1976 scheme (and of all Midlothian Community Councils) and then an expanded process including at least 2 public consultations before the Community Councils could be re-formed. As a result, it was decided, with legal advice, to amend the 1976 Scheme to produce the 2013 Scheme with no boundary changes, and include a mechanism for making boundary changes in the amendment.

6.1 Midlothian Federation of Community Councils

MFCC did not exist at the time of the 1976 Scheme, although Midlothian Council has subsequently recognised it informally as a point of contact and included MFCC within the Community Planning Partnership. This clause formally recognises MFCC and defines its relationship with the Community Planning Partnership.

7 Membership of Community Councils

In accordance with Scottish Government guidance, the classes of membership of a Community Council have been redefined, and the rules regarding the co-opting of

members have been tightened to prevent an effective takeover by unelected (co-opted) members during the term of office. Most of this relates to an extreme case which will not commonly occur, but would conflict with the principle that Community Councillors are ***elected*** representatives.

The Scheme allows for 16 and 17 year olds standing for election as Community councillors. As there is no current requirement to maintain a Midlothian Register of Electors for 16-17 year olds, the scheme defines the mechanism whereby residents of the area in that age group can be vouched for by other residents of the area. Note that, for simplicity, the other residents must themselves be listed on the relevant part of the Midlothian Register of Electors, since otherwise they would be subject to similar procedure themselves.

Certain elected representatives are exempt from holding the position of Community Councillor. This is the unchanged legal position which prevents these members from being Community Councillors, but defines them to be non-voting ex-officio members of each Community Council within their area of representation.

8 Amendment to the Boundaries and Composition of Community Councils

This is the additional section referred to previously which permits boundary changes to be made without requiring the dissolution of the Scheme.

Boundary changes can only progress if all (not just a majority of) affected Community Councils agree to the change. The public consultation period is required by the government.

9 Community Council Elections

9.1 Eligibility

This again clarifies who can stand as a Community Councillor, and the procedure to be followed for younger candidates who cannot meet the Midlothian Register of Electors requirement.

It is up to individual Community Councils to monitor whether Community Councillors continue to be resident. As Community Councils represent small local areas, it is required that the representatives are residents of that specific area.

The additional constraint regarding bankruptcy proceedings and custodial sentences is in accordance with the restrictions which apply to Councillors.

9.2 Nominations and Elections

The Scottish Government assume that all Community Councillors will retire at the same time and therefore the complete Community Council will be elected in a single Election, whereas some of our Community Councils use a “retire by rotation” approach.

The wording of this section does not mandate the election cycle of a Community Council. For example, while some Community Councils may choose to hold full election every 3 years, other may choose to “retire by rotation” and hold partial

election every year to maintain continuity within the Community Council. This is a matter for the Community Council constitution, provided it is not in conflict with the requirements of this scheme.

9.2.1 Returning Officer

The Returning Officer shall be responsible for checking nominations are valid, for counting votes, and for declaring the result. The Local Authority shall be given sufficient notice of the election to allow time for a Returning Officer to be appointed.

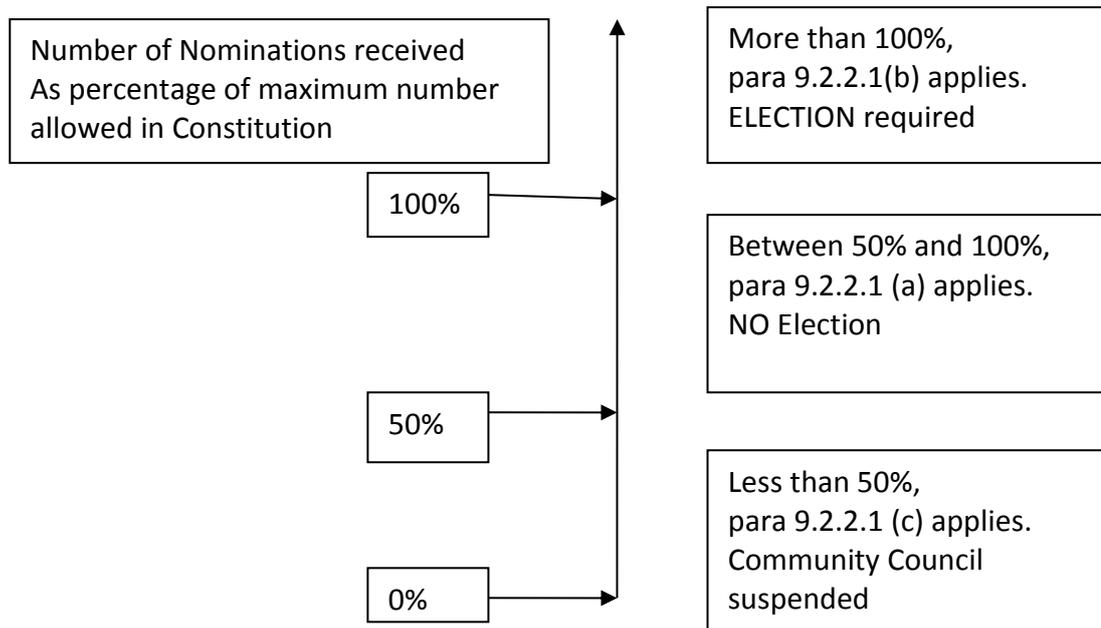
9.2.2 Nominations

Nominations must be made in advance of the election, allowing the returning officer to check they are valid prior to the election. Nomination forms are returned to the Community Council contact (normally the Secretary).

The Community Council is responsible for ensuring that the Liaison Officer is provided with the correct contact details, and verifying that these are correctly displayed on the Council website.

9.2.2.1 Process

This defines the conditions for whether an election will be required, and/or whether the Community Council will be able to continue to exist. If the minimum numbers are not met, then it also permits Midlothian Council to initiate a new election to allow the Community Council to continue. The diagram below is intended to clarify the rules.



9.2.2.2 Method of Election

A “Show of Hands” is in accordance with the “Good Practice” defined by the Scottish Government document. The Public Meeting must be adequately promoted within the Community Council area, so that potential voters are able to attend. Where there are local concerns about the use of this method, the Returning Officer is able to approve an alternate approach such as a secret ballot.

9.2.2.3 Filling of casual places/vacancies between elections

This requires Community Councils to try and fill vacancies, and allows co-option as a quicker/simpler approach, provided at least half the Community Council will still be elected members. Note the reference to **ELECTED** members **excludes** those **Co-opted** since a previous election. This addresses the concern about the potential conversion of a Community Council to a dominantly co-opted one.

9.2.2.4 Co-option to Community Councils

Co-opted members do not have a vote on the co-option for further members, preventing a progressive takeover of the Community Council. In addition, once the number of Co-opted members reaches 1/3 for any reason, an interim election process will be triggered. (Note for example that this could occur when 1 or more elected members of the Community Council become ineligible).

9.2.3 Additional Membership

9.2.3.1 Associate Members

This is the replacement for the “Nominated” members identified in the 1976 scheme. Any Community Council may now choose to have such members and to define the period of membership. Note that the Composition of Community Councils has been amended to show only a **maximum** number of Community Councillors – this number is the previous **combined** total of elected and nominated members, but **excludes** any associated members. Community Councils may find it beneficial to set a lower number in their constitution. For guidance, the table also shows the quorum if the maximum number is used.

9.2.3.2 Ex-Officio Members

Further defines the rules regarding the elected members of local national and European government.

10 Equalities

This is a legal requirement with which Community Councils must comply. Note the requirement is to **represent** the groups, not necessarily to **have representatives from** each or any of the groups.

11 Disqualification of Membership

In general non-attendance would fail to comply with the requirement to be representative, and so the Community Council is permitted to terminate a membership on those grounds. The decision is left with the Community Council (rather than being automatic) to allow discretion to be applied in individual cases.

Disciplinary matters will be handled by the Liaison Officer rather than the Community Council to be independent of the personalities involved.

12 Meetings

Each Community Council is free to define its own meeting schedule within the allowed limits, taking into account the local situation.

The quorum is defined in relation to the current voting membership to allow a degree of flexibility in those situations where the Community Council has vacancies for whatever reason, although note that there must always be a minimum of 3 voting members to form a quorum.

The Scheme defines a maximum number of Community Councillors (excluding Associate and Ex-officio members) which for smaller communities may be an unrealistic number. Consideration therefore should be given to setting an appropriate number of Community Councillors within the limits defined in this Scheme. Note that in 9.2.2.1 Process, the rules regarding elections and dissolution are defined in terms of the number defined in the Constitution, and it is therefore in the best interests of the Community Council to choose this number carefully.

It is clearly stated in the scheme that all meetings of community councils should be held in public however there is provision to vote to take items in private in exceptional circumstances within the scheme. If a community council wish to include a process for taking matters in private where the circumstances are exceptional then they require stating this in their new constitution and providing a robust rationale for it to be agreed by Midlothian Council legal representative. If a community council does not wish to include the provision of discussing items in private then they do not include this within their constitution. At a further date if a community council wish to include or take out the statement on processes for items to be heard in private they would require to implement the process to change their constitution as detailed in the scheme and handbook.

13 Liaison with the Local Authority

Defines the primary contact with Midlothian Council to be the Liaison Officer, but does not require that all communication is via the Officer when other routes may be more appropriate.

14 Resourcing a Community Council

Each Community Council is required to keep proper annual accounts and these must be independently examined.

In most cases the limited funds of a Community Council will be such that only "examination" of the accounts is required, and not a full "audit". This removes any requirement to use a qualified accountant.

The Scheme does not change the principle of the Administrative Grant, awarded annually by Midlothian Council, but it is now required to be reviewed after each Midlothian Council election. Previously there was no requirement to review the grant. Grant levels are not defined within the Scheme, as this would require a Scheme amendment for any future changes.

15 Training

It is recognised that Community Councillors, and especially those newly elected to the position, would benefit from training in a number of areas.

Midlothian Council and MFCC actively seek suggestions from Community Councils regarding the topics and format of training that should be provided to assist Community Councillors in performing their role.

16 Publicity

This continues a requirement for Midlothian Council to promote Community Council activities.

17 Liability of Community Council Members and Federation

The provision of a standard insurance scheme for all Community Councils removes the need for individual Community Councils to make and pay for such cover separately.

18 Dissolution of a Community Council

In addition to whatever terms for dissolution are embodied in the Community Council Constitution, this section defines a process where Midlothian Council will consider a Community Council to have ceased to exist if it fails to hold 3 consecutive scheduled meetings.

To be “held”, a meeting must have a quorum. It is in the interest of any Community Council which fails to meet the quorum for 2 consecutive meetings to contact the Liaison Officer for assistance prior to calling the third meeting (which could otherwise result in the dissolution of the Community Council).

19 Establishment or Re-Establishment of a Community Council

This section defines a simple process for the creation of a Community Council. It should be noted that:

- Where there was a previous Community Council in the area, the new Community Council does not automatically inherit the Constitution, but is free to draft a new Constitution as required.
- Midlothian Council is required to define an initial number of members for the Community Council – but this number only applies until the new Constitution is agreed.

This process is defined to allow a change to the constitution and membership, where, for example, a previous Community Council was forced to dissolve by being unable to meet the terms of its own Constitution.

Appendix A. Member Definitions

The Scheme defines various types of Membership of a Community Council, and so, for clarity, the different types of membership are defined here.

A.1 Community Councillors

- a) Elected refers to Community Councillors who have been elected at either a Normal or Interim Election. Elected Community Councillors have full voting rights on all matters at Normal and General meetings of the Community Council. They serve for the remainder of their term until the next Normal election as defined by the Constitution of the Community Council.
- b) Co-opted refers to Community Councillors who have filled a vacancy during the term of a Community Council without an election process. They have voting rights on all matters except the co-option of further Community Councillors. *(This is to prevent a “take-over” of the Community Council by a succession of Co-opted members, none of whom have been elected)*. They serve until the next normal or interim election. *(i.e. If a Community Council holds an interim election, then any existing co-opted members must be voted on to the Community Council at that time if they are to continue as Community Councillors.)*

A.2 Other Members

- a) Associate Members attend Community Council meetings to advise on specific topics, or to represent the interest of specific groups. Associate Members are appointed by the Community Council in accordance with their own Constitution and within the constraints of this scheme. The term of office may be for a specific period or for remainder of the term of the Community Council itself. The number of Associate Members may not exceed half the current number of elected Community Councillors. Associate Members have no voting rights.
- b) Ex-Officio Members are members of the Community Council by virtue of their election as Midlothian Councillor, MSP, MP, or MEP representing the area that includes the Community Council. Ex-officio members are disqualified from Election or co-option as Community Councillors. They have no voting rights.

Appendix B. Nomination form

All nominations for election as Community Councillor must be made on the form shown on the following two pages, which is also available for download from the **Community Councils** section of the **Midlothian Council website**.

Office Use only	Date received	Time received	Initials	No.



Community Council

Nomination paper

ELECTION OF COMMUNITY COUNCILLORS NOMINATION FORM	
	Community Council
Day and Date of Election	

Candidate's Details	
Candidate's surname	
Other names in full	
Commonly used surname (if any)	
Commonly used forenames (if any)	
Home address in full (including postcode)	

I, the nominee for election, consent to being nominated as a candidate for the	
	Community Council
I declare that I am qualified to be elected. I am registered on the Midlothian Register of Electors and if not have two referees stating I am an official resident of the community council area.	
I declare that I am not disqualified from being nominated as a candidate for community council elections in Midlothian:	
<ul style="list-style-type: none"> a. as detailed in the Midlothian Scheme for Community Councils b. by reason of holding a politically restricted post in Midlothian. c. by reason of being the subject of bankruptcy proceedings d. by reason of having had a custodial sentence of longer than 3 months in the past 5 years. 	
Candidate's signature	
Date	
Witness: I confirm the above-mentioned candidate signed the declaration in my presence.	
Witness's signature:	
Witness (name in full):	

of (address in full):	
Date	
Details of Nominators	
Nominator 1	
<p>I declare that to the best of my knowledge this candidate is resident in the community council area of _____ and is eligible¹ to stand as a candidate. I also declare I am on the Midlothian Register of Electors for the above named community council area and therefore eligible to nominate them to stand for election.</p> <p>Name: Address: Occupation: Date: Signature:</p>	
Nominator 2	
<p>I declare that to the best of my knowledge this candidate is resident in the community council area of _____ and is eligible¹ to stand as a candidate. I also declare I am on the Midlothian Register of Electors for the above named community council area and therefore eligible to nominate them to stand for election.</p> <p>Name: Address: Occupation: Date: Signature:</p>	

Please deliver to the **designated contact point** by the last day for the delivery of nominations.

¹ Eligibility rules include residency in the specific Community Council Area and aged 16 years or over on the date of the election.



Moray Scheme for the Establishment of Community Councils 2017 - 2021

**Incorporating
Community Council members Code of Conduct,
Model Constitution, Standing Orders & Area
Descriptions**

Document Version	1.2
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0.4	20 March 2015	Appendix 1 amended to reflect polling district changes in CC Areas 2, 4 and 5
0.5	9 January 2017	Proposed changes to scheme drafted and inserted
0.6	13 February 2017	Proposed changes to scheme amended and inserted following second round comments
0.7	7 March 2017	Proposed changes to scheme amended and inserted following further second round comments
1.0	30 June 2017	Scheme 2017-2021 finalised following TMC meeting of 29 June 2017
1.1	2 August 2017	Correction to typo in Appendix 1
1.2	19 Sept 2017	Correction to minor numbering error in Appendix 2 and 3

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Foreword

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.

The Local Authority is required to publish a community council scheme for their area outlining various arrangements for Community Councils including elections, meetings, boundaries, and finance.

This scheme will come into operation from October 2017 and will be subject to review periodically prior to each new term.

1 Statutory Purpose of Community Councils

The statutory purposes of Community Councils established under the 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”

2 Establishment of Community Councils under the 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 on the proposed scheme shall be undertaken prior to its formal adoption by the Local Authority. The scheme may be amended at any time following approval by the Local Authority.

If for any reason there is no established Community Council in an area following elections, twenty local electors whom must be on the electoral register for the area concerned may make a request by way of petition to Moray Council for an election to be held. Any members elected in this way will only hold office for a period of up to four years from the date of nomination/election until the first Monday in October of the appropriate year, in accordance with election procedures.

See also to Section 7

3 Community Council Name

The name for each Community Council will be as shown in Appendix 1. These can be modified with the prior approval of Moray Council.

4 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 must 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 whom they represent.

4.1 Role

- i. Community Councils have a statutory right to be consulted on planning and licensing applications;
- ii. Community Councils are a community participation body under the Community Empowerment Act 2015 and may make requests in relation to this provision;
- iii. There should be mutual engagement in the establishment of working relationships with the Local Authority, the Community Planning Partnership and Local Area Forum and other agencies;
- iv. Community Councils may be consulted on any other matters by the Local Authority, Community Planning Partnership and other public sector and private agencies
- v. Community Councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objectives of their Constitution and the terms of the Council's Scheme for the Establishment of Community Councils;
- vi. In carrying out their activities Community Councils must at all times adhere to the law, the terms of the Council's Scheme for Community Councils and the Community Council members' Code of Conduct;
- vii. Each Community Council is required to adopt a Constitution, based upon the Model Constitution (Appendix 2), together with Standing Orders (Appendix 3), 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.

4.2 Responsibilities

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 and in being effective and representative, Community Councils shall: -

- i. 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 online and, subject to the provisions contained within the Data Protection Act 1998, provide contact details of Community Council members.
- ii. Agendas and draft minutes of Community Councils' meetings must be presented to the Local Authority nominated contact within 30 days from the date of that meeting, and ratified minutes within 14 days of approval and be circulated to Community Council members, relevant elected members and other interested parties.
- iii. Have in place consultative mechanisms to ascertain, co-ordinate and reflect the views of all sectors of the community which it represents, to liaise with other community groups within the area, and to fairly express and consider the diversity of opinions and outlooks of the people within the course of Community Council business.
- iv. Seek to broaden both representation and expertise by promoting the associate membership of the Community Council of persons for specific projects/issues.
- v. 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.
- vi. Maintain proper financial records and present financial reports at Community Council meetings.
- vii. Inform the Local Authority's nominated contact of any change in membership (resignations, associate membership, etc.) and circumstances, as soon as is practicable.

5 Community Council Areas

Moray Council has listed the named Community Council areas, area descriptions and maps defining their boundaries found in Appendix 1 to the Scheme.

Maps of all the Moray Community Council boundaries are available at www.moray.gov.uk/communitycouncils.

6 Membership of Community Councils

There shall be minimum and maximum membership numbers of elected Community Council members in a Community Council as stated in Appendix 1.

- i. The minimum age to stand for election as a Community Council member is 16 years old.
- ii. Qualification for membership is by residency within the specific Community Council area.
- iii. Community Council members and candidates for Community Council membership must be named on the current electoral register for the Community Council area in which they reside as a local government elector.
- iv. There shall be provision made for non-voting Associate Membership for purposes as defined by each Community Council (section 9.1).
- v. No elected member of Moray Council shall be eligible to be a member of a Community Council and, if a member of a Community Council is so elected, they will be deemed to have resigned from the Community Council, the day after the result of the Local Government election is declared.
- vi. 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 (section 9.2).

7 Scheme of Electoral Arrangements

- i. The Returning Officer or their nominated representative(s) will be responsible for the administration of the elections under this scheme.
- ii. The election will be conducted in accordance with the procedures laid within the *Scheme of Electoral Arrangements for Community Councils*.
- iii. The Electoral Scheme will be subject to periodic review as required by the Returning Officer.

8 Filling of casual places/vacancies between elections

8.1 Casual vacancies

Casual vacancies on a Community Council may arise in the following circumstances:

- i. When a Community Council member submits their resignation;
- ii. When a Community Council member ceases to be resident or registered on the electoral register within that Community Council area;
- iii. When a Community Council member has their membership disqualified or revoked (Section 12);
- iv. When a Community Council member is elected to the Moray Council.
- v. Due to unreasonable non-attendance by a Community Council member at scheduled Community Council meetings for a period of six months.

8.2 Co-option to Community Councils

- i. Filling a vacancy can be undertaken through co-option. However, should circumstances arise that lead to the number of elected Community Council members falling below HALF of the maximum permitted membership, Moray Council shall be informed and may undertake arrangements for an interim election, where appropriate, to be held.
- ii. Co-opted members must be eligible for membership of the Community Council as detailed in Section 6.
- iii. Notice of any proposed co-option is required to be intimated to all of the Community Council's members at least 14 days prior to the meeting when the matter will be decided.
- iv. Co-opted members must be accepted onto the Community Council by a two-thirds majority of the elected Community Council members present and voting.
- v. 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 or at such time they become a full member.
- vi. After 12 months from the date of their co-option to the Community Council the co-opted member will become a full member with the same rights and this full member will no longer be counted within the ratio of co-opted members.

- vii. The number of co-opted members may not exceed a THIRD of the current elected Community Council membership. Should the ratio of co-opted to elected Community Council members become greater than one third, due to any circumstances, Moray Council shall be informed and may determine arrangements thereafter for an interim election, where appropriate.

9 Additional Membership

9.1 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 also include representation from other constituted local voluntary organisations.

Associate members serving one Community Council cannot be elected or co-opted members of any other Community Council unless they are representing constituted local voluntary organisations.

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.

9.2 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 and will not be entitled to be elected or nominated representatives of a Community Council.

10 Term of Office

All members of the Community Council hold office for a period of approximately four years from the date of election until the date of the next scheduled election, in accordance with the election procedures outlined in Section 7.

Those members appointed by co-option will hold office for a period of up to four years from the date of co-option until the date of the next scheduled election of the appropriate year, as outlined above.

The term of office will cease on the occasion that the Community Council is dissolved by the Local Authority (Section 17).

The Returning Officer reserves the right to vary the Community Council term, should other electoral timetables conflict with the Community Council election for that term, to prevent disruption to the Community Council election process.

11 Equalities & Inclusion

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.

Consideration must also be given by the Community Council as to their meeting place. This must be in terms of accessibility and facilities for disabled users, as well as location, as far as practicable, to ensure that the needs of all members, visiting public or other additional members are met.

See also Code of Conduct (Appendix 4)

12 Disqualification of Nomination or Membership

- i. Membership of a Community Council is invalidated should a Community Council member's residency qualification within that Community Council area cease to exist; the Community Council may apply to Moray Council to terminate their membership.
- ii. Membership of a Community Council is invalidated should a Community Council member's name no longer appear on the electoral register for that Community Council area.
- iii. 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 on application to Moray Council.
- iv. At the discretion of individual Community Councils, a period of leave of absence for a Community Council member may be granted at any meeting of the Community Council.
- v. In terms of nomination, a person shall be disqualified from being nominated as a candidate for election as, or if already elected from being a Community Council member if;

- He/she is a person whose estate has been sequestrated by a court in Scotland or who has been adjudged bankrupt elsewhere than in Scotland; or
- He/She has, within five years before the day of nomination, or election or since his election, as the case may be, been convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic of any offence and has had passed on him/her a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option or a fine; or
- Where a person is disqualified, under the subsection above, by reason of his/her estate having been sequestrated, the disqualification shall cease if and when-
 - the sequestration of his/her estate is recalled or reduced; or
 - he/she is discharged under or by virtue of the Bankruptcy (Scotland) Act 1985.
- Where a person is disqualified, under the first subsection above, by reason of having been adjudged bankrupt then-
 - if the bankruptcy is annulled on the ground that he/she ought not to have been adjudged bankrupt or on the grounds that his/her debts have been paid in full, the disqualification shall cease on the date of the annulment;
 - if he/she is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his/her part, the disqualification shall cease on the date of his/her discharge; and
 - if he/she is discharged without such a certificate, his/her disqualification shall cease on the expiration of five years from the date of his/her discharge

13 Meetings

13.1 First Meeting

The first (inaugural) meeting of a Community Council following a Community Council election, will be called by the Local Authority's nominated representative, and will take place within 1 calendar month of the date of the election, or as soon as practicable thereafter.

The business of the inaugural meeting may include consideration of a Constitution and Standing Orders, appointment of office bearers and any outstanding business matters from the outgoing Community Council.

Adoption of a constitution by the Community Council and approval by the Local Authority must follow within 4 months of the Inaugural meeting.

In the absence of Community Council agreeing and signing their constitution and seeking approval of the same by the Local Authority, the Community Council shall not be constituted, and Community Council members must abide by the Model Constitution in the interim until they are constituted.

13.2 Meeting Frequency

The frequency of meetings will be determined by each Community Council, subject to a *minimum of one Annual General Meeting, if held* 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 Community Council.

13.3 Quorum

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. (*see also section 5*)

13.4 Content of Business

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 Standing Orders (Appendix 3).

14 Liaison with the Local Authority

In order to facilitate the effective functioning of Community Councils, the Local Authority has nominated an official to liaise 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 preferably, in the first instance, be directed through that official.

- i. Community Councils shall provide copies of their agendas and minutes, and notify any changes to membership within prescribed timescales (section 4.2), to the Local Authority via the named official.
- ii. Community Councils may make representations and requests 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.
- iii. Representations should be made, in the case of statutory objections, such as planning or licensing matters, to the appropriate departmental Local Authority official.
- iv. Under the Community Empowerment Act 2015, requests for inclusion under the provisions of this Act should be made to the nominated Local Authority official.
- v. On issues where a Local Authority department is consulting with Community Councils, representations should be made to the appropriate departmental officer.

In cases of ongoing Community Council member dispute or complaint, the Community Council should contact the nominated officer for further support and guidance.

15 Resourcing a Community Council

15.1 Financial Year

The financial year of each Community Council shall be provided for in the Constitution of each Community Council and shall be from October to September in each succeeding year to allow for the proper submission of audited statement of accounts to the Community Council's *Annual General Meeting (if held)* or ordinary meeting as per the Community Council Constitution.

15.2 Annual Accounts

- i. The annual accounts of each Community Council shall be independently examined by at least one examiner appointed by the Community Council, who is not a member of that Community Council.
- ii. 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 (if held)* or ordinary meeting, to the nominated official of the Local Authority.
- iii. The nominated official may, at their discretion and in consultation with the Council's Head of Financial Services, require the Community Council to produce such records, vouchers and account books, as may be required.

15.3 Annual Administrative Grant

- i. The Local Authority may provide an administrative grant to Community Councils to assist with the operating costs of the Community Council.
- ii. The grant shall be fixed at a rate reviewed and advised annually by the Local Authority and may be disbursed in one or more instalments during the course of the financial year.
- iii. The administration grant is available to cover the costs in administering community council business which includes:
 - Auditors' fees
 - Production and circulation of minutes, agenda and annual reports or other Community Council documentation
 - Stationery
 - Photocopying
 - Postage
 - Travel costs
 - Telephone costs
 - Accommodation lets
 - Affiliation fees
 - Subscriptions
 - Bank charges

- Advertising
 - General publicity, promotional and ceremonial activities
 - Consultation with the community
 - Honorariums' to the Community Council secretary or treasurer
- iv. The Local Authority shall determine any additional support services and resourcing as necessary.

15.4 Other Financial Resources

Each Community Council shall have the power to secure external funding and resources for schemes, projects and all other purposes consistent with its functions.

16 Liability of Community Council Members

A 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.

17 Dissolution of a Community Council

The terms for dissolution of a Community Council are contained within the Model Constitution (Appendix 2).

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.

Appendix 1 – Community Council names, membership numbers, sub-divisions and area description

Each Community Council below is listed with the Minimum (Min) and Maximum (Max) Membership numbers to form.

The sub-divisions are also listed with reference to the number of members from each sub-area and the associated electoral register reference.

The first part of an individual’s elector number will be made up of the Polling district reference noted below.

CC No.	Community Council Name	Membership			Sub- Divisions & (No. of seats)	Electoral Register & Polling District reference ¹	Locality/ Settlements / Rural Communities in Area
		Min	Max	Quorum			
1	Elgin	9	18	6	1A Elgin City North (9)	MM0507 (pt) Riverside Caravan Park only MM0601 Elgin- Bishopmill West MM0602 Elgin – Bishopmill East MM0603 Elgin – Cathedral MM0604 Elgin – Pinefield	Riverside Caravan Park, Bishopmill, Lesmurdie, Cathedral, Moycroft, Chanonry, Tyock, Waulkmill, East End, Pinefield, Ashgrove
					1B Elgin City South (9)	MM0701 Elgin – Central West MM0702 New Elgin West MM0703 New Elgin East	Borough Briggs, Bruceland, Old Mills, Lady Hill, West End, The Wards, Greenwards, New Elgin, Linkwood, Glassgreen, Hardhillock, Dunkinty, Palmerscross

¹ (Pt) = Part Polling District split across Community Council areas –contact the Elections Office 01343 563334 for more information if unsure which area a person is eligible for.

CC No.	Community Council Name	Membership			Sub- Divisions & (No. of seats)	Electoral Register & Polling District reference ¹	Locality/ Settlements / Rural Communities in Area
		Min	Max	Quorum			
2	Forres	6	12	4	No sub-divisions	MM0803 (pt) (incl. Invererne, Seafield, Netherton) MM0804 Forres South & Sanquhar MM0805 Forres East MM0806 Forres Central MM0807 Forres West MM0808 (pt) (excl. Altyre, Blairs)	Forres, Mundole, Mannachie, Sanquhar, Knockomie, Chapelton, Balnageith, Invererne, Waterford, Seafield, Hillhead, Netherton, Lochyhill, Springfield, Forres Enterprise Park
3	Findhorn & Kinloss	5	10	3	3A Findhorn (5)	MM0801 Findhorn	Findhorn
					3B Kinloss (5)	MM0803 (pt) Kinloss, Grange, Newton of Struthers	Kinloss, Mill of Grange, Milton of Grange, East Grange, Cassieford, Kinloss Barracks, Seapark, Woodside, Newton of Struthers, Cassieford, Hatton, Damhead, Muirhead, Milton Brodie, Miltonhall
4	Dyke Landward	4	7	3	No sub-divisions	MM0802 Dyke-Darnaway MM0810 Edinkillie (pt) (incl. Dounduff only)	Dyke, Conicavel, Culbin, Moy, Brodie, Kintessack, Earlsmill, Whitemire, Dounduff
5	Finderne	4	7	3	No sub-divisions	MM0808 (pt) Altyre, Blairs only MM0809 Rafford MM0810 Edinkillie (excl. Dounduff)	Rafford, Easter Lawrenceton, Dunphail, Edinkillie, Logie, Cathay, Altyre, Burgie, Blairs, Blervie, Brodieshill, Relugas, Glenorney, Braemoray
6	Burghead & Cummington	5	10	3	6A Burghead (8)	MM0501 Burghead & Cummington	Burghead & St Aethans
					6B Cummington (2)		Cummington

CC No.	Community Council Name	Membership			Sub- Divisions & (No. of seats)	Electoral Register & Polling District reference ¹	Locality/ Settlements / Rural Communities in Area
		Min	Max	Quorum			
7	Hopeman & Covesea	4	7	3	No Sub-divisions	MM0502 Hopeman	Hopeman, Covesea, Williamston, Plewlands, Burnside, Greenbrae, Weddershill
8	Lossiemouth	5	10	3	No Sub-divisions	MM0503 Lossiemouth West & Drainie MM0504 Lossiemouth East	Lossiemouth, RAF Lossiemouth
9	Heldon	9	18	6	9A Dallas (2)	MM0101 Dallas	Dallas, Kellas
					9B Fogwatt & Birnie (4)	MM0406 Fogwatt	Fogwatt, Birkenhill, Birnie (excl. Glenlatterach), Thomshill, Clackmarras, Longmorn (excl. Gedloch)
					9C Duffus (2)	MM0505 Duffus	Duffus, Gordonstoun, Roseisle (north), Bank of Roseisle, Waterton
					9D Alves & Roseisle (4)	MM0506 Alves & Roseisle	Alves, College of Roseisle (south), Coltfield, Cloves, Newton (pt),
					9E Miltonduff & Spynie (6)	MM0507 (pt) Miltonduff (excl. Riverside Caravan Park)	Miltonduff, Spynie, Newton (pt), Quarrywood, Findrassie, Pluscarden, Barnhill, Kintrae, Mosstowie, Pittendreich,
10	Innes	5	10	3	10A Lhanbryde & Pitgaveny (4)	MM0401 Lhanbryde & Pitgaveny	Darkland, Lhanbryde, Pitgaveny (incl. Spynie Palace and surrounds), Troves, Teindland, Barmuckity, Threapland
					10B Urquhart (2)	MM0402 Urquhart	Urquhart, Lochhills, Muir of Lochs, Cappieshill, Innes
					10C Garmouth & Kingston (2)	MM0403 Garmouth & Kingston	Garmouth, Kingston, Corskie
					10D Mosstodloch (2)	MM0407 Mosstodloch	Mosstodloch, Dipple, Stynie, Orbliston

CC No.	Community Council Name	Membership			Sub- Divisions & (No. of seats)	Electoral Register & Polling District reference ¹	Locality/ Settlements / Rural Communities in Area
		Min	Max	Quorum			
11	Buckie & District	6	12	4	11A Buckie (8)	BM0301 (pt) Buckpool BM0303 Buckie West BM0304 Buckie East BM0305 (pt) Millbank, Mains of Buckie BM0306 (pt) Portessie	Buckie, Buckpool, Portessie, Maltings and Industrial Estate
					11B Rathven & Arradoul (4)	BM0202 (pt) excl. Bloomfield, Denside & Smithston BM0301 (pt) Auchentae, Arradoul MM0302 Westerton Arradoul BM0305 (pt) Cleanhill, Rannachy, Hilton BM0306 (pt) Rathven BM0307 (pt) Strathlene Cottages area	Rathven, Arradoul, Drybridge, Loanhead, Letterfourie, Addie Hill, Hilton, Auchentae, Inchgower, Whitegate, Whitefield, Westerton Cottages, Strathlene Cottages area
12	Findochty & District	4	7	3	No sub-divisions	BM0202(pt) (Carnoch Cottage, Bloomfield, Smithstown only) BM0307 (pt) Findochty excl. area at Strathlene Court, Moor of Scotstown	Findochty, Moor of Scotstown, Moor of Findochty, Westertown, Bauds, Law Hillock
13	Portknockie	5	10	3	No sub-divisions	BM0201 Portknockie BM0202(pt) (Denside only)	Portknockie, Hillhead, Cruats, Denside
14	Cullen & Deskford	4	9	3	14A Cullen (6)	BM0202 (pt) excl. Bloomfield, Smithston & Denside & Carnoch Cottage	Cullen, Lintmill, Bin of Cullen
					14B Deskford (3)	BM0203 Deskford	Kirktown of Deskford, Berryhillock, Skeith

CC No.	Community Council Name	Membership			Sub- Divisions & (No. of seats)	Electoral Register & Polling District reference ¹	Locality/ Settlements / Rural Communities in Area
		Min	Max	Quorum			
15	Lennox	7	14	4	15A Spey Bay (2)	MM0404 Spey Bay	Auchenhalrig, Bogmoor, Nether Dallachy, Upper Dallachy, Spey Bay, Tugnet
					15B Portgordon (4)	MM0405 Portgordon	Portgordon, Enzie(pt), Gollachy
					15C Fochabers (6)	MM0408 Fochabers	Fochabers, Bellie, Ordiquish, Forgie
					15D Clochan & Enzie (2)	MM0409 Clochan	Clochan, Enzie(pt), Broadley, Tynet
16	Keith	5	10	3	No sub-divisions	BM0206 Fife-Keith BM0207 Keith	Fife Keith, Keith, The Den, Corsairtly Farm
17	Strathisla	5	10	3	No sub-divisions	MM0103 Boharm MM0107 Drummuir MM0204 Newmill BM0205 Grange MM0208 Keith Rural South BM0209 Rothiemay	Aultmore, Berryhillock, Craighead, Drummuir, Botriphnie, Boharm, Rothiemay, Newmill, Farmtown, Grange, Glentauchers, Knock, Maggieknockater, Mulben, Towiemore
18	Speyside	5	10	3	No sub-divisions	MM0102 Rothes MM0104 Knockando MM0105 Archiestown MM0106 Craigellachie MM0108 Aberlour	Rothes, Knockando, Archiestown, Aberlour, Craigellachie, Carron, Cardhu (Cardow), Dailuaine, Edinvillie, Glenlatterach (incl. Gedloch), Ruthrie, Tomnabent, Woodside of Ballintomb, Inchberry
19	Dufftown & District	5	10	3	No sub-divisions	MM0109 Dufftown & Cabrach	Dufftown, Cabrach, Auchindoun, Glen Rinnes, Glenfiddich

CC No.	Community Council Name	Membership			Sub- Divisions & (No. of seats)	Electoral Register & Polling District reference ¹	Locality/ Settlements / Rural Communities in Area
		Min	Max	Quorum			
20	Glenlivet	4	7	3	No sub-divisions	MM0108 Ballindalloch MM0110 Glenlivet MM0111 Tomintoul	Auchbreck, Cragganmore, Glenlivet, Glenfarclas, Bridgend of Glenlivet, Tomintoul, Ballindalloch, Inveravon, Kirkmichael, Auchnarrow, (Knockandhu), Lettoch

Appendix 2 – Model Constitution

CONSTITUTION FOR COMMUNITY COUNCILS
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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 associated with, and described in, 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 Section 4 of the Scheme for the Establishment of Community Councils, approved by the Local Authority and in the COMMUNITY COUNCIL MEMBERS’ Code of Conduct (Appendix 4 of the Scheme).

5. Membership

The COMMUNITY COUNCIL'S membership is as governed by Section 6 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 Section 7 of the Scheme for the Establishment of Community Councils.

7. Resignations

Resignations of members must be submitted in writing by hard copy or by electronic means to the Chairperson, stating the effective date of resignation. This is not permitted to be retrospective.

If the Chairperson resigns then he/ she should notify the Vice-Chair and Secretary in the same manner.

Any notification of resignation received should be acknowledged by the recipient within 7 days or at the next scheduled COMMUNITY COUNCIL meeting whichever is soonest.

If a resignation is made during the course of a CC meeting and no written resignation is then submitted, if the resignation has been witnessed by the remainder of the CC members present at the meeting, then once formally minuted the resignation will stand.

A notice of resignation may be withdrawn before the next scheduled meeting of the COMMUNITY COUNCIL before it is formally minuted.

A resignation is final once noted and minuted during the course of business at a meeting of the COMMUNITY COUNCIL.

If the member resigning is appointed as Treasurer, all accounts, financial documents and records held by them on behalf of the COMMUNITY COUNCIL, shall be passed by the resigning member to the nominated person appointed by the COMMUNITY COUNCIL within 7 working days of the effective date of resignation of the Treasurer.

8. Casual Vacancies on the Community Council

Where a vacancy arises which does not result in the number of COMMUNITY COUNCIL MEMBERS falling below the minimum number as specified in the Scheme for the Establishment of Community Councils

(Appendix 1), 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) the filling of a vacancy by co-option with voting rights to a maximum of one third of the total membership of the community council as governed by Section 8 of the Scheme for the Establishment of Community Councils.
- (b) the vacancy to be left unfilled until local public interest is expressed or until the next set of regular elections.

Where a vacancy arises which does result in the number of COMMUNITY COUNCIL MEMBERS falling below the minimum number as specified in Scheme for the Establishment of Community Councils (Appendix 1), the Local Authority shall be informed.

9. 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 COUNCIL MEMBERS 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: Section 8.2– Community Council Elections [Co-option]; and Standing Orders: Clause 8 – Alterations to the Constitution and its Clause 18 – 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 Council members that results in a majority not being achieved, the chairperson shall have a casting vote.

10. Election of Office-Bearers

- (a) At the first meeting of the COMMUNITY COUNCIL after elections in the year 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 four years.
- (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.

11. 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.

12. 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 the COMMUNITY COUNCIL may 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) *Excluding the Annual General Meeting, if held*, the COMMUNITY COUNCIL shall meet not less than 6 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 or once a year. Special meetings shall require at least 7 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 30 days from the date of that meeting and ratified minutes within 14 days of approval, 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 but only 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.

13. 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 7 days before the date of any such meeting, and, where possible, be advertised by other suitable means.

14. 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 a COMMUNITY COUNCIL'S *Annual General Meeting*/ordinary meeting, minutes of all meetings, the annual report, the annual financial statement, information about changes to membership and co-options 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 7 days in advance of the meeting date.

15. 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 a least one examiner appointed by the COMMUNITY COUNCIL, whom are not members of this COMMUNITY COUNCIL, shall be submitted *to an Annual General Meeting (if held)*/Ordinary 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 October to September the succeeding year. Examined accounts as received and approved by the COMMUNITY COUNCIL at an ordinary meeting *or at the Annual General Meeting (if held)* shall be submitted to the Local Authority following approval at a meeting of the COMMUNITY COUNCIL.

16. Complaints

In the event of a complaint being received about the COMMUNITY COUNCIL or one or more of its member, the COMMUNITY COUNCIL will refer to the Community Council complaints procedure.

17. 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.

18. 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.

19. 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 the 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 petition to the Local Authority in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which the Returning Officer may 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.

20. Approval and Adoption of the Constitution

This Constitution was adopted by

COMMUNITY COUNCIL, on _____ (DATE)

Signed _____ Chairman

PRINT _____

Date _____

Signed _____ Member

PRINT _____

Date _____

Signed _____ Member

PRINT _____

Date _____

And was approved on behalf of the Moray Council on _____ date

Signed _____

PRINT _____

Position _____

Appendix 3 – Standing Orders

1. Meetings (all held in public)

- (a) Ordinary meetings of the COMMUNITY COUNCIL shall be held in the months of
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.
- (b) The notice of ordinary meeting *or Annual General Meetings (if held)* of the COMMUNITY COUNCIL, featuring the date, time and venue, shall be provided to each COMMUNITY COUNCIL MEMBER and the Local Authority's Liaison Officer by the Secretary of the COMMUNITY COUNCIL, at least 7 days before the date fixed for the meeting.

2. Minutes

Minutes of the proceedings of a meeting of the COMMUNITY COUNCIL shall be drafted within 30 days from the date of that meeting, distributed in accordance with Section 4 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) A COMMUNITY COUNCIL member who is present at the meeting where any item of business in which he or she has any financial or other interest is to be dealt with, shall disclose their interest as soon as possible after the start of the meeting.

- (c) The minutes of the last meeting of the COMMUNITY COUNCIL shall be submitted for approval.
- (d) Any other item of business, which the Chairperson has directed, should be considered.
- (e) Any other competent business, including Treasurers report.
- (f) Questions from the floor.
- (g) Chairperson to declare date of next meeting and close meeting.

(ii) Annual General Meeting (if held)

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) 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.
- (f) Any one or more of the Standing Orders may be suspended at any meeting, but so far only as regards the business at such a meeting, provided that two-thirds of the Community Council members present and entitled to vote agree, that there has been a *relevant and material change* of circumstances, which shall be specified in the motion proposing the suspension.

6. Voting

- (a) Voting shall be taken by a show of hands of those present and eligible to vote, with the exception that, 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. Obstructive and Offensive Conduct

In the event of any member of the COMMUNITY COUNCIL or member of public disregarding the authority of the Chairperson of the meeting, or conducting themselves in a disruptive, obstructive or offensive manner, a motion may be moved and seconded to remove the individual from the remainder of the meeting.

Such a motion will be put to the meeting without discussion and if supported by a majority of members of the COMMUNITY COUNCIL present and voting will be declared carried. The individual will be required by the Chairperson to leave the meeting immediately.

8. 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.

9. 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.

10. 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.

Appendix 4 – Code of Conduct

CODE OF CONDUCT FOR COMMUNITY COUNCIL MEMBERS

The Code of Conduct for Community Council members is based largely on the Code of Conduct for Local Authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc. (Scotland) Act 2000.

Community Council members, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct.

The Code of Conduct and its principles, shall apply to all Community Council members and those representing the Community Council. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

When appointed to the Community Council, members formally agree to abide by the Code of Conduct.

Service to the Community

- As a Community Council member you have a duty to act in the interests of the local community, which you have been elected or nominated to represent.
- You also have a duty to act in accordance with the remit of the Moray Council Scheme for the Establishment of Community Councils, as set out by Moray Council under the terms of the Local Government (Scotland) Act 1973.
- You 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.

- You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Selflessness

- You have a duty to take decisions solely in terms of the interest of the community that you represent.
- You must not use your position as a Community Council member to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

- You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community.
- If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.
- You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Council.

Objectivity

- In all your decisions and opinions as a Community Council member, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.
- You may be appointed or nominated by your Community Council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.
- You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

Accountability and Stewardship

- You are accountable for the decisions and actions that you take on behalf of your community through the Community Council.
- You must ensure that the Community Council uses its resources prudently and in accordance with the law.
- Community Council members will individually and collectively ensure that the business of the Community Council is conducted according to the Scheme for the Establishment of Community Councils and this Code of Conduct.
- Community Council members will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Scheme for the Establishment of Community Councils.
- They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Council business and for no other purpose.
- Minutes of meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting.
- Any breach of the Scheme for the Establishment of Community Councils as set out by the Moray Council under the terms of the Local Government (Scotland) Act 1973 may be reported to Moray Council to determine what action, if necessary, should be taken.

Openness

- You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate.
- You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.
- If you have dealings with the media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.
- If you are present at a meeting where any item of business in which you have any financial or other interest is to be dealt with, you shall disclose your interest as soon as possible after the start of the meeting.

Honesty

- You have a duty to act honestly.
- You also have an obligation to work within the law at all times.
- You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

Leadership

- You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area.
- You must also promote social inclusion and challenge discrimination in any form.
- You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves.
- Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

Respect

- You must respect fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, or member of staff within any organisation or body regardless of their position that you may have dealings with in your capacity as a Community Council member.
- Recognition should be given to the contribution of everyone participating in the work of the Community Council.
- You 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.
- You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

North Ayrshire Community Council Scheme: A Guide

Guidance on the Council's Scheme for the Establishment of
Community Councils in North Ayrshire

Published By Committee Services,
North Ayrshire Council, Cunninghame House, Irvine KQA12 8EE

North Ayrshire Community Council Scheme: A Guide

This guide is aimed mainly at new Community Councillors and interested members of the public. However, even experienced Community Councillors may find it useful as an information resource when tackling particular issues such as arranging ordinary elections. It may also help existing Community Councillors to familiarise themselves with elements of the Scheme which have been revised.

It should be stressed that the guide is intended to supplement, rather than replace, the Community Council Scheme. In the event of any doubt over a particular issue, the detailed wording of the Scheme itself will prevail, supplemented, as necessary, with advice from officers of the Council.

A glossary of terms is provided at the end of the guide and this gives a brief definition of any words or terms in the guide which appear in italics.

If you have any questions which are not answered either in this guide or in the Scheme itself, please contact Committee Services on tel: 01294 324131.

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1. Background

1.1 What is a Community Council?

Community Councils were established by the Local Government (Scotland) Act 1973 as a way of bridging the gap between local authorities and local communities. Community Councils comprise a number of volunteers who are elected or co-opted to serve as Community Councillors. Each Community Council usually appoints from its membership a Chair, Secretary and Treasurer whose roles are set out in more detail later in this guide.

The purpose of Community Councils is provided in generalised terms in the Act itself, but their role can be broadly said to be about:

- **finding out what local people think about issues affecting the local community**
- **making sure that Councils and other public bodies are aware of those views**
- **communicating information to the local community and**
- **generally acting in the interests of the local community.**

More specifically, Community Councils:

- **have a statutory interest in the planning process**
- **may have an interest in liquor licensing and some other licensing matters**
- **may be represented on the Locality Partnership for their area**

Each Community Council in North Ayrshire will also fall within the boundary of one of the six Locality Partnerships (namely Irvine, Kilwinning, The Three Towns, Garnock Valley, Arran, and The North Coast and Cumbraes) which have been established in terms of the Community Empowerment (Scotland) Act 2015. Community Councils are expected to play a full Part in their Locality Partnership and the development of the Locality Plan for their area.

Community Councils also have an important role to play in ensuring that their local authority and other public bodies are as informed as possible about the needs and wishes of local communities and in helping to keep the local community informed.

If Community Councils are to be fully representative and act in the interests of their communities as a whole, it is important that they do not favour a particular political party, ethnic group, gender or age group. They should make an effort to seek the views of the local community and avoid any automatic assumption that Community Councillors' personal views reflect those of the wider community.

1.2 The North Ayrshire Council Community Council Scheme

Each local authority (Council) is required to have in place a Community Council Scheme for establishing Community Councils in its area. The Scheme sets out, among other things:

- **how many Community Councils there can be in the local authority area**
- **where each Community Council's boundaries lie**
- **who can become a Community Councillor and for how long**
- **how and when elections are conducted**
- **what support (financial and other) is given to Community Councils and**
- **how meetings are run.**

A Community Council Scheme is formally adopted by the local authority following public consultation. North Ayrshire's own Scheme was first established in 1976 under the then Cunninghame District Council. When North Ayrshire Council came into being in 1996, the Scheme was reviewed, amended and adopted. Further reviews were carried out by North Ayrshire Council in 2005/06 and 2015/16 and, following detailed consultation, the Scheme in its current form was adopted on 30 March 2016.

Further reviews may be carried out by the local authority in the future, in terms of Section 53 of the Local Government (Scotland) Act 1973, as amended. When a review is undertaken, the Council is required to give public notice of this and invite representations. In North Ayrshire, the local authority also writes to existing Community Councils and local Elected Members for suggested amendments to the Scheme. After three stages of consultation, a revised Scheme is then formally adopted by the local authority and advertised accordingly.

1.3 How Many Community Councils are there in North Ayrshire?

The Scheme allows for seventeen Community Councils across North Ayrshire, each covering a different part of the local authority area:

Ardrossan Community Council	Arran Community Council
Beith & District Community Council	Cumbrae Community Council
Dalry Community Council	Dreghorn Community Council
Fairlie Community Council	Girdle Toll Community Council
Irvine Community Council	Kilbirnie & Glengarnock Community Council
Kilwinning Community Council	Largs Community Council
Saltcoats Community Council	Skelmorlie Community Council
Springside Community Council	Stevenston Community Council
West Kilbride Community Council	

Community Council boundaries are set out in a map which forms part of the Scheme (see Section 9 of this guide). The outer boundaries of clusters of individual community councils also follow the boundaries of each of the six Locality Partnership areas, ensuring that each Community Council is covered by one Locality Partnership.

Each Community Council area represents an individual community as identified during consultation. Please note that Community Council boundaries do not necessarily match Council ward boundaries, nor are they automatically revised when such boundaries are periodically altered. In fact, Community Council boundaries cannot be altered except as part of a review of the Scheme as a whole.

It is possible that not every area will have an active Community Council at any one time. To find out if there is an active Community Council in your area and how to contact it, call the Council's Committee Services section on tel: 01294 324131 or log on to the Council's website at

<https://north-ayrshire.cmis.uk.com/North-Ayrshire/YourRepresentatives/CommunityCouncils.aspx>

Information on setting up a new Community Council is given later in this guide, at Section 3.1.

2. Membership

2.1 Who Can Join a Community Council in North Ayrshire?

To be a full member of the Community Council, you must be aged **16 or over** and live within the boundary of the Community Council you wish to join. Proof of residency will usually be determined by checking that a person's name appears on the Electoral Register and verifying that their address lies within the boundary of the Community Council in question.

Exceptionally, if a person's name does not appear on the Electoral Register, they may still be eligible for membership of a Community Council if they can otherwise prove to the satisfaction of the local authority that they live within the boundary of the Community Council.

Elected Community Councillors

Each Community Council is made up mainly of Elected Community Councillors, up to a set maximum number. (See the "Membership Numbers" section at 2.2. of this guide). Members must be aged 16 or over and live in the area of the Community Council in question.

If more volunteers apply to become members of the Community Council than there are places available, then an election is held to decide which of them will become Community Councillors. If, on the other hand, the number of volunteers is lower than or the same as the number of places available, then those volunteers can be appointed as Community Councillors without the need for an election. In both cases, the volunteer becomes an "Elected Community Councillor" and **a full member of the Community Council who can vote at meetings, hold office and whose attendance at a meeting counts towards the *quorum* of the meeting.**

By taking up their appointment, Community Councillors are undertaking to comply with the Code of Conduct set out at section 9.7 of this guide.

More information on Community Council elections is set out at Section 3 of this guide.

Co-opted Community Councillors

Community Councils can fill any casual vacancies which happen at any time, whether or not an election is due to be held. A Community Council can either decide to *co-opt* a volunteer to join the Community Council or they can hold a *by-election* to fill the place(s).

In terms of best practice, a *by election* is the preferred method of filling casual vacancies. However, if the Community Council knows of a candidate who narrowly missed being elected at the last ordinary election, or if there is an existing Appointed Advisor (see below) who would be eligible for full membership in the event of a vacancy arising, then the decision may be taken simply to co-opt that individual to fill the casual vacancy, rather than arrange a *by election*. In these circumstances, the co-option must be proposed by one community councillor and seconded by another at a formal meeting of the Community Council, and the decision then recorded in the Minute of that meeting.

Even in the above circumstances, the Community Council should consider filling the vacancy by means of a *by election*. This ensures greater engagement with the local community, increases the representativeness of the Community Council, and serves to raise the Community Council's profile. Further information on arranging a *by election* is set out at Section 3.3 of this Guide.

Whether joining the Community Council as a result of co-option or a *by election*, volunteers joining the Community Council as co-opted members must be aged 16 or over and must live in the area of the Community Council in question.

Volunteers who are co-opted onto the Community Council to fill a vacancy have the same status as elected Community Councillors and become **full members who can vote at meetings, hold office and whose attendance at a meeting counts towards the *quorum* of the meeting.**

By taking up their appointment, Community Councillors are undertaking to comply with the Code of Conduct set out at section 9.7 of this guide.

Following any co-option (or, better, prior to any co-option), the Secretary should send the co-optee's contact details to the local authority so that a check may be undertaken as to the new member's eligibility to stand. When a new member is co-opted,

Appointed Advisors

Community Councils can also appoint a number of individuals over and above their membership up to a maximum number. (See “Membership Numbers” section which follows at Section 2.2). Appointed Advisors **do not have to be aged 16 or over and do not have to live in the area** of the Community Council. **However, Appointed Advisors cannot vote at meetings, cannot hold office and do not form part of the *quorum* of the meeting.**

The reasons for having Appointed Advisors are varied, but they essentially fulfil an advisory function. Sometimes they are appointed because they have particular expertise or knowledge which the Community Council would find useful. Sometimes, they represent local groups or organisations whose views the Community Council is keen to obtain. They can also be people who are too young to be full members of the Community Council or who do not live within the boundary of Community Council, but who still have an interest in, or useful knowledge about, the local area.

Appointed Advisors can be appointed to contribute to a single issue, for a specific period of time or until the next ordinary election of the Community Council.

By taking up their appointment, Appointed Advisors are undertaking to comply with the Code of Conduct set out at Section 9.7 of this guide.

Ex Officio Members

Ex officio members of a Community Council are the local Elected Members (i.e. North Ayrshire Councillors), Member(s) of Parliament (MPs) and Member(s) of the Scottish Parliament (MSPs) (i.e. constituency MSPs) for the area covered by the Community Council. There may be more than one elected Member, MP and MSP for each Community Council.

Information of which North Ayrshire Council Elected Members are *ex officio* members of which community council(s) is available at Section 6.5.

Information on MPs and MPs and MSPs is provided at Section 6.6.

***Ex officio* members do not count towards the *quorum* for any meeting, are not entitled to vote at Community Council meetings and cannot be appointed as office bearers on the Community Council.** They are, however, entitled to attend and speak at all meetings and should receive a copy of Minutes and Agendas in the same way as any other member of the Community Council.

2.2 Membership Numbers

Maximum Membership

The maximum number of elected or co-opted Community Councillors for each Community Council is set out in the Scheme and linked to the total population of the area based on 2011 data zone figures. The maximum membership figures are as follows:

Ardrossan Community Council	11
Arran Community Council	12
Beith & District Community Council	10
Cumbrae Community Council	7
Dalry Community Council	7
Dreghorn Community Council	7
Fairlie Community Council	7
Girdle Toll Community Council	15
Irvine Community Council	19
Kilbirnie & Glengarnock Community Council	8
Kilwinning Community Council	17
Largs Community Council	12
Saltcoats Community Council	14
Skelmorlie Community Council	7
Springside Community Council	7
Stevenston Community Council	9
West Kilbride Community Council	7

Minimum Membership

The Scheme sets a minimum membership for each Community Council, below which the Community Council ceases to exist. The minimum number of Community Councillors which there can be at any one time is as follows:

Ardrossan Community Council	6
Arran Community Council	6
Beith & District Community Council	5
Cumbrae Community Council	4
Dalry Community Council	4
Dreghorn Community Council	4
Fairlie Community Council	4
Girdle Toll Community Council	8
Irvine Community Council	10
Kilbirnie & Glengarnock Community Council	4
Kilwinning Community Council	9
Largs Community Council	6
Saltcoats Community Council	7
Skelmorlie Community Council	4
Springside Community Council	4
Stevenston Community Council	5
West Kilbride Community Council	4

If the membership of a Community Council falls below the minimum number, it is effectively dissolved. However, the local authority can, at its discretion, decide to allow the Community Council to co-opt a further member or members in order to avoid the need for dissolution. It is important that any Community Council whose membership is approaching the minimum number for any reason, informs the Council of this at an early date so that help and advice can be offered to avoid the unnecessary dissolution of the Community Council.

Appointed Advisors

Appointed Advisors are **not** community councillors. They are people appointed in an advisory capacity over and above the ordinary membership of the Community Council (see “Who Can Join a Community Council?” Section at 2.1). The maximum number of Appointed Advisors for each community council is as follows:

Ardrossan Community Council	6
Arran Community Council	6
Beith & District Community Council	5
Cumbræ Community Council	3
Dalry Community Council	3
Dreghorn Community Council	3
Fairlie Community Council	3
Girdle Toll Community Council	7
Irvine Community Council	10
Kilbirnie & Glengarnock Community Council	4
Kilwinning Community Council	8
Largs Community Council	6
Saltcoats Community Council	7
Skelmorlie Community Council	3
Springside Community Council	3
Stevenston Community Council	5
West Kilbride Community Council	3

2.3 Terms of Office

Elected Community Councillors

When a Community Council is first established, Elected Community Councillors are appointed to serve for **up to four years until the next election** (called an “ordinary election”) is held. At the ordinary election, members are appointed for up to four years until the next ordinary election after that, and so on. Community Councillors can serve for more than one term. In fact, there is no limit to the number of times a volunteer can serve as a member of a Community Council.

N.B. Four years is the maximum time a Community Councillor can serve before having to stand for re-election/ re-appointment. An individual Community Council has no power to increase that term of office. However, a Community Council can, in its own constitution, set a lower time period if it wishes. A Community Council could, for instance, initially elect half its membership for a period of four years and the other half for two years only, followed by periods of four years thereafter. This would mean that at no time would the Community Council consist of entirely new, inexperienced members and that there would be some continuity of experience. However, this is a rare arrangement and has certain disadvantages, including the potential disruption caused by having to hold elections for half the membership every two years.

Co-opted Community Councillors

Community Councillors who are co-opted to fill vacancies can be appointed for **up to four years, until the next ordinary election**. Regardless of when they are appointed, they must retire at the time of the next ordinary election.

Co-opted Community Councillors can serve for more than one term. They can be co-opted again or stand for election as Elected Community Councillors.

Appointed Advisors

Appointed advisors can be appointed for **up to four years, until the next ordinary election**. Regardless of when they are appointed, they must retire at the time of the next ordinary election.

Appointed Advisors can serve for more than one term. They can be appointed as advisors again or can be co-opted or elected as full Members in the future, provided that they satisfy the necessary age and residency criteria (see Section 2.1 of this guide).

Office Bearers

Unless a shorter period of appointment is specified in a Community Council's own constitution, the term of office of the Chair, Secretary and Treasurer is the same as the term of office of individual Community Councillors, i.e. **up to four years**, until the next ordinary election.

Office bearers can serve for more than one term.

3. Elections

3.1 Establishing a Community Council: Initial Elections

Step 1: The Initial Request

If the Scheme provides for a Community Council to exist in a given area, but none is operating, the local community has the right to ask for a Community Council to be established. At least **20 local electors** must write to the Council to make a formal request.

In practical terms, this means that a local *elector* will normally write a letter to the Chief Executive of North Ayrshire Council (at Cunninghame House, Irvine KA12 8EE) asking for a Community Council to be set up in the area in question and at least 19 other local electors will add their own names, addresses and signatures in support of the letter. It is helpful if a telephone number is given for the principal local *elector* so that the local authority can liaise with him/her in respect of election arrangements.

The 2015/16 review of the Community Council Scheme introduced the potential for initial and ordinary Community Council elections to be carried out on an electronic or postal voting basis. This provision is allowed at the discretion of the Council.

Step 2: Election Arrangements

When the Council gets a formal request for a Community Council to be established, it will make arrangements for an initial election to be held for the Community Council. This is normally done quite quickly and, in any event, the election must be held **within 6 weeks** of the request.

At least 28 days before the election is due to be held, the Council will put a notice in the local press and on any public notice boards in the area to advise the local community of the date, time and venue of the election. The notice will invite local *electors* to attend the election and will also ask for nominations in writing. A contact number will be given on the notice advising how people can access nomination forms.

Step 3: Nomination Forms

Completed **nomination forms** must include the name, address and signature of the person being nominated to serve on the Community Council, as well as the names, addresses and signatures of two *proposers*.

Both *proposers* must also be local electors from the Community Council area. A proposer can nominate no more than two people at each election.

The closing date for nominations is usually **7 days prior** to the election date. Late nomination forms cannot be accepted. However, in exceptional cases, if a nomination form is sent to the local authority in good faith by a would-be Community Councillor, but turns out to contain the name of a *proposer* who is not a local *elector*, the local authority will usually allow the person being nominated to find an alternative *proposer* who is a local *elector*.

The local authority will acknowledge receipt of nomination forms and confirm arrangements for the election meeting. Please note that the election can only go ahead if the number of nominations received by the closing date amounts to **at least half** of the maximum possible membership of the Community Council in question. Therefore, the minimum number of nominations for each Community Council is as shown below:

Ardrossan Community Council	6
Arran Community Council	6
Beith & District Community Council	5
Cumbræ Community Council	4
Dalry Community Council	4
Dreghorn Community Council	4
Fairlie Community Council	4
Girdle Toll Community Council	8
Irvine Community Council	10
Kilbirnie & Glengarnock Community Council	4
Kilwinning Community Council	9
Largs Community Council	6
Saltcoats Community Council	7
Skelmorlie Community Council	4
Springside Community Council	4
Stevenston Community Council	5
West Kilbride Community Council	4

Step 4: Election Meeting

The election meeting is open to the general public. A representative of the local authority (a local Elected Member or, more usually, an officer of the Council) will usually take the Chair and act as the *returning officer*. Nominees for election as Community Councillors are expected to attend the election meeting, but apologies can be submitted to the local authority in advance if a nominee is not going to be able to attend and this will not affect his or her nomination.

The purpose of the election meeting is essentially to elect or appoint Community Councillors. However, it is up to the Chair to decide what other business is covered and, if time permits, he or she might allow nominees to make a short statement about why they are standing for election. It is important to remember that Community Councils are community - not political - organisations and so no "party political" statements should be made by anyone.

Step 5: Voting

The Chair will advise the meeting how many nominations have been received for how many places on the Community Council.

Nominations Exceed Available Places

If there are more nominations than there are places available, the Chair will announce that a ballot will be held to decide who is elected. The Chair, or his representative(s), will explain that only local *electors* for the area covered by the Community Council, including the nominees themselves and their proposers, are allowed to vote. Those not eligible to vote will be asked to identify themselves and not take part in the ballot process. A current copy of the *Electoral Register* and the Community Council boundary map will be available to settle any dispute.

The Chair will then call for volunteers to act as *enumerators*. Acting as an *enumerator* does not prevent an eligible person from voting. Nominees for election to the Community Council will not normally act as *enumerators*, however, unless no other volunteers can be identified.

The Chair will then call for ballot papers to be issued showing the names of all the nominees. (These will have been prepared in advance by the local authority). Local *electors* will be asked to vote for a number of nominees up to the maximum possible membership of the Community Council.

Any local electors who wish to vote in secret must be allowed to do so and suitable arrangements (such as providing tables set to one side of the election venue) will be made by the Chair to allow for this.

The appointed *enumerators* will then collect the ballot papers. Working in pairs, they will count up (and double-check) the number of votes cast for each nominee until the total number of votes cast for each nominee is established. In most cases, the results are fairly straightforward. The Chair declares that the nominee with the highest number of votes has been elected and goes on to announce the rest of the results in descending order, announcing each nominee elected until all the places have been filled.

In some cases, however, more than one nominee gets the same number of votes. Where there are two or more nominees with the same number of votes, but only one place left, the Chair must call for a further ballot to decide the matter. In this case, only those candidates with the same number of votes will be considered in the ballot and, when the Chair has fresh ballot papers issued, he or she will ask local *electors* to delete from the ballot paper all but those nominees who got an equal number of votes in the first ballot. The Chair will clarify how many votes each *elector* can cast.

Overleaf, are two examples of elections where two or more nominees receive the same number of votes:

Example 1

Community Council X has a maximum possible membership of 8, but there are 12 nominees wishing to be elected.

After a ballot, the results of voting are as follows:

Nominee A	50 votes	Nominee G	38 votes
Nominee B	45 votes	Nominee H	29 votes
Nominee C	42 votes	Nominee I	29 votes
Nominee D	40 votes	Nominee J	29 votes
Nominee E	40 votes	Nominee K	20 votes
Nominee F	38 votes	Nominee L	20 votes

Nominees H, I and J got the same number of votes, so it is not possible to say which of the three should be elected to the last remaining place on the Community Council.

The Chair, therefore, issues a fresh copy of the original ballot paper, asks local electors to delete the names of everyone except Nominees H, I and J and instructs voters to vote for only one of the three. Any ballot papers found to contain a vote for more than one nominee, must be discounted. The one with the highest number of votes is then elected.

Example 2

The scenario is as above, except that the votes cast are as follows:

Nominee A	50 votes	Nominee G	38 votes
Nominee B	45 votes	Nominee H	38 votes
Nominee C	42 votes	Nominee I	38 votes
Nominee D	41 votes	Nominee J	29 votes
Nominee E	41 votes	Nominee K	20 votes
Nominee F	40 votes	Nominee L	20 votes

This time, it is quite clear that the first 6 nominees are elected. Nominees G, H and I all get the same number of votes, so there are equal 3 nominees for only 2 places.

The Chair, therefore, issues a fresh copy of the original ballot paper, asks local electors to delete the names of everyone except Nominees G, H and I and instructs voters to vote for only two of the three. Any ballot papers found to contain a vote for more than two candidates, must be discounted. The two with the highest number of votes are then elected.

If there is any further equality of votes which means that there is no clear election result, the Chair must go on to a third and, if necessary, further ballots all conducted in the same way until a clear result is obtained. At any stage, a nominee might decide to withdraw and this could in itself resolve the issue.

In any event, the Chair has the final decision on anything regarding the conduct of the ballot. If he or she feels that, in the case of an equality of votes, it is unlikely that further ballots will produce a result or if, because of the number of *electors* present, he or she considers further ballots unreasonably time-consuming and, therefore, impractical, the Chair may decide that the result should instead be determined by the drawing of lots.

Nominations Equal the Number of Places Available

If the number is the same as the number of places available, the Chair will simply announce that the people nominated are now appointed as Elected Community Councillors and the meeting is declared closed.

Fewer Nominations than there are Places Available

If fewer nominations have been received than the number of places available, the Chair will again announce that the people who have been nominated are now appointed as Elected Community Councillors. He or she will then call for any more nominations (each with two *proposers*) from the floor for the remaining places. Further eligible local *electors* can be co-opted until the maximum number of Community Councillors is reached.

In exceptional circumstances, where more people are interested in being co-opted than there are places available, a secret ballot should be held to decide who will be co-opted. The rules for the secret ballot for co-opted members are the same as the rules for a secret ballot for Elected Members.

Step 6: The Results

The Chair will formally declare the results of the election. If there are enough nominees present to form a *quorum*, the Chair will invite them to consider holding their first meeting as a Community Council immediately after the election. (See the “Initial Meeting” Section at 4.1 of this guide).

If there is no *quorum* of members present, the Chair will advise that an Officer from the Council’s Committee Services section will be in touch with each of the new Community Councillors to set a date for the first meeting of the Community Council.

The Chair will then declare the election meeting closed.

Special Note: Initial Election to Arran Community Council

The arrangements for an initial election for Arran Community Council follow the same basic principles as those set out above. However, Arran Community Council covers a very scattered and largely rural population and, in recognition of this, there is special provision in the Scheme to make sure that the various villages and settlements on Arran are properly represented on the Community Council. Therefore, the total of 12 Community Councillors on Arran Community Council should come from the various villages and settlements shown below:

Brodick	2 Community Councillors
Corrie (including Sannox)	1 Community Councillor
Kilmory (including Kildonan)	1 Community Councillor
Lamlash	2 Community Councillors
Lochranza	1 Community Councillor
Pirnmill	1 Community Councillor
Shiskine (including Blackwaterfoot)	2 Community Councillors
Whiting Bay	2 Community Councillors

On Arran, instead of holding a single election meeting to elect the entire membership of the Community Council, there should be an individual election meeting in each of the *extended villages*. Only local electors from the *extended village* in question are allowed to stand as nominees and vote at the election. A map showing the individual *extended villages* on Arran forms an Annex to the Scheme and can be viewed either at Cunninghame House, Irvine or online at www.north-ayrshire.gov.uk (type "community council" into the quick-search box).

Ideally, the election results should achieve the quotas set out above. However, it is accepted that this may not always be possible and, in the interest of fairness, the Council would not expect the Community Council as a whole to fall simply because no nominees had come forward from a particular area of the island. Common sense dictates that, where there are no nominations from a particular *extended village(s)*, then those places can be filled in due course by nominees from another *extended village(s)*. The Council's Committee Services section will provide any advice which might be needed to address whichever circumstances arise.

3.2 Ordinary Elections

Prior to the 2015/16 review of the Community Council Scheme, it was the practice for half the active Community Councils in North Ayrshire to hold their ordinary election in an even year and the other half in an odd year. However, given that ordinary elections had been suspended entirely for an extensive period of time during the review process, the decision was taken by the Council to hold elections for all active Community Councils during 2016.

Ordinary elections are usually held in September, October or November. The process is triggered by the Council's Committee Services section contacting the Secretary or Chair of relevant Community Councils in advance of any election date to confirm that an ordinary election is due. The arrangements for an ordinary election follow exactly the same pattern as for an initial election. However, in the case of an ordinary election, because there are already Community Council office bearers in place, the Community Council itself plays a bigger part in arranging the election. Broadly speaking, the roles of the Community Council and the Council are as follows:

The Council will:-

- Advertise the nominations/election process**
- Send out nomination forms**
- Verify completed nomination forms**
- Write to nominees about the arrangements**
- Produce ballot papers, if required**
- Advertise the election results**

The Community Council will:-

- Book a suitable venue for the election**
- Appoint a *returning officer***
- Run the election meeting itself**
- Advise the Council of the outcome**
- Send in signed Declarations of Office**

The 2015/16 review of the Community Council Scheme introduced the potential for initial and ordinary Community Council elections to be carried out on an electronic or postal voting basis. This provision is allowed at the discretion of the Council and, in the case of ordinary Community Council elections, following consultation with the existing Community Council.

Step 1: Election Arrangements

Ordinary elections usually take place in the months of September, October and November.

Some time before an ordinary election is due to be held, the Council's Committee Services section will make contact with the Community Council and agree the election date and nomination arrangements.

At least 28 days before the election is due to be held, the local authority will put a notice in the local press and on any public notice boards in the area to advise the local community of the date, time and venue of the election. The notice will invite local *electors* to attend the election and will also ask for nominations in writing. A contact name and number will be given on the notice advising how people can access nomination forms.

Step 2: Nomination Forms

Completed **nomination forms** must include the name, address and signature of the person being nominated to serve on the Community Council, as well as the names, addresses and signatures of two *proposers*.

Both *proposers* must be local *electors* for the area.

The local authority will acknowledge receipt of nomination forms and confirm arrangements for the election meeting. The closing date for nominations is **7 days prior** to the election date. Late nomination forms cannot be accepted. However, in exceptional cases, if a nomination form is sent to the local authority in good faith by a would-be Community Councillor, but turns out to contain the name of a *proposer* who is not a local *elector*, the Council will usually allow the person being nominated to find an alternative *proposer* who is a local *elector*. Similarly, if it transpires that a single proposer has nominated more than two people, an opportunity will be given to the nominee to provide the name and address of an alternative proposer(s).

As part of the verification process, the local authority will confirm that names on nomination forms appear on the Electoral Register. However, it should be noted that the boundaries for electoral wards are not necessarily the same as those for Community Councils. Therefore, it is of great practical assistance to the local authority if the Community Council office bearers undertaking arrangements for ordinary elections can use their own local knowledge of their Community Council's boundary to flag up any instances where they believe that someone who may have been confirmed as being a local *elector* in terms of the Electoral Register does not in fact reside within the boundary of the Community Council itself.

N.B. The election can only go ahead if the number of nominations received by the closing date amounts to **at least half** of the maximum possible membership of the Community Council in question. Therefore the minimum number of nominations for each Community Council is as follows:-

Ardrossan Community Council	6
Arran Community Council	6
Beith & District Community Council	5
Cumrae Community Council	4
Dalry Community Council	4
Dreghorn Community Council	4
Fairlie Community Council	4
Girdle Toll Community Council	8
Irvine Community Council	10
Kilbirnie & Glengarnock Community Council	4
Kilwinning Community Council	9
Largs Community Council	6
Saltcoats Community Council	7
Skelmorlie Community Council	4
Springside Community Council	4
Stevenston Community Council	5
West Kilbride Community Council	4

Step 3: Election Meeting

The election meeting is open to the general public. A member of the Community Council, usually the Chair or another office bearer, takes the Chair and acts as the *returning officer*. Nominees for election as Community Councillors are normally expected to attend the election meeting, but apologies can be submitted to the Council in advance if a nominee is not going to be able to attend and this will not affect his or her nomination.

The purpose of the election meeting is essentially to elect or appoint Community Councillors. However, it is up to the Chair to decide what other business is covered and, if time permits, he or she might allow nominees to make a short statement about why they are standing for election. It is important to remember that Community Councils are community - not political - organisations and so no "party political" statements should be made by anyone.

Step 4: Voting

The Chair will advise the meeting how many nominations have been received for how many places on the Community Council.

Nominations Exceed Available Places

If there are more nominations than there are places available, the Chair will announce that a ballot will be held to decide who is elected.

The Chair will explain that only local *electors* for the area covered by the Community Council, including the nominees themselves and their *proposers*, are allowed to vote. Those not eligible to vote will be asked to identify themselves and not take part in the ballot process. A current copy of the *Electoral Register* and the Community Council boundary map will be available to settle any dispute.

The Chair will then call for volunteers to act as *enumerators*. Acting as an *enumerator* does not stop a person who is eligible to vote doing so. Nominees for election to the Community Council will not normally act as *enumerators*, however, unless no other volunteers can be identified.

The Chair will then call for ballot papers to be issued showing the names of all the nominees. (These will have been prepared in advance by the local authority). Local *electors* will be asked to vote for a number of nominees up to the maximum possible membership of the Community Council. Any local electors who wish to vote in secret must be allowed to do so and suitable arrangements (such as providing tables set to one side of the election venue) will be made by the Chair to allow this.

The *enumerators* appointed by the Chair will then collect the ballot papers. Working in pairs, they will count up (and double-check) the number of votes cast for each nominee until the total number of votes cast for each nominee is established. In most cases, the results are fairly straightforward. The Chair declares that the nominee with the highest number of votes has been elected and then goes on to announce the rest of the results in descending order, announcing each nominee elected until there are no further places left on the Community Council.

In some cases, however, more than one nominee gets the same number of votes. Where there are two such nominees with the same number of votes, but only one place left, the Chair must call for a further ballot to decide the matter. In this case, only those candidates with the same number of votes will be considered in the ballot and, when the Chair has fresh ballot papers issued, he or she will ask local *electors* to delete from the ballot paper all but those nominees who got an equal number of votes in the first ballot. The Chair will clarify how many nominees local *electors* can vote for. Examples of how the issue of an equality of votes is dealt with are given at Section 3.1 of this guide of the Initial Election.

If there is any further equality a votes which means that there is no clear election result, the Chair must go on to a third and, if necessary, further ballots all conducted in the same way until a clear result is obtained. At any stage, a nominee might decide to withdraw, which could in itself resolve the issue.

In any event, the Chair has the final decision on anything regarding the conduct of the ballot. If he or she feels that, in the case of an equality of votes, it is unlikely that further ballots will produce a result or if, because of the number of *electors* present, he or she considers further ballots too time-consuming and, therefore, impractical, the Chair may decide that the result should instead be determined by the drawing of lots.

Nominations Equal the Number of Places Available

If the number is the same as the number of places available, the Chair will simply announce that the people nominated are now appointed as Elected Community Councillors and the meeting is declared closed.

Fewer Nominations than there are Places Available

If fewer nominations have been received than the number of places available, the Chair will again announce that the people who have been nominated are now appointed as Elected Community Councillors. He or she will then call for any more nominations from the floor for the remaining places. Further local *electors* can be co-opted until the maximum number of Community Councillors is reached. If more people are interested in being co-opted than there are places available, a secret ballot is held to decide who will be co-opted. The rules for the secret ballot for co-opted members are the same as the rules for a secret ballot for Elected Members set out above.

Step 5: The Results

The Chair will declare the results of the election. If there are enough nominees present to form a *quorum*, the Chair will invite them to consider holding a Community Council meeting immediately after the election. (See “Meetings” at Section 4.2 of this guide). If not, the Chair will advise that he/she will be in touch each of the Community Councillors to set a date for a meeting of the Community Council.

The Chair will then declare the election meeting closed.

Special Note: Ordinary Election to Arran Community Council

The arrangements for an ordinary election for Arran Community Council follow the same basic principles as those set out above. However, Arran Community Council covers a very scattered and largely rural population and, in recognition of this, there is special provision in the Scheme to make sure that the various villages and settlements on Arran are properly represented on the Community Council. Therefore, the total of 12 Community Councillors on Arran Community Council should come from the various villages and settlements shown below:

Brodick	2 Community Councillors
Corrie (including Sannox)	1 Community Councillor
Kilmory (including Kildonan)	1 Community Councillor
Lamlash	2 Community Councillors
Lochranza	1 Community Councillor
Pirnmill	1 Community Councillor
Shiskine (including Blackwaterfoot)	2 Community Councillors
Whiting Bay	2 Community Councillors

On Arran, instead of holding a single election meeting to elect the entire membership of the Community Council, there is an individual election meeting in each of the *extended villages*. Only local electors from the *extended village* in question are allowed to stand as nominees and vote at the election. A map showing the individual *extended villages* on Arran forms part of the Scheme and can be viewed either at Cunninghame House, Irvine or online at www.north-ayrshire.gov.uk (type "community council" into the quick-search box).

Ideally, the election results should achieve the quotas set out above. However, it is accepted that this may not always be possible and, in the interests of fairness, the Council would not expect the Community Council as a whole to fall simply because no nominees had come forward from a particular area of the island. Common sense dictates that, where there are no nominations from a particular *extended village(s)*, then those places can be filled in due course by nominees from another *extended village(s)*. The Council's Committee Services section will provide any advice which might be needed to address whichever circumstances arise.

3.3 By Elections

By elections may take place between ordinary elections with the purpose of filling any casual vacancies which have arisen, either because a full complement of members was not elected at the initial/ordinary election or because of resignations which have taken place since. Although such casual vacancies may be filled by simple co-option (see Section 2.1 above), it is better practice to seek to fill them by means of a *by election* as this ensures greater engagement with the local community, increases the representativeness of the Community Council, and serves to raise the Community Council's profile.

The procedure for *by elections* essentially follows that of an ordinary election (see Section 3.2 above) albeit on a smaller scale and the Community Council itself takes the lead in terms of the arrangements. However, whereas the timetable for ordinary elections is dictated by the Scheme and by the initial date of establishment of the Community Council, it is the Community Council itself which decides if a *by election* is to be held and when this should take place. Having decided to hold a *by election*, the timetable followed should broadly reflect that of an ordinary election and, like an ordinary election, nomination forms should be used, with each nominee proposed by one local elector and seconded by another. Candidates for election at a *by election* must fulfil the eligibility criteria for ordinary membership of the Community Council.

By elections do not require to be advertised formally in the local press, but the Community Council should consider a variety of reasonable methods to ensure that the event is publicised as widely as possible. The local authority is able to provide support by using social media to highlight the nominations process and *by election* arrangements.

The Community Council may decide to hold the *by election* meeting immediately prior to an ordinary meeting. This has the advantage of allowing the newly elected member(s) to participate immediately in the business of the Community Council and may encourage any members of the public in attendance to remain for the meeting. However, if, following the close of nominations, it is apparent that significant interest has been generated and the *by election* process itself is likely to take some time, the Community Council may decide to cancel its ordinary meeting to concentrate on the business of the *by election*. The Secretary, in consultation with the Chair, should reach a view on this and ensure that appropriate notice is given.

Like an ordinary election, where the number of nominations received is fewer than or matches the number of vacancies to be filled, the *by election* meeting simply involves the formality of announcing the election of the new member(s). However, where the number of nominations received exceeds the number of vacancies to be filled, ballot papers will require to be produced, with electors asked to show their preference for the relevant number of candidates (up to the number of places available). The process then followed reflects that of an ordinary election.

The Council will:-

Assist in raising awareness
Provide nomination forms
Verify completed nomination forms
Produce ballot papers, if required
Advertise the election results

The Community Council will:-

Book a suitable venue for the election
Raise awareness of the *by election*
Appoint a *returning officer*
Write to nominees about the arrangements
Run the *by election* meeting itself
Advise the Council of the outcome
Send in signed Declarations of Office

4. Meetings

4.1 Initial Meeting after an Election

Quorum

Where possible, the first meeting of a Community Council after an initial or ordinary election is held immediately after the election itself, provided that a *quorum* of Community Councillors is present. The *quorum* for each Community Council is as follows:

Ardrossan Community Council	3
Arran Community Council	3
Beith & District Community Council	3
Cumbræ Community Council	3
Dalry Community Council	3
Dreghorn Community Council	3
Fairlie Community Council	3
Girdle Toll Community Council	4
Irvine Community Council	5
Kilbirnie & Glengarnock Community Council	3
Kilwinning Community Council	5
Largs Community Council	3
Saltcoats Community Council	3
Skelmorlie Community Council	3
Springside Community Council	3
Stevenston Community Council	3
West Kilbride Community Council	3

Put simply, if the minimum number of Community Councillors is not present, the meeting cannot go ahead. Community Councillors are, however, free to meet informally at the conclusion of the election business.

Business

There is no set rule as to the business of the first meeting of the Community Council after an election, but items such as the appointment of office bearers, financial matters/accounts, the constitution and the question of *standing orders* are common items. A check should also be made to ensure that all newly elected Community Councillor have signed up to the Code of Conduct (see Section 9.1 of this guide), as required by the Scheme.

The Minute of the first meeting after an Initial Election will be taken initially by a representative of the local authority until a Secretary has been appointed. In the case of the first meeting after an ordinary election, a volunteer, who may or may not later be formally appointed as Secretary, will begin to take the Minute.

Minutes

The Minute should begin by stating the name of the Community Council, the date and time of the meeting and the names of Community Councillors (and any officers of the local authority) present.

The names of any Elected or Co-opted Community Councillors not at the meeting and whose apologies have been submitted, also need to be recorded at the start of the Minute.

The Minutes of a Community Council meeting do not require to be detailed, but they should record when and where the meeting was held, the names of those members present, any apologies submitted, the outcome of any votes taken and any formal decisions agreed at the meeting. In particular, decisions regarding any expenditure to be incurred, should be detailed in the Minute, together with a reference as to how such expenditure is to be met. A Community Councillor or member of the public not present at the meeting should, from a reading of the Minutes, be able to get a reasonable idea of what business was conducted and what decisions were taken.

A Model Minute is provided at Section 9.2(A) of this guide.

Chair

In the case of a newly-established Community Council, the Chair would be taken initially by a representative of the Council's Committee Services section. He/she will call for office bearer nominations. For the first meeting following an ordinary Community Council meeting, the previous Chair or another former office bearer would normally call for nominations from those Community Councillors present.

Where there are no nominations for the position of Chair, or where a potential nominee is not present, the Community Council will normally appoint an interim Chair to chair the remainder of the meeting and continue consideration of the appointment of a Chair to the next ordinary meeting.

In the unlikely event of more than one nomination for the position of Chair or interim Chair, Community Councillors present will be asked to vote and the nominee with the highest number of votes would be declared appointed. In the even rarer case of two or more such nominees receiving the same number of votes, the matter would be settled by the drawing of lots.

See Section 4.4 of this guide on the Roles of Office Bearers.

Secretary

Once a Chair or interim Chair has been appointed, he or she will call for nominations for the position of Secretary. The procedure is the same as for the appointment of the Chair/interim Chair in terms of the calling for nominations and, if necessary, voting.

Once appointed, the Secretary immediately begins to take a formal record of the meeting. (See Section 4.4 of this guide on the Roles of Office Bearers).

Treasurer

Again, a Treasurer is appointed in the same way as the other office bearers (see above).

Following an initial election of a new Community Council, the representative of the Council's Committee Services section will give a brief explanation of the financial support provided to Community Councils by the local authority and explain the process for the Treasurer to make contact with the Council's Finance Service to arrange the payment of the annual grant and discuss the keeping of accounts.

Following an ordinary election for an established Community Council, the new Treasurer will receive the accounts of the Community Council from the outgoing Treasurer, together with information on the financial support provided to Community Councils by the Council and arrangements for the keeping of accounts. (See Section 4.4 of this guide on the Roles of Office Bearers).

N.B. Only Elected or Co-opted Community Councillors can be office bearers. Appointed Advisors and *ex officio* members cannot hold office. An Elected or Co-opted Community Councillor who is not present at the meeting where appointments are being considered can still be appointed as an office bearer (subject to them formally accepting the position at a later date).

Constitution

After an initial election for a newly-established Community Council, the Chair may wish to postpone consideration of a constitution until the next meeting. The representative of the Council's Committee Services section present will provide a copy of a Model Constitution (see Section 9.3 of this guide), which the Chair may wish to have copied and sent to all Community Councillors for their consideration and discussion at the next meeting. In the meantime, the Community Council is still bound by the terms of the Community Council Scheme regardless of whether or not it has its own constitution in place.

After an ordinary election for an established Community Council, the Chair will refer to the constitution which is already in place and may call for any amendments which Community Councillors would wish to make to it. Amendments can be made, provided the requisite number of members is present and in agreement. (See Section 4.6 of this guide on the Constitution).

Standing Orders

Standing Orders are the rules a Community Council agrees will apply to the conduct of its meetings.

After an initial election for a newly-established Community Council, the Chair may wish to postpone consideration of Standing Orders until the next meeting. The representative of the Council's Committee Services section present will provide a copy of Model Standing Orders (see Section 9.4 of this guide), which the Chair may wish to have copied and sent to all Community Councillors for their consideration and discussion at the next meeting. In the meantime, the decision of the Chair shall be final in terms of the conduct of the meeting. (See Section 4.7 of this guide on Standing Orders).

After an ordinary election for an established Community Council, the Chair will refer to any *standing orders* which are already in place and may call for any amendments which Community Councillors would wish to make to them. In the event of any disagreement on amendments, the Community Councillors present will vote and the Chair will have the *casting vote*, if required. (See Section 4.5 of this guide on voting procedures).

N.B. It is not compulsory for Community Councils to adopt Standing Orders. However, they are a useful tool for making sure that meetings are conducted in a consistent and fair way.

Other Business

The Chair can then call for any other business to be discussed and his or her decision shall be final as to which items of business are considered. In any event, the meeting would not normally close until arrangements had been made for the next meeting to be held.

4.2 Ordinary Meetings

Minimum Number of Meetings Per Year

Each Community Council must meet on no fewer than **6** occasions in any one calendar year. There is no maximum number of meetings, although it should be noted that the local authority guarantees a maximum of 15 free lets per year. Commonly, Community Councils meet on a monthly basis, with some having a recess (during which no meetings are held) during the Christmas and/or summer period.

Agenda/Notice of Meetings

Three clear days before the meeting is to be held, the Secretary must issue a notice of the Community Council meeting detailing the date, time and venue and providing an Agenda for the meeting, including a copy of the Minute of the last meeting.

The notice must be issued to all members of the Community Council, including *ex officio* members and the press, as well as being posted on a local notice board(s).

The meeting can, however, take place even if an individual Community Council fails to receive his/her copy of the calling notice.

Quorum

The *quorum* for each Community Council is as follows:

Ardrossan Community Council	3
Arran Community Council	3
Beith & District Community Council	3
Cumbræ Community Council	3
Dalry Community Council	3
Dreghorn Community Council	3
Fairlie Community Council	3
Girdle Toll Community Council	4
Irvine Community Council	5
Kilbirnie & Glengarnock Community Council	3
Kilwinning Community Council	5
Largs Community Council	3
Saltcoats Community Council	3
Skelmorlie Community Council	3
Springside Community Council	3
Stevenston Community Council	3
West Kilbride Community Council	3

Put simply, if the minimum number of Community Councillors is not present, the meeting cannot go ahead. In such circumstances, however, the Community Councillors present could proceed to meet informally to discuss such matters as might be later considered formally at the next *quorate* meeting.

Minutes

The Minute should begin by stating the name of the Community Council, the date and time of the meeting and the names of Community Councillors (and any officers of the local authority) present.

The names of any Elected or Co-opted Community Councillors not at the meeting and whose apologies have been submitted, also need to be recorded at the start of the Minute. The Chair would normally call for any apologies for absence first so that these can be recorded in the Minutes. The calling for apologies also provides a reminder to ensure that there are enough Community Councillors present for the meeting to go ahead.

The Minutes of a Community Council meeting do not require to be detailed, but they should record when and where the meeting was held, the names of those members present, any apologies submitted, the outcome of any votes taken and any formal decisions agreed at the meeting. In particular, decisions regarding any expenditure to be incurred, should be detailed in the Minute, together with a reference as to how such expenditure is to be met.

A Community Councillor or member of the public not present at the meeting should, from a reading of the Minutes, be able to get a reasonable idea of what business was conducted and what decisions were taken.

A Model Minute is provided at section 9.2(B) of this guide.

Minutes of Previous Meeting

The Chair would refer to the minutes of the previous meeting and ask for them to be approved as a correct record, subject to any suggested amendments. At this point, an Elected or Co-opted Community Councillor who was present at the previous meeting would move that the Minutes be approved and another such Community Councillor would second that motion. The Secretary would record that the Minutes had been approved as a correct record, subject to any amendment agreed.

Matters Arising

The next logical item of business would be any matters arising from the last meeting, usually by way of an update on the position at the last meeting or perhaps something which was considered at the previous meeting, but continued for further information or more consideration.

Other Business

Other items might include local issues raised with the Chair or Secretary by Community Councillors or members of the public and put on the Agenda for discussion.

Some examples of possible Agenda items are as follows:-

- **Report by the Treasurer on a grant or some expenditure**
- **Report by the Secretary would normally report on correspondence received**
- **Consideration of planning applications (see Section 6.3 of this guide)**
- **Consideration of consultation documents received**
- **Report by the local Elected Members**
- **Presentation by an invited officer of the Council or other public body,**
- **Public forum allowing members of the public to speak/raise issues**

In short, because the role of Community Councils is so wide-ranging, the list of items which might form part of the Agenda for the meeting, is potentially vast. The Chair would normally have the final decision as to which items appear on any particular Agenda and which Agenda items might have to be continued to a future meeting where it is felt that there is not enough time (or information perhaps) to consider them fully.

4.3 The Annual General Meeting

East Community Council should, as a matter of good practice, hold an Annual General Meeting (AGM). The timing of the AGM of the Community Council is generally set out in the Community Council's constitution.

In addition to any other business which might be considered at the AGM, the following are common Agenda items:

- **approval of the draft accounts of the preceding financial year**
- **the Chair's annual report on the preceding year (and perhaps the Community Council's aims and objectives for the coming year)**
- **the appointment of office bearers if the constitution requires this to be done annually**
- **the calendar of ordinary meetings of the Community Council**

4.4 The Roles of Office Bearers

Community Councils should appoint a Chair, Secretary and Treasurer from among the membership of Elected and Co-opted Community Councillors. **Appointed Advisors and *ex officio* Community Councillors are not eligible to become office bearers.** In some cases, particularly with smaller Community Councils, a single person may perform more than one role, e.g. Chair/Secretary.

In addition, some Community Councils may decide to appoint a Vice-Chair to deputise for the Chair or assist in the duties of the Chair. Similarly, some Community Councils may have a Minutes Secretary whose sole function is to produce the Minutes of Community Council meetings, leaving the Secretary to perform the other tasks associated with that role. Such appointments are at the discretion of individual Community Councils and should be set out in the Community Council's constitution.

Office bearers are usually appointed for a period of four years, until the next ordinary election of the Community Council. However, interim appointments can be made where necessary and shorter appointment periods can be specified within the Community Council's constitution.

Training

Often, office bearers are appointed on the basis of previous experience in that type of role. However, training is available from the Council on request for anyone less familiar with their new role or, subject to availability, for those interested in becoming office bearers in the future. For further information on office bearer training, either contact the Council's Connected Communities Service (Education and Youth Employment) on telephone number 01294 310000 or enquire via the Committee Services section (Chief Executive's) on tel: 01294 324131.

The Chair

As indicated earlier, the principal role of the Chair of a Community Council is to preside over meetings of the Community Council. He or she will, usually in consultation with the other office bearers, determine what business will appear on the Agenda for each meeting and how much time will be permitted for debate on any issue. The Chair may also, at his or her discretion, determine if an item of business which does not appear on the Agenda should be considered as a matter of urgency. He or she will be expected to preserve order during the course of the meeting and all debate should be addressed through the Chair. If there are *standing orders* in place, the Chair will ensure that these are observed. Similarly, he or she will ensure that those present comply with the Code of Conduct set out at Section 9.1 of this guide.

At the end of any debate, the Chair will either summarise the mood of the meeting on a particular item and seek formal agreement as to the decision which has been reached or, if he or she feels that more than one view has been expressed and received support, they will call for motions to be formally proposed and seconded by Elected or Co-opted Community Councillors.

Where two or more motions are proposed and seconded, the Chair will ensure that a voting is undertaken according to the procedure set out in Section 4.5 of this guide. In the event of an equality of votes, the Chair can determine the matter using his/her casting vote.

A good Chair will not seek to impose their will on a meeting, but rather attempt to ensure that each Community Councillor has an opportunity to be heard and that any debate is conducted in a fair manner. A good Chair will try to balance this with the desirability of avoiding unnecessarily protracted debate which is not productive. It is inevitable that individual Community Councillors will not always agree on every issue, but the role of the Chair is to ensure that each view has been aired and the decision of the meeting as a whole reached.

The Chair will also be called upon to act as *Returning Officer* for Ordinary Elections of the Community Council in terms of Annexe 4 of the Community Council Scheme (which is provided at Section 9.5 of this guide).

In the absence of the Chair at any meeting, the chair will normally be taken by the Vice-Chair if one exists and, if not, an interim Chair will be appointed from the Elected or Co-opted Community Councillors present. In the latter case, the interim Chair will require to be proposed and seconded by Elected or Co-opted Community Councillors. In the rare event of more than one Community Councillor wishing to act as interim Chair, the matter would be decided by the drawing of lots.

In summary, the role of the Chair is to:

- **Set the Agenda for meetings, including the late addition of urgent items**
- **Preside over meetings of the Community Council and preserve order**
- **Ensure compliance with the Constitution, the Community Council Scheme , any *Standing Orders* and the Code of Conduct**
- **Ensure debates are conducted fairly and within a reasonable timeframe**
- **Take votes on motions, including the use of a casting vote, if necessary**
- **Ensure the Community Council's decisions are informed by the views of the local community**
- **Liaise effectively with the other office bearers**
- **Assume the role of Returning Officer for ordinary elections of the Community Council**

Secretary

The Community Council Secretary is the official correspondent of the Community Council. He or she receives correspondence on behalf of the Community Council from a variety of bodies and from members of the public. The Secretary should liaise with the Chair to establish which matters require to be considered and determined by the Community Council and then respond as appropriate following the formal decision of the Community Council.

In some cases, consultation responses may be required before the next ordinary meeting of the Community Council. In these circumstances, the Secretary will liaise with the Chair to determine if the issue merits a special meeting of the Community Council to consider the consultation document and, if so, he or she will make the necessary arrangements for such a meeting. In other instances, the constitution of a Community Council may have provision for a Sub-Committee of the Community Council to consider urgent issues (e.g. planning applications) and, if this is the case, the Secretary will make arrangements for the matter to be considered by the appropriate Sub-Committee. Finally, it may be necessary, following consultation with the Chair (and perhaps informal consultation with Community Councillors individually), for the Secretary to respond to the consultation document on behalf of the Community Council and then report this to the next ordinary meeting of the Community Council for ratification, or *homologation*.

The role of the Secretary is also to undertake the administrative arrangements associated with meetings of the Community Council. He or she will make necessary venue bookings, ensure that meetings are publicised, circulate Agendas to Community Councillors and other interested parties, take Minutes of meetings, ensure decisions are actioned and circulate Minutes.

The Minutes of a Community Council meeting do not require to be detailed, but they should record when and where the meeting was held, the names of those members present, any apologies submitted, the outcome of any votes taken and any formal decisions agreed at the meeting. In particular, decisions regarding any financial expenditure to be incurred, should be detailed in the Minute, together with a reference as to how such expenditure is to be met.

A Community Councillor or member of the public not present at the meeting should, from reading of the Minutes of the meeting, be able to get a reasonable idea of what business was conducted and what decisions were taken. A copy of the Minutes should be available for public inspection and it is good practice to lodge a copy of the Minutes with the local library.

Where a decision is taken by a Community Council to undertake a community consultation exercise or similar initiative, the Secretary will often play a central role in administrative arrangements such as preparing, posting and analysing questionnaires, perhaps assisted by a working group of other Community Councillors.

Other administrative tasks associated with the role of Community Council Secretary include keeping the local authority informed about any changes in the membership of the Community Council, including providing contact details for new office bearers, details of any co-options to the Community Council and the appointment of any Appointed Advisors, and co-ordinating the signing of (and submission to North Ayrshire Council) declarations of office by new members. The Secretary should also make the local authority aware of any potential difficulties arising from falling membership levels so that support and advice can be offered to prevent dissolution of the Community Council.

In summary, the role of the Secretary is to:

- **Act as the official correspondent of the Community Council**
- **Liaise with the Chair to compile the Agenda for Community Council meetings**
- **Ensure correspondence/consultation documents are appropriately dealt with**
- **Make venue bookings for meetings**
- **Ensure Agendas and Minutes are issued to Community Councillors (including *ex officio* members), the local authority and the local press, as well as being posted on a public notice board(s)**
- **Take the Minute of Community Council meetings and ensure decisions are actioned**
- **Take an active role in the administrative arrangements associated with community consultation exercises and other projects**
- **Keep the local authority advised of any changes in the membership of the Community Council**
- **Ensure that new members sign the Declaration of Office and that the first page of that document is then sent to the local authority**
- **Advise the local authority of any difficulties in terms of falling membership or the lack of attendance of individual Community Councillors.**

Treasurer

In the case of a newly-established Community Council, one of the first actions of the Treasurer will be to instigate the setting up of a bank account on behalf of the Community Council, ensuring that one or more of the other office bearers acts as a counter-signatory(ies) for the account. In the event of a new appointment to an existing Community Council, the new and former Treasurers will liaise to ensure that the Community Council's bank account signatories are updated as necessary. Similarly, the Treasurer will take action to update the bank account in the event of changes to the signatories as a result of resignations, etc.

It is also the responsibility of the Treasurer to keep accounts of all financial transactions of the Community Council using a cashbook and make sure that accounts are presented to the Assistant Chief Executive (Finance), the appointed Auditor for all Community Councils in North Ayrshire, at the end of the Community Council's financial year.

It is important that, when releasing any funds from the Community Council's account, the Treasurer either receives a receipt for the expenditure incurred or, exceptionally, if no receipt can be provided, a 'voucher' from the Community Councillor in question, i.e. a slip signed by the Community Councillor and counter-signed by a second Community Council detailing the date, amount and purpose of the expenditure.

The Treasurer may also have responsibility for the financial management of any projects for which funding has been obtained and/or fundraising activities carried out. This will include completing and returning any financial monitoring documentation which might be required by the local authority or external bodies as a condition of grant funding. The Treasurer will also make the necessary arrangements to return any grant funds which may be left unspent following completion of a project for which funding has been awarded.

The Treasurer is also responsible for ensuring that a register of the Community Council's assets (e.g. computing equipment) is maintained and that suitable insurance is in place to cover the loss of, or damage to, assets. Likewise, the Treasurer will ensure that the issue of public liability insurance is taken into account when projects are being planned by the Community Council.

It is vital that a Treasurer, in incurring any expenditure on behalf of the Community Council, obtains a formal, Minuted approval to incur that expenditure, together with the Community Council's decision as to how the expenditure will be met. Any Treasurer failing to obtain such Minuted approval risks being deemed personally responsible for the unauthorised expenditure.

In the rare event of a Community Council requiring to be dissolved (See Section 7.3 of this guide), the Community Council should ensure that the Community Council's bank account is closed and any funds returned to North Ayrshire Council. Advice on what paperwork should be completed in such an event can be obtained by contacting the Council's Finance Service (Finance and Corporate Support) on tel: 01294 310000.

Further information and advice on the preparation and management of Community Council accounts is contained at Section 5 of this guide and additional advice is available by contacting the Council's Finance Service (Finance and Corporate Support) on tel: 01294 310000.

In summary, the role of the Treasurer is to:

- **Maintain a records of the Community Council's income and expenditure in terms of Section 5.1 of this guide**
- **Timeously present the Community Council's accounts to the local authority for auditing purposes**
- **Act as the principal signatory for the Community Council's bank account**
- **Ensure receipts are obtained for all expenditure**
- **Assume responsibility for the financial management of projects/fundraising**
- **Maintain a register of the Community Council's assets**
- **Consider the need for public liability insurance**
- **Wind up the Community's Councils financial affairs in the event of dissolution**

4.5 Voting

Most Community Council decisions are reached by consensus. However, where it is clear that more than one view persists, the Chair will call for a formal motion to be put before the meeting. Any Elected or Co-opted Community Councillor may decide to put forward a motion, provided that he/she is seconded by another Elected/Co-opted Community Councillor.

Subsequent motions are referred to as amendments and, likewise, they must be seconded by Elected/Co-opted Community Councillors. Any motion which fails to find a seconder automatically falls.

Motion and One Amendment

The Chair will call for votes for the amendment. The amendment, together with the number of votes cast, will be recorded by the Secretary. The Chair will then call for votes for the motion and the motion, together with the number of votes cast, will be recorded by the Secretary.

Whichever of the above has the highest number of votes is declared carried and becomes the decision of the Community Council. If both receive the same number of votes, the Chair will decide the matter by using his/her *casting vote*.

Motion and Two or More Amendments

The Chair will call for votes for each of the amendments in turn. These, together with the number of votes cast for each, will be recorded by the Secretary. The Chair will then call for votes for the motion and the motion, together with the number of votes cast, will be recorded by the Secretary.

Whichever of the above has the highest number of votes is declared carried and becomes the decision of the Community Council. If two or more receive the same number of votes, the Chair will decide the matter by using his/her *casting vote*.

NB. In the absence of the Chair, the Community Councillor who has been appointed to chair the meeting will have the right to exercise the *casting vote*, should this be required.

Appointed Advisors and *ex officio* Community Councillors shall not be entitled to vote on any matter. However, the Chair, at his/her discretion, may informally ask for a general show of hands to gauge the feeling of all those present at a meeting in cases where there is no formal vote before the Community Council.

Abstention and Dissent

Any Elected/Co-opted Community Councillor may decide not to take part in, or abstain, from a vote and, if they so wish, have that fact formally Minuted.

Similarly, any Elected/Co-opted Community Councillor who strongly disagrees with a decision of the Community Council – whether or not they have moved a motion or amendment – may ask to have their dissent recorded in the Minute.

4.6 The Constitution

Each Community Council may draw up its own constitution tailored to meet its own particular needs. The terms of the constitution must not, however, conflict with any element of the Scheme itself. For instance, if the Scheme says that the *quorum* for meetings of a particular Community Council should be 4, then that Community Council can choose to set a higher *quorum* if it so wishes, but not a lower one.

The constitution must be formally agreed by the Community Council and then submitted to the local authority for approval. The date on which the constitution was agreed by the Community Council is normally noted at the bottom of the document which should also be signed by two office bearers.

A basic Model Constitution is provided at Section 9.3 of this guide and further advice can be obtained by contacting the Council's Committee Services Service on tel: 01294 324131.

4.7 Standing Orders

As stated in earlier sections of this guide, the adoption of *standing orders* by a Community Council is not compulsory, but can be a useful tool in helping to govern how meetings will be conducted. *Standing orders* typically include items such as:-

- **when a special meeting can be called**
- **notice to be given for meetings**
- **order of business**
- **acceptable conduct at meetings**

Basic Model *Standing Orders* are provided at Section 9.4 of this guide and further advice can be obtained by contacting the Council's Committee Services Service on tel: 01294 324131.

4.8 Community Council Committees

The Scheme provides for the possibility of Community Councils establishing Committees for particular purposes, e.g. to consider Planning application consultation. Such Committees and their composition must be set out in the Community Council's constitution, together with a clear indication of the extent of their remit. Regardless of the powers granted to such Committees, their actions should be reported to the next ordinary meeting of the full Community Council for formal approval.

Each Committee must be made up mainly of a set number of Elected/Co-opted Community Councillors (as determined by the Community Council itself), but the Community Council may also appoint to it non-members or Appointed Advisors, provided that the number of such persons is no greater than half the number of Elected/Co-opted Community Councillors.

Example

Community Council A has a total membership of 12. It sets up a Committee for Young People's Interests and appoints 6 of its Elected/Co-opted Community Councillors to serve on it. The remaining membership of 3 consists of young people from the local community, selected to represent the three secondary schools in the Community Council's area. The quorum for meetings of the Committee is set at 3 in the Community Council's constitution, 2 of whom must be Elected/Co-opted Community Councillors.

5. Financial and Other Support

5.1 Accounts

Each year, the Community Council Treasurer must prepare a set of accounts of the Community Council. The accounts will show all income and expenditure of the Community Council over the Community Council's financial year. Different Community Councils have different financial years for the purposes of submitting accounts (generally tied in with the date of their establishment as Community Councils).

Receipts (or, where no receipts are available, vouchers signed by two Community Councillors) shall account for all expenditure incurred.

Guidance on the preparation of accounts is available at Appendix 9.5 of the Guide.

Accounts and receipts must be submitted to the Council's Finance Service (Finance and Corporate Support) as the appointed Auditor for all Community Councils in North Ayrshire, at the end of the Community Council's financial year. The annual grant awarded by the Council is paid when the audit has been completed by Finance and the accounts signed off.

The audited accounts should be also presented by the Treasurer to the Annual General Meeting of the Community Council or, this failing, to an ordinary meeting of the Community Council.

Further advice or information of the preparation of accounts or audit arrangements can be obtained by contacting the Council's Finance Service (Finance and Corporate Support) on tel: 01294 310000.

5.2 The Annual Grant

A large part of the usually modest income of a Community Council comes via the Annual Grant (otherwise known as the Administrative Grant) awarded to each Community Council by the local authority. The amount awarded is determined from time to time by the local authority and is usually based upon a base level, supplemented by a rate based on population.

The maximum grant payable is calculated at a rate of £200 per Community Council, plus £30 per thousand of population. The initial allowance for each community council is as follows, payable following the audit of the community council's accounts:

Ardrossan Community Council	£620
Arran Community Council*	£410
Beith Community Council	£480
Cumbræ Community Council	£270
Dalry Community Council	£445
Dreghorn Community Council	£375
Fairlie Community Council	£270
Girdle Toll and Bourtreehill Community Council	£725
Irvine Community Council	£900
Kilbirnie and Glengarnock Community Council	£480
Kilwinning Community Council	£795
Largs Community Council	£620
Saltcoats Community Council	£620
Skelmorlie Community Council	£305
Springside Community Council	£270
Stevenston Community Council	£550
West Kilbride Community Council	£410

*Additional expenses are available to Arran Community Council to reflect significant travel costs likely to be incurred by members

In years following the initial grant allowance mentioned above, payment of the annual grant will be on the basis of a "top up", to reimburse Community Councils for actual expenditure on approved items, up to the maximum levels indicated above. The local authority may review its arrangements for grant funding from time to time.

The annual grant may be used to meet the following types of expense:-

- **Publishing notices**
- **Stationery**
- **Copying**
- **Postage**
- **Remembrance Day wreaths**
- **Community consultation exercises**
- **Out-of-pocket expenses incurred by Community Councillors (with the knowledge and approval of the Community Council)**
- **Other expenses not covered by the above but approved by the local authority as acceptable administrative expenses**

Payment of the annual grant is conditional upon:-

- **the auditing of accounts**
- **the local authority having received copies of all Community Council Minutes**
- **on the minimum requirement for at least six *quorate* meetings have been met**

5.3 Other Funding

Community Councils may apply for other types of funding for particular projects, including funding from bodies external to the local authority. Most will require a copy of the Community Council's constitution, bank statement and audited accounts in support of any application. In addition, Community Councils, like other voluntary organisations, may undertake a variety fundraising initiatives within the local community to raise funds for community events and initiatives.

The Council administers a number of sources of grant funding, including Common Good Funds and Trusts, and can provide advice on potential sources of external funding. For advice, please contact the Council's Performance/Grants Information Officer (Economy and Communities) on tel. number 01295 608041.

A Treasurer seeking additional funding on behalf of the Community Council should seek the formal, Minuted approval of the Community Council before making any application and should ensure that any funding requests are also signed by another office bearer.

5.4 Meeting Accommodation

The local authority will provide each Community Council with meeting accommodation for up to 15 free lets each year. This provision will be subject to availability and to the exigencies of the Service, but every effort will be made to accommodate Community Councils. The number of free lets provided should be sufficient to meet the needs of Community Councils in terms of ordinary and special meetings.

In the event that further lets are required for special meetings of the Community Council, application may be made to the local authority to request that it be provided free of charge; however, dependent upon the circumstances, the local authority may require to impose a charge, which may be met from the annual grant as an acceptable administrative expense.

Community Councils may also apply for accommodation for community events for which it might be responsible. The cost of such accommodation will, however, require to be met by the Community Council and is not generally covered by the annual grant.

5.5 Legal Liability and Insurance

Legal Liability

Community Councils are created by statute (Part IV of the Local Government (Scotland) Act 1973), but their legal status is not defined within that legislation. (Legal status is important because that is what creates the uniqueness of an organisation and makes it a separate legal entity from the members of that organisation.)

The statutory foundation for Community Councils is set out in the 1973 Act where it states “in addition to any other purposes 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”. The Council funds Community Councils on the basis that they will represent such views to the Council and consequently feed back to the local area matters arising within the Council. Any other action which the Community Council might wish to take is regarded as being incidental to this principal purpose of communication flow.

In a 2018 court case (*Kershaw v Connel Community Council*) which involved injury to an individual using a pathway at an Argyll beauty spot managed by Connel Community Council, the presiding judge ruled that, as hybrid bodies, community councils could be sued in their own name. This case would suggest that a Community Council can also sue in its own name or enter into contracts in its own name (rather than in the name of the office bearers). However it is quite possible that someone suing a Community Council would still raise the court action against both the Community Council and its office bearers. This is particularly likely where a Community Council has strayed outside the objectives set out above, or office bearers have entered into the contract.

It is recommended that Community Councils obtain appropriate personal and public liability insurance (for relevant perils) in respect of their activities. This should cover individual Community Councillors when acting on behalf of the Community Council.

Insurance

Community Council meetings held in Council-owned premises are covered by the local authority’s public liability insurance for negligence on the Council’s part, e.g. unsafe premises through faulty equipment. However, in common with every organisation meeting in such premises, the Community Council must bear some responsibility for activities at the meeting. For instance, it is the responsibility of the local authority to keep the premises safe for public use; however, if a situation arises where perhaps water has been split on the

floor, the Community Council would be expected to ensure Community Councillors and members of the public present do not endanger themselves by stepping on the area in question until the problem can be resolved. If the Community Council were organising and running the event and an adverse event occurred a claim may be directed to the Community Council.

In 2017, the Council secured access to a good-value insurance policy for community councils which covers the key areas of public liability, employer's liability, fidelity guarantee cover, money cover, libel and slander, and personal accident. In its initial year, the Council was able to meet the cost of providing this insurance cover (or upgrading existing community council policies to match this level of cover), on the basis that the cost of subsequent years' cover would be met by individual community councils in terms of their administrative allowance.

Community Councils should also take the issue of additional insurance into consideration when costing and planning events such as galas. The Council's Insurance and Risk Manager can be contacted on tel: 01294 310000 for any information and advice on general insurance matters. Please note the Council cannot act as a direct advisor or broker and the ultimate responsibility for ensuring liability is covered lies with the Community Council. In this regard Community Councils may wish to take independent advice.

It should be noted that insurance has limitations and often there are exclusions and it may not cover, for example, potential claims for contracts which a Community Council entered into without sufficient money to pay, or claims of defamation against the Community Council.

5.6 Data Protection

Background

The Data Protection Act 1998 is the legislation that governs how we capture, process and manage individual's **personal** data. The governing body that oversees and ensures compliance with this Act is the UK Information Commissioner's Office (ICO). Due to the rapid increase in the use of technology in our day to day lives and to enhance the rights of individuals, the European Union recognised that an update of the current data protection law was required.

The General Data Protection Regulation (GDPR) is an EU wide directive that affects all organisations and individuals within EU countries and beyond. The UK government has reacted to the introduction of this new directive by creating the Data Protection Bill 2018 which, once approved, will replace our current Data Protection Act. This means that although the UK is set to come out of the European Union (Brexit), the GDPR will still apply when it comes into force on the 25 May 2018.

Why do we need data protection legislation?

The purpose of data protection legislation is to protect the rights and privacy of living individuals which includes ensuring that their personal data is not processed without their knowledge.

What is personal data?

In short, personal data is information relating to an identifiable living individual. Community Councils will not normally be in a position to handle a great deal of personal data, but the Secretary and other office bearers will routinely hold community councillors' contact information for the purposes of calling meetings, undertaking community projects, etc. It is important that such information is kept secure; not shared with other parties without the individual's permission; and only used for the purposes specified. For instance, a community councillor who happens to run a business cannot use their community councillor email contact list for unsolicited marketing purposes. Similarly, when community council correspondence containing personal data is disposed of, this should be done securely, by shredding.

What does data protection legislation say we should do with personal data?

Data protection legislation is built around a set of principles which control the way in which information is managed. These principles are:

- ✓ Processed fairly, lawfully and in a transparent manner
- ✓ Collected for specified, explicit and legitimate purposes
- ✓ Adequate, relevant and limited to what is necessary
- ✓ Accurate and where necessary kept up to date

- ✓ Kept in a form which allows identification of data subjects for no longer than is necessary for the purposes for which the data was collected
- ✓ Processed in a manner that ensures appropriate security of the personal data

What is changing as a result of the General Data Protection Regulation (GDPR)?

The majority of the GDPR is similar to the current Data Protection Act however there are some new elements being introduced. Here is a list of some of the key changes coming in on the 25th May 2018 (please note: this list is not exhaustive):

- Notification of public data breaches will become mandatory from 25 May 2018
- The ICO will now be able to fine organisations up to £17 million or 4% of annual turnover where there has been a data breach
- Individuals have more rights under the regulation including:
 - **The right to erasure** – also known as the right to be forgotten. This means individuals have the right to request the deletion or removal of their personal data where there is no justification for its continued processing.
 - **The right to be informed** – under the GDPR, individuals will have to be given “fair processing information”, through a privacy/data protection notice. This should be a short statement, in plain terms, setting out what you will do with their personal data, how you will look after it and who you intend to share it with (if applicable).
 - **The right to access** – individuals have the right to request a copy of the data that you hold on them. This is called a Subject Access Request and under the GDPR will have to be provided free of charge and within one month from date of request.
 - **The right to rectification** – individuals can ask to have their personal data corrected if it is inaccurate or incomplete. If the data is shared with 3rd parties then you must also tell them of the correction.

What do you need to do as a Community Council?

As a Community Council you will process personal data and as such, will need to register OR renew your registration with the Information Commissioner’s Office (ICO) as a data controller.

Follow this link to register: <https://ico.org.uk/for-organisations/register/>

If you are already compliant with the Data Protection Act 1998, then you should be in good stead for the introduction of the GDPR. The checklist attached details some of the areas that need to be reviewed in preparation for the GDPR and may help identify areas for improvement.

As a Data Controller, Community Councils are responsible for compliance with data protection legislation and must be able to demonstrate this to data subjects and to the UK Information Commissioner. Failing to comply with data protection laws can result in sanctions and financial penalties being imposed.

More information on the GDPR and data protection can be found on the ICO website at <https://ico.org.uk/>

CHECKLIST – Get Data Protection Ready

	Why should I review this?	Actions required?	Date completed
Check registration with the ICO	As a data controller you must be registered with the Information Commissioner’s Office. Follow this link and select Register Now to complete: https://ico.org.uk/for-organisations/register/ There is a registration fee of £35		
Check what personal data you hold	It is a good opportunity to have an overview of all the personal data that you collect as a Community Council. This can take the form of a simple spreadsheet detailing: <ul style="list-style-type: none"> - What type of data you hold? - Is it personal/personal-sensitive information? - Why is it being held? - Who holds the data and who can access it? - How long is kept for? - Any action required? 		
Do you have an up to date privacy notice?	This can be a short statement that gives more information to individuals about how you use their personal data. The ICO has comprehensive guidance available on their website for more information on what privacy notices are and how to write one: (https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-notices-transparency-and-control/) If you already have a privacy notice, take some time to review what you currently say in your notice and make sure it is updated regularly if how you process personal data changes at any point.		

<p>Do you rely on consent for any of your processes?</p>	<p>If you rely on consent from individuals to process their personal data e.g. collecting personal data for surveys, you will need to readdress how you collect and control this in the future. You cannot rely on pre-ticked boxes in forms or assume consent in any way. It must be freely given and allow the individual to remove their consent at any point.</p>		
<p>Do you need to review your processes?</p>	<p>It is a good opportunity to ensure that you are able to respond to any requests from individuals relating to the rights mentioned in the previous page. Could you delete individual's data if they asked you to or make corrections where there are errors?</p>		
<p>Do you know what to do if there was a data breach?</p>	<p>Ensure that you know what to do if there was a personal data breach e.g. who to report it to, how long you have to report it. If there is not a process in place, now is the time to introduce one. Under the GDPR, you will have 72 hours to report a breach to the ICO. In certain circumstances, the individuals whose data has been breached will also need to be notified.</p>		

6. Communications

6.1 Consulting with the Community

Section 51(2) of the Local Government (Scotland) Act 1973 which established Community Councils states that the main purpose of a Community Council is “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.”

If Community Councils are to fulfil their statutory purpose, it is vital that they consult as fully as possible with the local community and give local people the opportunity to make their views known. Advice from the Scottish Government emphasises the importance of Community Councillors resisting any temptation simply to assume that their own personal views reflect those of the wider community and instead make an active effort to represent the interests of their community as a whole.

Community Councils can consult the local community in a variety of ways. Making local people aware of Community Council meetings and encouraging them to attend is a good start. As a minimum requirement, the Scheme asks Community Councillors to post a notice advertising all meetings on local notice boards and in the local press. (The local authority would not expect the Community Council to take out costly advertisements in the local press, but rather try to have information on meetings included in any “district news” section of the local paper). Minutes of meetings must also be available for public inspection, if not in the local library, then by contacting the Secretary directly.

Community Councils might wish to consider other ways to publicise their meetings and encourage attendance, such as a notice in the local supermarket, newsagent or leisure facility. Some Community Councils whose members have the necessary expertise, set up their own websites, giving details of meetings, copies of Agendas and Minutes and information on important issues, while others issue a regular newsletter.

Some Community Councils routinely have an “open forum” section on their Agendas, during which members of the public can speak in order to raise matters of concern or interest. It is important for the Chair to manage this part of the meeting effectively, however, particularly to avoid discussion of personal issues which might be better suited to elected Member surgeries. It is also a good idea to consider setting a limit on the time devoted to the “open forum”.

Where there is a particularly important or contentious matter to be discussed, the Community Council may wish to consider more extensive publicity for its meetings, perhaps by putting up notices in relevant extra venues or, subject to budget considerations, leafleting relevant households in the area. It is up to each Community Council to find the best means of involving their local community and balance this with good financial management of a limited budget.

In cases where the Community Council has been asked to respond to some form of consultation on a particularly contentious issue, it lends credibility and authority to the Community Council's submission if it can be demonstrated that an effort has been made to consult the local community. This might entail questionnaires targeted at relevant sectors of the community and/or canvassing the views of local households. At the meeting, the Chair may also call for an informal show of hands from the members of the public present. For issues covering more than one Community Council area, consideration might even be given to working in partnership with a neighbouring Community Council to pool expertise and resources in terms of consulting the communities affected.

All of the above entails a significant effort and commitment from Community Councillors. However, the rewards, in terms of raising the profile of the Community Council and lending credibility and authority to the views it expresses, are also considerable.

For further information or advice on carrying out community surveys, contact the Council's Connected Communities Service (Education and Youth Employment) on tel: 01294 310000. The section is happy to work with Community Councils, Community Associations and other community groups and organisations to identify particular training requirements and design courses to develop "community engagement" and "capacity building".

In summary, Community Councils should consider:

- **Widely publicising meetings**
- **Mechanisms for encouraging the public to attend meetings**
- **Different ways to make Minutes more accessible to the local community**
- **The use of community surveys, questionnaires and canvassing on important issues**
- **Issuing a regular newsletter**
- **Incorporating a public "open forum" in meetings**

6.2 Communicating with North Ayrshire Council

Clearly, it is interests of both the local authority and individual Community Councils to share a positive and constructive dialogue. Community Councils should seek to involve local Elected Members (Councillors) and aim to develop useful links with local authority officers. The local authority, in turn, should ensure that Community Councils are properly consulted on initiatives and issues affecting their local area, as well as involving Community Councils in Community Planning.

Please note that the Elected Members for a Community Council's area may not always be in a position to attend Community Council meetings on a regular basis because of other commitments but, as *ex officio* members of the Community Council, they should always receive a copy of the Agenda and Minutes of the meetings and, when in attendance, should be given an opportunity to address the meeting.

A 'key contacts' sheet will be produced for each Locality area, giving community councils in that area up-to-date contact information for the Council, Elected Members, Locality Partnerships and fellow Community Council office bearers. This will be circulated by Committee Services at regular intervals.

In terms of basic information to be exchanged between Community Councils and the local authority, the following will apply:-

The Council will:-

- Advise the community council of any changes in terms of local Elected Members
- Seek to liaise with the community council on matters of local interest and issues
- Specifically consult community councils on all planning applications in their area

The Community Council will:-

- Supply free of charge one copy of the Minutes within 3 weeks of each meeting
- Keep the Council's Committee Services section apprised of any changes in the Community Council's membership, including any changes to office bearers
 - Give the press and local Elected Members notice of all Community Council meetings and invite them to attend

Writing to North Ayrshire Council

Where a Community Council requires any specific information from the local authority, the Secretary should submit a written request c/o North Ayrshire Council Headquarters, Cunninghame House, Irvine KA12 8EE, for the attention of the Chief Officer of the Service concerned or, if it is not clear which Service might be involved, then the request should be directed instead to the Chief Executive.

The Council's website at www.north-ayrshire.gov.uk provides an up-to-date organisational chart showing the main functions and Services of the Council which should be of assistance in helping to direct correspondence. (See <http://www.north-ayrshire.gov.uk/Documents/CorporateServices/LegalProtective/ChiefExecutive/OrganisationalChart.pdf>)

On receipt of an information request from a Community Council, the local authority will either supply the information requested or, if this is not possible for a legal or other reason, provide an explanation as to why the information is not available.

Any general questions about the operation of Community Councils or your relationship with the Council should be directed to Committee Services at tel. number 01294 534131 (committeeservices@north-ayrshire.gov.uk).

Meeting with North Ayrshire Council

If a Community Council wishes to meet with the local authority to discuss an issue in more detail, the first point of contact will normally be the local Elected Members for that area. The local Member(s) may wish to call on an officer from the appropriate Service of the Council to accompany them. The Community Council may also send an invitation directly to a particular Service of the local authority to send an appropriate officer to a Community Council meeting to speak on a particular matter.

Whilst the local authority will try to accommodate such requests for officer attendance, there may not be the resources available to accept every invitation. Where convenient to both parties, the Community Council may instead wish to make arrangements for office bearers/ selected Community Councillors to meet with an officer of the Council outwith a Community Council meeting, during office hours, and simply report the outcome to the next meeting of the Community Council.

6.3 Consultation on Planning Applications

Community Councils receive a copy of the weekly list, prepared by the Council's Development Management, of planning applications which have been submitted for consideration. In response Community Councils may request to be consulted on certain applications of interest to the community. The applications can be viewed online at: <http://www.eplanning.north-ayrshire.gov.uk/OnlinePlanning/>

If, having discussed a particular planning application, a Community Council wishes to make representations, it must submit its representation in writing at to the Council's **Planning Service (Economy and Communities), Cunninghame House, Irvine KA12 8EE** or online at www.north-ayrshire.gov.uk. Community Councils would not normally be expected to engage in applications for planning permission of a minor nature, e.g. alterations to domestic properties, but should focus on proposals which may have a more significant community interest.

The timescale for submitting any representation will usually be specified as a period of two weeks. It is appreciated that this timescale may not always allow Community Councils to consider planning applications at their next ordinary meeting and, for significant applications, Community Councils may wish to call a special meeting at short notice to debate the matter. Alternatively, some Community Councils also have in place arrangements for considering planning applications at short notice, whether through a standing remit to a small sub-group of Community Councillors (see section 4.8 of this guide) or by allowing the Chair, perhaps in consultation with other office bearers, to submit an initial objection on behalf of the Community Council, for *homologation* at a later date by the Community Council as a whole.

Community Councils may wish to take into account a number of factors in considering a planning application:

- **the impact on adjacent properties and the local area, in terms of noise, nuisance, small, daylight, privacy and visual appearance;**
- **the impact on traffic movement, including increased traffic, road safety and access, parking problems and the effect on pedestrians and cyclists;**
- **the needs of the area in terms of employment, commercial/social/community facilities and opportunities for leisure and recreation.**

Section 25 of the 1997 Town and Country Planning (Scotland) Act states that a Planning Authority's decision on a planning application must be made in accordance with the Development Plan (information on which is available by contacting Planning Services (Economy and Communities) on tel: 01294 324131 or online at www.north-ayrshire.gov.uk), unless "material considerations" indicate otherwise. There is no defined list of what is, and what is not, a material consideration. It is possible, however, to give general guidance on the kinds of issues which are generally accepted as being "material considerations" and also some issues which are definitely not. Factors which are "material considerations" are:-

- **policies in the emerging Development Plan (even if still in draft and not yet "adopted" or "approved");**
- **National Planning Policy Guidance (NPPG) and Scottish Planning Policy (SPP);**
- **Suitability of the site for the proposed development, e.g. contamination/flooding issues;**
- **visual appearance of the proposed development and its relationship to its surroundings;**
- **nuisances caused by the development;**
- **adverse safety impact;**
- **compatibility with existing uses;**
- **economic benefits;**
- **the needs of an area, e.g. employment, affordable housing;**
- **provision of suitable access and transportation;**
- **adequacy of the infrastructure;**
- **pollution and contamination;**
- **impact on archaeology and conservation;**
- **creation of an undesirable precedent;**
- **planning history of the site.**

Items which are **not** "material considerations are:-

- **personal circumstances of the applicant, including boundary and access disputes;**
- **private interests, e.g. loss of view or competition between businesses;**
- **moral considerations;**
- **political considerations or ideological dislikes, e.g. private hospitals;**
- **cost of the development;**
- **title restrictions;**
- **the applicant's lack of ownership of the site;**
- **issues covered by other legislation, e.g. health and safety regulations, licensing or building control;**
- **any factor indicating that there is a lack of any reasonable prospect of the development proceeding.**

Please note that the above lists are not exhaustive and you may wish to discuss matters further with the Council's Planning Service (Economy and Communities) (tel: 01294 310000).

6.4 Consultation on Licensing Matters

There are two Council bodies which deal with Licensing:

- (A) "North Ayrshire Council Licensing Committee" (Taxis, Street Traders and many other Licences)
- (B) "North Ayrshire Licensing Board" (alcohol and gambling)

Both are made up of Councillors and operate from the Council NAC Headquarters at Cunninghame House, Irvine KA12 8EE (tel No. 01294 324305) (email: licensing@north-ayrshire.gcsx.gov.uk).

The Committee are part of the normal NAC structure, like the Committees dealing with Planning, Roads and Education. The Board are legally separate from the Council, but use the same staff.

There is no single set of Licensing legislation. There are many Acts of Parliament or Acts of the Scottish Parliament dealing with Licensing.

All legislation is freely available on a Government website www.legislation.gov.uk

In relation to alcohol licensing there is a consultative body called the "Local Licensing Forum" at <http://www.north-ayrshire.gov.uk/business/licences-and-permits/food-alcohol-gambling-licences/local-licensing-forum.aspx>

Community Councils can be represented on this.

(A) Licensing Committee

This deals with Licences under many different Acts of Parliament. The main Act is the Civic Government (Scotland) Act 1982. This covers:

- Taxis and Private Hire Cars, and their Drivers
- Late Hours Catering
- Public Entertainment
- Street Traders
- Second Hand/Metal Dealers
- Tattoo Parlours

The Licensing Committee also deals with other kinds of Licences and Registrations, such as

- Houses in Multiple Occupancy
- Cinemas
- Landlord Registration
- Licensing of animal premises

For a full list of the various types of Licence covered, please see the Council's website at <http://www.north-ayrshire.gov.uk/business/licences-and-permits/licences-and-permits.aspx>

The Applications which are currently pending are listed at <http://www.north-ayrshire.gov.uk/business/licences-and-permits/current-applications/other-licence-applications.aspx>

Objections under the Civic Government (Scotland) Act 1982

Most of the Committee's business is under this Act, so this guidance concentrates on that. Some of the other Acts allow for objections, but any entitlement to object, and the possible grounds of objection, depend on the particular Act.

There are four kinds of Licence or Permission under the 1982 Act:

- (1) 'full' Licence (valid for up to 3 years, and renewable)
- (2) Temporary Licence (valid for a maximum of 6 weeks, and not renewable)
- (3) Public Processions under Part V (Sections 62 - 66) ("Marches or Parades")
- (4) Public Charitable Collections (Section 119)

(1) is often used for a regular occupation, e.g. a Taxi Driver may have worked for years but the Licence is only granted for a maximum of 3 years, and then renewed periodically for 3 years at a time.

(2) is commonly used for events lasting a day or two, like galas or concerts, e.g. an Ice Cream vendor might usually work in Glasgow, but want to operate for one day in NA, so he/she would apply for a Temporary Street Trader's Licence from NAC.

(3) is not a 'Licence', in the sense that people who wish to hold a Public Procession do not need permission. However, they have to notify the Council and the Police of their proposals, and the Council can prohibit the Procession on the basis of Police concerns about public order. It is very rare for the Council to prohibit a march.

(4) a Collection requires a Permission from the Council.

Objections are possible only with (1) so this Guidance only deals with these. If you want to object to (2), (3) or (4) you can write to the Committee, but there is no guarantee that your Objection will be considered or that there will be a Hearing.

Objections or Representations for 'full' Licences

The 1982 Act gives no special status to Community Councils.

Your comment must satisfy all of these:

- (a) be in writing;
- (b) specify your objection (see "Grounds for Refusal" below)
- (c) specify your name and address;
- (d) be signed by or for you (see "Objecting by email" below)
- (e) be sent to the Licensing Office within 28 days after the date stated on the Council website advertisement (or, where a Site Notice is displayed at or near the premises, within 28 days after that date). If you send a late objection, you should give the reason why it is late. The Committee might look at a late objection, but do not have to.

Your objection should be delivered personally, or posted, so as to arrive before the 28 day period expires:

***Licensing Section, North Ayrshire Council, Cunninghame House,
Irvine, KA12 8EE, Tel No. 01294-324345)***

The Council are required to send a copy to the applicant.

Objecting by email

The Licensing Office email is licensing@north-ayrshire.gov.uk.

If you use an email, you must follow this with a signed letter. Otherwise your comment cannot be taken into account.

Grounds for Refusal

Petitions are unlikely to be accepted as sufficiently specific, and it is better for individuals to send in their own signed and written comments.

Your objection must state one or more of the Grounds for Refusal stated in 1982 Act, Schedule 1, Paragraph 5(3). These are:

- (a) that the applicant (or Director, partner, or other person responsible for its management) has been disqualified from holding the Licence or is not a fit and proper person to be the holder of the Licence;

- (b) the activity to which the Licence relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of a Licence if he/she had made the application themselves;
- (c) any premises, vehicle or vessel to be used is not suitable or convenient for the conduct of the activity having regard to
 - (i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;
 - (ii) the nature and extent of the proposed activity;
 - (iii) the kind of persons likely to be in the premises, vehicle or vessel;
 - (iv) the possibility of undue public nuisance; or
 - (v) public order or public safety; or
- (d) there is other good reason for refusing the application.

It is unlikely that the Licensing Committee will accept complaints which relate to another Council Committee or an external Authority, such as complaints based on

- Planning or Roads (other Council Committees)
- Parking or Traffic (Police)

(B) Licensing Board

The Licensing Board deal with alcohol licensing in North Ayrshire under the Licensing (Scotland) Act 2005. Their website is:

<http://www.north-ayrshire.gov.uk/business/licences-and-permits/food-alcohol-gambling-licences/licensing-board.aspx>

Any decision of the Board must be based on principles called "Licensing Objectives". These are set out in Section 4 and are:-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children from harm.

An important document is the Board's "Licensing Policy Statement". This sets out the Board's views on many things, like licensed hours and what events are (or are not) acceptable for "Occasional Licences". The LPS is published on the Board's website and is reviewed at intervals of 3 to 5 years.

There are 3 main types of Licence:

- (a) Premises Licence
- (b) Personal Licence
- (c) Occasional Licence

Where there is a Hearing, it must be in public. Licence (a) needs a Hearing but most (b) and (c) Licences do not have Hearings.

- (a) Premises Licence

This is the Licence for premises like a Public House, Off-Sales shop, Restaurant, Club or Hotel. There are about 400 Premises of all types in NA. Clubs used to be Registered at the Sheriff Court, but the 2005 Act meant that they are Licensed by the Board. Some of the rules that apply to other Premises do not apply to some Clubs.

When a person applies for a Premises Licence:

- the application is copied to Community Councils (as well as the Police, Fire and Rescue, and the Health Board)
- neighbours living within 4 metres of the site are also told
- the Applicant has to display a Site Notice at or near the Premises (often tied to a lamp-post)
- the Board puts a Notice on their website at <http://www.north-ayrshire.gov.uk/business/licences-and-permits/current-applications/alcohol-premises-and-occasional-licence-applications.aspx>

Everyone (including Community Councils) can write to the Board setting out an objection or representation. If someone objects to a Licence, he/she should state which of the Grounds for Refusal in Section 23(5) apply.

These are:

- (a) "Excluded Premises" (garages)
- (b) automatic refusal grounds (no repeat applications; no 24-hour Licences; no Off-sales Application before 10 a.m. and/or after 10 p.m.)

- (c) inconsistent with one or more of the "Licensing Objectives"
- (d) the Premises are unsuitable
- (e) overprovision (see the LPS - this is the objection "there are too many Premises"; the Board are likely to refuse a new Off-sales shop, but less likely to refuse a new restaurant, although either decision is not automatic.)

Any letter must be sent to the Board within 21 days (not 28 days) of the date stated in the notification (it used to be that objections went to the Applicant, but this is not now done. The Board now gets the objections and copies them to the Applicant).

The LPS Annex H, part (f) ("Third Party Comments and Complaints") gives advice about making objections. A Petition signed by many people is likely to be rejected as insufficiently specific. It is better that individuals prepare and sign separate letters. 'Standard form' letters are likely to be disregarded for the same reason as petitions. If an objection uses email, it should be followed by a signed and written letter.

(b) Personal Licence

With one exception:

- Premises are not allowed to sell alcohol unless a person with a Personal Licence either carries out the sale or supervises the sale
- Premises need a "Premises Manager".

The exception is that some Clubs are exempt (not all).

A PM needs a Personal Licence. Other members of staff might also have Personal Licences, but they do not need to. All that they need is two hours training, which can be given by someone who does hold a Personal Licence.

Only the Police can object to an Application for a Personal Licence.

The training for Personal Licences is given by external organisations, not the Board. A Personal Licence lasts 10 years, and can be renewed. The Licence Holder needs to be re-trained every 5 years.

It is common for Premises to have two people with Personal Licences, to allow for one of them being absent due to illness or holidays.

(c) Occasional Licence

This is a temporary Licence available for Premises which are not normally licensed. For example, a person might apply for a Licence to cater for a wedding or party in a Community Hall. Often the Applicant is not the organiser of the event, but the person providing the bar (such as a local publican or an off-sales shop).

When a person applies for an Occasional Licence, the Application is

1. copied to the Police,
2. copied to the Board's Licensing Standards Officer, and
3. advertised on the Board's public website for 7 days.

If there are no objections from anyone, the Licence is granted. If there are objections, the Board must decide whether or not to grant the Application. The Board expects these Applications to be made at least 28 days before the event. If there are objections, the Board might hold a Hearing but don't have to. Sometimes the decision is made by the Convenor of the Board or another Member.

Licensing Board (Gambling)

The Board also grant Premises Licences and some Permits under The Gambling Act 2005 for things like betting shops and bingo clubs. See:

<http://www.north-ayrshire.gov.uk/business/licences-and-permits/food-alcohol-gambling-licences/gambling-premises-licence.aspx>

The Licensing Board have published their "Statement of Principles" (on that website).

The Gambling Act 2005 also deals with Personal Licences, but the U.K. Gambling Commission deals with these, not local Boards.

6.5 Communicating with Elected Members

The table below shows which North Ayrshire Council Elected Members are *ex officio* members of which community council(s). Contact information for Elected Members is available by contacting Member Services on tel: 01294 324172

Community Council	North Ayrshire Council Elected Members (ex officio members of the community council) (with no voting rights)	
Ardrossan Community Council	Ward 5 Ward 6	Cllrs Billings, Gurney, McMaster Cllrs Barr, Brahim, Ferguson
Arran Community Council	Ward 5	Cllrs Billings, Gurney, McMaster
Beith & District Community Council	Ward 6 Ward 7	Cllrs Barr, Brahim, Ferguson Cllrs Bell, Dickson, Donald L. Reid
Cumbrae Community Council	Ward 8	Cllrs Gallagher, Hill, Marshall, Murdoch
Dalry Community Council	Ward 6 Ward 8	Cllrs Barr, Brahim, Ferguson Cllrs Gallagher, Hill, Marshall, Murdoch
Dreghorn Community Council	Ward 10	Cllrs Foster, George, Larsen
Fairlie Community Council	Ward 8	Cllrs Gallagher, Hill, Marshall, Murdoch
Girdle Toll Community Council	Ward 2 Ward 10	Cllrs Burns, Easdale, Stephen Cllrs Foster, George, Larsen
Irvine Community Council	Ward 1 Ward 10	Cllrs Clarkson, Gallacher, Macaulay, McPhater Cllrs Foster, George, Larsen
Kilbirnie & Glengarnock Community Council	Ward 6 Ward 7	Cllrs Barr, Brahim, Ferguson Cllrs Bell, Dickson, Donald L. Reid
Kilwinning Community Council	Ward 3	Cllrs Cullinane, Davidson, Glover, Donald Reid
Largs Community Council	Ward 8	Cllrs Gallagher, Hill, Marshall, Murdoch
Saltcoats Community Council	Ward 4 Ward 6 Ward 9	Cllrs McTiernan, Miller, Sweeney Cllrs Barr, Brahim, Ferguson Cllrs McClung, McNicol, Montgomerie
Skelmorlie Community Council	Ward 8	Cllrs Gallagher, Hill, Marshall, Murdoch
Springside Community Council	Ward 10	Cllrs Foster, George, Larsen
Stevenston Community Council	Ward 4	Cllrs McTiernan, Miller, Sweeney
West Kilbride Community Council	Ward 6	Cllrs Barr, Brahim, Ferguson

6.6 Communicating with MPs and MSPs

Cunninghame North	Cunninghame South
<p>Patricia Gibson MP (SNP) MP for North Ayrshire and Arran Constituency Office 79 Princes Street Ardrossan KA22 8DF</p> <p>patricia.gibson.mp@parliament.uk</p>	<p>Philippa Whitford MP (SNP) MP for Central Ayrshire Constituency Office 14 Eglinton Street Irvine KA12 8AS</p> <p>philippa.whitford.mp@parliament.uk</p>
<p>Kenneth Gibson MSP (SNP) Constituency Office 15 Main Street Dalry KA24 5DL</p> <p>Kenneth.Gibson.msp@parliament.scot</p>	<p>Ruth Maguire MSP (SNP) Constituency Office 14 Eglinton Street Irvine KA12 8AS</p> <p>Ruth.Maguire.msp@parliament.scot</p>

West of Scotland Region	
<p>Neil Bibby MSP (Labour) Parliamentary Office M1.03 The Scottish Parliament Edinburgh EH99 1SP</p> <p>Neil.Bibby.msp@parliament.scot</p>	<p>Mary Fee MSP (Labour) Parliamentary Office MG.10 The Scottish Parliament Edinburgh EH99 1SP</p> <p>Mary.Fee.msp@parliament.scot</p>
<p>Maurice Corry MSP (Conservative) M3.15 The Scottish Parliament Edinburgh EH99 1SP</p> <p>Maurice.Corry.msp@parliament.scot</p>	<p>Jamie Greene MSP (Conservative) M2.20 The Scottish Parliament Edinburgh EH99 1SP</p> <p>Jamie.Greene.msp@parliament.scot</p>
<p>Maurice Golden MSP (Conservative) M2.05 The Scottish Parliament Edinburgh EH99 1SP</p> <p>Maurice.Golden.msp@parliament.scot</p>	<p>Ross Greer MSP (Scottish Green) MG.21 The Scottish Parliament Edinburgh EH99 1SP</p> <p>Ross.Greer.msp@parliament.scot</p>
<p>Ken Macintosh MSP (Labour) M1.13 The Scottish Parliament Edinburgh EH99 1SP</p> <p>Ken.Macintosh.msp@parliament.scot</p>	

6.7 Communicating with other Public Bodies

Community Councils will have occasion from time to time to contact other public bodies about matters relating to their local area. Below, is a list of some of the main bodies Community Councils may need to contact:-

North Ayrshire Community Planning Partnership
www.north-ayrshire.gov.uk

North Ayrshire Community Planning Partnership is led by North Ayrshire Council, NHS Ayrshire and Arran, Strathclyde Police, Strathclyde Fire and Rescue, Scottish Enterprise Ayrshire and Communities Scotland. Many other public and community/voluntary organisations also support the Partnership's work. The Partnership works together to plan and deliver better public services for people in North Ayrshire. Its remit includes engaging with communities to identify needs and priorities to inform serve planning and delivery.

Awards for All Scotland
Pacific House
70 Wellington Street
Glasgow G2 6UA
Tel: 0300 123 7110
advicescotland@biglotteryfnd.org.uk

Partnership between 4 organisations which share out Lottery funds – the Scottish Arts Council, the Heritage Fund, sportscotland and the Big Lottery Fund

Community Funds Gateway
Scottish Government
<http://www.gov.scot/Topics/Built-Environment/regeneration/communityfunds>

Includes a variety of funding options for community groups

Scottish Water
PO Box 8855
Edinburgh EH10 6YQ or
Head Office, Castle House
Castle Drive
Carnegie Campus
Dunfermline KY11 8GG
tel: 0800 0778 778
customer.services@scottishwater.co.uk
www.scottishwater.co.uk

Water supply issues

Scottish Public Services Ombudsman
4 Melville Street
Edinburgh EH3 7NS
Tel: 0870 377 7330
www.spsso.org.uk

Final stage for complaints about councils, the NHS, housing associations, colleges and universities, prisons, most water providers, the Scottish Government and its agencies and departments, and most Scottish authorities

Planning Aid for Scotland
3rd Floor
125 Princes Street
Edinburgh EH2 4AD
tel: 0845 603 7602
www.pas.org.uk

Charitable organisation which provides information and advice on how the planning system works

Scottish Natural Heritage
South West Scotland Region
Strathclyde & Ayrshire Area
19 Wellington Square
Ayr KA7 1EZ
Tel: 01292 262168
www.snh.org.uk

Remit includes care and protection of natural beauty and wildlife of Scotland

Communicating with other Community Councils

Community Councils may find it helpful to establish contact with their neighbouring Community Councils, particularly to discuss matters of common interest, such as large-scale developments which cross Community Council boundaries. New Community Councils may also wish to benefit from the experience of their longer-established counterparts.

In some authority areas, informal groupings of Community Councils have emerged in an effort to pool a variety of resources, e.g. in terms of experience or achieving certain economies of scale for particular projects.

Regularly updated contact details for Community Council office bearers are also provided on the Council's website at www.north-ayrshire.gov.uk at:-

<https://north-ayrshire.cmis.uk.com/North-Ayrshire/YourRepresentatives/CommunityCouncils.aspx>

or by contacting the Council's Committee Services section of tel: 01294 324131.

Scottish Community Councils Website

The Scottish Community Councils website (www.communitycouncils.scot) was created to support and promote Scottish community councils through advice and resources. The website is a valuable resource to new and experienced community councillors alike and has information on news, events, guidance, grants and other community councils.

7. If Things Go Wrong

7.1 Inquorate Meetings

For a Community Council meeting to be valid, a minimum number of Elected/Co-opted Community Councillors, the *quorum*, must be present. The quorum for each Community Council is:

Ardrossan Community Council	3
Arran Community Council	3
Beith & District Community Council	3
Cumbræ Community Council	3
Dalry Community Council	3
Dreghorn Community Council	3
Fairlie Community Council	3
Girdle Toll Community Council	4
Irvine Community Council	5
Kilbirnie & Glengarnock Community Council	3
Kilwinning Community Council	5
Largs Community Council	3
Saltcoats Community Council	3
Skelmorlie Community Council	3
Springside Community Council	3
Stevenston Community Council	3
West Kilbride Community Council	3

If a *quorum* of Community Councillors is not present, the meeting is deemed *inquorate* and no formal business can take place (although the Community Councillors present are free to discuss any business informally prior to its later consideration at a *quorate* meeting).

The Secretary should, for completeness, write a brief note for the Minutes file, noting the date, time and Community Councillors present and recording that, “due to the want of the necessary quorum”, the meeting did not proceed.

Arrangements should be made for an alternative date and the Secretary should write out to confirm arrangements to all members (including Additional Community Councillors and *ex officio* members), as well as arranging for public notices to be posted and the press notified.

N.B. *Inquorate* meetings do not count towards the required minimum of 6 Community Council meetings per year.

7.2 Complaints

It is hoped that complaints about a Community Councillor or Community Council office bearer will be few and far between. When taking up office, Community Councillors sign a declaration of office and, in so doing, commit themselves to adhere to standards of behaviour appropriate to those serving in public office (see Section 9).

It is for each Community Council to determine its own complaints procedure. However, the basic principles of natural justice should apply and the following steps followed:-

- If they have not done so, the complainant should be asked to set out their complaint in writing to the Secretary (unless the complaint relates to that person, in which case, the complaint should be directed to the Chair or another office bearer).
- The complaint should be acknowledged in writing without delay.
- The subject of the complaint should be advised of the complaint in writing without delay.
- In consultation with the Chair (or, if the Chair is the subject of the complaint, in consultation with another office bearer), arrangements should be made for a private session of the Community Council to hear the complaint and allow the subject of the complaint to respond. If either party does not wish to attend the session or does not, following reasonable efforts to arrange a mutually convenient date, time and venue for the session, make themselves available to attend, they should be invited to submit their comments may be submitted in writing.
- All members of the Community Council should be invited to attend the private session. The session is a formal meeting of the Community Council held in private. As such, unlike an informal meeting, it has decision-making powers.
- At the private session, the complainant should be given the opportunity to speak and, thereafter, the subject of the complaint should be invited to respond. Members of the Community Council should be given the opportunity to ask questions of both parties.
- Where one party has a question for the other party, the office bearer chairing the private session should consider whether the question can be permitted without the session being allowed to deteriorate into an unhelpful exchange between the two parties.

- The private session should reach a view (preferably by consensus or, if necessary, following a vote) on (a) whether the Community Councillor's conduct has failed to meet the standards expected under the Code of Conduct and (b) if so, whether the matter may be remedied by asking the Community Councillor to offer an apology, or if they should be invited to consider their position. (A Community Councillor, once elected or co-opted, cannot be removed from office except in the circumstances set out in Section 7.3 below).
- If an upheld complaint relates to an office bearer, the private session should, in addition to the above, reach a view on whether that person should be formally removed from office (see Section 7.3 below) (Please note that an office bearer removed from office remains as a Community Councillor).
- The decision of the private session of the Community Council should be formally minuted at the next ordinary meeting of the Community Council held in public. However, in the interests of the privacy of both parties to the complaint, only the outcome of the private session should be recorded and no further discussion should take place on the detail of the complaint.
- Both parties to the complaint should be advised in writing of the outcome.

7.3 Removing a Community Councillor/ Office Bearer

It is important to stress that it is highly unusual for a Community Councillor or office bearer to require to be removed from the Community Council.

Removal of a Community Councillor

In the case of a Community Councillor, failure to attend any meetings of the Community Council for a period of 6 months would mean that the individual would cease to be a member of the Community Council, unless approval of that absence (for instance, due to a prolonged or serious illness) has been granted by the Community Council before the end of the six month period.

A Community Councillor would also cease to be a member of the Community Council if he/she is no longer able to meet the residency criteria, i.e. if he/she moves outwith the area of the Community Council. Such a former member may, however, be appointed subsequently as an Additional Community Councillor (see section 2 of this guide) if appropriate, on the basis that he/she still has close links to the area and can make a meaningful contribution to the work of the Community Council.

Otherwise, a Community Councillor who has been elected or co-opted to serve on the Community Council for a period of usually four years and who has attended one or more Community Council meeting in any six month period, would be expected to complete that period of appointment unless he/she resigns in the interim.

A Community Council might, in terms of any *standing orders* in place, be required by the Chair to leave an individual meeting of the Community Council due to highly disruptive or inappropriate conduct. In such an unusual circumstances, the Chair would take the decision to ask the Community Councillor to leave the meeting only as a last resort and would generally take into consideration the views of other members prior to any such instruction.

If a Community Councillor has demonstrably failed to adhere to the standards of conduct set out in the Declaration of Office which they signed when they took up their appointment and/or if they have been subject to a complaint which has been upheld, the Community Council may formally ask that they consider their position and resign from the Community Council. In such circumstances, a Community Councillor would be expected to forgo their position for the greater good of the Community Council. In such circumstances, the former Community Council would still be eligible to stand for election in the future. (Ultimately, it is the local community which Community Councillors represent and it is for that community to decide, via the election process, on its representatives).

Removal of an Office Bearer

A Community Councillor may be removed from office as an office bearer (while continuing to be a member of the Community Council) if he/she is the subject of a vote of no confidence being carried by a majority of the current membership of Elected/Co-opted Community Councillors. In practical terms, such a motion would either be submitted in writing by a named (elected/co-opted) Community Councillor and seconded by another such member, or else moved and seconded verbally at a meeting. More than half of the (elected/co-opted) membership of the Community Council would have to support such a motion for it to be carried.

Once an office bearer has been removed from office, he/she would be required to hand over their remit (and any associated paperwork) to a new office bearer once one has been appointed. The former office bearer would continue to be a member of the Community Council, unless he/she was no longer eligible to do so for reasons outlined above in "Removal of a Community Councillor".

7.4 Dissolution of the Community Council

A Community Council would be dissolved if it failed to meet the minimum requirement as set out above, in terms of the number of *quorate* meetings which must be held in any one calendar year, i.e. 6.

Dissolution would also occur if the number of vacancies within one term of office exceeded one half of the Elected membership of the Community Council. In other words, if the membership of the Community Council (comprising Elected and Co-opted **but not** including Appointed Advisors) **falls below** the levels shown below, the Community Council would cease to exist:

Ardrossan Community Council	6
Arran Community Council	6
Beith & District Community Council	5
Cumbræ Community Council	4
Dalry Community Council	4
Dreghorn Community Council	4
Fairlie Community Council	4
Girdle Toll Community Council	8
Irvine Community Council	10
Kilbirnie & Glengarnock Community Council	4
Kilwinning Community Council	9
Largs Community Council	6
Saltcoats Community Council	7
Skelmorlie Community Council	4
Springside Community Council	4
Stevenston Community Council	5
West Kilbride Community Council	4

As stressed elsewhere in this guide, the local authority is reluctant to see the unnecessary dissolution of a Community Council. It has discretion to decide to allow the Community Council to co-opt further members in order to avoid dissolution, but is under no obligation to do so. It is important that any Community Council whose membership is approaching the minimum number for any reason, informs the Council of this at an early date so that help and advice can be offered to avoid the unnecessary dissolution of the Community Council.

Funds and Assets

If a Community Council is, unavoidably, dissolved, its funds transfer to the local authority, which shall apply those funds to the benefit of the local community.

If any funds have been granted to the Community Council (either by the local authority or another body) for a specific project, but have not been fully expended at the time of dissolution, then such funds will normally require to be returned to the awarding body.

Any assets which have been purchased solely through local fundraising can, subject to consultation with the Council's Committee Services section (tel: 01294 310000), be disposed of for the benefit of the local community by the outgoing Community Council. Arrangements for disposal will normally be the subject of formal discussion by the Community Council prior to its dissolution.

8. Glossary of Terms

<i>By-election</i>	Election held in the period between two ordinary elections to fill one or more vacancy on a Community Council, but not to elect the whole membership of the Community Council
<i>Casting Vote</i>	When there is an equality of votes cast by Elected/Co-opted Community Councillors, the Chair (or interim Chair) has the power to decide the outcome by casting a further vote in addition to the one he/she has already cast (N.B. the casting vote does not apply in Community Council elections)
<i>Enumerator</i>	Person appointed by the Chair/ <i>Returning Officer</i> at a Community Council election to assist in the counting of ballot papers (votes). An <i>enumerator</i> can be any member of the public present at the meeting, but would not normally be one of the nominees for election (unless no other volunteers can be found).
<i>Ex Officio</i>	This refers to local elected Members (Councillors), MPs and MSPs who, because of the office they hold, are entitled to attend and speak at Community Council meetings, although their presence does not count towards the <i>quorum</i> of the meeting, they are not entitled to vote and they cannot be appointed as an office bearer on the Community Council.
<i>Extended village</i>	This term applies to settlements in Arran. <i>Extended villages</i> are settlements and their surrounding rural areas as shown on a map which forms part of the Scheme.
<i>Homologation</i>	Formal approval by the Community Council of a decision or action taken outwith a Community Council meeting
<i>Honorarium</i>	Small payment made to Community Council office bearers in recognition of expenses incurred in carrying out their duties (Plural “honoraria”)
<i>Local electors</i>	<p>These are members of the public whose names appear on the Electoral Register maintained by the Ayrshire Valuation Joint Board, 9 Wellington Square, Ayr (tel: 01292 612221).</p> <p>Being registered to vote is a useful way of proving that a person lives within the local area and so is entitled to become a Community Councillor, propose someone else as a Community Councillor or vote at a Community Council election.</p> <p>At the Council’s discretion, someone who is not a <i>local elector</i> but who can otherwise prove that they live in the local area, can be nominated to stand as a Community Council.</p>

<i>Quorum</i>	Minimum number of Community Councils who must be present in order for a meeting to go ahead. If a <i>quorum</i> of Community Councillors is not present, the meeting cannot go ahead and had no formal status
<i>Returning Officer</i>	Chairs the Community Council election proceedings and announces the results.
<i>Standing Orders</i>	These are the rules agreed by a Community Council which govern how its meetings will be conducted. A set of model <i>standing orders</i> is provided at section 9 of this guide as an example, but it is for each Community Council to decide on its own. In the absence of an agreed set of <i>standing orders</i> the Chair's decision on how the meeting is to be conducted, is final.

9. Supporting Documentation

9.1 Code of Conduct for Community Councillors

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life, etc. (Scotland) Act 2000.

Community Councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles, shall apply to all Community Councillors and those representing the Community Council. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Service to the Community

As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Councils Scheme for the Establishment of Community Councils, as set out by your local authority under the terms of the Local Government (Scotland) Act 1973.

You 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.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Council.

Objectivity

In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your Community Council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the Community Council. You must ensure that the Community Council uses its resources prudently and in accordance with the law.

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to the Council's Scheme for the Establishment of Community Councils and this Code of Conduct.

Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Councils Scheme for the Establishment of Community Councils. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Council business and for no other purpose.

Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting.

Any breach of the Council's Scheme for the Establishment of Community Councils as set out by your local authority under the terms of the Local Government (Scotland) Act 1973 may be reported to your local authority to determine what action, if necessary, should be taken.

9.2(A) MODEL MINUTE OF MEETING – INITIAL MEETING

_____ COMMUNITY COUNCIL

Minutes of a post-election meeting held in _____ at _____ p.m. on _____

Present

Insert the names of Community Councillors (in alphabetical order by surname)

In Attendance

Enter names of others present, e.g. officers of the Council

Apologies

Enter names of Community Councillors who have submitted their apologies

1. Results of Initial Election

_____ welcomed those present to the meeting and confirmed that the results of _____ Community Council's election held earlier in the evening were as follows-

Community Councillor

Address

Enter names and addresses

_____ confirmed that the above Community Councillors have been elected to serve for an initial period of four years in accordance with the Council's current Scheme for the Establishment of Community Councils in North Ayrshire.

Noted.

2. Appointment of Chair

_____, seconded by _____, moved that _____ be appointed to the Chair for a period of four years. There were no opposing views expressed and, accordingly, _____ was appointed as Chair and assumed the Chair for the remainder of the meeting.

3. Appointment of Secretary

_____, seconded by _____, moved that _____ be appointed to the position of Secretary for a period of four years. There were no opposing views expressed and, accordingly, _____ was appointed as Secretary.

4. Appointment of Treasurer

_____, seconded by _____, moved that _____ be appointed to the position of Treasurer for a period of four years. There were no opposing views expressed and, accordingly, _____ was appointed as Treasurer.

5. Administrative and Other Arrangements

_____ responded to questions about a number of issues associated with the Community Council's role within the local community, administrative arrangements associated with its future meetings, provisions for consulting with North Ayrshire Council on matters relevant to the local community and financial support arrangements.

Noted.

6. Any Other Competent Business

7. Next Meeting

It was agreed that:

- (a) subject to venue availability, the next meeting of the Community Council take place at _____ p.m. on _____ in _____; and
- (b) the Secretary make the necessary arrangements for the meeting, advising Community Councillors and local Elected Members accordingly, and publicising the meeting arrangements locally.

The meeting ended at _____ p.m.

9.2(B) MODEL MINUTE OF MEETING – ORDINARY MEETING

_____ **COMMUNITY COUNCIL**

Minutes of a _____ held in _____ at _____
p.m. on _____

Present

Enter names of Community Councillors

In Attendance

Enter names of others present, eg. officers of the Council

Apologies

Enter names of Community Councillors who have submitted their apologies

1. Minutes of the Last Meeting

Submitted the Minutes of the last meeting held on _____.

Agreed to approve the Minutes of the last meeting (*subject to any amendments agreed*).

2. Matters Arising

Insert a subject heading and summary of any discussion and decisions on matters arising from the last Minute.

3. Chair's Report

Include as appropriate

4. Treasurer's Report

Include as appropriate

5. Correspondence

Insert brief list of correspondence received, including any planning application consultations, together with details of any decisions arising from consideration of this.

6. Any Other Competent Business

Insert summary of discussion and any decision in respect of any matters not otherwise covered on the Agenda.

7. Date of Next Meeting

The next meeting of the Community Council will be held on _____ at _____ p.m. in _____.

The meeting ended at _____ p.m.

9.3 MODEL CONSTITUTION

CONSTITUTION OF

COMMUNITY COUNCIL

1. Name

The name of the Council shall be _____ Community Council.

2. Objectives

The objectives of the Council shall be (a) to ascertain, co-ordinate and express to local and public authorities and others the views of the community of _____ and (b) to take such action in the interests of the community as appears to the Community Council to be expedient and practicable.

3. Composition

The Council shall be composed primarily of _____ Elected/Co-opted Community Councillors.

The Community Council shall also be entitled to co-opt up to _____ (*i.e. 50% of the maximum number of Community Councillors*) Appointed Advisors to represent local organisations or groups or organisations in the community in an advisory capacity only. Additional Community Councillors shall have no voting rights, are not entitled to hold office and their attendance shall not form part of the quorum of Community Council meeting.

The local Elected Member(s), Member(s) of Parliament and Member(s) of the Scottish Parliament for the area covered by the Community Council shall be ex officio members of the Community Council for their area. They shall be entitled to attend and address all meetings of the Community Council, but their attendance shall not form part of the quorum and they shall not be entitled to vote.

4. (a) Qualifications for Election, or Service as an Elected Community Councillor

Elected/co-opted Community Councillors must be 16 or over and must live within the boundary of the Community Council.

Additional Community Councils appointed over and above the membership of the Community Council do not require to be aged 16 or over, nor must they live within the boundary of the Community Council.

5. Term of Office of Community Councillors

Elected Community Councillors are appointed to serve for _____ years (*no more than four years*) until the next election. Community Councillors can serve for more than one term and there is no limit to the number of times a person can serve as a Community Councillor.

Community Councillors co-opted to fill vacancies are also appointed for up to _____ (*no more than four years*) until the next election. Regardless of when they are appointed, they must retire at the time of the next election. Co-opted

Community Councillors can serve for more than one term. They can be co-opted again, or stand for election as Elected Community Councillors.

Appointed Advisors can be appointed for up to _____ years (*no more than four years*) until the next election. Regardless of when they are appointed, they must retire at the time of the next election. Appointed Advisors can serve for more than one term or can be co-opted or elected as full Members in the future, provided that they can satisfy the qualifications for election.

6. Method of Election, Timetable for and Procedure at Ordinary Elections of Community Councillors

An ordinary election shall be held every _____ years (*no more than four years*) during the month of September/October/November (*delete as appropriate*). The election shall be conducted in accordance with Paragraph 11 of the Community Council Scheme.

7. Appointment of Community Council Office Bearers

A Community Council Chair, Secretary and Treasurer shall be appointed for up to _____ years (*no more than four years*). Each nomination shall be proposed by a Community Councillor and seconded by another. In the event of there being more than one nomination for a post, the Community Councillors present will be asked to vote and the nominee with the highest number of votes shall be declared elected. In the event of an equality of votes, the matter shall be settled by the drawing of lots.

Office Bearers shall be entitled to stand for further periods of appointment and there is no limit to the number of times a person can be appointed as an office bearer.

8. Accounts

The Community Council's accounts shall be presented by the Treasurer to the Council's Finance Service (Finance and Corporate Support) for auditing purposes in _____ of each year (*month of the year is determined by the date of establishment of the Community Council*).

9. Dissolution

The Community Council may be dissolved if it fails to meet the minimum requirement of 6 quorate meetings per year or if its membership falls below half of the maximum number of _____ provided for within the Community Council Scheme. In the event of either of these situations arising it shall be the duty of the Secretary to alert the local authority in order that a decision can be taken on the future of the Community Council.

If the Community Council is, unavoidably, dissolved, its funds shall transfer to the local authority which can apply those funds to the benefit of the local community. And funds granted to the Community Council for a specific project shall normally require to be returned to the awarding body. Any assets purchased solely through local fundraising can, subject to consultation with the local authority, be disposed of for the benefit of the local community.

10. Meetings

The Council shall meet no fewer than six times a year and all meetings of the Community Council shall be open to the public and press but, save with the consent of the Community Council, no person other than an Elected/Co-opted Community Councillor, Additional Community Councillor or ex officio member shall be allowed to speak at the meeting and no person other than an Elected Community Councillor or an Additional Community Councillor shall be entitled to move any motion or amendment or to vote on any matter.

An Annual General Meeting of the Community Council shall be held in _____ each year.

11. Committees

- (a) The following Committee(s) shall be appointed to be concerned with, and report regularly to the Community Council on, the parts of the affairs of the Community indicated -

<u>Name of Committee</u>	<u>No. of Councillors</u>	<u>Part of Affairs of Community</u>
--------------------------	---------------------------	-------------------------------------

- (b) The following Committee(s) shall be appointed to be concerned with and to report regularly to the Community Council on the parts of the area of the Community indicated -

<u>Name of Committee</u>	<u>No. of Councillors</u>	<u>Part of Area of Community</u>
--------------------------	---------------------------	----------------------------------

- (c) In addition the Community Council may at any time appoint a Standing or Special Committee for any purpose specified by the Community Council.

12. Community Council Chair

The Community Council Chair shall preside at all meetings of the Community Council at which he/she is present and at all Community Meetings (and he/she shall ex officio be a member of all Committees of the Council). The Chair shall also act as Returning Officer for all ordinary elections of the Community Council.

13. Community Council Secretary

The Community Council Secretary shall -

- (a) make all necessary arrangements for meetings of the Community Council and Committees and for Community meetings;
- (b) prepare and timeously distribute to all Councillors in a manner to be prescribed by Standing Orders, summonses to all meetings;

- (c) give the press and local elected Members of North Ayrshire Council copies of all summonses sent to Councillors;
- (d) timeously give the public in a manner to be prescribed by Standing Orders notice of all meetings;
- (e) prepare accurate and sufficient Minutes of all meetings and send one copy thereof to the Corporate and Democratic Support Service, Chief Executive's Section, North Ayrshire Council and one copy to the local elected Member(s); and
- (f) conduct all correspondence on behalf of the Council.

14. Community Council Treasurer

The Community Council Treasurer shall receive all monies due to the Community Council, meet all expenditure authorised by the Community Council, keep proper financial records, fully vouched, and prepare annual accounts for the approval of the Council and submission to North Ayrshire Council in _____ of each year.

15. Amendment of Constitution

This Constitution may be amended at any time by the Community Council with the approval of North Ayrshire Council (which approval is, in terms of the approved Scheme, not to be unreasonably withheld).

Adopted by _____ Community Council

_____ Community Council Chair

_____ Community Council Secretary

Date _____

9.4 MODEL STANDING ORDERS

Standing Orders of

Community Council

1. The Community Council shall meet at the close of each Community Meeting held to conduct an Ordinary Election of Elected Community Councillors provided the necessary quorum of members is present. In addition, Ordinary Meetings of the Community Council shall be held on the _____ of each calendar month with the exception of the months of _____ when no ordinary meetings shall be held.
2. A special meeting may be called at any time by the Chair or on the requisition of at least one-fourth of the whole number of elected/co-opted members of the Community Council and, in the latter event, shall be held within fourteen days of the receipt of the requisition by the Chair.
3. Meetings of the Community Council shall be held in _____ (*venue*) at _____ (*time*) or at such other place or time as the Community Council may from time to time direct.
4. Three clear days at least before a meeting of the Community Council, a summons to attend the meeting, specifying the business to be transacted and signed by the Secretary shall, with a copy of the Minutes of any previous meeting or meetings of the Community Council to be confirmed at the meeting, be left at or sent by post to the usual place of residence of every member of the Community Council, include *ex officio* members. At the same time, a copy of the summons shall (i) be sent to the local press, (ii) be posted on a notice board in the local public library or other suitable local venue(s) and (iii) be sent to North Ayrshire Council.
5. Want of service of a summons on any Member of the Community Council shall not affect the validity of a meeting of the Community Council.
6. No business shall be transacted at a meeting of the Community Council unless at least one-fourth of the whole number of members of the Community Council is present (see Scheme for quorum figure)

If, after the time appointed for a meeting of the Community Council, a quorum of members is not present, the Chair may adjourn the meeting.
7. At a meeting of the Community Council, the Chair of the Community Council shall preside. If he/she is absent from a meeting of the Community Council, another Member of the Council chosen by the members of the Community Council present shall preside.
8. The order of business at every meeting of the Community Council shall be as follows:-
 - (a) The names of the Community Council members present at the meeting and any apologies for absence shall be recorded;

- (b) The Minutes of previous meetings of the Community Council circulated with the summons to attend the meeting shall be held as read with a view to confirmation, and, if confirmed, signed by the Chair;
 - (c) Business remaining from the last meeting, if any;
 - (a) Any correspondence, communications, memorials, petitions or other business, except such as relates to any matter appropriate to a Committee;
 - (b) Notices of Motion given to the Secretary at least six days prior to the Meeting and set forth in the summons;
 - (c) Reports of Committees, being Minutes of their meetings.
 - (d) The Community Council may at any meeting vary the order of business so as to give precedence to any business of special urgency.
9. Except in the case of any business brought before a meeting as a matter of urgency, no business shall be transacted at a meeting of the Community Council other than that specified in the summons.
10. Deference shall at all times be paid to the authority of the Chair. When he/she rises to speak the Community Council member, if any, who is addressing the meeting shall resume his/her seat. It shall be the duty of the Chair to preserve order and to secure that members obtain a fair hearing. He/she shall decide all matters of order, competency and relevancy and conduct the meeting strictly in terms of the Standing Orders. His/her ruling shall be final and shall not be open to discussion. He/she shall be entitled, in the event of disorder arising, to adjourn the meeting to a time he/she may then or afterwards fix and his/her quitting the Chair shall be the signal that the meeting is adjourned.
11. The Chair shall in his discretion with or without discussion determine all questions or procedure in reference to which no express provision is made under these Orders.
12. No motion to rescind any resolution which has been passed within the preceding six months nor any motion to the same effect as any motion which has been negative within the preceding six months shall be in order unless a motion to suspend Standing Orders to allow reconsideration of a decision is passed in terms of Standing Orders.
13. Every motion or amendment shall be moved and seconded, shall be minuted and, if required by the Community Council, read by the Secretary before it is further discussed or put to the meeting.
14. A Member of the Community Council shall address his/her motion through the Chair and, before speaking to it, shall read the motion or amendment he/she is to propose. If two or more members rise together, the Chair shall call upon one to speak.
15. A Community Council member who speaks shall direct his/her speech strictly to the motion or amendment under discussion or to a question of order. No member shall be entitled to speak more than once on the same motion or amendment except the mover of a motion or amendment speaking in reply to the debate.

16. No one speaking to a motion or amendment shall speak for more than five minutes unless with the sanction of the Meeting.
17. The mover of an amendment and, following him/her, the mover of the original motion shall have the right to speak for five minutes in reply to the debate, each strictly confining him/herself to answering previous speakers and not introducing any new matters. After the replies are concluded, the discussion shall be held to be closed, after which no Community Council member shall be permitted to speak, except with regard to the manner of taking a vote and the question under discussion shall thereupon be put to the meeting by the Chair.
18. Every amendment shall be relevant to the motion on which it is moved.
19. When an amendment upon an original motion has been moved and seconded, no further amendment may be moved until the previous one has been disposed of but any member of the Community Council (other than the mover and seconder of the motion, the mover and seconder of the amendment under discussion and the mover and seconder of any amendment previously rejected) may at any time give notice that he/she intends to move a further amendment in particular terms.
20. If an amendment is rejected other amendments may be moved on the original motion.
21. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the question upon which further amendments may be moved.
22. Any member of the Community Council may at the conclusion of any speech move that the Council adjourns for a specific period. Such a motion must be seconded but need not be minuted. The mover and seconder shall not speak beyond formally moving and seconding it.
23. A second motion that the Community Council adjourns shall not be made within a period of half an hour unless it be moved by the Chair.
24. It shall be competent for any Community Council member at the close of any speech to move without comment that the Community Council proceeds to take the next business and if the motion be seconded it shall be put forthwith. When a motion is carried that the Community Council proceeds to the next business, the question under discussion shall be considered as abandoned.
25. A second motion that the Council proceeds to the next business shall not be made within half an hour while the same business is under discussion.
24. At the close of any speech, any Community Council member who has not spoken to the question before the meeting may move "that the question be now put".
25. All questions coming or arising before the Community Council shall be decided by a majority of the members of the Community Council present and voting thereon at a meeting of the Community Council.
26. In the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

27. Any one or more of the Standing Orders may, in any case or urgency and upon a motion duly made and seconded, be suspended at any Meeting provided that the motion receives the votes of two-thirds of the members of the Community Council present.
28. Any Member moving the suspension of Standing Orders shall be entitled to speak for a period of not more than five minutes and shall confine his/her remarks to the reasons for the proposed suspension. The seconder of any such motion shall not speak beyond formally seconding the motion. Where any amendment against suspension shall be moved, the mover of such amendment shall likewise be entitled to speak for the period of not more than five minutes and shall confine his/her remarks to the reasons against suspension. The seconder of such amendment shall not speak beyond formally seconding the amendment. No other member shall be entitled to speak either to the motion or to the amendment.
29. All meetings of the Community Council shall end at ____ p.m. and any business not dealt with at that time shall be continued to the next Meeting.
30. Accurate and sufficient Minutes of the proceedings at any meeting shall, as soon as possible after the meeting, be prepared by the Secretary and a copy of these shall immediately be posted on a notice board in the local public library or other suitable local venue(s) and a copy sent to the Corporate and Democratic Support Service, Chief Executive's Section, North Ayrshire Council and to the local elected Member(s) of the area of the Community Council.
31. These Orders shall apply to meetings of Committees and Sub-Committees of the Community Council as they apply to meetings of the Community Council.
32. The Community Council may at any time amend these Standing Orders on a motion of which all members have had at least 14 days' notice and which obtains the votes of two-thirds of the members present.

Adopted by _____ Community Council

_____ Community Council Chair

_____ Community Council Secretary

Date _____

9.5 Guidance on the Preparation of Accounts

Fill in the Community Council name and the closing date of the financial year at the relevant points in the template (headings and declaration).

The Administration Account should include the items to be covered by the Administration Grant from North Ayrshire Council, as described at section 18 (i) of the Scheme for the Establishment of Community Councils. All other items should be included in the Project Account.

Follow the same process for the Administration Account and for the Project Account. If you do not have a project account, leave that part of the template blank:

Input the opening balances (i.e. the closing balances from the previous period) for the bank account and cash in hand. Also any cheques you issued in the previous period that had not been presented to the bank by the start of the new period should be totalled and included as a minus figure as “Uncashed Cheques”.

On the left hand side list out money you have received during the financial year. Some common headings have been included in the template. You can group similar items under a single heading but they shouldn't be too general e.g. “Miscellaneous” would not be appropriate. If you have held any fundraising activities (on the Project Account) you should include all the takings in the receipts side and any expenditure incurred e.g. raffle prizes, refreshments, room hire in the payments side.

On the right hand side list out items of expenditure during the financial year. This should include cheques you write during the period, even if they are not presented to the bank. Following the same logic, any cheques you wrote in the previous year and included in the opening balance of uncashed cheques should not be included even if they come out of your bank account during the period. As with the payments, some common headings have been included in the template and you can group similar items together under a single heading which isn't too general.

If you have issued a cheque and the recipient still hasn't banked it a year after you issued it, you should write it off as the bank wouldn't honour it. To do this, you should show the amount of the cheque in the receipts side of your account, and reduce the amount of uncashed cheques at the end of the year by the same amount.

At the bottom of each account input the closing balances (i.e. the balance at close of business on the last day of the period) for the bank account and cash in hand. Also any cheques you issued during the period that had not been presented to the bank by the end of the period should be totalled and included as a minus figure as “Uncashed Cheques”.

If everything has been included correctly, the balance at the bottom of the receipts side of each account should be equal to the balance at the bottom of the payments side of that account. If they do not match, you need to go back through the accounts to identify the reason for the difference. The amount of the difference might help you to identify what has gone wrong. If you are unable to identify the reason for the difference, call the North Ayrshire Council Internal Audit team on (01294) 324-564 for advice.

Once you have balanced the accounts, the Treasurer should sign and date the accounts and then send them in, together with the required backup documents, to the North Ayrshire Council Internal Audit team at:

Paul Doak,
Senior Manager (Internal Audit, Risk and Insurance),
Finance and Corporate Support
North Ayrshire Council,
Cunninghame House,
Irvine,
KA12 8EE

The checklist at Appendix A lists out the required backup documents. Please send all the items listed at Appendix A in for audit at least 1 calendar month before you require them and include a copy of the checklist. Please also notify us of the number of copies of the audited accounts you require.

Checklist of documents to be submitted for audit

Accounts prepared in template	<input type="checkbox"/>
Bank statements (for all accounts held) covering the whole financial year <u>including the closing date of the financial year.</u> If the final statement is not available, the bank should produce a transaction listing from the date of the last available statement up to and including the closing date of the financial year. The dates covered should be clearly marked on the listing and if it is not letterheaded, then the branch should be asked to stamp it to show that they produced it.	<input type="checkbox"/>
Pass book for savings accounts (where one exists)	<input type="checkbox"/>
Community Council's Cash book or equivalent Treasurer's records	<input type="checkbox"/>
Cheque books	<input type="checkbox"/>
Deposit book (where one exists)	<input type="checkbox"/>
Receipts for all items of expenditure (if no receipt available for Councillor's expenses, a slip signed by two other Councillors)	<input type="checkbox"/>

Document Control Summary:-		
Location:	I:\CEPUBLIC\01 Committee Services\02 Community Councils\01 General Community Council Files\10 Scheme of Establishment\Guidance to Scheme	
Last Revised:	Revised By	Nature of Revision
Nov 2017	MJA	Amendment to guidance on insurance
Dec 2017	MJA	Addition of guidance on Data Protection
April 2018	MJA	Addition of guidance on GDPR
January 2019	MJA	Addition of liability information on a 2018 legal case
July 2019	MJA	Addition of guidance on co-options and by elections and complaints

NORTH LANARKSHIRE COUNCIL

LOCAL GOVERNMENT (SCOTLAND) ACT 1973

SCHEME FOR COMMUNITY COUNCILS

1. Statutory Purpose

- 1.1. Community Councils are voluntary organisations. Their role is established by local government legislation which identifies the general purpose of a Community Council to be to ascertain, co-ordinate and express to the local authority - and to other public authorities - the views of the community it represents, in relation to matters for which those Authorities are responsible, and take such action in the interests of that community as appears to be expedient and practicable.
- 1.2. North Lanarkshire Council is committed to giving local communities a real say in what happens in their areas and recognises that Community Councils have an important role in this regard.

2. The Role and Responsibilities of Community Councils

- 2.1. 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 making representations to their local authority, other public sector bodies and private agencies on matters within their sphere of interest.
- 2.2. It is essential that these views be demonstrated to be accurately representative of the community. Accordingly, the Community Council should have in place recognised consultative mechanisms to validate their views and should devise strategies to secure greater involvement by all sectors of the community.
- 2.3. 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 Community Councils.
- 2.4. There should be mutual engagement in the establishment of working relationships with the local authority and other agencies.
- 2.5. In carrying out their activities Community Councils must at all times adhere to the law, the terms of the Council's Scheme for Community Councils and the Community Councillors' Code of Conduct (Appendix 3).
- 2.6. Each Community Council is required to adopt a Constitution, based upon the Model Constitution (Appendix 4), which has been produced together with Model Standing Orders (Appendix 5), 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 submitted to the local authority.

3. The Role of the Community Councillor

- 3.1. Community Councillors are required to represent the views of the local community. To do this Community Council members will have to ascertain the views of people in the community on particular topics. The views of the community may, from time to

time, conflict with the personal views of individual Community Council members. When this situation arises a Community Council is required to ensure that the views of the community take precedence over the personal views of individual members.

- 3.2. Community Councillors are also required to abide by the Code of Conduct for Community Councillors and adhere to the general principles contained in the Code: failure to do so may result in their suspension from the Community Council.

4. **Areas**

4.1. For the purpose of the establishment of Community Councils, North Lanarkshire is divided into areas and for each of those areas this scheme provides for the establishment of a Community Council.

4.2. The various Community Council areas within North Lanarkshire are hereinafter detailed. Their approximate electorates are shown in Appendix 1 to this scheme. The boundaries of the Community Council areas are detailed on maps which are available for inspection at Legal and Democratic Solutions, Civic Centre, Windmillhill Street, Motherwell ML1 1AB.

5. **Composition**

5.1. The various Community Councils within North Lanarkshire, the maximum number of members of each Community Council, including the number requiring to be elected by the process of election and the maximum number to be co-opted, are all as detailed in Appendix 2 to this scheme.

5.2. The minimum number of valid nominations necessary to establish a Community Council shall be not less than two thirds or thereby of the number of members to be directly elected.

5.3. The minimum number of members necessary to constitute a quorum shall be 33% (one third) of the elected membership of each Community Council subject to the requirement that there be in attendance for all meetings at least three elected Community Councillors.

5.4. Following the ordinary election of members to Community Councils, each Community Council shall make arrangements for the co-option of members. The number of co-opted members shall not exceed the numbers detailed in Appendix 2 to the Scheme.

5.5. If a Community Councillor fails throughout a period of six consecutive months to attend any meeting of the Community Council, unless the reason for non-attendance is approved during that period by the Community Council, that member shall cease to be a member of the Community Council.

5.6. *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. Associate members need not reside within the area of the Community Council.

5.7. *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.

6. **Arrangements for Quadrennial and Interim Election of Community Council Members**

- 6.1. There shall be a Quadrennial Election of all elected Community Council members every four years.
- 6.2. All members elected to a Community Council must be resident in the area of the Community Council and, their names must be properly included in the current Electoral Register for the area. Every candidate for election to a Community Council must be proposed and seconded by persons with the same residential qualifications.
- 6.3. Quadrennial Elections to a Community Council shall take place at such times and places and in such a manner as North Lanarkshire Council determines.
- 6.4. No person shall be eligible to stand for election as a member of a Community Council if he/she is a Local Authority Councillor, a Member of the Scottish Parliament, a Member of Parliament, a Member of the European Parliament or a candidate for election to any of these bodies, notwithstanding that election to any of the foregoing will entail ex-officio membership of the Community Council.
- 6.5. The Chief Executive of North Lanarkshire Council, or his nominee, shall act as Returning Officer for the Quadrennial Elections to Community Councils and shall regulate the conduct of elections by reference to provisions of the Representation of the People Acts.
- 6.6. Only those persons whose names are included in the Electoral Register for the area and are entitled to vote at local government elections shall be entitled to vote at a Community Council election for that area.
- 6.7. The decision of the Returning Officer on all matters of election and nomination procedures shall be final.
- 6.8. The expenses of organising the Quadrennial Election to Community Councils shall be met by North Lanarkshire Council.
- 6.9. With regard to other interim elections to fill interim vacancies occurring during the period between Quadrennial elections, it will be the responsibility of each Community Council to conduct those interim elections, with the exception of circumstances whereby the number of elected Members falls below half of the maximum number which could be elected, in which case the Local Authority shall be informed and shall undertake the arrangements for interim elections.. The expense, if any, involved in organising elections for the filling of interim vacancies shall be met by the Community Council (unless the exceptional circumstances referred to above apply).
- 6.10. 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.

7. Arrangements for Co-option of Members

- 7.1. Subject to paragraph 6.9 each Community Council shall be entitled to fill interim vacancies which may arise or to fill those places specifically reserved for Co-opted Members either individually or by nomination from local organisations. In the case of a co-option of a nominee of a local organisation such an appointment shall not be revocable by the local organisation unless the appointee leaves the organisation or leaves the Community Council area and are no longer on the Electoral Register for the area.
- 7.2. It shall be at the discretion of a Community Council to reserve a number of places for co-option by local organisations not exceeding that specified in Appendix 2 and the autonomy of those Co-opted Members shall be reserved for their period of office.
- 7.3. Local organisations which cover a larger area than the Community Council area may be eligible to nominate persons for co-option as members.
- 7.4. In determining members to be co-opted, Community Councils shall have regard to any nominations by local organisations active in the area of the Community Council and, in determining whether to co-opt any person so nominated, shall have regard to its length of establishment, of the nominating organisation, its membership, its role in the community and the number of nominations received from that organisation.
- 7.5. Members of Community Councils appointed in terms of this category shall hold office as such appointee Members until the next Quadrennial election of Community Councillors. Membership of the Community Council may subsequently be renewed by co-option by the Community Council following nomination by the same or a different local organisation or the election or the co-option to Membership of the Community Council as an individual member of the community.
- 7.6. A Community Council cannot use its authority to co-opt members to facilitate a situation whereby the number of co-opted members exceeds the number of elected members.
- 7.7. For the avoidance of doubt and without prejudice to the foregoing provisions it is declared that subject to paragraph 8 of the Model Constitution for Community Councils each Community Council shall be entitled to co-opt additional Members with full voting rights (as detailed in Appendix 2).
- 7.8. Notice of the proposed co-option of an individual to a Community Council shall require to be notified to all Community Council Members at least 14 days prior to the meeting when the matter is to be considered.
- 7.9. The number of co-opted members may not exceed a THIRD of the current total 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.

8. Arrangements for Ordinary Meetings, Inaugural Meetings, Annual General Meetings (AGMs) and Extraordinary General Meetings (EGMs)

- 8.1. The first meeting of a Community Council following a Community Council election, will be called by the Head of Legal and Democratic Solutions. 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.

- 8.2. 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.
- 8.3. Each Community Council shall hold an Annual General Meeting no later than 30 June each year to which the Annual Report and Financial Accounts of the Community Council for the preceding year shall be submitted.
- 8.4. Upon a requisition, by at least one third of elected and co-opted members, specifying the business to be transacted, the Secretary of the Community Council shall convene an Extraordinary General Meeting to discuss the business detailed in the requisition, which meeting shall be held within 14 days of receipt by the Secretary of such requisition.
- 8.5. With regard to the foregoing it shall be a requirement that each Community Council give reasonable advance public notice of either an AGM or EGM not less than 7 days prior to the date of the meeting, which public notice will include notice of the business to be transacted.
- 8.6. That upon receipt of a requisition from at least 20 persons resident in the area and on the current Electoral Register, requesting the Community Council discuss a particular matter at a special meeting, the Community Council will call the meeting within 14 days and then hold a special meeting within a further period of 14 days.

9. **Community Council Constitutions/Standing Orders**

Each Community Council is bound by the terms of the Model Constitution and Standing Orders attached as Appendices 4 and 5 respectively to this Scheme. However, any Community Council may submit an amended version of that Constitution/Standing Orders for approval by the Head of Legal and Democratic Solutions on behalf of North Lanarkshire Council. Amendments to Constitutions or Standing Orders will take effect only following approval by or on behalf of the Council.

10. **General Provisions as to Community Councils**

- 10.1. No Community Council Member shall be elected or co-opted to hold office for a period longer than four years but every member shall be eligible for re-election/further co-option provided all other qualifying conditions are met.
- 10.2. Each Community Council shall appoint a Chairman, Vice Chairman, Secretary and Treasurer from its Members and may appoint other office bearers as it wishes. Provision may be made for the payment of honoraria only to the Chairman, Secretary and Treasurer.
- 10.3. The accounts of each Community Council shall be audited annually by or on behalf of the Head of Financial Solutions of North Lanarkshire Council and it shall be the duty of each Community Council to make available to the Executive Director of Finance and Customer Services all necessary records and vouchers by 30 April each year, to permit the audit to be carried out. The financial year of each Community Council shall be 1 April to 31 March.
- 10.4. In the event of three successive meetings of the Community Council failing to achieve the necessary quorum, or if it fails to meet within 6 months, the Secretary of the Community Council shall advise the Head of Legal and Democratic Solutions accordingly in order that consideration can be given to taking the appropriate steps including the possible dissolution of the Community Council.

- 10.5. Meetings of Community Councils shall be held in public. However a Community Council shall have the right, on a formal resolution, to go into private session if it is determined that public discussion of the business to be transacted would not be beneficial to the community, or that the subject matter is confidential to an individual and should not be heard in public.
- 10.6. The Local Authority Councillors, MPs, MSPs and MEPs for the area or part of the area of a Community Council shall receive Agenda, Notices and Minutes of Meetings of the Community Council for their area and, as Ex-Officio Members, shall be entitled to attend, participate in and address all such meetings, but shall not be entitled to vote.
- 10.7. Each Community Council may appoint Committees from their own numbers to assist them in the discharge of any of their functions and may also appoint Groups partly from their own number and partly from outwith their own number, to consider any matters of interest to the Community Council area or any part thereof, and to make recommendations to the Community Council.
- 10.8. Upon introduction of a National Scheme of Insurance Liability cover for Community Council members, the Local Authority shall advise the insurance underwriter of the establishment of a Community Council and its members.
- 10.9. The Community Council must inform the Local Authority of any change in membership, either elected, co-opted or Associate within 28 days of any change being affected.
- 10.10. 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.

11. Finance

- 11.1. All monies received by a Community Council, whether by way of grant, contribution or loan or raised by or on behalf of that Council shall be used to further the objects of the Council and for no other purpose.
- 11.2. Every Community Council shall be responsible for its own finance and for the keeping of proper records. All monies other than those required for petty cash purposes shall be held in a Bank account or accounts. The accounts and financial records shall be controlled by a Treasurer who shall arrange for these accounts to be prepared for audit at the end of each financial year and to be made available for publication and to be presented at the Annual General Meeting of the Community Council.
- 11.3. The Community Council Annual Accounts shall be audited in accordance with guidance issued by North Lanarkshire Council.
- 11.4. In addition to any financial assistance from North Lanarkshire Council a Community Council may take such other steps as it considers appropriate to raise funds for their activities by way of voluntary subscriptions, donations, promotion of functions and applications for grants and loans from other public bodies.

12. Information Procedures and Liaison with the Council

- 12.1. North Lanarkshire Council and each Community Council shall exchange the Council Agenda and Minutes of their meetings. In addition, the Community Council shall make available, in Public Libraries and other public buildings convenient to its area, a copy of all Minutes.
- 12.2. In order to facilitate the effective functioning of Community Councils, the local authority has identified the Head of Legal and Democratic Solutions to act as a Liaison Officer with Community Councils. Unless there is a specific agreement or an issue is a specific Service issue, all correspondence between the local authority and the Community Councils should, in the first instance, be directed through that official.
- 12.3. 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. On issues where a local authority Service is consulting with Community Councils, representations should be made to the appropriate Service officer.

13. Commencement of Scheme

- 13.1. This scheme may be reviewed from time to time by a resolution to that effect being made by North Lanarkshire Council, subject to the terms of Section 53 of the Local Government (Scotland) Act 1973, and Section 22 of the Local Government etc (Scotland) Act 1994.

14. Dissolution of Community Councils

- 14.1. A Community Council may, at any time, seek the approval of North Lanarkshire Council to wind up, provided that the decision has previously been approved by a majority of Community Council members present and voting at a meeting, the notice of which gives intention to move accordingly. It shall be a requirement that, of those members present, the number of co-opted members shall not exceed the number of elected members voting at the meeting.
- 14.2. A Community Council shall cease to exist in the event that the number of members of the Community Council selected by the election process falls and for a period of three months remains below half of the maximum number of members requiring to be so elected.
- 14.3. Where any Community Council fails to achieve a quorum for three successive meetings it shall be at the option of North Lanarkshire Council to declare dissolution.
- 14.4. In the event of dissolution of any Community Council in terms of this scheme, either as a result of a resolution passed by the Community Council to that effect, of the failure of the Community Council over a period of 6 months to perform its duties and hold meetings as provided under this scheme, or of the number of elected Members falling and for a period of three months remaining below one half of the maximum number to be elected then and in that event, the Community Council will cease to exist.

- 14.5. In the event of dissolution, all assets of a Community Council will be transferred to and be the absolute property of North Lanarkshire Council.

Head of Legal and Democratic Solutions

Name of Community Council	Approximate Electorate as at 1 September 2015	Boundaries (area on map*)
Abronhill and Arns	6,651	
Allanton and Hartwood	1,436	
Auchinloch	647	
Balloch and Eastfield	4,018	
Banton and Kelvinhead	466	
Bargeddie	2,293	
Bellshill	12,302	
Blackwood and Craiglinn	2,584	
Blairhill	3,407	
Cairnhill	4,415	
Calder	4,277	
Calder Valley	3,214	
Calderbank	1,275	
Caldercruix	1,995	
Cambusnethan	4,512	
Carbrain and Hillcrest	4,018	
Carfin	1,565	
Carrickstone	2,179	
Castlecary	227	
Central Coatbridge	3,413	
Central Wishaw	7,473	
Chapelhall	4,883	
Chapelside	1,563	
Chryston	3,550	
Clarkston	3,125	
Cleland	2,999	
Cliftonville	2,614	

Name of Community Council	Approximate Electorate as at 1 September 2015	Boundaries (area on map*)
Coatdyke	427	
Coltness	4,753	
Condorrat	5,226	
Craigmarloch	1,635	
Craigneuk	2,659	
Croy	864	
Dullatur	950	
Forgewood	2,826	
Gartcosh	1,744	
Gartlea	3,516	
Gartness	221	
Glenboig	2,317	
Glencairn	3,940	
Glenmavis	3,205	
Golfhill, Burnfoot and Commonside	1,174	
Greenfaulds and Luggiebank	2,405	
Greengairs	1,040	
Harthill and Eastfield	2,198	
Holehills, Rawyards and Thrashbush	3,364	
Holytown	3,569	
Kildrum	3,145	
Kilsyth	7,754	
Kirkshaws	3,126	
Kirkwood	3,269	
Ladywell	5,236	
Langloan	2,035	
Longriggend	295	
Monkland Glen	1,142	

Name of Community Council	Approximate Electorate as at 1 September 2015	Boundaries (area on map*)
Moodiesburn	5,455	
Mossend	4,251	
Muirhouse and Flemington	5,635	
Netherton and Gowkthrapple	3,690	
New Stevenston	5,547	
Newarthill	3,219	
Newmains and District	5,010	
North Calder (Craigneuk, Dunrobin, Petersburn etc)	5,631	
North Motherwell	3,615	
Old Monkland	3,453	
Overtown and Waterloo	2,290	
Plains	2,055	
Queenzieburn	461	
Salsburgh	1,300	
Seafar and Ravenswood	3,263	
Shawhead	2,120	
Shotts	6,430	
Stepps and District	4,920	
Tannochside	12,021	
Townhead	3,413	
Village	1,299	
Westerwood	1,007	
Westfield	1,693	
Whifflet	1,896	
Whinhall	3,416	

* Copies of the Community Council boundary maps are available at Legal and Democratic Solutions, Civic Centre, Windmillhill Street, Motherwell ML1 1AB.

Name of Community Council	Maximum No. of Authorised Persons with Voting Powers	Maximum No. to be Elected	Maximum No. to be Co-opted
Abronhill and Arns	25	17	8
Allanton and Hartwood	15	10	5
Auchinloch	14	9	5
Balloch and Eastfield	20	13	7
Banton and Kelvinhead	12	8	4
Bargeddie	17	11	6
Bellshill	30	20	10
Blackwood and Craiglinn	17	11	6
Blairhill	19	13	6
Cairnhill	21	14	7
Calder	21	14	7
Calder Valley	18	12	6
Calderbank	15	10	5
Caldercruix	16	11	5
Cambusnethan	21	14	7
Carbrain and Hillcrest	20	13	7
Carfin	15	10	5
Carrickstone	16	11	5
Castlecary	12	8	4
Central Coatbridge	19	13	6
Central Wishaw	25	17	8
Chapelhall	22	15	7
Chapelside	15	10	5
Chryston	19	13	6
Clarkston	18	12	6
Cleland	18	12	6
Cliftonville	17	11	6
Coatdyke	12	8	4
Coltness	22	15	7
Condorrat	22	15	7

Name of Community Council	Maximum No. of Authorised Persons with Voting Powers	Maximum No. to be Elected	Maximum No. to be Co-opted
Craigmarloch	15	10	5
Craigneuk	17	11	6
Croy	14	9	5
Dullatur	14	9	5
Forgewood	18	12	6
Gartcosh	15	10	5
Gartlea	19	13	6
Gartness	12	8	4
Glenboig	17	11	6
Glencairn	20	13	7
Glenmavis	18	12	6
Golfhill, Burnfoot and Commonsides	14	9	5
Greenfaulds and Luggiebank	17	11	6
Greengairs	14	9	5
Harthill and Eastfield	16	11	5
Holehills, Rawyards and Thrashbush	19	13	6
Holytown	19	13	6
Kildrum	18	12	6
Kilsyth	26	17	9
Kirkshaws	18	12	6
Kirkwood	18	12	6
Ladywell	22	15	7
Langloan	16	11	5
Longriggend	12	8	4
Monkland Glen	14	9	5
Moodiesburn	23	15	8
Mossend	21	14	7
Muirhouse and Flemington	23	15	8
Netherton and Gowkthrapple	19	13	6
New Stevenston	23	15	8

Name of Community Council	Maximum No. of Authorised Persons with Voting Powers	Maximum No. to be Elected	Maximum No. to be Co-opted
Newarthill	18	12	6
Newmains and District	22	15	7
North Calder (Craigneuk, Dunrobin, Petersburn etc)	23	15	8
North Motherwell	19	13	6
Old Monkland	19	13	6
Overtown and Waterloo	17	11	6
Plains	16	11	5
Queenzieburn	12	8	4
Salsburgh	15	10	5
Seafar and Ravenswood	19	13	6
Shawhead	16	11	5
Shotts	24	16	8
Stepps and District	22	15	7
Tannochside	30	20	10
Townhead	19	13	6
Village	15	10	5
Westerwood	14	9	5
Westfield	15	10	5
Whifflet	16	11	5
Whinhall	19	13	6

MEMBERSHIP FORMULA

ELECTORATE	MAXIMUM NO. OF MEMBERS (ELECTED AND CO-OPTED)
500 or less	12
1,000	14
1,500	15
2,000	16
2,500	17
3,000	18
3,500	19
4,000	20
4,500	21
5,000	22
5,500	23
6,000	24
7,000	25
8,000	26
9,000	27
10,000	28
11,000	29
12,000 plus	30

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Scheme for Orkney Community Councils – 2017

1.0 General Introduction

- 1.1 Sections 52 and 53 of the Local Government (Scotland) Act 1973, as amended, permit the Council to prepare a scheme for community councils. A Scheme for Orkney Community Councils was adopted in 1975, and subsequently amended in – 1994, 2007 and 2017.
- 1.2 Orkney Islands Council reserves the right, following consultation with the Community Councils, to insert any new clause or delete or amend any existing clause within the scheme which may be required in consequence of any decision of Orkney Islands Council.
- 1.3 Following the Local Government Boundary Commission review of electoral boundaries which was effective from the Local Government elections in 2007, the Scheme for Community Councils was amended to take account of the revised areas of Islands Council electoral wards and Community Council areas.
- 1.4 The unique geographical distribution of the Orkney Islands area lends itself to the neighbourhood type of Community Council. On the whole this envisages relatively small compact and identifiable areas retaining a “grass roots” association in even the smaller islands.
- 1.5 A list of the current Community Councils is attached as Appendix 1 to this Scheme.

2.0 Number of Community Councillors

- 2.1 In order to ensure the widest possible spectrum of opinion each Community Council shall have a minimum complement of seven members. Each Community Council serving areas which consist of more than 1,000 electors, contained within the current register of electors for that area, on the date of the Community Council election, will increase by one member for each additional 1,000 electors or part thereof, subject to:-
 - (a) the maximum number of Community Councillors on each Community Council being limited to twelve; and
 - (b) the number of Community Councillors elected for each area remaining in force until the next Community Council election.

3.0 Community Council Elections

- 3.1 The minimum complement of members required to establish a Community Council shall be two-thirds of the seats on the Community Council but shall never be less than five members. In the event that less than five seats of a Community Council have been filled after an election, the electoral process shall be deemed to be null and void and a further election shall be held for that Community Council after one year. If five or more of the seats remain unfilled after a second election, no further elections shall be held until the next full Community Council election.

- 3.2 If at least five members of a Community Council have been elected after an election, any vacancies remaining shall be filled by Orkney Islands Council calling a public meeting, to be held within the Community Council area, giving a minimum of seven days' notice and specifying that the meeting is being held to fill the vacancy or vacancies for Community Councillors.
- 3.3 Nominations, which must be proposed and seconded by electors contained within the current electoral register for that Community Council area in which the vacancy or vacancies exist, will be called for at the public meeting, and the vacancy/vacancies will be filled by secret ballot carried out at that meeting. Only electors on the current electoral register for that Community Council area can be nominated and have voting rights in the process. Where there is an equality of votes, the matter will be decided by lot. The consent of any nominated candidate, who is not present at the meeting, must be produced in writing to Democratic Services prior to the vote being taken.
- 3.4 Public meetings held to fill a vacancy or vacancies on any Community Council shall be held on a date to be determined by the Chief Executive of Orkney Islands Council but such meetings shall not be held in respect of that same Community Council at intervals of less than six months.

4.0 Election of Community Council Members

- 4.1 Members of Community Councils shall be elected by secret ballot. The conduct of Community Councils elections will be governed by the Returning Officer for Orkney Islands Council.
- 4.2 Each candidate is required to complete a nomination form, duly signed by one witness. The names of both the candidate and the witness must be entered on the current electoral register for that Community Council area.
- 4.3 Elected members of Orkney Islands Council, Chief Officials of Orkney Islands Council and Democratic Services staff shall not be eligible for nomination as Community Councillors.
- 4.4 Community Council elections shall be held approximately one month after the Local Government election on a date to be determined by the Chief Executive of Orkney Islands Council. This includes Community Council areas where the total number of registered electors on the electoral roll in force at the time of the Community Council election does not exceed 150, in which case, at the discretion of Orkney Islands Council, all registered electors in the Community Council area, other than Elected Members of the Council, Chief Officials and Democratic Services staff, employed by Orkney Islands Council, will be deemed eligible for election.
- 4.5 Where a Community Council consists of more than one island or parish and each of those islands or parishes has more than ten electors entered on the current register of electors on the date of the Community Council election, one candidate from each island or parish should be elected in the first instance.

The candidate with the highest number of votes in each discrete island or parish will be elected. Other vacancies for that Community Council will then be filled on a first past the post basis.

- 4.6 All members accepting election to a Community Council do so in the understanding that they must comply with the Scheme of Orkney Community Councils and adopt the Code of Conduct for Orkney Community Councillors, attached as Appendix 2 to this Scheme.
- 4.7 Community Councillors who have not attended any meetings of their Community Council for a period of 6 months without giving a satisfactory explanation shall be deemed to have resigned. The vacancy will be filled in accordance with the procedure for a casual vacancy.

5.0 Community Council Meetings

- 5.1 A Community Council shall not hold its first meeting unless at least five members of its complement have been elected. Each Community Council shall have the right to determine the number of meetings it shall hold provided that at least four meetings are held annually – preferably one in each quarter of the year.
- 5.2 Meetings shall normally be called by Democratic Services staff.
- 5.3 A quorum shall consist of one-half of the number of the Community Council seats, but shall never be less than four.
- 5.4 All meetings of Community Councils shall be open to the public but all Community Councils reserve the right to exclude the press and public from meetings during discussion of confidential items if such action is carried by the vote of a majority of all Community Councillors present and voting.

Notwithstanding the above paragraph, if any commercially sensitive or personal information relating to an item is provided to a Community Council, the item may be considered in private.

- 5.5 An Elected Member of Orkney Islands Council, or Democratic Services staff, shall not be entitled to propose or second a motion or an amendment to a motion, nor shall he/she be entitled to vote.
- 5.6 Agendas for Community Council meetings shall be publicly displayed for seven days prior to the next scheduled Community Council meeting at suitable places within the area served by the Community Council.
- 5.7 If a Special meeting is required to discuss a matter of an urgent nature then a meeting can be called at short notice but this should never, except in exceptional circumstances and with the agreement of Democratic Services staff, be less than three days. Agendas should be displayed publicly in accordance with the procedures for general meetings of the Community Council.
- 5.8 Minutes of Community Council meetings, once approved at a subsequent meeting of each respective Community Council, shall be publicly displayed with the exception of any parts of a Minute which relate to items taken in private.
- 5.9 It is not permissible to film, photograph or otherwise record the proceedings of Community Council meetings, unless permission of the Chair has been obtained, in consultation with Democratic Services, not less than five clear days before the meeting.

- 5.10 If a matter requires action to be taken before the next scheduled meeting, then decisions can be taken by a majority of members and this would be minuted at the next scheduled meeting.
- 5.11 A Community Council may establish a Sub-committee for specific projects and terms and remit of the Sub-committee must be agreed by a majority of members.

6.0 Election of Office-bearers and Representatives

- 6.1 At the beginning of the first meeting held after an election, and on an annual basis thereafter, provided that five of the total number of Community Councillors have been elected, the Community Councillors shall appoint a Chair who shall be one of their own number.
- 6.2 Democratic Services staff shall open the meeting and conduct the business of electing a Chair by secret ballot.
- 6.3 Once a Chair has been elected, the Community Council should elect a Vice-Chair who shall be one of their own number and who should deputise in the absence of the Chair. Any other necessary representatives should then be elected.
- 6.4 The Chair, Vice-Chair and representatives shall be elected annually but the outgoing Chair, Vice-Chair and representatives shall be eligible for re-election.
- 6.5 An Elected Member of Orkney Islands Council shall not be entitled to accept nomination for the post of Chair of any Community Council or to otherwise participate in the election of any office bearers or representatives.
- 6.6 During meetings of Community Councils, deference should be paid to the authority of the Chair who shall decide all matters of order, competency and relevance. His/her duty is to ensure that business considered at any Community Council meeting is conducted properly and in accordance with the Scheme for Orkney Community Councils. It is the duty of the Chair to preserve order within the meeting and to ensure that all members obtain a fair hearing.
- 6.7 The Chair shall have both a deliberative and a casting vote.
- 6.8 With the exception of the authority referred to at 6.6 and 6.7 above, the Chair of any Community Council holds no special power over and above that held by any other member of the Community Council.
- 6.9 There may be occasions where the Chair is invited to represent the Community Council at meetings convened by other organisations. Each Community Council will determine whether the Chair should accept such an invitation or whether another member should attend instead. Each Community Council may reimburse travel expenditure, in relation to such attendance, subject to the minimum costs being incurred and not having been met from any other source.
- 6.10 If the Chair is present at a meeting he/she must assume the Chair. In the event of the Chair being absent from a meeting, or part thereof, the Chair shall be taken by the Vice Chair, whom failing, by a Chair appointed *pro tempore* and while in the Chair such person shall have the same powers and responsibilities as if he/she were Chair.

7.0 Conduct of Meetings

- 7.1 Following each Community Council election, each Community Council shall adopt a Constitution based on the model Constitution, attached as Appendix 3 to this Scheme.

8.0 Administrative Support for Community Councils

- 8.1 Orkney Islands Council shall appoint/retain a Clerk to each Community Council who shall not be a member of the Community Council. This appointment will be made by Democratic Services, in accordance with the recruitment policy of Orkney Islands Council, although the Community Council, or a representative, would be consulted. A member of the Community Council, normally the Chair, may be invited to participate in the recruitment process.
- 8.2 It shall be the duty of the Clerk to a Community Council to convene all meetings of the Community Council, to take minutes, complete a financial statement and to undertake correspondence or any other appropriate duties on behalf of the Community Council. The Clerk must also submit minutes and a business letter to Orkney Islands Council as soon as practicable following each Community Council meeting.
- 8.3 The Clerk, as a part-time employee of Orkney Islands Council, shall be entitled to remuneration which will be calculated annually by Orkney Islands Council. The salary payable to each Clerk shall be met by Orkney Islands Council and shall have no effect on the annual grants and allocations made to Community Councils in accordance with Section 9. Reasonable general expenses must be met by each respective Community Council.
- 8.4 Orkney Islands Council will retain nominated officials in Democratic Services who will support Community Councils and will also provide reasonable administrative assistance and procedural advice to the Community Councils where practicable and appropriate. Any correspondence between Community Councils and individual services within Orkney Islands Council should be submitted to Democratic Services.

9.0 Financial Support for Community Councils

- 9.1 In addition to any funds which Community Councils may raise by their own efforts, Orkney Islands Council will provide annual grants to each Community Council, which may be disbursed at the sole discretion of the Community Council, comprising:-
- (a) a lump sum grant;
 - (b) an additional grant in the case of Community Councils covering dual parishes or more than one island; and
 - (c) a grant per elector registered on the current Electoral Register for the entire Community Council area.

The above method of calculating annual grants to Community Councils will normally be adjusted annually subject to the approval of Orkney Islands Council. Notwithstanding the above Orkney Islands Council may determine to change the method of calculating annual grants at any time.

- 9.2 All Community Councils, with the exception of Kirkwall and St Ola and Stromness, will have the opportunity to assist Orkney Islands Council with administration of the maintenance of burial grounds within the respective Community Council areas.
- 9.3 Orkney Islands Council will pay the Clerk's salary and the cost of hiring meeting rooms for the first eight meetings held in each calendar year. Thereafter, the Clerk's salary and any additional meeting costs will be charged to the respective Community Council.
- 9.4 Each Community Council may apply to Orkney Islands Council for assistance with the cost of specific projects in accordance with the terms and conditions of the Community Council Grant Scheme as detailed in Appendix 4 to this Scheme, subject to any subsequent additions, deletions and/or amendments to categories and conditions of the Community Council Grant Scheme.
- 9.5 Additionally, a multi-island Community Council may be reimbursed, at the discretion of Orkney Islands Council, with the actual costs of travel and overnight accommodation for members who have to attend relevant, properly convened, meetings on other islands within their Community Council area.
- 9.6 Where boundary adjustments alter the area covered by Community Councils, any residual funds held by the respective Community Councils will be reapportioned to the new Community Councils covering these areas in proportion to the number of registered electors in each relevant polling district on the electoral roll in force at that time. Any other assets held by these Community Councils will be retained or disposed of by mutual agreement. In the event that matters cannot be resolved by mutual agreement of relevant Community Councils, the matter will be determined by Orkney Islands Council.
- 9.7 All Community Councils must acquire public liability insurance, the cost of which is eligible for assistance from the Community Council Grant Scheme.

10.0 Financial Regulations

- 10.1 All ordering and certification procedures required by Orkney Islands Council must be observed before invoices are forwarded to Democratic Services for payment.
- 10.2 Tendering procedures of Orkney Islands Council must be adhered to when administering projects.
- 10.3 Periodic statements of receipts and payments will be provided by Orkney Islands Council for the information of the Community Council.
- 10.4 A summarised receipts and payments statement made up to 31st March each year will be provided by Orkney Islands Council. This statement will also show the carried-over balance available to the Community Council for spending during the following financial year. The annual statement must be publicly displayed in a suitable place within the area of the Community Council, within fourteen days of receipt by the Clerk.
- 10.5 All Community Council expenditure must comply with the Financial Regulations of Orkney Islands Council and decisions on financial matters must be taken by a quorum of members.

11.0 Property

- 11.1 Any Community Council may purchase, sell, lease or otherwise acquire and grant rights in heritable property. The title in whose name any property belonging to the Community Council is to be held and by whom any deeds will be granted shall run in the name of the Chair, Vice Chair and Clerk of the Community Council and their successors in office as trustees for and on behalf of the Community Council.

12.0 Equalities

- 12.1 Communities Councils must comply with equal opportunities legislation that makes it unlawful to discriminate against persons or groups on the grounds of race, gender, gender recognition, disability, age, sexual orientation, and religion or belief.

13.0 Breach

- 13.1 Any breach of the Scheme for Orkney Community Councils - 2017 may be reported to Orkney Islands Council to determine what action, if necessary, should be taken.

COMMUNITY COUNCIL	NUMBER OF COMMUNITY COUNCILLORS
BIRSAY	7 Members
EDAY	7 Members
EVIE AND RENDALL	7 Members
FIRTH AND STENNESS	8 Members
FLOTTA	7 Members
GRAEMSAY, HOY AND WALLS	7 Members
HOLM	7 Members
KIRKWALL AND ST OLA	12 Members
NORTH RONALDSAY	7 Members
ORPHIR	7 Members
PAPA WESTRAY	7 Members
ROUSAY, EGILSAY, WYRE & GAIRSAY	7 Members
SANDAY	7 Members
HARRAY AND SANDWICK	8 Members
SHAPINSAY	7 Members
SOUTH RONALDSAY AND BURRAY	8 Members
ST ANDREWS AND DEERNESS	7 Members
STROMNESS	8 Members
STRONSAY	7 Members
WESTRAY	7 Members



ORKNEY ISLANDS COUNCIL

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

INTRODUCTION

This Code, which is based on the model Councillors' Code of Conduct produced by the Standards Commission Scotland, should guide the conduct of Community Councillors.

It is your responsibility to make sure that you are familiar with this Code and that your conduct complies with it.

Failure to comply with this Code may result in your being suspended or banned from serving as a Community Councillor

1. ROLE OF DEMOCRATIC SERVICES MANAGER IN RESPECT OF CODE OF CONDUCT

The Democratic Services Manager is a member of staff in the Chief Executive's Service, Orkney Islands Council. In addition to the main liaison role he/she will have prime responsibility for monitoring the working relationship between Community Councils and Orkney Islands Council, reviewing this Code of Conduct and ensuring that consultation mechanisms are operational. In addition, he/she will have a monitoring role in relation to Community Council functions to ensure adherence to the Constitutions, Orkney Islands Council's Financial Regulations and the Scheme for Orkney Community Councils.

2. COMMUNITY COUNCIL REPRESENTATION

Community Council communications should be issued by the Clerk and must reflect the majority view of members of that particular Community Council and be minuted accordingly.

A Chair or member of a Community Council should not officially convey personal opinions to the public, press or another body where those opinions or views would be at odds with the recorded decision of the Community Council or be taken to represent the view of the Community Council.

3. PUBLIC DUTY AND PRIVATE INTEREST

Your duty as a Community Councillor is to represent the whole local community served by your Community Council.

Any member who has any pecuniary (financial) interest, direct or indirect, in any contract, proposed contract or other matter, present at a meeting of the Community Council where this matter is the subject of consideration **must** disclose such interest and **must** retire from the meeting during discussion and determination of this item.

If you have any private interest in a matter being discussed by your Community Council, you should consider whether it would be appropriate for you to declare this interest and to withdraw from discussion and determination of that matter.

In considering this, you should have regard to the following criteria:-

- A That members of the public might reasonably think the private interest could influence you, stifle discussion, or influence other members through your presence; and or
- B That members of the public might reasonably think the private interest creates a real danger of bias on your part because it affects you, or someone connected with you, or an organisation where you are an office-bearer, more than any other person or more than the generality of other persons affected by the matter.

In the case of a private interest that meets criterion A but not criterion B you should declare your interest but you may decide to participate in discussion and determination of the matter.

In the case of a private interest that meets criteria A and B, you should declare your interest and seriously consider withdrawing from discussion and determination of that item.

Private pecuniary (financial) interests may be more likely to be of a nature that meets the above criteria but private non-pecuniary interests may also meet these criteria. The fundamental principle to bear in mind is that you should not do anything that you cannot justify to the public in the terms of this Code.

4. GIFTS AND HOSPITALITY

You should treat with extreme caution any gift, favour or hospitality that is offered to you personally. The person or organisation making the offer may be doing, or seeking to do, business with the Community Council or may be applying to the Community Council for some kind of decision or recommendation.

You are personally responsible for all decisions in this regard and for avoiding the risk of damage to public confidence in the Community Council. The offer or receipt should always be reported to the Clerk of the Community Council.

5. DEALINGS WITH ORKNEY ISLANDS COUNCIL

If you have dealings with Orkney Islands Council on a personal level, you should never seek or accept preferential treatment, by virtue of your position as a Community Councillor, for yourself or for anyone personally connected with you. You should also avoid placing yourself in a position that could lead the public to reasonably believe you are receiving such treatment.

6. USE OF EXPENSES, ALLOWANCES AND FACILITIES

You should always make sure that any expenses, allowances, or facilities, approved by members, provided for use in your duties as a Community Councillor are used strictly for those duties and for no other purpose.

7. APPOINTMENTS TO OTHER BODIES

You may be appointed or nominated by your Community Council as a member of another body - for instance a voluntary organisation. You should always observe this Code in carrying out your duties for that other body in the same way that you would with regard to your Community Council.

8. BREACH

Any breach of the Scheme for Community Councils may be reported to Orkney Islands Council to determine what action, if necessary, should be taken.

9. CONCLUSION

The practical application of these rules is a matter for your own judgement but, if in any doubt as to how they should be applied, you should seek advice from Democratic Services.

As well as avoiding actual misconduct, you should avoid any appearance of misconduct. Your conduct and what the public believes about your conduct will affect the reputation of your Community Council.

CONSTITUTION FOR

COMMUNITY COUNCIL

- 1 The Community Council shall be known as the
Community Council.
- 2 The Community Council will abide by the terms and conditions defined in the Scheme of Orkney Community Councils - 2017.
- 3 All Community Councillors must abide by the rules in the Code of Conduct for Community Councillors as duly signed within the nomination form.
- 4 The Community Council shall determine the number of meetings it shall hold but a minimum of four meetings will be held annually – preferably one in each quarter of the year.
- 5 The minimum complement of members required to establish a Community Council shall be two-thirds of the seats on the Community Council but shall never be less than five members.
- 6 All meetings of the Community Council shall be called by notice issued by Democratic Services, posted where practicable, seven days before the date of the meeting, except special meetings which may be called, giving three days’ notice, on the requisition of the Chair of the Community Council or a demand in writing made by one-third of the elected Community Councillors.
- 7 A Special meeting may be called at short notice to discuss a matter of an urgent nature but notice should never be less than three days unless within exceptional circumstances and with the agreement of Democratic Services. Agendas should be displayed publicly in accordance with the procedures for general meetings of the Community Council. Special meetings should be called for one item only.
- 8 The quorum of the Community Council shall consist of one-half of the seats on the Community Council but shall never be less than four members.
- 9 All meetings of Community Councils shall be open to the public but all Community Councils reserve the right to exclude the press and public from meetings during discussion of confidential items if such action is carried by the vote of a majority of all Community Councillors present and voting.

Notwithstanding the above, if any commercially sensitive or personal information relating to an item is provided to a Community Council, the item may be considered in private.
- 10 Orkney Islands Council will pay the Clerk’s salary and cost of hiring meeting rooms for the equivalent of eight meetings held in any calendar year. Thereafter, the Clerk’s salary and any additional meeting costs will be charged to the respective Community Council.

- 11 At the first meeting held after the ordinary elections and on an annual basis thereafter, as laid down in the Scheme for Orkney Community Councils - 2017 and provided that five of the total number of Community Councillors have been elected, the members of the Community Council shall appoint a Chair who shall be one of their own number and who shall normally hold office for a period of one year. Democratic Services staff shall open the meeting and conduct the business of electing a Chair by secret ballot.
- 12 The Chair, Vice-Chair and representatives shall be elected annually thereafter but the outgoing Chair, Vice-Chair and representatives shall be eligible for re-election.
- 13 Orkney Islands Councillors shall not be entitled to accept nomination for the post of Chair of the Community Council or to otherwise participate in the election of the Chair.
- 14 Once a Chair has been elected, the Community Council should elect a Vice-Chair who shall be one of their own number and who should deputise in the absence of the Chair. Any other necessary representatives should then be elected.
- 15 Deference shall, at all times during a meeting, be paid to the authority of the Chair who shall decide all matters of order, competency and relevancy and his/her ruling shall be final and shall not be open to discussion. It shall be the duty of the Chair to preserve order within the meeting and to ensure that members obtain a fair hearing.
- 16 The Chair shall have both a deliberative and a casting vote.
- 17 With the exception of the authority referred to at 15 and 16 above, the Chair of any Community Council holds no special power over and above that held by any other member of the Community Council beyond conducting business.
- 18 In the event of the Chair being absent from a meeting, the Chair shall be taken by the Vice Chair, whom failing, by a Chair appointed *pro tempore* and while in the Chair such person shall have the same powers and duties as if he/she were Chair.
- 19 Every motion should be moved and seconded and any subsequent vote recorded.
- 20 Whenever an amendment upon an ordinary motion has been moved and seconded, no second or subsequent amendment shall be moved until the first amendment has been dealt with, but notice of any number of further amendments must be given before the vote is taken on the first amendment. A brief verbal summary of the content of the further amendment may be given with the consent of the Chair.
- 21 An Elected Member of Orkney Islands Council, or Democratic Services staff, shall not be entitled to propose or second a motion or an amendment to a motion, nor shall he/she be entitled to vote.
- 22 In the event of any member at any Community Council meeting disregarding the authority of the Chair or being guilty of obstructive or offensive conduct, a motion may be thereupon moved and seconded to suspend such member for the remainder of the meeting. The motion shall be put to the meeting without discussion and, if supported by a majority of the members present, the motion shall be declared carried. If such a motion is carried, the member or members involved shall thereupon retire from the meeting.

- 23 Any member who has any pecuniary (financial) interest, direct or indirect, in any contract, proposed contract or other matter and is present at a meeting of the Community Council at which such contract, proposed contract or other matter is the subject of consideration **must** disclose such interest and shall retire from such meeting of the Community Council while such contract, proposed contract or other matter in which he/she has a pecuniary interest as aforesaid is under consideration.
- 24 Any member who has a personal interest in any matter being considered should disclose this interest and should consider retiring from the meeting during discussions. This includes holding office in a Board or Committee within any external organisation.
- 25 In the event of a casual vacancy for a member of the Community Council occurring during the term of office, the vacancy shall be filled by Orkney Islands Council calling a public meeting, to be held within the Community Council area, giving a minimum of seven days notice and specifying that the meeting is being held to fill the vacancy.
- 26 Nominations, which must be proposed and seconded by electors contained within the current electoral register for that Community Council area in which the vacancy or vacancies exist, will be called for at the public meeting, and the vacancies will be filled by secret ballot carried out at that meeting. Only electors on the current electoral register for that Community Council area can be nominated and have voting rights in the process. Where there is an equality of votes, the matter will be decided by lot. The consent of any nominated candidate, who is not present at the meeting, must be produced in writing to the Clerk prior to the vote being taken.
- 26 Public meetings held to fill a vacancy or vacancies on any Community Council shall be held on a date to be determined by the Chief Executive of Orkney Islands Council but such meetings in respect of that same Community Council shall not be held at intervals of less than six months.
- 27 Community Councillors who have not attended any meetings of the Community Council for a period of 6 months without giving a satisfactory explanation shall be deemed to have resigned. The vacancy shall be filled according to the procedures for a casual vacancy.
- 28 Agendas for Community Council meetings shall be publicly displayed for seven days prior to the next scheduled Community Council at suitable places within the area served by the Community Council.
- 29 Minutes of Community Council meetings, once approved at a subsequent meeting of each respective Community Council, shall be publicly displayed with the exception of any parts of a Minute which relate to items taken in private.
- 30 All agendas and minutes of the Community Council shall be submitted to Orkney Islands Council.
- 31 Orkney Islands Council shall appoint/retain a Clerk who shall not be a member of the Community Council.
- 32 All correspondence between Community Councils and any Services of Orkney Islands Council should be carried out via Democratic Services.

- 33 If a matter requires action to be taken before the next scheduled meeting, then decisions can be taken by a majority of members and this would be minuted at the next scheduled meeting.
- 34 A Community Council may establish a Sub-committee for specific projects and terms and remit of the Sub-committee must be agreed by a majority of members.
- 35 Orkney Islands Council shall allocate a sum annually which may be expended at the discretion of the Community Council.
- 36 Periodic statements of receipts and payments will be provided by Orkney Islands Council for the information of the Community Council.
- 37 A summarised receipts and payments statement made up to 31st March each year will be provided by Orkney Islands Council. This statement will also show the carried-over balance available to the Community Council for spending during the following financial year. The annual statement must be publicly displayed in a suitable place within the area of the Community Council, within fourteen days of receipt by the Clerk.
- 38 All Community Council expenditure must comply with the Financial Regulations of Orkney Islands Council and decisions on financial matters must be taken by a quorum of members.
- 39 Tendering procedures of Orkney Islands Council should be followed when administering projects.
- 40 All ordering and certification procedures required by Orkney Islands Council must be observed before invoices are forwarded via Democratic Services for payment.
- 41 Public liability insurance must be obtained by the Community Council.
- 42 It is not permissible to film, photograph or otherwise record the proceedings of Community Council meetings, unless permission of the Chair has been obtained, in consultation with the Democratic Services, not less than five clear days before the meeting.
- 43Community Council may purchase, sell, lease or otherwise acquire and grant rights in heritable property. The title in whose name any property belonging to the Community Council is to be held and by whom any deeds will be granted shall run in the name of the Chair, Vice Chair and Clerk of the Community Council and their successors in office as trustees for and on behalf of the Community Council.
- 44 Any breach of the Scheme for Orkney Community Councils - 2017 may be reported to Orkney Islands Council to determine what action, if necessary, should be taken.



ORKNEY ISLANDS COUNCIL COMMUNITY COUNCIL GRANT SCHEME (CCGS) TERMS AND CONDITIONS

Financial assistance will be granted, to an annual ceiling (known as the Capping Limit), to Community Councils at 50%, 60%, 75% or 80% of the cost of projects submitted by Community Councils if they are deemed appropriate within the “List of Approved Categories”.

Community Councils must consider whether to provide assistance towards any project and whether CCGS may be utilised towards this financial assistance. The decision to make an application for CCGS assistance must be made by a majority of members and minuted accordingly. Distinction must be clearly made, and duly minuted, on whether the assistance is to be granted to the applicant **regardless** of assistance being approved through CCGS or whether the financial assistance is to be awarded **only** if assistance is approved through CCGS.

In any financial year, if the annual Capping Limit is reached, further funding must be met entirely from the Community Council’s own funds. If the appropriate Capping Limit has not been reached within any financial year, the remainder does not carry forward into the next financial year.

Retrospective grants will not be approved by Orkney Islands Council. However, provided that the original request for funding is received by the Clerk before the actual event or project has commenced, then the project costs would be eligible under CCGS.

CCGS application forms must be submitted to Democratic Services. Notification of approved assistance should normally have been received by the Clerk before any expenditure has been incurred.

CCGS assistance being claimed will only be paid on submission of satisfactory evidence of relevant expenditure being incurred.

COMMUNITY COUNCIL GRANT SCHEME

LIST OF APPROVED CATEGORIES

APPROVED CATEGORIES FOR 60% GRANT ASSISTANCE

- A.1 Cost of maintenance of and equipment for Kirkyard caretaking.
- A.2 Cost of reinstating fallen and insecure gravestones and improvements to burial grounds such as levelling and reseeding.
- A.3 Cost of providing facilities and equipment for community wings of community schools.
- A.4 Cost of providing high visibility clothing for school children.
- A.5 Cost of providing transport for school children who do not qualify for local authority school transport.
- A.6 Provision of equipment and facilities for play groups, drama groups, sports clubs, or other groups or clubs established to provide recreational or pre-educational facilities.
- A.7 Cost of providing play equipment for Council approved play areas.
- A.8 Transport costs and/or training fees within Orkney associated with recreational and educational groups based in an Orkney area.
- A.9 Transport costs and/or training fees within Orkney associated with recreational and educational groups, based in an Orkney area, outwith Mainland Orkney.
- A.10 Cost of hiring Orkney Ferries or other appropriate vessels, or chartering aircraft, by groups for recreational activities. Where Orkney Ferries vessels are used, 60% grant should be calculated after deduction of fares for all passengers on the journey, calculated on the standard scheduled service rate being applied on the respective route at the time of the hire.
- A.11 Cost of meals and travel for Senior Citizens, including costs in connection with the provision of mini buses for that purpose.
- A.12 Cost of operating schemes to promote waste disposal.
- A.13 Cost of providing benches and tables in public areas.
- A.14 Cost of providing training and equipment for Community Council Clerks.
- A.15 Cost of producing audio or visual material which promotes tourism or preserves heritage.
- A.16 Cost of cutting grass in amenity areas not maintained by OIC.
- A.17 Cost of providing hospitality, with the exception of alcoholic beverages, for the North Isles Sports event.
- A.18 Cost of providing fireworks displays.

- A.19 Cost of maintenance or improvement to the Papa Westray Private Water Scheme.
- A.20 Costs in connection with museums under Community Council control and other similar facilities.
- A.21 Cost of vermin eradication programmes.
- A.22 Costs in connection with the provision of funerary and burial services in island areas.
- A.23 Capital expenditure in connection with the maintenance and upgrading of buildings and equipment for businesses in community ownership, including community co-operatives.
- A.24 Assistance with administrative and organisational costs incurred by development groups.
- A.25 Assistance with the cost of providing or improving local amenities or projects providing community benefit.
- A.26 Assistance with the cost of producing local newsletters.
- A.27 Cost of repairs and maintenance to war memorials and their immediate curtilage.
- A.28 Costs relating to weighbridge replacement or maintenance.
- A.29 Cost of public liability insurance for Community Councils.
- T.1 Costs in connection with transporting aggregate materials from mainland Orkney to islands.

APPROVED CATEGORIES FOR 75% GRANT ASSISTANCE

- B.1 Costs incurred to maintain and provide facilities and equipment for halls and community centres, not in Council ownership, together with their associated car parks and playing fields.

APPROVED CATEGORIES FOR 80% GRANT ASSISTANCE

- C.1 Cost of removing debris from local areas, subject to a maximum cost of £300 per Community Council in any financial year which includes the Bag the Bruck event.
- C.2 Assistance to car owners for the removal of scrap cars from the outer islands at a cost not to exceed the single fare of a car between the isles and the Orkney mainland.

APPROVED CATEGORIES FOR 50% GRANT ASSISTANCE

- D.1 Cost of improvements to private roads, including peat roads.



PERTH & KINROSS COUNCIL

SCHEME OF ESTABLISHMENT OF

COMMUNITY COUNCILS

2019 – 2023

Incorporating Constitution, Standing Orders, Community Council members Code of Conduct and Area Descriptions

Document Version	1.7
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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 council to establish a community council in their area.

The local authority is required to publish a community council scheme for their area outlining various arrangements for community councils including elections, meetings, boundaries, and finance.

This scheme will come into operation from 7 November 2019 and will be subject to review periodically.

1. Statutory Purposes

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

“In addition to any other purpose which community councils 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”

2. Establishment of Community Councils under the Scheme

Upon the local council’s decision to amend the 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 on the proposed scheme shall be undertaken prior to its formal adoption by Perth & Kinross Council.

If for any reason there is no established community council in an area following elections, twenty local electors who must be on the electoral register for the area concerned may make a request by way of a petition to Perth & Kinross Council for an election to be held. Any members elected in this way will only hold office up to the next scheduled full community council elections.

3. Community Council Areas within Perth and Kinross

Perth & Kinross Council has produced a list of named community council areas and a map or maps that define their boundaries. The list of community areas are specified in the First Schedule to the Scheme. These can be modified with the prior approval of Perth & Kinross Council.

Any request to create a new or amend existing community council boundaries by (1) the sub-division of an existing community council area or (2) the merging of 2 community council areas or (3) changing the boundaries of existing community councils must be made in writing to Perth & Kinross Council. Such requests should demonstrate local support for the proposal, including the agreement of existing community council(s).

4. Roles and Responsibilities of Perth & Kinross Council

4.1 The Role of Perth & Kinross Council

Create a Scheme for the Establishment of Community Councils in Perth & Kinross with the provision of boundary maps.

4.2 Responsibilities of Perth & Kinross Council

- i. Arrange for establishment of community councils upon receiving 20 signatures of electors in that area in terms of section 52(7) of the Local Government (Scotland) Act 1973
- ii. Review the Scheme, both periodically and in response to representations made, and where amendments are required to propose, consult and vote on those amendments in terms of section 53 of the Local Government (Scotland) Act 1973
- iii. Where appropriate, revoke the existing Scheme and replace it with a new Scheme in terms of section 22 of the Local Government etc (Scotland) Act 1994.
- iv. Consult directly with community councils on all issues where consultation with the public is a statutory requirement.
- v. Consult with community councils on changes in licensing policies.
- vi. Arrange elections for community councils
- vii. Provide an administrative grant to cover administrative costs, volunteer expenses and equipment as per paragraph 15 vi. below.
- viii. Provide appropriate Public Liability insurance.
- ix. Register appointed community councillor from each community council as Data Controller with the Information Commissioner's Office in compliance with Data Protection legislation.

Within the resources available, Perth & Kinross Council shall endeavour to:

- x. Determine a consistent level of support to community councils across the local authority area within available resources.

- xi. Offer advice and assistance to community councils for development and training on such things as the duties and responsibilities of office bearers, the role of community councils, the functions of Perth and Kinross Council and other relevant topics.
- xii. Consult reasonably with community councils regarding the administration of Common Good funds.

5. 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 council, 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 councils will have in place, in consultation with Perth & Kinross Council, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sectors of the community.

5.1 Role

- i. 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, Perth & Kinross Council and other public sector and private agencies.
- ii. Community Councils are a community participation body under the Community Empowerment Act 2015 and may make requests in relation to this provision.
- iii. 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 Perth & Kinross Council's Scheme of Establishment of Community Councils.
- iv. There should be mutual engagement in the establishment of working relationships with Perth & Kinross Council and other agencies.
- v. In carrying out their activities community councils must at all times adhere to the law, the terms of Perth & Kinross Council's Scheme of Establishment of Community Councils and the Community Councillors' Code of Conduct as set out in Appendix 3.

- vi. Each new community council is required to adopt a Constitution. A standard template is provided in Appendix 1, together with a standard template Standing Orders provided in Appendix 2, to encourage and 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. Community Councils have the power to change the Constitution and Standing Orders subject to ratification by Perth & Kinross Council.

5.2 Responsibilities

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:

- i. Be non- political
- ii. Inform the community of their work (eg: in newsletters and online in social media outlets such as websites, twitter and Facebook); display 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 2018 and the General Data Protection Regulations, provide contact details of community council members.
- iii. Draft minutes of community council's meetings must be presented to Perth & Kinross Council's Community Council Liaison Officer within 14 days from the date of that meeting. Minutes should be circulated, by whichever means the Community Council feels is appropriate, to community council members, elected members and other interested parties.
- iv. Seek to broaden both representation and expertise by promoting the associate membership of the community council of persons (not eligible for election to the community council) for specific projects/issues.
- v. 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.
- vi. Have in place consultative mechanisms to ascertain, co-ordinate and reflect the views of all sectors of the community which it represents, to liaise with other community groups within the area, and to fairly express and consider the diversity of opinions and outlooks of the people within the course of the community council business.

- vii. Maintain proper financial records and present regular financial reports at community council meetings (notes on financial guidance will be provided).
- viii. Inform Perth & Kinross Council of any change in membership (resignations, co-option and associate membership) and as soon as practicable and record any such changes in membership at the next ordinary meeting.

6. Membership of Community Councils

- i. The MAXIMUM membership number of a community council should not be less than 6 or more than 15.
- ii. The minimum age to stand for election as a community councillor is 16 years old.
- iii. Members for community council membership must be named on the electoral register for the community council area in which they reside.
- iv. Members must also reside within the specific community council area i.e. the individual's electoral registered home must be within the community council area.
- v. Only, in the circumstances where a candidate, who is resident in the community council area and is excluded from the electoral register as a EU national, their membership can be proposed by residents who reside and are named on the electoral register for the community council area to qualify.
- vi. There shall be provision made for non-voting associate membership for purposes as defined by each community council. For example, 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.

7. Community Council Elections

7.1 Nominations and Elections

- i. The first elections to be held under the Scheme shall be held on 7 November 2019.
- ii. Subsequent elections will be held on the first Thursday of November on a three-yearly-cycle. Perth & Kinross Council will administer all elections.
- iii. Perth & Kinross Council will appoint an Independent Returning Officer.

7.2 Eligibility

- i. Candidates wishing to stand for election to a community council must meet the criteria for membership outlined in paragraph 6 of this Scheme. To be eligible to vote in a community council election the voter must reside and be named on the electoral register for that community council area.
- ii. Any community council member who no longer resides within that community council area is deemed to have resigned from that community council.
- iii. Any individual who is elected to serve on Perth and Kinross Council, or the Scottish, United Kingdom 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.

7.3 Nominations

- i. Individuals seeking election to a community council require to be nominated by a proposer and seconder, both of whom must be resident and appear on the Electoral Register for that community council area. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.
- ii. A nomination form should be completed, the style of which will be determined by Perth & Kinross Council. Nomination forms require to be submitted by the date set down in the election timetable. No nomination forms submitted after that date will be accepted. Candidates are also invited to submit a Personal Statement with the nomination form. In the event that there are more nominations than vacancies in any area or sub-area, a candidate's personal statement will be published along with his or her name and address. Personal statements are limited to 50 words (in addition to name and address). Where no personal statement is submitted only the candidate's name and address will be printed.

7.4 Process

On the expiry of the period for lodging nominations:

- i. Should the number of candidates validly nominated equal or exceed the **MINIMUM** prescribed membership, but be less than or equal to the total number of vacancies, the said candidates will be declared to be elected unopposed and no ballot shall be held.

- ii. Should the number of candidates validly nominated exceed the number of vacancies, 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.
- iii. Should the number of candidates validly nominated, be below the **MINIMUM** of the total maximum permitted membership no community council will be established at that time. However, that does not preclude Perth & Kinross Council 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.

7.5 Method of Election

Where appropriate, elections will take place across the Perth & Kinross Council area at one time, and with regard to the terms of paragraph 7.1 above. Community councils shall be elected on a simple majority basis.

7.6 Filling of casual places/vacancies between elections

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

- i. When an elected community council member submits her/his resignation;
- ii. When an elected community council member ceases to be resident within that community council area;
- iii. When an elected community council member has her/his membership disqualified (paragraph 12 below).

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 Perth & Kinross Council. 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 the **MINIMUM** permitted membership, Perth & Kinross Council shall be informed and shall undertake arrangements for an interim election to be held.

7.7 Co-option to Community Councils

- i. Co-opted members must be eligible for membership to the community council as detailed within paragraph 7. 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). A co-option nomination form should be completed and submitted to Perth & Kinross Council for validating before the co-option can take place. Notice of any proposed co-option of a member should be included on the agenda for the next available meeting of the community council.
- ii. The number of co-opted members may not exceed a THIRD of the total community council membership and should be rounded up to the nearest figure. 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.
- iii. After 12 months from the date of their co-option to the community council the co-opted member will become a full member with the same rights and this full member will no longer be counted within the ratio of co-opted members.
- iv. Where a community council has sub-areas and there is a vacancy in a sub-area, a co-opted member to fill that vacancy must come from the sub-area.

8. Additional Membership

8.1 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 include representation from other constituted local voluntary organisations, young people, etc

An associate member does not require to reside within the community council area.

8.2 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 and will not be entitled to be elected or nominated representatives of a community council.

For the avoidance of doubt, the attendance of any associate or ex-officio member at a meeting of the community council will not count towards the quorum for that meeting.

9. Resignations

- i. Resignations of members must be submitted in writing by hard copy or by electronic means to the Chairperson, stating the effective date of resignation. This is not permitted to be retrospective.
- ii. If the Chairperson resigns then he/ she should notify the Vice-Chair and Secretary in the same manner.
- iii. Any notification of resignation received should be acknowledged by the recipient within 7 days or at the next scheduled community council meeting whichever is soonest.
- iv. If a resignation is made during the course of a community council meeting and no written resignation is then submitted, if the resignation has been witnessed by the remainder of the members present at the meeting, then once formally minuted the resignation will stand.
- v. A resignation is final once noted and minuted during the course of business at a community council meeting.
- vi. If the member resigning is appointed as an office bearer, they must ensure that all records held by them on behalf of the community council, are passed to the nominated person appointed by the community council to replace them, within 7 working days of the effective date of resignation.

10. 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.

Consideration must also be given by the community council as to their meeting place. This must be in terms of accessibility and facilities for disabled users, as well as location, as far as practicable, to ensure that the needs of the all members, visiting public or other additional members are met.

11. Complaints

A guidance note will be provided to assist community councils to deal with a complaint made against the community council or individual community council members.

12. Disqualification of Membership

- i. Members who cease to reside in the community council area will be deemed to have resigned.
- ii. If any member of a community council fails to attend 6 consecutive meetings (where the community council meets monthly) or 3 consecutive meetings (where the community council meets every 2/3 months, with or without submitting apologies, the community council shall advise Perth & Kinross Council, and terminate their membership. However, 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.
- iii. Membership of a community council is invalidated should a community council member's name no longer appear on the electoral register for that community council area, except in the circumstances described at Section 6 v.

13. Meetings

13.1 First Meeting

The first meeting of a community council following a community council election will be called by one of the local elected members of Perth and Kinross Council and will take place within 28 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.

Adoption of a constitution by the community council and ratification by Perth & Kinross Council must follow within 2 months of the first meeting as described at Section 5.1 vi. above.

In the absence of the community council agreeing and signing their constitution and seeking ratification by Perth & Kinross Council, the community council shall not be constituted, and the community council members must abide by the standard constitution in the interim until they are constituted (Appendix 1)

13.2 Meeting Frequency

The frequency of meetings will be determined by each community council, subject to a minimum of one annual general meeting and 3 ordinary meetings being held each year. The annual general meeting shall be held in the month of October each year. In an election year the first ordinary meeting after the election will involve the appointment of office bearers and adoption of constitution, standing orders and code of conduct as detailed at 13.1 above.

13.3 Quorum

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.

13.3 Declaration of Interest

Whether before or during any meeting of a community council a member of that community council becomes aware that he/she or any person connected with him/her has an interest in or relating to any matter to be or being considered, he/she shall declare such interest. A member who has declared a financial interest, or a non-financial interest which he/she considers would cause a member of the public, knowing all the relevant facts and acting reasonably, to form the view that he or she might be influenced by that interest, shall withdraw from the meeting during such consideration and shall not speak or vote on any question relating to the matter. Such declarations of interest shall be recorded in the minutes of meeting.

13.4 Content of Business

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 Standing Orders (Appendix 2).

14. Liaison with Perth and Kinross Council

Correspondence between Perth & Kinross Council and the community councils should, in the first instance be directed through the appropriate Perth & Kinross Council Service.

Community councils may make representations to Perth & Kinross Council 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 Service official. On issues where a Perth & Kinross Council Service is consulting with community councils, representations should be made to the appropriate service officer.

However, in order to facilitate the effective functioning of community councils, Perth & Kinross Council has identified an official to act as a Liaison Officer with community councils on constitutional or general issues.

Community councils shall provide copies of their minutes within prescribed timescales via the Perth & Kinross Council's Liaison Officer as detailed in paragraph 5.2 iii. above.

15. Resourcing a Community Council

15.1 Financial Year

The financial year of each community council shall be provided for in the constitution of each community council and shall be from 1 September to 31 August in each succeeding year to allow for the proper submission of independently examined statement of accounts to the community council's annual general meeting on a specified date in October.

15.2 Annual Accounts

- i. The annual accounts of each community council shall be independently examined by at least one examiner appointed by the community council, who is not a member of the community council.

- ii. A copy of the independently examined statement of accounts/balance sheet shall be forwarded after the statement is approved at the community council's annual general meeting and no later than 28 February to Perth & Kinross Council's Liaison Officer.
- iii. The Liaison Officer 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.
- iv. Each community council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions.
- v. Each community council shall be eligible to apply for grants for suitable projects through Perth & Kinross Council's grant system.
- vi. Subject to the submission of independently examined accounts, Perth & Kinross Council will provide an annual top-up administrative grant, to ensure that a community council has a minimum administrative grant bank balance of £700 at the end of the financial year. The administrative grant can be used to assist with the operating costs of the community council.
- vii. Perth & Kinross Council'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 Perth & Kinross Council and other relevant topics.

16. Liability of Community Council Members

A scheme of insurance liability cover has been arranged. The insurance liability cover becomes effective upon Perth & Kinross Council advising the insurance underwriter of the establishment of a community council.

17. Dissolution of a Community Council

The terms for dissolution of a community council are contained within the 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 Perth & Kinross Council have taken action to address the situation), Perth & Kinross Council shall take action to dissolve that community council.

Dated: January 2019

THIS IS THE FIRST SCHEDULE
Referred to in the foregoing SCHEME

**This schedule lists the community councils within Perth and Kinross Council within each
Local Partnership area**

Eastern Local Action Partnership Area

Area Number	Community Council Name	Membership*		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
17	Blairgowrie and Rattray	8	15	-	7790	
18	Mount Blair	4	7	-	781	
19	Alyth	6	11	-	2453	
20	Meigle & Ardler	5	10	-	754	
21	Coupar Angus	4	8	-	2002	
22	Kettins	5	9	-	513	
37	Burrelton and District	5	9	-	2211	
39	Scone and District	5	10	-	4487	
43	Errol	5	9	-	1924	
44	West Carse	4	7	-	1523	
45	Inchture	5	10	-	1749	
52	Invergowrie and Kingoodie	5	10	-	1473	
53	Longforgan	5	9	-	1244	

Highland Local Action Partnership Area

Area Number	Community Council Name	Membership*		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
9	Killiecrankie & Fincastle	4	7	-	228	
10	Blair Atholl and Struan	3	6	-	611	
11	Rannoch and Tummel	4	8	Kinloch Rannoch (6) Rannoch West (2)	466 387 79	
12	Aberfeldy	5	10	-	1611	
13	Dull and Weem	3	6	-	425	
14	Glenlyon and Loch Tay	3	6	Fearnan (3) Fortingall (2) Glenlyon (1)	364 170 131 63	
15	Kenmore and District	4	8	Acharn (4) Kenmore (4)	228 125 103	
16	Mid Atholl, Strathtay & Grandtully	4	7	-	886	
51	Pitlochry and Moulin	5	9	-	2642	

Strathtay Local Action Partnership Area

Area Number	Community Council Name	Membership*		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
32	Dunkeld and Birnam	5	10	-	1646	
33	Spittalfield and District	4	7	Spittalfield/Glendelvine (2) Murthly (2) Clunie (1) Meikleour (1) Caputh (1)	1491 207 685 210 182 207	
35	Auchtergaven	4	7	-	1261	
36	Luncarty, Redgorten & Moneydie	4	8	-	1590	
38	Stanley	4	8	-	1409	

Almond and Earn Local Action Partnership Area

Area Number	Community Council Name	Membership*		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
34	Methven	6	12	-	3786	
40	Abernethy	5	9	-	1479	
42	Earn	7	13	Aberdalgie (1) Bridge of Earn & Dron (6) Craigend (1) Forgandenny (2) Forteviot (1) Path of Condie (1) Rhynd (1)	3620 115 2558 78 567 74 60 168	

Kinross Local Action Partnership Area

Area Number	Community Council Name	Membership*		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
41	Glenfarg	6	12	-	901	
46	Kinross	6	11	-	4600	
47	Portmoak	4	8	-	1152	
48	Cleish and Blairadam	4	8	-	591	
49	Milnathort and Orwell	4	8	-	2040	
50	Fossoway	4	8	-	1535	

Perth City Local Action Partnership Area

Area Number	Community Council Name	Membership*		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
1	Central	5	10	-	3743	
2	Tulloch	5	9	-	4648	
3	City South (incorporates Friarton/Craigie (3) & Viewlands (6))	7	13	-	11435	
4	North Inch and Muirton	7	13	-	2241	
5	Bridgend, Gannochy and Kinnoull	5	10	-	2953	
7	Letham	5	9	-	7212	
8	North Muirton	5	9	-	2411	

Strathearn and Strathallan Local Action Partnership Area

Area Number	Community Council Name	Membership*		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
23	Crieff	5	10	-	5778	
24	East Strathearn	5	10	-	1086	
25	Comrie and District	5	10	-	1998	
26	St Fillans	3	6	-	170	
27	Auchterarder and District	5	9	Aberuthven (1) Auchterarder (7) Glendevon (1)	4910 413 4342 155	
28	Dunning	5	9	-	1078	
29	Blackford	5	9	-	722	
30	Muthill and Tullibardine	5	9	Muthill (6) Tullibardine (3)	1036 783 253	
31	Braco and Greenloaning	3	6	-	942	

* The maximum membership of a community council is the total number of members that the **individual** community council can have at any one time. The minimum number is the minimum number of members that that **individual** community council can have and if membership falls below that number this then triggers a by-election. This is different from the minimum/maximum membership as described at 6 i. above which is the minimum/maximum prescribed membership of community councils as a whole.

Appendix 1 – Constitution

COMMUNITY COUNCIL CONSTITUTION

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 which the COMMUNITY COUNCIL shall represent shall be as described in the first schedule to the Scheme and as shown on the map annexed.

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 5 of the Scheme of Establishment of Community Councils, approved by Perth & Kinross Council and the Community Councillors’ Code of Conduct.

5. Membership

The COMMUNITY COUNCIL'S membership is as governed by paragraph 6 of the Scheme for the Establishment of Community Councils and as determined from time to time by Perth & Kinross Council.

6. Method of Election

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

7. Resignations

Resignation procedures shall be governed by the method of resignation laid down in paragraph 9 of the Scheme of Establishment of Community Councils.

8. Casual Vacancies on the Community Council

Where a vacancy arises which does not result in the number of members falling below the minimum number as specified in paragraph 7.6 of the Scheme of 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) fill the vacancy (and any other outstanding vacancies) by holding an interim election, administered by Perth & Kinross Council, on the basis that such vacancies would be publicised, nominations invited and an election held where the number of candidates exceeded the number of vacancies.
- (b) fill the vacancy by co-opting a resident in terms of paragraph 7.7 of the Scheme of 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.

9. 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 members 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 of Establishment of Community Councils: paragraph 7.7 – Community Council Elections [Co-option]; and Constitution: paragraph 17 – Alterations to the Constitution and paragraph 18 – 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 members that results in a majority not being achieved, the chairperson shall have a casting vote.

10. Election of Office-Bearers

- (a) The COMMUNITY COUNCIL shall appoint a Chair, Secretary, Treasurer and other such office-bearers as required and at the Annual General Meeting in October in each year, except for in an election year when this should be done at the first meeting after the elections
- (b) All office-bearers shall be elected for one year, but shall be eligible for re-election, without limitation of time.
- (b) Without the express approval of Perth & Kinross Council, no one member shall hold more than one of the following offices at any one time: Chairperson, Secretary or Treasurer.

11. 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.

12. 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 October 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 4 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 Perth & Kinross Council 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. Draft minutes of community council's meetings must be presented to Perth & Kinross Council's Community Council Liaison Officer within 14 days from the date of that meeting. Minutes should be circulated, by whichever means the Community Council feels is appropriate, to community council members, elected members and other interested parties.
 - (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.

13. Public Participation in the Work of the Community Council

- (a) All meetings of the COMMUNITY COUNCIL and its committees (subject to 12(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.

14. Information to Perth and Kinross Council

Perth & Kinross Council'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 Perth & Kinross Council.

When special meetings of the COMMUNITY COUNCIL are to be held, Perth & Kinross Council'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.

15. Control of Finance

- (a) All monies raised by or on behalf of the COMMUNITY COUNCIL or provided by Perth & Kinross Council and other sources shall be applied to further the objectives of the COMMUNITY COUNCIL and for no other purpose. The monies provided by Perth & Kinross Council 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 one examiner appointed by the COMMUNITY COUNCIL, who is not a member of the 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 1 September until 31 August of the succeeding year. Independently 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 as detailed in paragraph 15.2 ii. of the Scheme of Establishment of Community Councils.

16 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.

17 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 of 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 Perth & Kinross Council, the alteration shall be deemed to have been duly authorised and can then come into effect.

18 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 members present and qualified to vote and is approved by Perth & Kinross Council, the COMMUNITY COUNCIL shall be deemed to be dissolved and all assets remaining, subject to the approval of Perth & Kinross Council, after the satisfaction of any proper debts or liabilities shall transfer to Perth & Kinross Council 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 Perth & Kinross Council 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 of Establishment of Community Councils.

Where for any reason, the number of COMMUNITY COUNCIL members falls below the minimum specified in the Scheme of Establishment of Community Councils Perth & Kinross Council 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.

19. Approval and adoption of the Constitution

This Constitution was adopted by

Community Council, on
(date)

.....
Chairman's signature

.....
Member's signature

.....
Member's signature

and was approved on behalf of Perth and Kinross Council on

..... (date)

.....
Signed (Perth & Kinross Council Officer)

Appendix 2 – Standing Orders

COMMUNITY COUNCIL

STANDING ORDERS

1. Meetings (all held in public)

- (a) Ordinary meetings of the COMMUNITY COUNCIL shall be held on the/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 or on the request of not less than one-half of the total number of COMMUNITY COUNCIL members; or on 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 Perth & Kinross Council’s Liaison Officer by the Secretary of the COMMUNITY COUNCIL, at least 10 days before the date fixed for the meeting.
- (c) The taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings, or the making of any oral report on any proceedings as they take place, shall be permitted subject to the approval of the community council and advance notice of any recordings must be published on the agenda of all community council meetings.

2. Minutes

Minutes of the proceedings of a meeting of the COMMUNITY COUNCIL shall be drafted up within fourteen days from the date of that meeting, distributed in accordance with paragraph 5.2 iii 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. Obstructive and Offensive Conduct

In the event of any member of the COMMUNITY COUNCIL or member of public disregarding the authority of the Chairperson of the meeting, or conducting themselves in a disruptive, obstructive or offensive manner, a motion may be moved and seconded to remove the individual from the remainder of the meeting.

Such a motion will be put to the meeting without discussion and if supported by a majority of members of the COMMUNITY COUNCIL present and voting will be declared carried. The individual will be required by the Chairperson to leave the meeting immediately.

8. Alteration of Standing Orders

A proposal to alter these Standing Orders may be proposed to Perth & Kinross Council 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. Perth & Kinross Council shall have final discretion on any proposed change.

9. 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.

10. 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/her motion and if two-thirds of the COMMUNITY COUNCIL members present consent to such suspension.

Appendix 3 – Code of Conduct

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

The Code of Conduct for community councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

Community councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles, shall apply to all community councillors and those representing the community council. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Service to the Community

As a community councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Council's Scheme of Establishment of Community Councils, as set out by your local authority under the terms of the Local Government (Scotland) Act 1973.

You 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.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a community councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter to be considered by the community council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the secretary of the community council.

Objectivity

In all your decisions and opinions as a community councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your community council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and community council and not the interests of a particular political party or other group.

Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the community council. You must ensure that the community council uses its resources prudently and in accordance with the law.

Community councillors will individually and collectively ensure that the business of the community council is conducted according to the Council's Scheme of Establishment of Community Councils and this Code of Conduct.

Community councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the community council as set out in the Councils Scheme of Establishment of Community Councils. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of community council business and for no other purpose.

Minutes of meetings recording all actions and decisions made should be produced and circulated to all members of the community council as soon as possible after each meeting.

Any breach of the Council's Scheme of Establishment of Community Councils as set out by your local authority under the terms of the Local Government (Scotland) Act 1973 may be reported to your local authority to determine what action, if necessary, should be taken.

Openness

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the media, members of the public, or others not directly involved in your community council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the community council.

Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your community council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the community council.

Leadership

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the community council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the community council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the community council is aware of them.

Respect

You must respect fellow members of your community council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, you have dealings with in your capacity as a community councillor.

Recognition should be given to the contribution of everyone participating in the work of the community council. You 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.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

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Renfrewshire
Council

Scheme for the Establishment of Community Councils 2019

Document Title	Scheme for the Establishment of Community Councils		
Service	Finance & Resources	Lead Author	Anne McNaughton
Date Effective	December 2010	Review Date	2015
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RENFREWSHIRE COUNCIL

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

1. 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. Every local community in Scotland is entitled to petition their local authority to start a community council in their area.
- 1.2 Renfrewshire Council published its first Scheme for the Establishment of Community Councils (the Scheme) in 2001. Following statutory public consultation, that Scheme was revoked and a new Scheme was adopted in December 2010, the contents of which were revised and amended in 2015 and 2019. The Scheme describes how community councils in Renfrewshire are formed, the conditions under which they operate and the minimum standards to be met for recognition as a community council.
- 1.3 Guidance on the practical implementation of this Scheme is available on request from Renfrewshire Council:

Contact: community-council.cs@renfrewshire.gov.uk or call 0141 618 7104.

2. Statutory Purposes

- 2.1 The statutory purposes of community councils established under this 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”

- 2.2 Community councils are voluntary bodies that exist within a statutory framework. They can complement the role of the local authority but are not part of local government.

- 2.3 **Other Purposes:** The Community Empowerment (Scotland) Act 2015, further strengthens the purpose of community councils by including voluntary bodies within the community planning framework. As voluntary bodies, community councils:
1. can participate in all parts of the community planning process to produce Local Outcome Improvement Plans, in the development, design and delivery of these plans and in the review, revision and reporting of progress;
 2. can make Participation Requests;
 3. can make Asset Transfer requests;
 4. can be involved in forestry leasing;
 5. have a right to be consulted on the disposal or change of use of common good assets; and
 6. can be involved in Participatory Budgeting.
- 2.4 To support community councils to undertake their role within the community planning process, governance arrangements for Renfrewshire Community Planning Partnership will include recognition of community councils as members of Local Partnerships and advice and support will be provided to assist community councils to make Participation and Asset Transfer requests. This support will include access to advice on appropriate sources of funding available from the Council and other organisations.

3. The Role and Responsibilities of Community Councils

- 3.1 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.
- 3.2 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, which may include social media, to validate their views and devise strategies to secure greater involvement by all sectors of the community.
- 3.3 Community councils have a statutory right to be consulted by the Council on planning applications, certain licensing matters and on the disposal or change of use of common good assets.

- 3.4 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 this Scheme for the Establishment of Community Councils.
- 3.5 There should be mutual engagement in the establishment of working relationships with Renfrewshire Council and other public agencies.
- 3.6 In carrying out their activities community councils must adhere to the law and the terms of this Scheme, including the Constitution (Appendix A), Standing Orders (Appendix B) and the Code of Conduct for Member of Community Councils (Appendix C)
- 3.7 Each community council is therefore required to:
1. adopt a “Constitution” as set out in Appendix A;
 2. adhere to “Standing Orders” for the proper conduct of meetings, as set out in Appendix B; and
 3. ensure members abide by the “Code of Conduct for Members of Community Councils” as set out in Appendix C

These standard documents have been approved by Renfrewshire Council and cannot be amended without the authority of the Director of Finance & Resources.

- 3.8 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. To fulfil their responsibilities community councils:
1. should act without religious bias and remain neutral of party political activity:

Community councils must not endorse any political party or the activities of any political party. Community councils (and community council members in their role as members) must not show bias for or against any political party. Community council social media accounts should not display content from political parties and should not be used to comment, follow, like, display, forward etc any party-political postings.

Community councils should seek to develop good working relationships with all Elected Members of Renfrewshire Council;
 2. should inform the community of their work by making agendas and minutes of meetings available in public places such as libraries, community notice boards and online through social media accounts;

3. provide the name and address of community council members, when requested;
4. submit agendas together with minutes of the previous meeting to Renfrewshire Council at least 7 days prior to the date of each meeting;

Contact: community-council.cs@renfrewshire.gov.uk

5. distribute agenda and minutes to community council members, *ex officio* members and any other interested parties at least 7 days prior to each meeting as per the requirements of the Constitution and Standing Orders;
6. seek to broaden both representation and expertise by promoting Associated Membership of the community council of persons (not eligible for election to the community council) for specific projects/issues;
7. make particular efforts to encourage young people and other under-represented groups to attend/participate at community council meetings and to ensure equality of opportunity in the way the community council carries out its function;
8. maintain proper financial records, present regular financial reports to community council meetings and produce annual accounts each year. (A recognised format for financial recording keeping is available from Renfrewshire Council);

Contact: community-council.cs@renfrewshire.gov.uk

9. inform Renfrewshire Council, as soon as possible, of **any changes** to membership.

Contact: community-council.cs@renfrewshire.gov.uk

10. hold appropriate Public Liability insurance;
11. register as a Data Controller with the Information Commissioner's Office and ensure the security of any confidential, personal and/or sensitive information held by the community council; and

Contact: <https://ico.org.uk/>

12. monitor its social media accounts to ensure content is appropriate, engaging and promotes the work of the community council in a positive manner. The community council's social media platforms should not be used to conduct arguments, bully or harass any individual or organisation. The opinions expressed on the

community council's social media platforms should reflect the views of the community council and not of individual members.

4. Community Council Areas within Renfrewshire

- 4.1 Following consultation, local demand has determined that community councils be established in 25 neighbourhood areas. A list of named community council areas and their approximate population is attached as Appendix D and maps defining the boundaries to apply to each community council area are attached as Appendix E.

5. Membership of Community Councils

- 5.1 There shall be minimum and maximum numbers of members elected to a community council. Where the population in any community council area is less than 5,000 the minimum membership number will be 7 and the maximum 21. Where the population in any community council area is 5,000 or greater the minimum membership number will be 10 and the maximum 30. The number of members to be elected to each community council is detailed in Appendix D.
- 5.2 Members must be nominated and elected to the community council and must be 16 years of age or over.
- 5.3 Members must reside within the specific community council area i.e. the individual's permanent home must be within the community council area.
- 5.4 Members must also be named on the electoral register for the community council area in which they reside. Members who are 16 – 17 years of age and not yet listed on the Electoral Register must be proposed and seconded by residents of the community council area who are 18 years of age or over and listed on the electoral register.
- 5.5 There shall be provision made for non-voting Associate Membership for purposes as defined by each community council, for example, 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.
- 5.6 Elected members of Renfrewshire Council and members of the Scottish and United Kingdom Parliaments are entitled to become *ex officio* members of community councils, with no voting rights.

6. Establishment of Community Councils

- 6.1 The Council will give public notice of its intention to revoke the existing Scheme and make a new Scheme and will carry out statutory public consultation before adopting a new Scheme.

- 6.2 Renfrewshire Council, in compliance with current legislation, will request petitions from 20 residents in each community council area identified in the Scheme and will establish community councils in those areas that return a valid petition.
- 6.3 Renfrewshire Council will review the Scheme at regular intervals to update and amend the content as appropriate.

7. Community Council Elections

7.1 Eligibility

1. Candidates wishing to stand for election to a community council must meet the criteria for membership outlined in paragraph 5 of this Scheme. The same criteria shall apply to voters in a community council election.
2. Sixteen and 17year-olds residing in the community council area are also entitled to both stand for the community council and vote in any election. To be eligible to stand for election such candidates must comply with paragraph 5 of this Scheme. To be eligible to vote at an election, residents who are 16 – 17 years old and not yet listed on the Electoral Register must provide evidence of identity, for example a statement from parent, guardian or school.
3. Any community council member who no longer resides within that community council area is deemed to have resigned from that community council.
4. Any individual who is elected to serve on Renfrewshire Council, or the Scottish or UK parliament shall be ineligible for membership of a community council, 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.

7.2 Elections

1. The first elections to be held under the Scheme shall be held on a date to be determined by the Director of Finance & Resources.
2. Subsequent elections will be held on a four-yearly-cycle, outwith local government election years, on dates to be determined by the Director of Finance & Resources. Where the number of established community councils exceeds a level to be determined by the Director of Finance & Resources, 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 may be postponed at the discretion of the Director of Finance & Resources.

3. Renfrewshire Council will administer all elections. The Local Government Election rules shall apply to any election subject to any changes as determined by the Director of Finance & Resources to facilitate the conduct of the election.

7.3 Returning Officer

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

7.4 Nominations

1. Individuals seeking election to a community council require to be nominated by a proposer and seconder, both of whom must be resident in the Community Council areas and appear on the Electoral Register for that area. Nominations required to be submitted with the candidate's consent. Self-nomination is not permitted.
2. A nomination form must be completed and submitted by each – candidate. Nomination forms require to be submitted by the date set down in the election timetable. No nomination forms submitted after that date will be accepted.

7.5 Process

On the expiry of the period for lodging nominations:

1. Should the number of candidates validly nominated equal or exceed **THE MINIMUM**, but be less than or equal to the total maximum permitted membership as specified for the community council area in Appendix D 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, residents of the Community Council area shall be entitled to vote for candidates up to the number of vacancies on the community council. The candidate with the most votes shall be elected to the community council then the candidate with the second most votes shall be elected and so on until all vacancies are filled.
3. Should the number of candidates elected, be below **THE MINIMUM** 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.

7.6 Method of Election

Where appropriate, elections will take place across the Renfrewshire Council area at one time, and with regard to the terms of paragraph 7.2.2 above. The Director of Finance & Resources may determine the circumstances to apply to a staged approach to council-wide elections.

7.7 Filling of casual vacancies between elections

1. Casual vacancies on a community council may arise in the following circumstances:
 - (a) when an elected community council member submits her/his resignation;
 - (b) when an elected community council member ceases to be resident within that community council area; or
 - (c) when an elected community council member has his/her membership disqualified (Paragraph 9).
2. 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 Council. 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 **THE MINIMUM** permitted membership the Council shall be informed and shall undertake arrangements for an interim election to be held.

7.8 Co-option to Community Councils

1. Co-opted members must be eligible for membership of the community council as detailed in paragraph 5 of this Scheme. Such co-opted members shall have full voting rights, and will serve until the next round of elections (general and interim). Notice of any proposed co-option of a member should be included on the agenda for the next available meeting of the community council.
2. 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.

7.9 Additional Membership

1. 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.

2. *Ex-Officio* Members

Renfrewshire Councillors, MPs and MSPs 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.

For the avoidance of doubt, the attendance of any associate or *ex-officio* member at a meeting of the community council will not count towards the quorum for that meeting.

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

9.1 Members who cease to reside in the community council area will be deemed to have resigned.

9.2 If any member of a community council fails to attend 6 consecutive meetings (where the community council meets monthly) or 3 consecutive meetings (where the community council meeting every 2 months), with or without submitting apologies, the community council shall advise the Director of Finance & Resources and terminate their membership. However, at the discretion of individual community councils, and at the request of the individual member of the community council, a period of leave of absence of up to three consecutive meetings may be granted at any meeting of the community council.

Contact: community-council.cs@renfrewshire.gov.uk

10. Meetings

- 10.1 The first meeting of a community council following the community council election, will be called by Renfrewshire Council 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.
- 10.2 The frequency of meetings will be determined by each community council, subject to a minimum of 7 meetings each year (one annual general meeting and 6 ordinary meetings). Standing Orders shall identify the months in which meetings are to take place. The annual general meeting shall be held in OCTOBER each year.
- 10.3. Each community council will be responsible for arranging a venue for meetings and payment of any fees.
- 10.4 Every meeting of the community council shall have a quorum of voting members present before the meeting can proceed. The quorum for community council meetings shall be one-third of the current number of members of the community council eligible to vote, or 3 members, whichever is the greatest.
- 10.5 An outline for the content of business that community councils should adhere to when holding ordinary, special and annual general meetings is contained within Standing Orders.

11. Communication with Renfrewshire Council

- 11.1 In order to facilitate the effective functioning of community councils, the Council has identified that the Senior Committee Services Officer (Community Councils) will provide a liaison service to community councils.
- 11.2 For the avoidance of doubt, this means that community councils should send the Senior Committee Services Officer (Community Councils), by the timescales prescribed, all information/documents that are required by Renfrewshire Council/Director of Finance & Resources under the terms of this Scheme.
- 11.3 The Senior Committee Services Officer (Community Councils) will act as the main point of contact for advice and support to interpret and implement the Scheme, Constitution, Standing Orders and the Code of Conduct for Community Council Members.

Contact: community-council.cs@renfrewshire.gov.uk

11.4 **Responding to Consultations:** Community councils may make representations to the Council, its planning partners, and other public and private agencies, on matters for which that organisation is responsible and which the community council considers to be of local interest. The community council should respond by the timescale and method advised by the agency undertaking the consultation.

11.5 **Responding to Planning & Licensing Applications:** Community councils receive statutory notice of planning applications and some licensing applications and should respond by the timescale and method set out in the notification.

11.6 **Making Enquiries about Renfrewshire Council Services**

Community councils should send **all** enquiries about services to:

communitycouncilenquiries@renfrewshire.gov.uk

Service enquiries will be:

- logged and tracked;
- receipt acknowledged within 5 working days;
- replied to within 10 working days where possible, or otherwise advised (within 10 working days) of an appropriate alternative date for reply should the matter be complex and require detailed investigation

12. **Resourcing a Community Council**

12.1 The financial year of each community council shall be provided for in the constitution of each community council and shall be from **1 September to 31 August** in each succeeding year to allow for the proper submission of independently examined Annual Accounts to the community council's annual general meeting in OCTOBER each year.

12.2 The Annual Accounts of each community council shall be independently examined by at least two persons appointed by the community council, who are not members (or related to members) of that community council. A copy of the independently examined Annual Accounts and balance sheet shall be forwarded immediately after the statement is approved at the community council's annual general meeting, to Renfrewshire Council. The Director of Finance & Resources may require the community council to produce such records, vouchers and account books, as may be required to satisfy the Council that the financial concerns of the community council are in order.

- 12.3 Each community council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions.
- 12.4 Each community council shall be eligible to apply for Council grants for suitable projects under the appropriate grant system.
- 12.5 The Council will provide an annual administrative grant to community councils to assist with the operating costs of the community council. The level of the administrative grant will be set by the Council. The amount of grant to apply to each community council is detailed in Appendix E.
- 12.6 The Administration Grant is provided to meet the operational costs listed below. Expenditure under each heading must be recorded in annual accounts. The Director of Finance & Resources will have discretion to approve, on request, any expenditure from the Administration Grant not listed below. The approved list will be reviewed on an annual basis.
- advertising/general publicity and promotional activities
 - accommodation/lots
 - auditors' fees
 - bank charges
 - consultation with the community
 - data protection registration
 - insurance
 - IT software/hardware/website construction and maintenance
 - photocopying/printing
 - postage
 - production and circulation of minutes, agenda and annual reports
 - subscriptions
 - telephone costs/ISP costs
 - travel costs
- 12.7 The Council will review the level of administrative grant and other support to community councils on an annual basis.
- 12.8 The Senior Committee Services Officer (Community Councils) 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.
- 12.9 The Council will facilitate regular meetings of Renfrewshire Community Council Forum as a mechanism for community councils to act together.

13. Liability of Community Councils

- 13.1 Community councils must have in place appropriate Public Liability Insurance.

14. Suspension of a Community Council

- 14.1 In the interests of protecting the public, residents, elected members, the Council and its partner agencies from community councils that have demonstrated a major single failure or a series of failures to comply with (i) the Scheme; (ii) the Constitution and/or (iii) the Code of Conduct for Community Councillors, where said failure(s) have not been remedied after being brought to the community council's attention, the Head of Corporate Governance can take action to suspend a community council and issue notice to that effect.
- 14.2 Whilst suspended, no meetings of the community council can take place. The community council will revert to the status of a steering group whose main task will be to consider and take such action as is necessary to ensure a re-instated community council can comply with the provisions of the Scheme, Constitution and Code of Conduct for Community Councillors.
- 14.3 On satisfying the Head of Corporate Governance that the community council will in the future be able to comply with the provisions of the Scheme, the community council will be re-instated by written notice from the Director of Finance & Resources at which time meetings can recommence.
- 14.4 In the event that a steering group is unable to demonstrate that the community council can comply with the provisions of the Scheme, within a period of three months from the date of suspension, then the Director of Finance & Resources may recommend to Renfrewshire Council that the community council be dissolved.
- 14.5 However, should the steering group be able to demonstrate sufficient progress towards conforming with the Scheme, to the satisfaction of the Head of Corporate Governance, then the period of suspension can be extended by an additional 3 months and a notice issued by the Head of Corporate Governance to that effect.
- 14.6 A summary of community council and Renfrewshire Council expectations is attached as Appendix F.

15. Dissolution

- 15.1 The terms for dissolution of a community council are contained with the Constitution.
- 15.2 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.

- 15.3 The Council may take action to dissolve a community council where it is satisfied and can demonstrate a major single failure or a series of failures by a community council to comply with (i) the Scheme; (ii) the community council Constitution; and (iii) the Code of Conduct for Community Councillors, where said failure(s) have not been remedied after being brought to the community council's attention.

CONTACT:

All enquiries about the operation of community councils in Renfrewshire or the implementation of this Scheme should be directed to:

Anne McNaughton
Senior Committee Services Officer
(Community Councils)
Renfrewshire Council
Cotton Street
PAISLEY
PA1 1TR

0141 618 7104

community-council.cs@renfrewshire.gov.uk

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Date of Publication: 1 October 2019

DRAFT 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 Renfrewshire Council’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 Renfrewshire Council, and the Code of Conduct for Members of Community Councils.

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 Renfrewshire Council.

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 members 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) fill the vacancy (and any other outstanding vacancies) by holding an Interim Election, administered by the Council, 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.
- (b) fill the vacancy by co-opting a resident in terms of paragraphs 7.7 and 7.8 of the Scheme for the Establishment of Community Councils
- (c) leave the vacancy 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 members whether elected or co-opted, but not by Associate Members appointed for specific issues on a temporary basis, or *ex-officio* members. Decisions of the Community Council will be decided by a simple majority of those present and eligible to vote, with the exception of circumstances which may arise under Clause 16 – Alterations to the Constitution and its Clause 17 – Dissolution.

In the event of an equality of votes 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 OCTOBER 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 Renfrewshire Council, 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 set up committees and appoint representatives of the Community Council to committees 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 one-third of the current membership that is eligible to vote, or 3 whichever is the greatest.
- (b) Once in each year in the month of OCTOBER 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) the Community Council shall meet not less than 7 times throughout the year - not less than one AGM and 6 ordinary meetings.
- (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, either called by the Chairperson, or on the request of not less than one-half of the total number of community council members, shall require at least 7 days public notice. Renfrewshire Council's Director of Finance & Resources has discretion to call a meeting of the Community Council for a specific purpose.
- (e) Copies of all minutes of meetings of the Community Council and of committees thereof shall be approved at the next ordinary meeting of the Community Council.
- (f) In accordance with Standing Orders, an agenda (listing business to be discussed) together with a minute of the previous meeting shall be produced and distributed to all members at least 7 days before the date of each meeting. A copy of the agenda and minute must also be submitted to Renfrewshire Council.

- (g) The Community Council and its members shall abide by its Standing Orders for the proper conduct of its meetings.
- (h) 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.
- (i) The Community Council will meet in public and all items of business shall be taken in public. However, in exceptional cases items of business can be taken in private where the community council considers it appropriate to do so. An example of an exceptional case would be where genuinely personal or confidential matters were being discussed such as where the facts of a complaint against a member of the Community Council require to be substantiated. The agenda will state whether the meeting or a part thereof is to be held in private.
- (j) Outwith regular meetings when urgent responses are required, office bearers can take decisions in the best interests of the Community Council and report on these decisions at the next ordinary meeting.
- (k) The Community Council will be non sectarian and non political.
- (l) The Community Council will 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.

12. Public Participation in the Work of the Community Council

- (a) All meetings of the Community Council and its committees (subject to 11(i), 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/Agenda calling meetings of the Community Council and its committees shall be posted prominently within the Community Council area for a minimum period of 7 days before the date of any such meeting, and, where possible, be advertised by other suitable means such as websites and social media.

13. Information to the Local Authority

Renfrewshire Council's Senior Committee Services Officer (Community Council Liaison) shall be sent:

- an annual calendar of the Community Council's ordinary 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 Renfrewshire Council.

When special meetings of the Community Council are to be held, the above officer should be advised of the date, time venue and subject(s) of debate of such meetings, at least 7 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 Renfrewshire Council and other sources shall be applied to further the objectives of the Community Council and for no other purpose. 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 annual Administration Grant will be used to meet the cost of the undernoted expenditures and for no other purpose without the approval of the Director of Finance & Resources:-
- advertising/general publicity and promotional activities
 - accommodation/lots
 - auditors' fees
 - bank charges
 - consultation with the community
 - registration as a Data Controller with the Information Commissioner's Office under the provisions of the Data Protection Act;
 - insurance
 - IT software/hardware/website construction and maintenance
 - photocopying/printing
 - postage
 - production and circulation of minutes, agenda and annual reports
 - subscriptions
 - telephone costs/Internet Service Provider costs
 - travel costs

- (c) The Administration Grant (or any portion thereof) shall not be used to provide grant funding to any other body.
- (d) The treasurer shall undertake to keep proper accounts of the finances of the Community Council, and specifically record all items of spend from the Administrative Grant.
- (e) 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 shall not be co-habitees.
- (f) A statement of accounts for the last financial year, independently examined by two persons appointed by the Community Council who are not members, relatives of members, or co-habiting with members of the Community Council, shall be submitted to an annual general meeting of the Community Council and shall be available for inspection by members of the public at a convenient location.
- (g) The financial year of the Community Council shall be from 1 September to 31 August the following year. Examined accounts as received and approved by the Community Council at the annual general meeting shall be submitted to Renfrewshire Council 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 7 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.

Where for any reason, the number of Community Council members falls below the minimum specified in the Scheme for the Establishment of Community Councils, Renfrewshire Council may, by suspending the Constitution of the Community Council, cause the Community Council to be dissolved.

The Council may take action to suspend and then dissolve a community council where it is satisfied and can demonstrate a major single failure or a series of failures by a community council to comply with (i) the Scheme; (ii) the community council Constitution; and (iii) the Code of Conduct for Community Councils where said failure(s) have not been remedied after being brought to the community council's attention.

In the event that a Community Council is dissolved 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.

18. Approval and adoption of the Constitution

This Constitution was adopted by

COMMUNITY COUNCIL, on (Date)

Signed:(Chairperson)

Signed: (Member)

Signed: (Member)

and was approved on behalf of Renfrewshire Council on(Date)

.....

Signed

.....

Name

.....

Designation



DRAFT 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].
- (b) 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.
- (c) 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 7 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, submitted to the next meeting of the Community Council for approval, and retained for future reference.

3. Quorum

A quorum shall be one-third of the current membership eligible to vote (and not less than 3).

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) Special Meeting

The order of business at every special 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) Decisions shall be reached by majority vote.
- (b) 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.
- (c) In the event of an equality of votes, the Chairperson of a meeting of the Community Council shall have a casting vote.

7. Alteration of Standing Orders

A proposal to alter or add to these Standing Orders may be proposed to Renfrewshire Council 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. Renfrewshire Council 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.

CODE OF CONDUCT FOR MEMBERS OF COMMUNITY COUNCILS

The Code of Conduct for Members of Community Councils is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

As representatives of their local communities, community council members have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles, shall apply to all community council members and those representing the Community Council. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Service to the Community

As a community council member you have a duty to act in the interests of the local community which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Council's Scheme for the Establishment of Community Councils, as set out by Renfrewshire Council under the terms of the Local Government (Scotland) Act 1973.

You 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.

You should ensure that you are, within reason, accessible to your local community and local residents and make your contact details available to the public. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a community council member to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Council.

Objectivity

In all your decisions and opinions as a community council member, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your Community Council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the Community Council. You must ensure that the Community Council uses its resources prudently and in accordance with the law.

Community council members will individually and collectively ensure that the business of the Community Council is conducted according to the Council's Scheme for the Establishment of Community Councils and this Code of Conduct.

Community council members will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Council's Scheme for the Establishment of Community Councils. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Council business and for no other purpose.

Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible and not later than 14 days after each meeting.

Any breach of the Council's Scheme for the Establishment of Community Councils as set out by Renfrewshire Council under the terms of the Local Government (Scotland) Act 1973 may be reported to your local authority to determine what action, if necessary, should be taken.

Openness

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the Media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.

Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

Leadership

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

Respect

You must respect fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, you have dealings with in your capacity as a community council member.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. You 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.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

Community Councils	2019 Population*	2019 Annual Admin Grant**	Minimum members	Maximum members
Bishopton	6491	£795	10	30
Bridge of Weir	4776	£743	7	21
Brookfield	771	£623	7	21
Charleston	6113	£783	10	30
Ferguslie	4116	£723	7	21
Elderslie	6319	£790	10	30
Erskine	15170	£1,055	10	30
Foxbar & Brediland	13051	£992	10	30
Gallowhill	5600	£768	10	30
Glenburn	9291	£879	10	30
Hawkhead & Lochfield	7003	£810	10	30
Houston	6535	£796	10	30
Howwood	1798	£654	7	21
Hunterhill	2698	£681	7	21
Inchinnan	1900	£657	7	21
Johnstone	16084	£1,083	10	30
Kilbarchan	3709	£711	7	21
Langbank	1019	£631	7	21
Linwood	8685	£861	10	30
Lochwinnoch	3436	£703	7	21
Paisley East & Whitehaugh	8163	£845	10	30
Paisley North	5051	£752	10	31
Paisley West & Central	10452	£914	10	30
Ralston	4770	£743	7	21
Renfrew	22929	£1,288	10	30
	175930	£20,278	220	661

*Sources: 2014 Estimate - 2011 Census, 2018 Estimate - National Records of Scotland 2016 mid year population

**Figures have been rounded to the nearest £

SUMMARY OF EXPECTATIONS

Community Councils are expected:

- to comply with the requirements of this Scheme and the community council Constitution and Standing Orders;
- to ensure all community council members adhere to the Code of Conduct;
- to be representative of all sectors of the community within their area;
- to organise and conduct meetings in accordance with the Scheme, Constitution and Standing Orders;
- to conduct at least 6 ordinary meetings and an AGM each year;
- to produce and distribute an agenda together with a minute of the last meeting at least 7 days prior to each meeting;
- to prepare and publish annual accounts that have been independently examined;
- to hold Public Liability insurance;
- to register, in terms of the Data Protection Act, as a Data Controller with the Information Commissioner's Office each year;
- to hold elections to the community council in liaison with Renfrewshire Council;
- to identify and employ consultation methods that promote engagement with the community;
- to be non-sectarian, non-Party political and ensure equality of opportunity for all residents; and
- to immediately advise Renfrewshire Council of any changes to membership.

Community Councils that comply fully with this Scheme can expect:

- to be consulted and make representations on planning applications;
- to be recognised as a competent body to comment on licensing applications;
- to be recognised as a member of the appropriate Local Partnership taking forward the aims of Renfrewshire Community Planning Partnership/Community Empowerment Act (or equivalent Council structure);
- to obtain information, advice, training and support from Renfrewshire Council;
- to receive an annual administration allowance on submission of independently examined annual accounts (due in October each year);
- to be recognised as an appropriate body to apply for other Renfrewshire Council funding and to be signposted to sources of funding available from other organisations; and
- to receive acknowledgment (within 5 working days) and reply (within 10 working days, in general) to enquiries about Council services.

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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 Customer & 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 Customer & Communities. 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 Customer & 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 Customer & 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
Berwickshire			
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		
Etrick and Lauderdale				
22	Bowden Village Committee	6		
24	Earlston	12		
25	Etrick 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		
Roxburgh				
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	
Tweeddale			
58	Carlops	6	
23	Clovenfords and District	12	
59	Eddleston	8	
60	Innerleithen and District	12	
61	Lamanha, 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 (NOTE 2)		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 (NOTE 2)		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.

SHETLAND ISLANDS COUNCIL

SHETLAND ISLANDS COUNCIL COMMUNITY COUNCIL SCHEME 1997

In terms of Part IV of the Local Government (Scotland) Act, 1973 (hereinafter referred to as "the Act"), as amended by the Local Government etc. (Scotland) Act 1994, Shetland Islands Council (hereinafter referred to as "the Council"), having given public notice of their intention to frame a Scheme for Community Councils in this area and having considered the suggestions submitted as to the areas and composition of community councils in the Islands Area, hereby make the following Community Council Scheme (hereinafter referred to as "the Scheme"):-

1 TITLE OF SCHEME

This Scheme may be cited as "The Shetland Islands Council Community Council Scheme 1997".

2 COMMENCEMENT OF SCHEME

The Scheme shall come into force on the day appointed by the Council. Notice of said date will be published in accordance with the Act.

3 INTERPRETATION OF SCHEME

The Interpretation Act 1978, shall apply to the interpretation of the Scheme as it applies to the interpretation of an Act of Parliament.

4 GENERAL PURPOSES OF COMMUNITY COUNCILS

The general purpose of a Community Council, in addition to any other purpose which they may be entitled to pursue, shall be to ascertain, co-ordinate and express to the local authorities for their area, and to other public authorities, the views of the community which they represent, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to them to be expedient and practicable, and done pursuant to the Constitution of each Community Council and the Code of Practice approved by the Council and modified from time to time in consultation with all Community Councils.

5 COMMUNITY COUNCIL AREAS

The areas referred to comprise:-

- (a) Bressay
- (b) Burra and Trondra
- (c) Delting
- (d) Dunrossness
- (e) Fetlar
- (f) Gulberwick, Quarff and Cunningsburgh

- (g) Lerwick
- (h) Nesting and Lunnasting
- (i) Northmavine
- (j) Sandness and Walls
- (k) Sandsting and Aithsting
- (l) Sandwick
- (m) Scalloway
- (n) Skerries
- (o) Tingwall, Whiteness and Weisdale
- (p) Unst
- (q) Whalsay
- (r) Yell

6 DESCRIPTION OF AREAS SELECTED

The Council have considered carefully the location, population and electorate, and characteristics of the communities within the Islands area and their relationship to one another, and having determined that the Community Council requirements for the Islands area, and in particular the local interests and the needs of all the persons within the communities, will be best served by the establishment of Community Councils for the areas specified in paragraph 5 above the precise boundaries of which shall be approved by the Council and subject to periodic review and modification, as required, under the terms of the Constitutions of each area following consultation with the Community Councils likely to be affected by the modifications.

7 APPLICATION TO ESTABLISH ADDITIONAL COMMUNITY COUNCILS

In the event of not less than 20 electors in any of the areas specified in paragraph 5 above, making application in terms of Section 52(7) of the Act for establishment in that area of a Community Council, the Council may consider in accordance with the provisions of the Act, making arrangements to set up a Community Council for the area concerned.

8 CONSTITUTION AND CODE OF PRACTICE

Each Community Council shall be responsible for compiling their own Constitution based on a framework document produced by the Council. Each Community Council shall also assist in the production of a Code of Practice to facilitate the orderly conduct of their affairs, the means of maximising representation of their community interests, and for establishing the grounds rules for participative consultation vis-à-vis the Council and other public bodies. These key documents will stand separate from the Scheme but derive their authority therefrom and will be subject to periodic review by the Council in consultation with Community Councils.

This is the Shetland Islands Council Scheme of Community Councils approved by the Council on

Signed _____
Head of Legal and Administrative
Services

Date _____

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**COMMUNITY COUNCIL
SCHEME**

and

HANDBOOK

for

COMMUNITY COUNCILLORS

Note: This is an interim updated version pending review.

August 2013

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May 2013

Resources, Governance and Organisation
South Ayrshire Council
County Buildings
Wellington Square
AYR KA7 1DR

Telephone: 01292 612181
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SECTION A

INTRODUCTION

- A1 - The Role of a Community Council
- A2 - Responsibilities
- A3 - Rights
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- Appendix A1 - Name, Description and Membership of Community Council

A INTRODUCTION

A1 The Role of a Community Council

- A1.1 Community Councils are an important part of South Ayrshire's community. They confirm the Government's commitment to an inclusive democracy which involves local people in the decisions made by their local authorities. The Scheme helps local authorities and community councils develop their relationship effectively and details the framework within which community councils exist.
- A1.2 Community Councils are voluntary bodies which exist within a statutory framework and which have been granted statutory rights of consultation. **The general purpose of a Community Council is to ascertain, co-ordinate and express the wider views of the entire community within its agreed boundaries.** They can complement the role of the local authority but are not part of local government. Community Councils must comply with the provisions of the Equality Act 2010. Information about the Equality Act may be found at www.equalityhumanrights.com .
- A1.3 Community Councils may also undertake other functions within the terms of their own constitution. **It is the responsibility of a Community Council to satisfy South Ayrshire Council, that they have taken positive steps to ascertain the views of the wider community within their area, before making representations on any matter, on behalf of the community.** Such 'positive steps' should include the advance public display of notice of Community Council meetings, the advance public display of the agenda and the public display of minutes following approval by the Community Council.
- A1.4 South Ayrshire Council recognises the voluntary status of Community Councils, and respects the individuality of the communities they represent. The active involvement of Community Councils will bring benefits both to South Ayrshire Council and local communities. Community Councils should support and complement the role of South Ayrshire Elected Members in ensuring that local opinion is taken into account in matters of policy or operation. Community Councillors should develop their relations with South Ayrshire Council into one of partnership.

A2 Responsibilities

- A2.1 South Ayrshire Council's responsibilities are
- A2.1.1 to prepare, approve, publish and review the Scheme for Community Councils, after due consultation with Community Councils and the public.
- A2.1.2 to provide financial and administrative assistance to Community Councils, subject to the various financial and resource constraints placed on South Ayrshire Council. South Ayrshire Council will provide an annual administration grant to Community Councils to meet the costs of the Community Council undertaking its statutory duties.
- A2.2 The administration grant shall only be used for administrative or secretarial expenses necessarily incurred on behalf of the Community Council. Reference should be made to Section E which contains further information on the administration grant.

- A2.3 South Ayrshire Council may provide grants to Community Councils for other purposes for specific projects. These requests for financial assistance will be considered by South Ayrshire Council in conjunction with other requests on its various resources. Applications for specific funding can be obtained from the Projects and Funding Support Officer, South Ayrshire Council, Burns House, Burns Statue Square, AYR KA7 1UT (Telephone: 01292 616245 Email: grants@south-ayrshire.gov.uk).
- A2.4 South Ayrshire Council has a statutory obligation to consult with Community Councils regarding planning applications. This is done by the Head of Community, Enterprise and Development circulating a weekly list of planning applications to Community Councils. This list contains basic information regarding the applicant, agent, site address, proposed development and other locational characteristics.
- A2.4.1 A strict timescale is laid down in legislation which requires South Ayrshire Council to determine planning applications with a short fixed period and any consultation undertaken by South Ayrshire Council must be completed within this timescale.
- A2.4.2 Reference should be made to Section H which contains detailed information on planning applications.
- A2.5 South Ayrshire Council will help increase public awareness of Community Councils by providing publicity for election dates. It is intended that this will emphasise the special role of the Community Council, highlight the close co-operation with South Ayrshire Council and also reduce expenditure by individual Community Councils on advertising elections. Reference should be made to Section B which contains further information on the election process.
- A2.6 Minutes and reports of South Ayrshire Council meetings and its panel meetings will be made available for inspection on South Ayrshire Council's webpage www.south-ayrshire.gov.uk/committees/ unless the information is specifically excluded from publication. (Hard copies may be made available on request.)
- A2.7 South Ayrshire Council shall regard Community Councils as legitimate representatives of the community. South Ayrshire Council will invite the views of Community Councils on relevant matters of general local interests. Council officials will respond to correspondence by acknowledgement within 5 working days and substantively within 20 working days.
- A2.8 South Ayrshire Council will work with Community Councils for the formation, development and publicity of Community Councils.

A3 Rights

- A3.1 The rights which South Ayrshire Council may choose to exercise are as follows.
- A3.1.1 South Ayrshire Council may appoint an officer to inspect the accounts and records of a Community Council at any time. South Ayrshire Council may write to both the Secretary and the Treasurer seeking access to the records, and either of them, or any Community Councillor, must contact the appointed officer within 7 days of the date of the letter, to make arrangements for the

inspection to take place. The inspection must take place within 28 days of the date of the letter or at such other mutually agreeable time.

A3.1.2 Where it appears that a Community Council is not complying with the requirements of the Scheme, the circumstances will be discussed initially by the Head of Policy, Community Planning and Public Affairs and the Community Council with a view to resolving any problems. In the event that agreement cannot be reached, South Ayrshire Council may suspend the Community Council. This action will be taken only if the Community Council is found not to be conforming to the Scheme for Community Councils and will result in the Community Council losing the rights to

- consultation on any South Ayrshire Council matter; and
- receive grants.

A3.1.3 Where a Community Council is dissolved there is an obligation on South Ayrshire Council and the Community Council to arrange for an orderly gathering of funds and assets of the Community Council, and for those funds and assets to be disposed of in accordance with Section E on Financial Management.

A3.1.4 South Ayrshire Council has the right to receive from Community Councils copies of

- minutes of all meetings, including sub committees, working groups, etc.
- annual report, where produced,
- audited accounts, and
- property list.

These items shall be provided to the Head of Policy, Community Planning and Public Affairs as soon as they have been formally approved by the Community Council.

A4 Consultation regarding Community Council Scheme

A4.1 In accordance with Section 51(6) of the Local Government (Scotland) Act 1973, on adoption of this new Scheme, South Ayrshire Council shall give public notice of the Scheme together with an invitation to electors in all Community Council areas to write to the Head of Policy, Community Planning and Public Affairs to establish a Community Council, in accordance with this Scheme where this has not already been done.

A4.2 South Ayrshire Council, having regard to changing circumstances and to any representations made to them, shall from time to time review this Scheme, and where they consider that the Scheme ought to be amended, they shall proceed in accordance with the provisions and procedure specified in Section 53 of the Local Government (Scotland) Act 1973, as amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981, and Section 22 of the Local Government etc. (Scotland) Act 1994, to effect such amendment.

SOUTH AYRSHIRE COUNCIL
NAME, DESCRIPTION AND MEMBERSHIP OF COMMUNITY COUNCIL

Name of Community Council	Sub Ward	No of Members	South Ayrshire Council Electoral Ward(s)	Number of Electors
Alloway and Doonfoot		15		5359
	Alloway	8	5	
	Doonfoot	7	5	
Annbank and Coylton		12	7	3609
Ballantrae		9	8	511
Barr		9	8	289
Barrhill		9	8	352
Belmont and Kincaidston		18		4511
	Kincaidston	4	4	
	Belmont North	5	4	
	Belmont South	5	4	
	St Leonards	4	4	
Colmonell and Lendalfoot		9	8	357
Craigie		9	6	326
Crosshill, Straiton and Kirkmichael		9		1669
	Crosshill	3	7	
	Straiton	3	7	
	Kirkmichael	3	7	
Dailly		9	8	858
Dundonald		12	6	2006
Dunure		9	7	702
Forehill, Holmston and Masonhill		15		6221
	Castlehill/Masonhill/New Holmston	7	4	
	Holmston and Forehill	8	4	
Fort, Seafield and Wallacetown		15		5878
	Fort	5	5	
	Seafield	6	5	
	Wallacetown	4	5	
Girvan and District		15		5572
Kirkoswald, Maidens and Turnberry		9	7	962
Loans		9	6	614
Maybole		15		3422
Minishant		9	7	556
Monkton		9	6	915
Mossblown and St Quivox		9		3009
Newton and Heathfield		12		7536
	Newton	6	3	
	Heathfield	6	3	
North Ayr		15		7307
	Whitletts and Lochside	5	3	
	Dalmilling	5	3	
	Craigie	5	3	
Pinwherry and Pinmore		9	8	309
Prestwick North		15		6664
	Prestwick North West	5	2	
	Prestwick North Central	5	2	
	Prestwick North East	5	2	

Name of Community Council Sub Ward	No of Members	South Ayrshire Council Electoral Ward(s)	Number of Electors
Prestwick South	15		5602
Prestwick South West	8	2	
Prestwick South East	7	2	
Symington	9	6	1172
Tarbolton	9	6	2180
Troon	18		12141

SECTION B

COMMUNITY COUNCIL

ELECTIONS

- B1 - General Provisions
- B2 - Appointment of Returning Officer
- B3 - Timetable
- B4 - Notice of Election
- B5 - Nomination
- B6 - Qualification of Candidate
- B7 - Consent to nomination
- B8 - Nomination form
- B9 - Witnessing more than one nomination paper
- B10 - Qualification of Electors
- B11 - Nomination paper
- B12 - Delivery of nomination paper
- B13 - Candidate's statement/canvassing
- B14 - Validity of nomination papers
- B15 - Political Parties
- B16 - Method of Election
- B17 - Counting of Votes
- B18 - Term of Office
- B19 - Rejected Ballot Papers
- B20 - Decisions on Ballot Papers
- B21 - Equality of Votes
- B22 - Declaration
- B23 - Absent Voting
- B24 - Appointment of Agents
- B25 - Uncontested Election
- B26 - Areas with no active Community Councils
- B27 - Demission of Office – Community Councillors
- B28 - Disposal of Documents
- B29 - Inspection of Documents
- B30 - Destruction of Documents
- B31 - Death of Candidate
- B32 - Public Meetings
- Appendix B1 - Provisional Timetable
- Appendix B2 - Sample of Notice of Election
- Appendix B3 - Sample of Nomination Form
- Appendix B4 - Sample of Candidates' Statement
- Appendix B5 - Sample of Ballot Paper
- Appendix B6 - Sample of Results Document
- Appendix B7 - Sample of Petition

B COMMUNITY COUNCIL ELECTIONS

B1 General Provisions

- B1.1 Each Council shall comprise of Members elected in terms of this Scheme.
- B1.2 Elections shall be held triennially, starting in 2004, for all Community Councils.
- B1.3 Where the number of valid nominations received is less than half of the number of vacancies, the Community Council will not be able to be formed. Similarly where a Community Council has formed and the number of Community Councillors falls to less than half of the total membership of the Community Council, the Community Council will cease to function and will be dissolved (see Section E).
- B1.4 A Community Council may be reformed by Petition in terms of this Scheme (see Section B26).
- B1.5 Members may be elected at a By-election in the years two and three following the triennial election.
- B1.6 Members of a Community Council will represent that Council area as a whole and will be elected by a secret ballot. The poll will be an all-postal ballot and organised by the Returning Officer and his/her staff. The election timetable will be arranged so that each newly elected Community Councillor will be appointed from 1st April.
- B1.7 South Ayrshire Council Elected Members, Members of the Scottish Parliament, Members of Parliament and Members of the European Parliament, for the area (or part of the area) covered by a Community Council shall have *ex officio* membership.

B2 Appointment of Returning Officer

- B2.1 The Returning Officer for Community Council elections shall be the Service Planning and Elections Manager, Resources, Governance and Organisation Directorate, South Ayrshire Council. He/she may appoint Deputies to discharge all or any of his/her duties.
- B2.2 The decision of the Returning Officer is final and cannot be challenged on election petition.

B3 Timetable

Community Council elections will be held triennially with by-elections being held in years two and three. The timetable for the conduct of Community Council elections is detailed in Appendix B1. In each third year South Ayrshire Council will publish in the local press and on its website the Notice of Election as shown in Appendix B2. In subsequent years, during by-elections, South Ayrshire Council may choose to advertise only in the locality where the by-election will take place.

B4 Notice of Election

The Returning Officer shall publish a Notice of Election as shown in Appendix B2 or to like effect.

B5 Nomination

Forms of nomination will be available at such locations as determined by the Returning Officer and published in the Notice of Election. Completed nomination forms shall be delivered to the place appointed by the Returning Officer and specified on the Nomination Form as shown in Appendix B3.

B6 Qualification of Candidate

To qualify to be nominated to stand for election to a specific Community Council, a candidate must

- B6.1 be 18 years of age or over (by the date of the close of nomination).
- B6.2 have his/her name appearing on the current Register of Local Government Electors for the area concerned.
- B6.3 be resident in the Community Council area or sub area for which he/she is being nominated.
- B6.4 not be an Elected Member of a local authority (or an Elected Member of any other legislature).
- B6.5 not be a person who would be disqualified from being nominated in a Local Government Election in terms Subsections 1(B), (ba), (C), (2), (3) and (3B) of Section 31 of the Local Government (Scotland) Act 1973 as amended. (These relate to sequestration and bankruptcy and to criminal convictions where a sentence of imprisonment without the option of fine has been passed).

B7 Consent to Nomination

Every candidate must consent to his/her nomination in writing. Consent to nomination will be included in the Nomination Form.

B8 Nomination Form

The signature of the candidate on the Nomination Form requires to be witnessed. The witness must be 16 years of age or over, be able to write, not be blind, be of sound mind and be known to the candidate.

B9 Witnessing more than One Nomination Paper

A person can witness more than one nomination paper in respect of the same Community Council election.

B10 Qualification of Electors

All electors at a Community Council election shall be resident in the area or sub area of that Council and shall;

- have attained the age of 18 years as at the date of the close of nominations.
- be persons whose name appears on the Register of Local Government Electors for the area concerned.
- not be subject to any legal incapacity (as applies at other elections).

B11 Nomination Paper

A sample of the nomination paper to be used at Community Council elections can be found in Appendix B3.

B12 Delivery of Nomination Paper

Nomination papers must be delivered to the address specified on the nomination paper no later than the date and time specified on the nomination paper.

B13 Candidate's Statement / Canvassing

A candidate may wish to make a statement saying why he/she wants to be elected. It must not be longer than 50 words. This statement will be published, together with any other validly nominated candidates' statements, where there will be a contested election. There is no obligation on a candidate to complete this part, it is entirely optional. No other form of canvassing for votes will be permitted.

B14 Validity of Nomination Papers

B14.1 Where a nomination paper is delivered prior to the close of nomination, the candidate shall be deemed to stand nominated unless and until the Returning Officer decides that the nomination paper is invalid, or proof is given to the Returning Officer's satisfaction of the candidate's death.

B14.2 The Returning Officer is entitled to hold a nomination paper invalid only on one of the following grounds; either that the particulars of the candidate or the persons subscribing the paper are not as described above, or that the paper is not completed as so required.

B14.3 As soon as possible after each nomination has been received by the Returning Officer, he/she shall examine it and decide whether the candidate has been validly nominated.

B14.4 Where the Returning Officer decides that a nomination paper is invalid, he/she shall endorse and sign the paper of the fact and reasons for his/her decision.

B14.5 The Returning Officer shall send a letter of his/her decision that a nomination paper is valid or invalid to each candidate at his/her address as given on the nomination paper.

B14.6 The Returning Officer's decision that a nomination paper is valid or invalid shall be final.

B14.7 In the event that the number of candidates validly nominated is less than half the total number of vacancies on any Community Council, no Community Council shall be established at that time. South Ayrshire Council shall, after consultation with Elected Members whose Electoral Wards include the area and any other individuals deemed appropriate by South Ayrshire Council, take such action as may be required.

B14.8 A candidate shall be able to withdraw his/her nomination paper after it has been delivered up until the date and time fixed for the close of nomination. The request to withdraw must be made in writing by the candidate (or his/her authorised representative) or by e-mail.

B15 Political Parties

A political party shall neither nominate nor sponsor a candidate in a Community Council election.

B16 Method of Election

B16.1 If, after the close of nominations, the total number of candidates validly nominated is greater than the total number of vacancies available for a Community Council (or sub ward), a poll will take place.

B16.2 The poll will be an all-postal ballot. A style of a ballot paper is enclosed in Appendix B4.

B16.3 Ballot papers will be posted to all electors resident in the specific Community Council area or sub ward.

B16.4 Ballot papers must be returned no later than the date and time specified on the ballot paper. Pre-paid postage reply envelopes, addressed to the Returning Officer, will accompany each ballot paper.

B17 Counting of Votes

The counting of votes will take place in the County Buildings, Wellington Square, Ayr or at such other location as the Returning Officer may decide. All candidates will be notified in writing of the location, date and time of the count. Candidates will be permitted to attend the counting of votes.

B18 Term of Office

The term of office shall be from 1 April (year one) to 31 March (year three) except for the provision of Section D.

B19 Rejected Ballot Papers

Any ballot paper:-

B19.1 on which there are more votes cast than there are vacancies;

B19.2 on which anything is written or marked by which the voter can be identified;

B19.3 which is unmarked or void for uncertainty;

shall be endorsed with the words 'rejected' by the Returning Officer, such ballot papers shall not be counted and the Returning Officer shall draw up a statement showing the number of ballot papers rejected.

B20 Decisions on Ballot Papers

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

B21 Equality of Votes

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

B22 Declaration

In a contested election, when the result of the poll has been established, the Returning Officer shall declare to be elected the candidates to whom the majority of the votes have been given. The Returning Officer will then prepare a Notice of the Result stating the total number of votes given to each candidate, indicating who has been elected together with a statement showing the ballot papers rejected. The Returning Officer shall, in writing, give notice to all candidates of the result of the election and shall inform them whether or not they have been elected. A copy of the Notice of Result is contained in Appendix B5.

B23 Absent Voting

There shall be no provision for absent voting.

B24 Appointment of Agents

Candidates are not permitted to appoint an election agent or counting agent.

B25 Uncontested Election

If, after the expiry time for the delivery of nomination papers, the total number of candidates validly nominated is equal to, or less than, the total number of vacancies available on the Community Council the Returning Officer shall give notice that there will not be a poll for that Community Council. The candidates validly nominated will be duly elected to serve on that Community Council and the Returning Officer will write to each candidate advising them of their appointment (except if the provisions of paragraph B14.7 apply).

B26 Areas with no active Community Councils

If an area does not have an active Community Council, members of the public interested in forming a Community Council must submit a Petition as detailed in Appendix B6.

B26.1 At least 20 members of the public, who must each sign the Petition, must reside within the Community Council area.

B26.2 Their names must appear on the Register of Local Government Electors for that area.

South Ayrshire Council will then initiate the election process, as detailed above, as soon as is practicable.

B27 Demission of Office – Community Councillors

Community Councillors demit office as follows:

B27.1 Death – with immediate effect.

B27.2 Not re-elected to the Community Council – with effect from 31 March.

B27.3 Resignation – this must be made in writing to the Secretary of the Community Council (where the Secretary is resigning this must be made in writing to the Chair of the Community Council) and must state the date from which the resignation is to take effect. Resignations may only be withdrawn with the consent of the Community Council. A copy of the resignation letter must also be sent to the Head of Policy, Community Planning and Public Affairs at the same time as it is sent to the Secretary or Chairperson. Should an individual require assistance in providing a written resignation, the Community Council is obliged to provide support to the individual to accomplish this.

B27.4 Becomes an Elected Member of South Ayrshire Council (or of any other legislature)

B27.5 Non-attendance – where a Community Councillor has not attended three consecutive Community Council meetings without reasonable excuse or prior notification, that Community Councillor will be deemed to have demitted office and the subsequent vacancy will fall to be filled.

B27.6 No longer resident in area – where a Community Councillor is no longer resident within the area of the Community Council he/she must resign from the Community Council within two months of him/her becoming non-resident. If he/she does not resign, he/she will be deemed to have demitted office after two months of the date when he/she became non-resident.

B28 Disposal of Documents

On completion of the counting in a contested election the Returning Officer shall seal up all the counted and rejected ballot papers, together with the verification sheets which shall be sealed and retained for six months from the counting of votes by the Returning Officer among the records of South Ayrshire Council.

B29 Inspection of Documents

These documents shall not be open to public inspection.

B30 Destruction of Documents

After the expiry of six months from the day fixed for the counting of votes the Returning Officer shall cause all the documents to be destroyed.

B31 Death of Candidate

The death of a candidate will not affect the conduct of the poll. Any votes given to such a candidate shall not be counted.

B32 Public Meetings

No opportunity will be extended to any candidate to address a public meeting.

COMMUNITY COUNCIL ELECTIONS



PROVISIONAL TIMETABLE

Date	Function
1st week in January	The Returning Officer will arrange a Planning Meeting with officials to discuss election arrangements.
1st/2nd week in January	Send out form seeking accurate information for full and co-opted membership. (Send out Nomination Forms with this letter.)
Last Friday in January	Above form to be returned.
1st week in February	Advert to be placed in local newspapers. Also send advert to Secretaries to be displayed locally.
Last Thursday in February (4.00 pm)	Closing date and time for nominations.
1st/2nd week in March	Issues of postal ballot papers.
Last Wednesday in March (5.00 pm)	Last day for receipt of ballot papers.
Last Thursday in March	Counting of Votes
1 April	Community Council appointments to commence.

LOCAL GOVERNMENT (SCOTLAND) ACT 1973
NOTICE OF ELECTION
COMMUNITY COUNCIL ELECTIONS 2013

A poll is to be held for Community Council members to serve on the undernoted Community Councils.

Name of Community Council	Sub Ward	No of Vacancies
Alloway and Doonfoot		15
	Alloway	8
	Doonfoot	7
Annbank and Coylton		12
Ballantrae		9
Barr		9
Barrhill		9
Belmont and Kincaidston		18
	Kincaidston	4
	Belmont North	5
	Belmont South	5
	St Leonards	4
Colmonell and Lendalfoot		9
Craigie		9
Crosshill, Straiton and Kirkmichael		9
	Crosshill	3
	Straiton	3
	Kirkmichael	3
Dailly		9
Dundonald		12
Dunure		9
Forehill, Holmston and Masonhill		15
	Castlehill/Masonhill/New Holmston	7
	Holmston and Forehill	8
Fort, Seafield and Wallacetown		15
	Fort	5
	Seafield	6
	Wallacetown	4
Girvan and District		15
Kirkoswald, Maidens and Turnberry		9
Loans		9
Maybole		15
Minishant		9
Monkton		9
Mossblown and St Quivox		9
Newton and Heathfield		12
	Newton	6
	Heathfield	6
North Ayr		15
	Whitletts and Lochside	5
	Dalmlilling	5
	Craigie	5
Pinwherry and Pinmore		9
Prestwick North		15
	Prestwick North West	5
	Prestwick North Central	5
	Prestwick North East	5
Prestwick South		15
	Prestwick South West	8
	Prestwick South East	7
Symington		9
Tarbolton		9
Troon		18

Nomination Forms may be obtained by contacting:

Returning Officer
Community Council Elections
County Buildings, Wellington Square, Ayr KA7 1DR
Telephone: (01292) 612181/612447.
E-mail: communitycouncils@south-ayrshire.gov.uk

Latest time for the delivery of nomination papers is:

21 February 2013 at 4.00 pm

Nomination Forms must be returned in a sealed envelope to the above address.

28 January 2013

LOCAL GOVERNMENT (SCOTLAND) ACT 1973



ELECTION OF A COUNCILLOR FOR THE

COMMUNITY COUNCIL

SUB WARD (if applicable^o)

**Latest time for delivery of this form to the
Returning Officer, Community Council Elections, County Buildings,
Wellington Square, Ayr KA7 1DR – XXXXXXXX**

1.	SURNAME:			
2.	OTHER NAMES:			
3.	ADDRESS:			
4.	POST CODE:		5.	TEL NO:
6.	EMAIL:			

I certify that the above particulars are correct, that I am aged 18 years or over on XXXXXXXX and whose name appears on the Register of Local Government Electors for the Community Council referred to above and that I am not disqualified from candidature in terms of the Community Council Scheme for South Ayrshire Council (eg by being a member of South Ayrshire Council or by being disqualified from candidature in a Local Government Election in terms of subsections 1(b) or (c) of Section 31 of the Local Government (Scotland) Act 1973).

The Council may hold any information you provide, for future use in relation to the administration of Community Councils. This information will be held within the Council's computer systems and will be used in accordance with the principles of the Data Protection Act 1998. Signing this form confirms you acknowledge and agree to your nomination and your information being used in this matter.

I consent to my nomination as candidate.

6.	SIGNATURE OF CANDIDATE:			
7.	DATE:			

8.	SIGNATURE OF WITNESS:			
9.	NAME WITNESS:			
10.	ADDRESS OF WITNESS:			

^o The following Community Councils contain sub wards:

Prestwick North; Prestwick South; Newton and Heathfield; North Ayr; Forehill, Holmston and Masonhill; Belmont and Kincaidston; Fort, Seafield and Wallacetown; Alloway and Doonfoot; Mossblown and St Quivox; Crosshill, Straiton and Kirkmichael.

COMMUNITY COUNCIL

ELECTION

XYZ
COMMUNITY COUNCIL

Y SUB WARD

[DATE]



XYZ
COMMUNITY COUNCIL

Y SUB WARD

This year Community Council Elections are taking place between **XXXX**. The poll will be a postal ballot and your ballot paper and a pre-paid, addressed return envelope is enclosed. The ballot paper must be received by the Returning Officer at the County Buildings in Ayr by **5.00 pm** on **XXXX**, otherwise your vote will not be included in the count. Each candidate was asked to make a brief statement if he/she so wished. The statements are printed in this leaflet.

CANDIDATES' STATEMENTS

- BLUE**
Hugh, 71 Green Road, Merrytown
Having been a Community Councillor for over twenty years, if elected I will do my best to represent the community as I have done for a long time previously.
- GREEN**
John, 10 Brown Avenue, Merrytown
John Green chose not to make a statement.
- PURPLE**
James Purple, 67 Main Street, Merrytown
James Purple chose not to make a statement.
- WHITE**
Janet White, 19 Long Street, Merrytown
As a newer resident I hope to be able to bring fresh ideas for improving our community.

XYZ COMMUNITY COUNCIL

Y SUB WARD

BALLOT PAPER

You may not vote for more than **X** candidates.

CANDIDATE	ADDRESS	VOTE
BLUE, Hugh	71 Green Road, Merrytown	
GREEN, John	10 Brown Avenue, Merrytown	
PURPLE, James	67 Main Street, Merrytown	
WHITE, Janet	19 Long Street, Merrytown	

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INSTRUCTIONS TO VOTER

1. You may vote for up to **X** candidates.
2. Mark your choice with a cross (X). Do this secretly. If you cannot vote without assistance, the person assisting you must not disclose how you have voted.
3. Put no other mark on the ballot paper or your vote may not be counted.
4. Put the ballot paper in the 'Ballot Paper Envelope'. Return it without delay.
5. Ballot Paper Envelopes must be received by the Returning Officer at the County Buildings, Wellington Square, Ayr **not later than X pm on XX XX 20XX**
6. Helpline: Tel: 01292 612181/612447
Email: communitycouncils@south-ayrshire.gov.uk
Website: www.south-ayrshire.gov.uk/communitycouncils

XYZ COMMUNITY COUNCIL

Y SUB WARD

Electorate	
Total Votes cast	b/f
Percentage Poll	%

Here is the result for the XYZ Community Council Y Sub Ward			
NO	NAME		VOTES
1	BLUE, Hugh	71 Green Road, Merrytown	
2	GREEN, John	10 Brown Avenue, Merrytown	
3	PURPLE, James	67 Main Street, Merrytown	
4	WHITE, Janet	19 Long Street, Merrytown	
and I declare the following to be elected to the XYZ Community Council Y Sub Ward			
NO	NAME		

The number of rejected ballot papers was _____

_____ 20XX

Signed: _____
Returning Officer

PETITION
TO THE
SOUTH AYRSHIRE COUNCIL

BY TWENTY ELECTORS
OF THE
XYZ
COMMUNITY COUNCIL AREA

WE, the twenty undersigned electors, residing within the XYZ Community Council area at the addresses stated and being registered as electors at these addresses for the Register of Electors in force as at the date of this petition, HEREBY PETITION the South Ayrshire Council, in terms of the Scheme for Community Councils, to re-establish XYZ Community Council within six weeks of delivery of this petition.

Dated this _____ day of _____ 20____.

Note: This petition to be delivered to the

Head of Policy, Community Planning and Public Affairs
South Ayrshire Council
County Buildings
Wellington Square
AYR KA7 1DR

No	NAME	ADDRESS	SIGNATURE	No ON REGISTER OF ELECTORS *
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				

SAMPLE

* For official use only.

SECTION C

THE ROLE OF OFFICE BEARERS, ETC

- C1 - Appointment of Office Bearers
- C2 - The role of the Chairperson
- C3 - The role of the Vice-Chairperson
- C4 - The role of the Secretary
- C5 - The role of the Treasurer
- C6 - The role of the Planning Contact
- C7 - The role of the Licensing Contact
- C8 - The role of Elected Representatives
- C9 - The role of the Link Officer
- C10 - Correspondence
- C11 - Data Protection

C THE ROLE OF OFFICE BEARERS

C1 Appointment of Office Bearers

There are usually four office bearers elected by the members of the Community Council at the first meeting of the new Community Council following the triennial elections. Office bearers hold office for one year and are then elected annually at the Annual General Meeting. Office bearers can stand for re-election without limit of time.

The office bearers are:

- C1.1 Chairperson
- C1.2 Vice Chairperson
- C1.3 Secretary
- C1.4 Treasurer

Every effort should be made to appoint one person to each position, however, it is permissible for one person to hold more than one office, if necessary (eg Secretary/Treasurer).

The Community Council may appoint a person to be the Planning Contact and a person to be the Licensing Contact. These postholders are not office-bearers.

The Community Council may also appoint a person to be Minutes Secretary; that person is not an office bearer and need not be a Community Councillor.

Each Community Council shall be obliged to keep available for public inspection within its area, an up-to-date list specifying the names and addresses of all Members of the Council and the office, if any, held by each. The Community Council is obliged to forward a copy of such list to South Ayrshire Council and to inform South Ayrshire Council of any alterations to it, within four weeks of the change occurring.

C2 The Role of the Chairperson

The Chairperson should conduct the business of the meeting, maintain order, decide who shall speak and, if necessary, request a speaker to draw their remarks to a close. All comments should be addressed to the Chairperson. Other speakers should be discouraged from interrupting or passing remarks to allow order to be maintained so the speaker may be heard and that clear minutes of the meeting can be produced.

The Chairperson should follow the order of business on the agenda unless there are exceptional circumstances and the Community Council agrees at the beginning of the meeting to vary the order of business. At the start of the meeting the Chairperson should ask if anyone wishes to raise a matter under 'Any Other Competent Business'.

The Chairperson should represent the Community Council at meetings or events with other agencies. If the Chairperson cannot attend the Vice Chairperson should attend, failing whom any other Community Councillor as agreed by the Community Council.

The Chairperson may suspend business or adjourn the meeting for a specific time should he/she deem it necessary to control order.

C3 The Role of the Vice Chairperson

The Vice Chairperson's primary role is to deputise for the Chairperson in his/her absence. The Vice Chairperson will be required to conduct the business of a Community Council meeting in the absence of the Chairperson.

The Vice Chairperson may be asked to represent the Community Council at external events in the absence of the Chairperson.

C4 The Role of the Secretary

It is the Secretary's general responsibility to ensure that at least seven days' notice of Community Council meetings is given and that a true and accurate record is prepared of every Community Council meeting, in the form of minutes. Examples of Agenda and Minutes etc can be found in Section D – Conduct of Meetings.

The Secretary must also bring to the attention of the Community Council any correspondence he/she has received since the previous meeting.

The Secretary should prepare responses to any correspondence discussed by the Community Council unless another member is specifically instructed to carry this out.

The Secretary will also be required to write to various agencies, again, as instructed by the Community Council.

The Secretary should maintain the record of minutes of Community Council Meetings.

C5 The Role of the Treasurer

It is the responsibility of the Treasurer to carry out all the financial business of the Community Council and to keep a record of all income and expenditure, the source of such income, reason for expenditure, and maintain a list of its property (and the source from which the property was derived). The Treasurer shall keep or ensure the safety and security of all financial documents such as receipts, accounts paid and pending, investment certificates, awards of grant, bank statements and pass books, auditor's report and property lists. The Treasurer shall also co-operate with officers of South Ayrshire Council when requested.

The Treasurer will keep the accounts of the Community Council up-to-date and will make the monthly working accounts etc available for inspection at each meeting of the Community Council. The Treasurer will report on any concerns which he/she may reasonably have about the accounts/property to the first available meeting of the Community Council.

Further information regarding the accounting process can be obtained from Section E – Financial Management.

C6 The Role of the Planning Contact

The person appointed to be Planning Contact will receive from South Ayrshire Council each week a list of planning applications. This list may contain applications relating to the area of the Community Council. Further information on dealing with Planning applications is contained in Section H – Planning.

C7 The Role of the Licensing Contact

The person appointed to be Licensing Contact will receive from South Ayrshire Council

FOR INFORMATION

C8 The Role of Elected Representatives

All Elected Members whose Electoral Ward comprises all or part of the area of the Community Council are entitled to be present at Community Council meetings by virtue of their office as Councillor, often referred to as *ex officio*. Similarly MSPs, MPs and MEPs are entitled to be present.

The Elected Members of South Ayrshire Council can inform Community Councils of the work initiatives and activities of South Ayrshire. They are in a unique position to advise the Community Council, should be encouraged to take part in debate, but must declare an interest in an item, if appropriate, in the same way as Community Councillors.

As elected representatives usually have more than one Community Council within their area and in view of the other commitments to which elected representatives may have to attend, it may not be possible for them to be present at meetings of the Community Council.

C9 The Role of the Link Officer

The role of Link Officers is to act as a main point of contact between a Community Council and South Ayrshire Council. The role is not intended to replace any existing links that Community Councils have developed with the Council. Rather it will be to advise and act as mentor to Community Councils – to point them in the right direction in terms of their relationship with the Council by, for example, identifying appropriate officers who should receive communications, responding to requests for Council publications, noting causes of concern, alerting Services to local feeling. An important element of the role will be to ensure that the local Elected Member is kept advised of issues and actions. It is also to be expected that Link Officers will advise Community Councils on procedural matters, if required.

The following further defines the role. Link Officers should:

- C9.1 encourage Community Councils to be pro-active and action-based in pursuing local issues and problems.
- C9.2 keep local Elected Members well informed of the activities and discussions at Community Council meetings and any follow-up action.
- C9.3 be available to attend Community Council meetings, subject to arrangement with the Community Council.
- C9.4 arrange for a replacement to act as Link Officer with the Community Council in the event of the Officer being on extended absence. There is no requirement for replacement in the event of short term absences.
- C9.5 oversee Community Council elections and receive instruction from the Returning Officer on the conduct of Community Council elections, as required.

- C9.6 if required, remind Community Councils to provide minutes and sederunts to South Ayrshire Council.
- C9.7 be aware of the content of the *Scheme for Community Councils* (particularly with regard to issues such as membership, quorums and co-optees) and advise and guide Community Councils appropriately.
- C9.8 compile reports about Community Councils when required – e.g. grant application reports.
- C9.9 identify recurring or corporate issues that South Ayrshire Council might address.
- C9.10 offer advice to Community Councils about resources and sources of funding.

C10 Correspondence

Community Councils receive communications from different parts of the Council. Link Officers should send and receive copies of communications that they feel are appropriate. It is difficult to be prescriptive about what is appropriate as different Community Councils will have varying needs and workloads, which will be reflected in the extent and type of correspondence which is generated. Broadly however it is suggested that:

- C10.1 Minutes should be sent by the Secretary of the Community Council to the Head of Policy, Community Planning and Public Affairs who will forward a copy of them to the Link Officer.
- C10.2 Link Officers should not receive weekly planning lists.
- C10.3 Link Officers should receive copies of centrally produced letters to Community Councils e.g. calling notices for Community Council Forum meetings; correspondence re Administration Grants; information about any policy documents sent to Community Councils.

C11 Data Protection

C11.1 The Data Protection Act 1998 governs the use of personal data. It imposes important obligations on any persons or organisations, including Community Councils, which acquire, store, use or deal with personal data either electronically or within certain paper records. Whilst failure to comply with the Act's requirements can have serious legal consequences, Community Councillors should be reassured that most breaches are likely to simply require remedial action to be undertaken and would not be deemed to be criminal offences.

The purpose of this guidance is to provide Community Councils with information regarding the Act and basic advice on how to comply with it. More detailed guidance is available from the Information Commissioner (see Part 6 below).

C11.2 Personal Data and Sensitive Personal Data

C11.2.1 Special rules govern the processing of sensitive personal information.

- C11.2.2 “Personal data” means any information by which it is possible to identify a living individual (referred to in the Act as a “data subject”). Information on individuals who have died, or on companies or other corporate bodies, is not personal data.
- C11.2.3 “Sensitive personal data” means information regarding such things as an individual’s racial or ethnic origin, political or religious beliefs, physical or mental health, sexual life and commission of a criminal offence. Special rules apply to sensitive personal data and Community Councils should seek advice if they hold any sensitive personal data (other than that which is in the public domain such as the political affiliation of local elected members or the denominations of clergy).
- C11.2.4 The Act regulates the processing of personal data. “Processing” means acquiring data, storing it, amending or augmenting it, disclosing it to third parties, deleting it – i.e. doing anything with it at all. An individual or organisation which processes personal data is known as the “data controller”.
- C11.2.5 The Act applies to personal data which is held in any kind of storage system, whether electronic or manual.

C11.3 The Data Protection Principles

The Act sets out some basic rules regarding processing personal data, known as the Data Protection Principles. These include –

- C11.3.1 Data must be processed fairly and lawfully;
- C11.3.2 Data must be obtained for one or more specified and lawful purposes, and must not be processed in any manner incompatible with those purposes;
- C11.3.3 Data must be adequate, relevant and not excessive;
- C11.3.4 Data must be accurate and kept up to date;
- C11.3.5 Data must not be kept longer than necessary;
- C11.3.6 Data must be processed in accordance with the data subject’s rights;
- C11.3.7 Appropriate technical and organisational measures must be taken against the data’s unauthorised or unlawful use and their accidental loss, damage or destruction.

C11.4 Data Subjects’ Rights

The Act gives important rights to data subjects, including the right –

- C11.4.1 To be informed that their personal data is being processed by the data controller;

- C11.4.2 To be given access to their personal data;
- C11.4.3 To require their personal data not to be used for direct marketing purposes;
- C11.4.4 To require the data controller to stop any processing of their personal data which is causing substantial and unwarranted damage or distress.

C11.5 Contravention of the Act

- C11.5.1 A breach of the Data Protection Principles is not a criminal offence in itself although this may change in the near future. Current offences include the unlawful obtaining, disclosing or selling of information, a failure to follow a Notice from the Commissioner and the failure to notify the Commissioner of processing which takes place. These offences are punishable by the payment of a fine.
- C11.5.2 Compensation may be payable to any person who suffers damage and distress as a result of a contravention of the Act. Such compensation is awarded by the Court.

C11.6 The Information Commissioner

The Data Protection Act is regulated and enforced by the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF and applies throughout the UK. The Commissioner has powers under the Act to issue Notices to data controllers, requiring them to provide him with information regarding their compliance with the Act, or to carry out certain steps under the Act; as indicated above, failure to comply with a Notice is a criminal offence. He also has power to carry out investigations, including the power to enter data controllers' premises.

The Commissioner publishes detailed guidance on various aspects of the Act on his website at www.ico.gov.uk. AdviCe can also be obtained from his Scottish Office in Edinburgh at Scotland@ico.gsi.gov.uk or 0131 225 6341.

SECTION D

CONDUCT OF MEETINGS

- D1 - Frequency
- D2 - Advertised Meetings
- D3 - Advance Notice to Members
- D4 - Attendance
- D5 - Non Attendance
- D6 - Sederunt
- D7 - Quorum
- D8 - Chairing the Meeting
- D9 - Chairperson's Duties
- D10 - Order of Business
- D11 - Voting on a motion
- D12 - Register of Interests
- D13 - Declarations of Interests
- D14 - Secretary's Duties
- D15 - The First Meeting
- D16 - Annual General Meeting
- D17 - Special General Meeting
- D18 - Minutes of Meeting
- Appendix D1 - Draft Agenda
- Appendix D2 - Draft Register of Interests
- Appendix D3 - Draft Sederunt
- Appendix D4 - Draft Minutes of Meeting

D CONDUCT OF COMMUNITY COUNCIL MEETINGS

Each Community Council, as soon as practicable after its formation, but within a period no longer than six months, shall draw up a draft Constitution consistent with this Scheme and shall forward a copy of these to South Ayrshire Council for approval. Community Councils must have the formal approval of South Ayrshire Council prior to the adoption, or subsequent amendments, of their Constitution.

Community Councils should have a Code of Conduct within their Constitution.

A Community Council can conduct its business in a way that it considers appropriate for its own situation. These notes are for general guidance.

D1 Frequency

Community Councils shall meet at least six times between 1 April and the following 31 March for the conduct of formal business following elections and may hold additional meetings as required. The maximum period between meetings should not exceed three months.

D2 Advertising Meetings

A meeting must be advertised in public places at least seven days before the meeting is due to take place. The notice should be placed in a number of prominent locations in the Community Council area and on the Community Council's website. A copy should also be sent to communitycouncils@south-ayrshire.gov.uk

D3 Advance Notice to Members

Written notice of the meeting, an agenda and minutes of the previous meeting must be sent to all Members, including Councillors, and to the Link Officer at least seven days before the meeting is scheduled to take place. Other *ex officio* members shall be sent written notice, etc only where they request it.

D4 Attendance

All meetings of Community Councils, and any of its sub-committees, shall be open to the public, except that Community Council or sub-committee members may, by resolution agree to consider in private any items of business of a confidential nature, as defined in the Local Government (Access to Information) Act 1985. Proper provision is to be made for the accommodation of members of the public.

D5 Non Attendance

A member of a Community Council who fails to attend three consecutive meetings, without reasonable excuse or prior notification, shall be assumed to have resigned.

D6 Sederunt

A sederunt of all members and co-optees attending meetings of Community Councils, and any of its sub-committees must be attached to the minutes of any such meeting.

D7 Quorum

The Chairperson will call the meeting at the chosen time, date and location. If a quorum of members is not available the Chairperson can either (a) delay the start of the meeting, for a period not exceeding 15 minutes to see if more members arrive so that a quorum is achieved, otherwise (b) postpone the meeting to a later date if it is thought unlikely that more members will arrive. If the meeting is postponed, reasonable notice must be given before convening a new meeting.

The quorum will be not less than one half of the actual membership (rounded-up where there is an odd number of members).

D7.1 Co-opted members do count for the purpose of the quorum.

D7.2 As specialist co-optees do not require to reside in the area or sub area of the Community Council they do not count towards the quorum.

D8 Chairing the Meeting

In the absence of the Chairperson the Vice-Chairperson should conduct meetings. This should continue until the Chairperson arrives or until the business is completed. If the Chairperson and the Vice-Chairperson are both unavailable, an office bearer, whom failing, a member shall be selected by those present, as the first item of business, to conduct the meeting.

D9 Chairperson's Duties

D9.1 The Chairperson should conduct the business of the meeting, maintain order, decide who shall speak and if necessary request a speaker to draw their remarks to a close. All comments should be addressed to the Chairperson. Other speakers should be discouraged from commenting to allow order to be maintained and clear minutes of the meeting to be produced.

D9.2 The ruling of the Chairperson on any question of order, competence or relevance shall be final.

D9.3 The Chairperson may adjourn any meeting to a time he/she may then fix.

D10 Order of Business

The Chairperson should follow the order of business on the agenda unless circumstances change and the Community Council agrees changes to the order of business. A common order of business could be as follows:

D10.1 the Chair opens the meeting and the Secretary records the sederunt;

D10.2 any declarations of interest on matters of business on the agenda;

D10.3 apologies for absence;

D10.4 late items (include notification of any items to be considered under 'Any Other Competent Business');

- D10.5 approval of the minutes of:-
 - D10.5.1 the previous meeting of the Community Council;
 - D10.5.2 meetings of any sub-committees;
- D10.6 matters arising from the minutes that are not otherwise included on the agenda
- D10.7 correspondence;
- D10.8 open forum;
- D10.9 regular reports:-
 - D10.9.1 Treasurer;
 - D10.9.2 Secretary;
 - D10.9.3 Link Officer;
 - D10.9.4 Police;
- D10.10 special reports;
- D10.11 deputations may be heard;
- D10.12 ordinary items of business;
- D10.13 any other competent business not on the agenda but notice of which was given after the item recording apologies and was agreed by the Community Council to be discussed at this meeting; (Note: It is not possible to have a vote on matters taken under AOCB. If the matter is controversial it should be placed on the agenda for the next meeting.) and
- D10.14 arrangements for next meeting.

A standard Agenda which may be added to as circumstances require, is shown in Appendix D1 – Agenda.

Members of the public have a right to attend all Community Council meetings, but only have a right to speak at the annual meeting and other public meetings called for public consultation by the Community Council. The public may speak at ordinary meetings with the consent of the Chairperson or at the agenda item ‘Open Forum’ as described below.

Some Community Councils have an “open forum” as the final item on the agenda at all their regular meetings. This enables members of the public to bring matters of interest or concern within the community to the attention of the Community Council. Discussion during the “open forum” may not change any decisions taken earlier by the Community Council. If new information is made available, agreement may be reached to reconsider the matter at a subsequent meeting. The “open forum” item on the agenda is recommended as good practice. It should serve as another means of consulting with the public and enhancing the effectiveness and responsiveness of every Community Council.

D11 Voting on a Motion

- D11.1 The Chairperson should allow as full a discussion as possible of all of the items under consideration in conducting the business of the Community Council. The Chairperson may set a time limit on the duration of each speech if there are many individuals wishing to speak or where it is expected that discussion of a matter will be lengthy. It may be useful to allow a representative of each different point of view a short period to summarise their argument and respond to the opposing opinion.
- D11.2 If no agreement can be reached on a matter of business before the Community Council and the issue cannot be postponed until a later date, the matter shall be put to a vote. All votes shall be taken by a show of hands (except if the provision of paragraph D11.6 is invoked).
- D11.3 Voting itself shall be in accordance with the following procedure. A motion concerning the matter shall be proposed and then seconded. Anyone otherwise minded shall propose an amendment which must also then be seconded. Additional amendments may also be proposed and seconded. No-one shall be able to propose or to second more than one motion and amendment. Votes shall then be taken by a show of hands starting with the last amendment, then any other amendments in reverse order to the order in which they were proposed, then on the motion itself. Members shall be entitled to one vote only. The Chairperson shall have an additional or casting vote in the event of an equality of votes. When the votes have been counted the proposal which secures a majority of all votes cast shall be declared to be the decision. In exercising the casting vote, the Chairperson must support the *status quo* where that course of action exists, irrespective of his/her own views on the issue. This is because, in these circumstances, there is insufficient number of members willing to vote for change.
- D11.4 If the vote is taken where there is a motion and more than one amendment and no one proposal secures the majority of the votes cast, the proposal with the least number of votes shall be dropped and a fresh vote taken on the remaining proposals and so on until one proposal receives a majority of votes cast. Once a motion has been passed by the Community Council it should remain unchallenged. No motion contrary to it should be considered for a period of six months or for a period stated by the Community Council in its constitution.
- D11.5 A member who has not spoken on the matter may propose at any time during a discussion that a vote be taken immediately without further debate by requesting the "the question be now put". If this is seconded and the Chairperson believes that sufficient debate has taken place, then the proposer of the original motion shall be permitted to make a few brief remarks before it is put to an immediate vote. No one else is then permitted to speak.
- D11.6 If any member present at the meeting requests that the vote takes place by secret ballot, the Chair will then ask the Secretary to issue a paper to each member present and eligible to vote for each member to mark his/her vote in secret (usually the words will be 'FOR' or 'AGAINST' that will be written on the paper). A member who wishes to abstain should return an unmarked paper.

D11.7 The papers should then be folded up by each member to prevent anyone seeing how he/she has voted and passed to the Chair. The papers should be mixed up so as to prevent the identity of any voter being ascertained. The papers should be unfolded by the Chair who should read out 'FOR', 'AGAINST' or 'UNMARKED' as the case may be, and placed in separate bundles for each category. The total number of papers in each bundle marked either 'FOR' or 'AGAINST' will be counted and the Chair will declare the result. The procedure then will be the same as if the vote had been taken by a show of hands. The Secretary will then immediately dispose of the ballot papers in such a manner as to prevent anyone from examining the papers further. Where a ballot paper does not have 'FOR', 'AGAINST' written on it or is blank, it should not be counted but be rejected as being invalid.

D12 Register of Interests

Each Community Council will maintain a Register which will contain declarations by members of the Community Council in which they will disclose any financial or non-financial interest which they, or close family members, have which members of the public might reasonably think could influence their judgement on a relevant matter coming before the Community Council. The Register shall be maintained and kept by the Secretary or another office bearer if the Community Council so agrees. The Register shall be known as a Register of Interests and shall be available for inspection by members of the public. The Register of Interests will be in the form shown in Appendix D2. The fact that a Community Councillor has declared an interest in the Register does not affect their obligation to declare an interest at a meeting, in accordance with the immediately following paragraphs, should circumstances arise which would require such a declaration.

D13 Declarations of Interest

A member shall declare in advance any financial or other interest however minor that they or their immediate family may have in any matter which comes before the Community Council for consideration. The member shall withdraw from the meeting during consideration of this item of business and shall take no part in the discussions or decision. If a member is unclear as to whether something is sufficiently material so as to require him or her to make a declaration of interest he/she will declare it nevertheless for guidance to the Community Council who shall decide if the member should make a declaration of interest and accordingly withdraw. Unless those members present to whom the request for guidance has been made are unanimous that the matter does not require a declaration of interest, then the member will require to make a declaration of interest and to withdraw.

If it is subsequently established that a member had an interest in an item of business dealt with by the Community Council but had failed to declare that interest and to withdraw, the item of business shall be placed on the agenda of the next available meeting of the Community Council for re-consideration. The earlier decision may be adhered to or altered.

At that next meeting of the Community Council, the Community Council will also consider the position of the member who failed to make the declaration of interest and having considered this issue will be entitled to suspend the member from all meetings or activities of the Community Council for a period not exceeding 4 months.

The member who failed to make the declaration of interest will retire from the meeting during the reconsideration of the item of business and also during consideration of the matter of his/her suspension.

D14 Secretary's Duties

It is the Secretary's general responsibility to ensure that a true and accurate record is prepared of every Community Council meeting, in the form of minutes. The Scheme for Community Councils requires that minutes must record:

D14.1 the date, time and place of the meeting:

D14.2 the name and status of those members and other persons attending the meeting;

D14.3 the names and status of those members unable to attend, but who have presented apologies for non attendance;

D14.4 all decisions taken and actions approved; and

D14.5 the date, time and place of the next meeting;

The minutes must also:

D14.6 be distributed to all Members, Link Officer, and South Ayrshire Councillors and other *ex officio* members if they have requested at least 7 days before the next meeting;

D14.7 after approval by the Community Council, be sent to the Head of Policy, Community Planning and Public Affairs at communitycouncils@south-ayrshire.gov.uk

D14.8 be made available for inspection by the public.

Samples of: Agenda, Register of Interests, Sederunt and Minutes – Appendix D1 – D5.

D15 The First Meeting

The First Meeting of each Community Council following the triennial election shall be convened by a representative of South Ayrshire Council usually the Link Officer. Office Bearers will be elected at this meeting.

D16 Annual General Meeting

The Annual General Meeting should take place during the month of May and should:-

D16.1 approve the audited accounts for the preceding year (1 April – 31 March)

D16.2 hear reports from the Office Bearers for the preceding year.

D16.3 elect Office Bearers

D16.4 outline Community Council's plans for the forthcoming year.

The AGM can take place immediately prior to an ordinary Community Council meeting.

The election of Office Bearers may take place at the AGM in the second and third year of the Community Council. Office Bearers elected immediately following the election in the first year of the Community Council shall hold office until the second AGM.

Where an Office Bearer has demitted office at 31 March he/she may be invited to present his/her report in person or to submit a written report to be read out at the meeting. Where an Office Bearer (or former Office Bearer) had made a report in person he/she may answer any relevant questions about the report.

D17 Special General Meeting

Special General Meetings may be convened by a Community Council for the purpose of considering matters of interest or importance. These may, at the Community Council's discretion, be held as Public Meetings. No more than four such meetings may be called between Annual General Meetings.

D18 Minutes of Meetings

D18.1 All meetings of Community Councils, and its Sub-Committees, are required to be recorded in the form of written minutes.

D18.2 Minutes should be agreed and approved at the next meeting of the Community Council, or its Sub-Committee.

D18.3 A copy of the approved minutes must be sent to Head of Policy, Community Planning and Public Affairs, South Ayrshire Council, County Buildings, Wellington Square, Ayr at communitycouncils@south-ayrshire.gov.uk within two weeks of them being approved.

D18.4 Copies of all approved minutes should be made available for public inspection and displayed within the Community Council area and on the Community Council's website. Large print versions should be available and in other formats, if requested. Information on large print formats may be obtained from www.rnib.org.uk.

Agenda

XYZ Community Council

Meeting on [Date] to be held at [Time] am/pm at [Place]

1. Chairperson takes the Chair and the Secretary records the sederunt.
2. Declarations of interest.
3. Apologies for absence. (*Remind those present to sign Sederunt.*)
4. Notice of any items to be considered under Any Other Competent Business.
5. Minutes of:-
 - (i) The previous meeting of the Community Council.
 - (ii) Meetings of any Sub Committees.
6. Matters arising from the Minutes.
7. Correspondence.
8. Regular reports:-
 - (i) Treasurer's Report.
 - (ii) Secretary's Report.
 - (iii) Link Officer's Report.
 - (iv) Police Report
9. Special Reports. (*The Elected Member, if present, may make a report.*)
10. Deputations may be heard.
11. Ordinary Items of Business.
12. Any Other Competent Business.
13. Open Forum.
14. Arrangements for next meeting.

Register of Interests

XYZ Community Council

I, _____, a member of the XYZ Community Council give notice

either

I have no interest to declare

or

I have set out below under the appropriate heading interests which either I, or a close family member, has which members of the public might reasonably think could influence my judgement on a relevant matter coming before the Community Council.

1. Employment, office, trade, profession or vocation

2. Sponsorship

3. Contracts

4. Interests in land or property

5. Membership of local Groups or Associations

6. Other – please specify

Signed: _____

Date: _____

Note: *The Register of Interests should be updated as required and reviewed annually by all Community Councillors, including co-opted and specialist Members.*

(A Sederunt can be used when the Secretary chooses not to list those present on the actual Minutes. The Sederunt must however be attached to the Minutes.)

XYZ COMMUNITY COUNCIL

Held on [Date] [Place] at [Time]

S E D E R U N T

PRESENT: *(List here full Community Councillors)*

NAME	SIGNATURE
Janet Green (Chair)	
William Black (Vice-Chair)	
Tracey White (Secretary)	
Graham Brown (Treasurer)	
Jean Brown	
Ian Orange	
John Pink	
Margaret Purple	
Shona Turquoise	

IN ATTENDANCE *(List here Elected Members, local PC, Link Officer etc)*

NAME	SIGNATURE
Councillor Walter Pigeon	
Alan Sparrow (Link Officer)	
Constable Ewan Seagull (Community Police)	

MEMBERS OF THE PUBLIC

NAME	SIGNATURE

XYZ COMMUNITY COUNCIL

Minutes of Meeting held on [Date] [Place] at [Time]

PRESENT: [List here all Community Councillors (with office, as appropriate and Co-optees in attendance)]

ATTENDING: [List here Elected Member, Link Officer, Local Police Constable]

APOLOGIES: [List here apologies for absence received]

ACTION BY

1	<p>MINUTES OF PREVIOUS MEETING</p> <p>The minutes of the meeting held on XX at XXX should be recorded as accurate (or amended as appropriate) and proposed and seconded. The name of the proposer and seconder should be recorded in the minutes.</p>	-
2	<p>DECLARATION OF INTEREST</p> <p>If there are none state "None".</p>	-
3	<p>MATTERS ARISING</p> <p>Matters can be raised here from the previous meeting that were not otherwise on the Agenda.</p>	-
4	<p>CORRESPONDENCE</p> <p>The Secretary would intimate here all the correspondence he/she had received since the previous meeting. Any decision made regarding correspondence received should be noted.</p>	Secretary
5	<p>REGULAR REPORTS</p> <ul style="list-style-type: none"> • Treasurer's Report: XXXXXX, Treasurer would intimate the current financial position of the Community Council and report any income received and expenditure incurred since the last meeting • Secretary's Report: XXXXXX, The Secretary could intimate here that he/she had written letters as instructed at the previous meeting. • Link Officer's Report. • Police Report. 	

ACTION

6	<p>ELECTED MEMBER</p> <p>The Elected Member would report on any issues carried forward from the previous meeting. If the Community Council raise anything with the Elected Member it should be noted here.</p>	Elected Member
7	ORDINARY ITEMS OF BUSINESS	
8	ORDINARY ITEMS OF BUSINESS	
9	<p>DEPUTATIONS</p> <p>If any are received they should be noted here, otherwise this item may be omitted.</p>	
10	<p>ANY OTHER COMPETENT BUSINESS</p> <p>It should be noted here any other items of business that were considered that was not listed on the Agenda.</p>	
11	<p>OPEN FORUM</p> <p>The Community Council is now opened up to all those in attendance. This item gives members of the public present the opportunity to raise any areas of concern they may have. All issues raised must be noted.</p> <p><i>This item may be taken at the beginning of the meeting which allows members of the public to leave should they not wish to sit through a full Community Council meeting.</i></p> <p>The minutes may record a list of points made during this item.</p>	
12	<p>DATE, TIME AND PLACE OF NEXT MEETING</p> <p>The date, time and place of the next meeting is noted here.</p>	

(The name(s) of the person(s) who should undertake action agreed should be written in the 'Action' column.)

SECTION E

FINANCIAL MANAGEMENT

- E1 - Accounts
- E2 - Property Lists
- E3 - Dissolution
- E4 - Community Councils Administration Grant
- E5 - Specific Grant
- E6 - Assistance
- E7 - Guidelines for Treasurers
- E8 - Approved Expenditure for Community Council Business
- E9 - Outwith the scope of Community Council Administrative Grant
- E10 - Dissolution of a Community Council
- E11 - Assets of Dissolved Community Councils
- E12 - Cashbook
- Appendix E1 - Guidance for Community Councils on Cashbook Completion

E FINANCIAL MANAGEMENT

E1 Accounts

- E.1.1 The Treasurer will be responsible for ensuring that the Community Council's accounts are kept up-to-date. The Treasurer must also ensure that monthly accounts, book of account, bank books and statements, together with a list of all assets are available for inspection at each meeting of the Community Council. The Treasurer will report on any concerns which he/she may reasonably have about the accounts/property to the first available meeting of the Community Council.
- E1.2 At each 31 March the Treasurer shall prepare a set of Accounts comprising of a Balance Sheet and Income and Expenditure Account. These accounts should represent a true record of the Community Council's financial transactions for the previous twelve months. In cases where the Community Council receives a grant from South Ayrshire Council, the grant received and how it was spent shall be disclosed in the Accounts.
- E1.3 The Treasurer shall then arrange for these accounts to be checked and properly vouched for by an auditor or independent examiner. The financial year for all Community Councils shall commence on 1 April and end on 31 March of the following year. Preferably, Annual Accounts should be audited by a qualified accountant (CCAB), but may be persons approved by South Ayrshire Council who have a minimum of an HNC in Accountancy or its equivalent. Proof of qualification will be required, prior to approval. Alternatively, the Annual Accounts may be submitted to Executive Director, Resources, Governance and Organisation of South Ayrshire Council for auditing. Audited accounts must then be submitted to the Head of Policy, Community Planning and Public Affairs, South Ayrshire Council.
- E1.4 Once the audited accounts are received by the Secretary from the Treasurer they shall be distributed to the members of the Community Council and at the next meeting of the Community Council they shall be discussed and, if appropriate, accepted by the Community Council. Thereafter a date for the Annual General Meeting shall be set by the Community Council and the agenda, copies of papers referred to in the agenda and copies of the previous minutes shall be attached to the agenda. Copies of the agenda, papers, minutes and the audited accounts shall be made available to the members of the public at the Annual General Meeting but shall also be made available for inspection at a place specified in the public notice giving intimation of the date and time of the Annual General Meeting. Provided the correct public notification is given it may be possible for Community Councils to make arrangements to ensure that the Annual General Meeting follows immediately after the meeting of the Community Council at which the audited accounts are accepted.
- E1.5 The Treasurer is required to present the accounts to the Annual General Meeting and to reply to any questions which may be raised. If there are no questions concerning the accounts then a resolution accepting them shall be proposed, seconded and put to a vote of all qualified electors present at the Annual General Meeting.
- E1.6 The Community Council shall send a copy of the audited accounts to the Head of Policy, Community Planning and Public Affairs as soon as possible once they have been approved by the Annual General Meeting.

E2 Property Lists

- E2.1 The Treasurer is also responsible for maintaining an up-to-date inventory of all Community Council assets. The list should include all equipment, furnishings and property and should also indicate the normal location where the items are used and stored. The list must be given to the auditor for inclusion in each annual audit and may be made available to any designated officer of South Ayrshire Council if requested. The list must specify the date of acquisition of the property and must specify the source from whom the property was obtained or the source from whom the funds were received to acquire the property. It must also include the estimated value of the property.
- E2.2 The Treasurer is also responsible for the safety and security of all the Community Council's assets unless another person or persons have been specifically appointed, by the constitution or by a minuted resolution of the Community Council, to be responsible.
- E2.3 It is recommended that the Treasurer should seek competent advice appropriate to the value of the assets to ensure their safety and security. The Community Council is also recommended to consider the matter of insuring its assets and it should be the Treasurer's responsibility to provide information to allow a considered decision to be made (see Section J2.5).
- E2.4 If any person wishes to use any asset of the Community Council they should make an application in writing to the Secretary for this. Before agreeing to allow any other person to use an asset, the Community Council must check regarding insurance that it is permissible so to do (See Section J2.5). Any decision to allow any other person to use an asset or property of the Community Council must be taken at a meeting of the full Community Council. If the Community Council agrees to such person making use of any asset or property the Secretary will write to the person confirming the asset which may be used and the period during which it may be used and any other conditions which may be imposed by the Community Council. The person making the request must acknowledge the Secretary's letter in writing and must acknowledge that they have full responsibility for the asset during the period which they make use of it.

E3 Dissolution

On dissolution of the Community Council the Treasurer will co-operate fully with South Ayrshire Council to ensure the proper application of funds and property on dissolution as specified in the Scheme (see paragraph E10).

E4 Community Council's Administration Grant

- E4.1 South Ayrshire Council will make an initial grant for administration, to each Community Council within its area, based on the electorate of each Community Council on the following basis. The initial grant will be awarded triennially following the Community Council elections.

Electorate	Initial Grant
up to 2,000	£600
between 2,001 and 3,500	£650
greater than 3,501	£800

- E4.2 Each Community Council will receive a letter in February/March of each year reminding the Community Council of the process for claiming the next year's administration grant.
- E4.3 In the second and subsequent years of operation of this Scheme, a basic grant reimbursing Community Councils for expenditure on approved items (as per the 'Guidelines for Treasurers' below) for the previous year will be made.
- E4.4 The Head of Policy, Community Planning and Public Affairs must have received copies of all Community Council minutes and sederunts. At least six of the Community Council meetings must have been quorate. Administration grants will not be issued unless copies of Community Council minutes are held on file by South Ayrshire Council (See Section D.14.7).
- E4.6 South Ayrshire Council may review the level of basic grant awarded to Community Councils at any time.

E5 Specific Grant

In addition to the basic grant as outlined in E4 above, South Ayrshire Council may make available additional funds for specific projects. Application forms for additional funds for specific projects can be obtained from the Grants Officer, Resources, Governance and Organisation, South Ayrshire Council, Burns House, Burns Statue Square, Ayr KA7 1UT (Telephone: 01292 616245 or grants@south-ayrshire.gov.uk)

E6 Assistance

- E6.1 South Ayrshire Council shall establish a Forum for Community Councils which shall offer the opportunity for Community Councils to be involved in the Council's policy development processes.
- E6.2 The South Ayrshire Council Forum for Community Councils will endeavour to provide further assistance and training on subjects and issues as identified by the Forum.
- E6.3 South Ayrshire Council will provide each Community Council with a minimum of 13 "lets of premises" per year for the purpose of conducting their meetings. These "lets" will be provided in South Ayrshire Council properties wherever practicable, within the boundary of the Community Council area. Where South Ayrshire Council does not own suitable properties in a Community Council area reasonable expenses for the hiring of a hall or other meeting place will be re-imbursed to Community Councils by South Ayrshire Council.
- E6.4 South Ayrshire Council will make its in-house printing and photocopying facilities available at Council services internal rates to all Community Councils, subject to local negotiation.

E7 Guidelines for Treasurers

- E7.1 The Treasurer must ensure there is an audit trail for all entries of income and expenditure. This entails having evidence of income and expenditure; this usually takes the form of receipts, but could be the number of tickets sold at a certain price, so as to reconcile with the income being quoted. Enter gross income and gross expenditure amounts in the books not the net amount i.e. do not deduct the expenditure from the income before entering into the books.
- E7.2 A note should be kept of any cash advances, and this should be signed by the person receiving the cash advance. Only once the expenditure has been accounted for and receipts provided should the cash book be written up, otherwise double accounting can occur.
- E7.3 The Treasurer must reconcile the bank statement to the books every month/quarter by checking off the items in the bank statement to the Bank Book and agreeing the balance.
- E7.4 The Treasurer must reconcile cash held with the balance in the cash book at the same time as the bank book.

E8 Approved Expenditure for Community Council business

- E8.1 The following list is approved items of expenditure for Community Council business.
- E8.1.1 Telephone calls.
 - E8.1.2 Postage.
 - E8.1.3 Stationery.
 - E8.1.4 Hire of Halls/Rooms for Community Council meetings.
 - E8.1.5 Expenses for attending local ceremonies, South Ayrshire Council meetings.
 - E8.1.6 Subsistence.
 - E8.1.7 Subscriptions.
 - E8.1.8 Affiliation Fees.
 - E8.1.9 Audit Fees.
 - E8.1.10 Honorarium as per E8.3.
 - E8.1.11 Remembrance Day Wreaths.

All expenditure **must** be accompanied by receipts. All expenditure must relate to Community Council business.

- E8.2 Should a Community Council have any queries on approved items of expenditure please contact the Services Planning and Election Manager, Resources, Governance and Organisation (01292 612181 or william.pollock@south-ayrshire.gov.uk or the Community Council's Link Officer prior to any expenditure being incurred.

E8.3 In addition to the above areas of expenditure not more than 10% of the total of the initial grant as detailed in E4 can be used for honorariums. Honorariums may be awarded at the end of each financial year when the financial surplus is known to each Community Council.

E8.3.1 In the event of a fee requiring to be paid for secretarial services, i.e. Minute taking, this fee should be no more than 10% of the administration grant.

E8.4 Up to 20% of the total administration grant can be used for donations to local voluntary organisations within the Community Council area, up to a maximum of £50 per organisation. Community Councils should not build up reserves of money. The Community Council administration grant is public money and any surplus funds should be gifted to suitable projects, activities within the Community Council areas, as described above.

E8.5 Revenue raised from events organised by the Community Council will be disbursed in whichever way it decides at its meetings, but again should be targeted at projects within the Community Council area.

E9 Expenditure Outwith the scope of the Community Council Administration Grant:-

E9.1 The following items of expenditure are not permitted.

E9.1.1 Gifts (over the value of £10).

E9.1.2 Donations to bodies outwith the Community Council boundary.

E9.1.3 Donations to political parties.

E9.2 Any expenditure, other than that listed under 'approved items', must be explained when accounting for the Community Council's administration grant. Failure to do so will delay payment to allow an investigation to take place.

E9.3 South Ayrshire Council's Internal Audit does audit the administration grant process. It is important, therefore, to forward copies of all minutes and detail all items of expenditure. Compliance with the above will expedite the process.

E10 Dissolution of a Community Council

E10.1 A Community Council will be dissolved if it has

E10.1.1 failed to hold any meetings or quorate meetings for a period of six months or

E10.1.2 failed to submit minutes of any meetings for a period of one year.

E10.1.3 insufficient number of Members.

E10.2 No Community Council shall be declared to have ceased to function unless South Ayrshire Council has made attempts to contact the last known members of the Council and has placed an advertisement in the local press to ascertain the extent of any public interest or need for a Community Council in that area.

E10.3 Where a Community Council has been declared to have ceased to function South Ayrshire Council shall cease to send information to that Community Council.

E11 Assets of Dissolved Community Councils

Where a Community Council has ceased to function, the last Treasurer shall

E11.1 submit to the Head of Policy, Community Planning and Public Affairs of South Ayrshire Council, the accounts and all bank books, etc, in his/her possession. Any remaining funds should be disbursed in accordance with the Constitution of that particular Community Council and a statement to that effect given to South Ayrshire Council. If no provision exists in the Constitution then the funds shall be held in trust for a maximum period of three years by South Ayrshire Council until a new Community Council is formed.

E11.2 Before any funds are transferred or gifted, the Community Council shall return to South Ayrshire Council the balance of any grant unexpended for that financial year.

E11.3 Should a Community Council fail to return their accounts to be audited when they have wound up voluntarily, or have ceased to function, South Ayrshire Council shall have the right to take legal action to have the balance of any funds returned to it.

E12 Cashbook

Enclosed is a sample Cashbook which a Community Council may wish to consider using. The Cashbook is available in electronic format, please contact the Head of Policy, Community Planning and Public Affairs, Resources, Governance and Organisation, South Ayrshire Council at communitycouncils@south-ayrshire.gov.uk

GUIDANCE
for
COMMUNITY COUNCILS
on
CASHBOOK COMPLETION

Introduction

One of the key positions is that of Treasurer, and South Ayrshire Council would wish to provide support to Treasurers, with or without experience, in the handling of a Community Council's financial affairs. Financial accounts submitted to the Council have generally been satisfactory but some individual design features and recording of transactions practices have been noted. These forms will assist in standardising the recording of financial transactions, assist audit requirements and enable the Council and Community Councils to collate valuable information on the disbursement of Community Council funds.

Style and Presentation

Community Councils are requested to agree the **Cashbook** forms. There is one style for **Income** and one style for **Expenditure** – and the total values from those sheets are transferred on to an **Income and Expenditure Summary**. Explanations of what to include in which columns are shown later in this guide. A checklist is attached showing the records which should be submitted.

Guidelines

As well as making standard headings for the types of expenditure, the **Expenditure** form has a column for '**voucher reference**' to show the reference number of the receipt. This is so that the receipt, which the Community Council must obtain for each payment it makes, is numbered for cross reference purposes. Receipts should be attached for ALL items. ALL supporting vouchers should be numbered sequentially and stored in numerical order. If for any exceptional reason, this is not possible, then a note of explanation giving as much detail as possible should be signed and dated by a member of the Community Council and attached to the receipts' file.

Benefits

Where Community Councils conform to the Guidelines, South Ayrshire Council's annual disbursement of grants should be completed swiftly and with the minimum of disruption to the activities of Community Councils.

The Income Form

The headings chosen for the **Income** form reflect the headings already being used by most Community Councils.

- **date** the date the money was received
- **received from** enter the details of the organisation which or person who gave the money or the fund-raising event, if this appropriate
- **receipt number** for cross-reference purposes
- **current bank a/c** enter bank if the money was deposited directly into the bank
- **deposit bank a/c** enter bank if the money was deposited directly into the bank.
- **cash** enter cash if the money has yet to be deposited into the bank
- **total** this is the total amount received

Enter the amount received into the appropriate column (numbered 1-7, column 7 is for contra entries).

The **TOTAL** at the bottom of the page is the total of all the items in each column – and should, of course, add both down and across.

If the Community Council has had more items of income than can fit onto one page, please use as many pages as are needed. The final total on the last page is the one which needs to be transferred to the **Income and Expenditure Summary**.

The Expenditure Form

These headings have been used so as to bring more consistency to the recording and reporting of Community Councils' financial transactions.

- **detail** to where the money was paid
- **date** the date the item was paid
- **cheque number/voucher ref.** the **cheque number** if the item was paid by cheque and **voucher reference**
- **payee** the person to whom or the organisation to which the money was paid
- **office bearers** the expenses paid to office bearers, such as Chair, Secretary or Treasurer
- **subscriptions, donations, gifts** voluntary payments to other bodies or persons
- **stationery, photocopying, postage** items of an office supply nature
- **fund-raising and advertising** the cost of staging events and the cost of any sort of advertising
- **bank charges** as shown on the bank statement
- **miscellaneous** miscellaneous expenditure
- **equipment** the purchase or rent of any equipment
- **rent or hall hire heat and light** rent paid for the use of premises including gas or electricity
- **insurance** if paid by the Community Council
- **outings and parties** the cost of social events organised by the Community Council
- **contra** see sample transactions sheet

It is important that **every** item of expenditure is supported by a receipt.

The **TOTAL** at the bottom of the page is the total of all the items in each column – and should, of course, add both down and across.

If there are more items of expenditure than can fit on one page, please use as many pages as are needed. The final total on the last page is the one which needs to be transferred to the **Income and Expenditure Summary**.

The Income and Expenditure Summary (on the Income Form)

Enter the values in lines 1 to 7 and enter the Total Income into line 8.

Enter the values in lines A to L and enter the Total Expenditure into line M.

Subtract line M from line 8 to arrive at the Net Income or Expenditure and enter this value into box 8 – M.

Bank Reconciliation

To allow reconciliation of both cash and bank balances (and this is considered necessary), a separate cash and bank column is maintained on both the income and expenditure pages. This allows the cash balance to be squared to the cash in hand, and allow a bank reconciliation to be carried out. A basic guide to bank reconciliation follows and a standard reconciliation form is attached.

Bank Reconciliation Guidelines

- 1 A bank reconciliation is necessary because:-
 - (a) the bank statement date may not coincide with the date at which you wish to check the cash book balance.
 - (b) there may be entries through the cash book which may not yet appear in the latest bank statement. Similarly, there may be transactions through the bank statement which are not yet reflected in the cash book.

- 2 The bank reconciliation is carried out as follows:-
 - (a) Bring the cash book up to date by checking the bank statement for any automatic transactions ie direct debits, NACS receipts, bank charges or interest. If there are any, these should be entered in the cash book. The adjusted cash book balance will now be obtained by deducting expenditure from income.
 - (b) Using a standard reconciliation form similar to the attached write down the balance shown on the latest bank statement.
 - (c) Add to this figure any lodgements you have made but which do not appear on the bank statement, ie lodgements not yet credited.
 - (d) Deduct any cheques recorded in the cash book which do not appear on the bank statement. Include those cheques shown as unpresented (or outstanding) on the previous bank reconciliation which are still not through the bank ie cheques not yet presented.
 - (e) This calculation produces the adjusted bank statement, and should agree with the adjusted cash book balance. If the figures now agree, then the bank account has been reconciled.

- 3 If the two figures do not agree, carry out the following checks:-
- (a) re-check figures used in the reconciliation, and check the arithmetic.
 - (b) check the cash book additions, carry forwards and calculations of the balance.
 - (c) check that the cash book figures agree with the bank statement figures.
 - (d) check that no outstanding cheques have been omitted in error.

_____ Bank Account

Bank reconciliation as at _____

£

Balance per bank statement dated _____

ADD Lodgements not yet credited:-

Date: £

DEDUCT Cheques not yet presented:

Cheque No. Date £

Adjusted Bank Balance

Adjusted Cash Book Balance

* These two figures should be the same.

Completed by: _____

Date: _____

Checked by: _____

Date: _____

COMMUNITY COUNCIL CASHBOOK SAMPLE TRANSACTIONS

Transaction

1. Analysis Columns

A new cash book is set up at the start of each new financial year (1 April). There is a need to decide on an appropriate number of analysis columns.

Entry in Cash Book

- (a) Income – decide on what types of income are received, eg bank interest, council grants, other grants, fund-raising activities, donations and other income. A 'contra' column should also be inserted.
- (b) Expenditure – decide on what types of expenditure are incurred, eg office bearers expenses, honorariums, subscriptions/donations/gifts, stationery/ photocopying/ postage, fund-raising activities, bank charges, repairs/renewals, equipment, rent/hall hire etc, insurance and outings/parties events. A 'contra' column should also be inserted.
- (c) Add these (b) and (c) headings to the top of the analysis columns in the cash book.

2. Opening Balance

The opening cash and bank balances must be entered into the cash book. In this example the Community Council has a zero cash balance, £1000.00 in its current a/c and £2000.00 in its deposit or savings a/c.

- (a) Go to the income side of the cash book.
- (b) Enter the date; enter balance b/f and insert amounts in relevant columns, ie current bank ac/c, deposit bank a/c and cash, also in 'contra' column as it was the balance b/f from previous financial year.

3. Cash Income

This may be in the form of donations if eg the Community Council holds a series of fund-raising days. For example week commencing 8 February 2013:-

8/2/13 -	£ 80.50
9/2/13	£ 45.50
10/2/13	<u>£ 74.00</u>
	<u>£200.00</u>

Of course, all the above amounts would initially be recorded in the donations record book.

- (a) The cash book is written up weekly: on Friday (if required).
- (b) Go to income side of the cash book.
- (c) Enter either day money was collected or date money paid to Treasurer (in this example money paid to Treasurer on Friday 12/2/13).
- (d) Under 'Received from (Details)' enter 'Donations w/c 8/2/13.
- (e) Under 'Receipt No' enter 'Donations'.
- (f) Under 'Cash' enter the daily amounts or the weekly total (in this case the weekly total as at Friday 12/2/13 is £200.00).
- (g) Under analysis column headed 'Donations' enter amount(s) collected.

4. **Cheque Income**

The Community Council receives its administrative grant from South Ayrshire Council to the value of £600.00 on 21/4/13

- (a) A receipt is sent to South Ayrshire Council, a duplicate of which remains in the receipt book.
- (b) Go to the income side of the cash book.
- (c) Enter date cheque was received – 21/4/13
- (d) Under 'Received From (Details) enter 'Council Grant'.
- (e) Under 'Receipt No' enter number of duplicate receipt (eg 004).
- (f) Under 'Cash Column' enter amount of cheque (£600.00).
- (g) Under analysis column header 'Council Grants' enter the amount again (£600.00).

5. Transferring Cash to Bank

On 21/4/13 the Community Council is holding £600.00 of income which requires to be banked.

- (a) Go to expenditure side of the cash book.
- (b) Enter date cash is being transferred.
- (c) Under 'Detail' enter 'Cash to Bank'.
- (d) Under 'Voucher Reference' enter 'Contra'*.
- (e) Under 'Cash Column' enter amount being transferred (£600.00).
- (f) Under analysis column head 'Contra' enter the amount again (£600.00).
- (g) Go to income side of the cash book.
- (h) Enter the date cash is being transferred.
- (i) Under 'Detail' enter 'Cash to bank'.
- (j) Under 'Receipt No. enter 'Contra'.
- (k) Under 'Deposit Bank A/c' enter amount transferred (£600.00).
- (l) Under analysis column headed 'Contra' enter the amount again (£600.00).

*What is a 'Contra' entry?

A contra entry involves the movement of funds between cash and bank; between bank accounts, or between fun categories (eg Donations to Fund-Raising Activities). A contra entry does NOT change the overall balance of the fund.

6. Making a Purchase by Cheque

The Community Council buys equipment from 'Interoffice' by cheque. On 25/9/13 a purchase totalling £150.00 is made against cheque number 000112. A receipt is obtained and given the next available consecutive receipt number (in this case 021).

- (a) Go to expenditure side of cash book.
- (b) Enter the date purchase was made.
- (c) Under 'Detail' enter 'Interoffice'.
- (d) Under 'Cheque Number' enter "cheque no and receipt no" (000112/021).
- (e) Under 'Bank/Cheque Amount' column enter the amount of the purchase (£150.00).
- (f) Under the analysis column headed 'Equipment' enter the amount again.

7. Establishing a Cash Float

It may not always be possible to make a purchase using a cheque and purchases should not be made from income, therefore a cash float is needed. The Treasurer decides to set up a cash float of £20.00 on 6/10/13 by drawing a cheque (No 000113) from the bank for £20.00.

- (a) Go to the expenditure side of the cash book.
- (b) Enter date cheque is drawn.
- (c) Under 'Detail' enter 'Petty Cash' Float.
- (d) Under 'Cheque No' enter '000113'.
- (e) Under 'Bank/Cheque Amount' column enter the amount of the float (£20.00).
- (f) Under 'Contra' column enter the amount again (£20.00).
- (g) Go to the income side of the cash book.
- (h) Enter date cheque is drawn; detail 'Petty Cash Float'.
- (i) Under 'Receipt No' enter 'Contra'.
- (j) Under 'Cash' column enter the amount of the float (£20.00).
- (k) Under 'Contra' column enter the amount again (£20.00).

8. Petty Cash Purchases

A separate notebook may be kept to record petty cash purchases. The total from this can be transferred to the cash book weekly. The Community Council makes 3 purchases during the week commencing 17/10/13:-

Receipt book	-	£1.50
Batteries	-	£1.50
Torch	-	£2.00

These receipts have been retained and numbered pc001 to pc003.

- (a) Add up total of the purchases (£5.00). Deduct this from float (£20.00) = £15.00. Check this agrees with actual cash in hand.
- (b) Go to expenditure side of the cash book.
- (c) Enter date; Under Detail enter Petty Cash Purchases – 17/10/13 to 22/10/13 and under 'Voucher Reference' enter pc001 to pc003.
- (d) Under 'Cash' column enter total purchases (£5.00) and under analysis column headed 'Miscellaneous' enter total again (£5.00).

9. **Topping up the Petty Cash Float**

Since 8 above, has depleted the Petty Cash Float it is necessary to bring it up to its normal level of £20.00.

This should be done after the Treasurer has checked the cash balance and the receipts detailed above in 8.

- (a) Write a cheque for the amount needed to make up the Float (£5.00) Cheque no 000114.
- (b) Go to the expenditure side of the cash book.
- (c) Enter date; under detail enter Petty Cash Top-up, under cheque no 000114.
- (d) Enter amount of cheque (£5.00) under Bank/Cheque Amount column.
- (e) Enter amount again under 'Contra' column.
- (f) Go to income side of cash book.
- (g) Enter date; Under 'Received from (Details)' enter 'Petty Cash Top-up' and under 'Receipt No' enter 'Contra'.
- (h) Under 'Cash' column enter £5.00 and under 'Contra' column enter amount again.

10. **Bank Interest**

When a bank pays interest this will be shown on bank statements. This must be added to the income side of the cash book.

The bank pays interest of £90.00 on the Deposit Bank A/c on 2/11/13.

- (a) Go to the income side of the cash book.
- (b) Enter date; under Detail enter 'Bank Interest'.
- (c) Under 'Receipt No' column enter 'Bank Statement'.
- (d) Enter amount of interest (£30.00) under 'Deposit Bank A/c column.
- (e) Enter amount of interest under analysis column 'Bank Interest' (£90.00).

11. Out of Date Cheque

If a cheque has not been cashed within six months it may not be accepted by the bank, therefore it has to be written back through the cash book. In November 2013 it is noted that a cheque written in May 2013 had not been cashed (cheque no 00082 for £300.00).

- (a) Go to the income side of the cash book.
- (b) Enter date; under 'Detail' write "Write back of out of date cheque 000082".
- (c) Under; Receipt No' enter original cheque number 000082.
- (d) Under 'Current Bank A/c' enter amount (£300.00).
- (e) Under analysis column 'Other Income' enter amount again.

12. Check Totals

It is possible to check that the 'double entry' system has been followed by calculating 'Check Totals'.

- (a) On income side of cash book add together the cash and bank columns (£).
- (b) Then add together all of the analysis columns (£).
- (c) Do the same on the expenditure side of the cash book (£).

Transaction Reference Column

Note that for reference has a transaction reference number. These correspond to the examples above and will not be featured in your actual accounts when you prepare them.

Preparation of Year End Statement

The above transactions are to be added together on each side of the cash book and the totals transferred, once satisfactorily balanced to the document:

YEAR END STATEMENT – RECEIPTS AND PAYMENTS STATEMENT FOR YEAR TO 31/3/XX.

Note

- b/f - brought forward
c/f - carried forward
w/c - week commencing

When transferring the income and expenditure details to the Receipts and Payments Statement ignore the contra column totals. These are simply used to balance the income and expenditure totals.

Community Council Cashbook

INCOME

Trans. Ref	date	received from (details)	Receipt No	current bank a/c	deposit bank a/c	cash	total	bank interest	council grants	other grants	fund-raising activities	donations	other income	Contra
2	1.9.13	Balance b/f		1000.00	2000.00	0.00	3000.00							3000.00
3	14.9.13	Donations w/c 9.9.04	Donations			200.00	200.00					200.00		
4	18.9.13	Council Grant	004			600.00	600.00		600.00					
5	18.9.13	Cash to Bank	Contra		820.00		820.00							820.00
7	6.10.13	Petty Cash Float	Contra			20.00	20.00							20.00
9	26.10.13	Petty Cash Top-up	Contra			5.00	5.00							5.00
10	2.11.13	Bank Interest	Bank Statement		90.00		90.00	90.00						
11	5.11.13	Write back of out of date cheque 000082	000082	300.00			300.00						300.00	
12		TOTAL		1300.00	2910.00	825.00	5035.00	90.00	600.00			200.00	300.00	3825.00

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Enter on to Income and Expenditure Summary at line
 Less Expenditure (M)
 Net Balance (8-M)

1000.00

4055.00

8 1 2 3 4 5 6 7

Community Council Cashbook

EXPENDITURE

TransRef	details	date	cheque number/ voucher reference	current bank a/c/ cheque amount	deposit bank a/c	cash	total	office bearers expenses	honoraria	subscriptions donations gifts	stationery photocopying postage	fund-raising advertising	bank charges	misc	equipment	rent or hall hire heat and light	insurance	outings parties, events	Contra
5	Cash to bank	18.9.13	Contra			820.00	820.00												820.00
6	Interoffice	25.9.13	000112/ 021	150.00			150.00								150.00				
7	Petty cash float	6.10.13	000113	20.00			20.00												20.00
8	Petty cash purchases 21.10.01 – 26.10.01	26.10.13	pc001 to pc003			5.00	5.00							5.00					
9	Petty cash top-up	26.10.13	000114	5.00			5.00												5.00
12			TOTAL	175.00		825.00	1000.00							5.00	150.00				845.00

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Enter on to Income and Expenditure Summary at line **M A B C D E F G H I J K L**

(NAME) COMMUNITY COUNCIL
RECEIPTS AND PAYMENTS STATEMENT FOR
FINANCIAL YEAR TO 31.3.XX

	£	£		£	£
Balance b/f:					
Cash	0.00				
Current a/c	1000.00				
Deposit a/c	2000.00	3000.00			
Bank Interest	90.00		Miscellaneous	5.00	
Council Grants	600.00		Equipment	150.00	
Donations	200.00				
Other Income	300.00				
TOTAL INCOME		1190.00	TOTAL EXPENDITURE		155.00
			Balance c/f:		
			Cash	20.00	
			Current a/c	1125.00	
			Deposit a/c	2910.00	4055.00
		4190.00			4210.00

Accounts prepared by(signature)(date)
.....(designation)

Accounts audited by 1(signature).....(date)
.....(designation)

2(signature).....(date)
.....(designation)

_____ Bank Account

Bank Reconciliation as at _____

£

Balance per bank statement dated _____

ADD Lodgements not yet credited:-

Date: _____ £

DEDUCT Cheques not yet presented:-

Cheque No. Date £

Adjusted Bank Balance

Adjusted Cash Book Balance

* These two figures should be the same.

Completed by: _____

Date: _____

Checked by: _____

Date: _____

SECTION F

CO-OPTION

- F1 - Filling a Vacancy
- F2 - Specialist Co-option
- Appendix F1 - Sample notice for the filling of Vacancies
- Appendix F2 - Sample Notice for Co-option
- Appendix F3 - Sample Notice for Specialist Vacancy
- Appendix F4 - Sample Notice for Specialist Co-option

F CO-OPTION

A person may be co-opted onto a Community Council for the undernoted reasons.

F1 Filling a Vacancy

F1.1 Community Councils may not have their full complement of members. Community Councils may, therefore, advertise for members of the public to fill these vacancies. Appendix F1 illustrates a draft advert.

F1.2 If a member of the public comes forward to fill a vacancy his/her name will be considered at the next Community Council meeting. If the Community Council agrees by a majority to invite the person to fill the vacancy the nomination of the person must be proposed, seconded and minuted.

F1.3 A member of the public filling a vacancy must:-

F1.3.1 be over 18 years of age at the day on which they are proposed and either

F1.3.2 have his/her name appear on the Register of Local Government Electors for the area of the Community Council, or

F1.3.3 reside in the Community Council area or relevant sub area.

A Community Councillor being co-opted in this manner:-

F1.3.4 may hold office until the next 31 March and then stand for full membership if he/she so wishes.

F1.3.5 counts towards the quorum.

F1.3.6 has voting rights.

F1.3.7 may hold office, except for Chairperson or Treasurer.

F1.3.8 may not serve as a co-optee for longer than eleven months.

F1.3.9 may not be co-opted again to fill a vacancy for the next year.

F1.4 In the event of there being more nominations than the number of vacancies, a draw by lot must take place. The Link Officer, or in his/her absence someone other than a full member of the Community Council, should place all the names (written on individual papers, each which should be folded up separately) in an open container and draw out names until the number of vacancies existing have all been filled.

F1.5 The names only of members of the public co-opted must be advertised for a period of at least 21 days. Appendix F2 illustrates a draft notice.

F2 Specialist Co-option

F2.1 Members of the public may be co-opted onto a Community Council for a specific project. Specialist co-optees' appointments then have to be received and approved by the Community Council. The appointment of a specialist co-optee must be advertised in the same manner as above. Appendix F3 and F4 illustrates draft notices.

F2.2 Specialist co-optees do not require to reside within the Community Council area. They, therefore do not count towards the calculation of the quorum. They have no voting rights and are not permitted to hold office.

XYZ COMMUNITY COUNCIL

VACANCIES

The XYZ Community Council currently has X vacancies.

Community Councils give local people a real say in matters such as local service delivery and other issues which affect daily lives.

Community Councils have a local and statutory interest in the planning process. Local Authorities are required to consult Community Councils on planning applications affecting their areas.

Liquor licensing and some other licensing matters may also be of keen interest to Community Councils and are areas on which Community Councils views might usefully be sought.

Anyone resident within the area of XYZ Community Council who is aged 18 years or over who is interested in becoming a Community Councillor should contact the Secretary as detailed below before XXXX-20XX. *[4 weeks should be allowed from the date of publication of the notice for nomination to be received]*

J Brown
Secretary
XYZ Community Council
10 Main Street
Merrytown
[Telephone No]
[Email]
[Date]

XYZ COMMUNITY COUNCIL

CO-OPTION

Notice is made that Rona Blue, 71 Green Road, Merrytown was duly co-opted onto XYZ Community Council until 31 March, XXXX at the XYZ Community Council Meeting held on XX XXX 20XX.

Anyone wishing to comment on this co-option should do so to the Secretary as detailed below no later than [*within 4 weeks of the date of this notice*]

J Brown
Secretary
XYZ Community Council
10 Main Street
Merrytown
[Telephone No]
[Email]
[Date]

SAMPLE

[*This Notice must be published within 7 days of the Community Council meeting.*]

XYZ COMMUNITY COUNCIL

SPECIALIST VACANCY

XYZ Community Council is currently looking for a volunteer with interest in (eg forestry and the environment to lead the 'Forestry Project'. The appointment will be for the duration of the project but will be reviewed in one year.)

(DETAIL HERE MORE ON THE PROJECT)

Anyone wishing further information please contact the Secretary as detailed below no later than [date].

SAMPLE

J Brown
Secretary
XYZ Community Council
10 Main Street
Merrytown

[Telephone No]
[Email]
[Date]

XYZ COMMUNITY COUNCIL

SPECIALIST CO-OPTION

Notice is made that James White, 4 Brown Street, Merrytown was duly co-opted onto XYZ Community Council as a specialist co-optee at the XYZ Community Council Meeting held on XX XXX 20XX. Mr White will be leading the 'Forestry Project'. His appointment will be for the duration of the project but will be reviewed in a year.

Anyone wishing to comment on this co-option should do so to the Secretary as detailed below no later than [*within 28 days of Community Council meeting*].

J Brown
Secretary
XYZ Community Council
10 Main Street
Merrytown
[Telephone No]
[Email]
[Date]

[*This Notice must be published within 7 days of the Community Council meeting.*]

SECTION G

LICENSING

- G1 - Introduction
- G2 - Regulatory Panel (Civic Government (Scotland) Act 1982).
- G3 - At the Hearing
- G4 - Decision
- G5 - Licensing (Scotland) Act 2005 and Gambling Act 2005
- G6 - How to object
- G7 - At the meeting
- G8 - Decision

LICENSING

G LICENSING APPLICATIONS

G1 Introduction

- G1.1 South Ayrshire Council will notify Community Councils of all new premises licence applications and applications for variations (all relating to alcohol) made within its area. Applications for occasional licences will only be advertised on the Council's website at www.south-ayrshire.gov.uk/licensing. Some licensing applications are publicised by notice at the site. It is the responsibility of individual members of the public to observe these notices, and raise an objection.
- G1.2 It is likely that the timescale available for each Community Council to consider any application will be short. Each Community Council may therefore wish to appoint a licensing contact and/or a sub-committee to have responsibility for considering and commenting on licensing matters on its behalf.
- G1.3 The sub-committee must have at least three members, and have clearly defined terms of reference and delegated powers. These details must be specified in either the Community Council's constitution, or in the minutes of one of its meetings. It is the responsibility of the sub-committee to ensure that all its decisions and actions are subsequently reported to, and approved by, the Community Council.

G2 Regulatory Panel (Civic Government (Scotland Act) 1982)

G2.1 The **Regulatory Panel** of South Ayrshire Council deals with licence applications for

- G2.1.1 Taxis and Private Hire Cars and Drivers
- G2.1.2 Booking Offices
- G2.1.3 Late Hours Catering
- G2.1.4 Public Entertainment
- G2.1.5 Street Traders
- G2.1.6 Houses in Multiple Occupancy
- G2.1.7 Tattoo and Skin Piercing
- G2.1.8 Second Hand/Metal Dealers
- G2.1.9 Market Operators`
- G2.1.10 Knife Dealers
- G2.1.11 Theatres
- G2.1.12 Cinemas.

(the above list is not exhaustive but covers the main licence applications made).

- G2.1.13 No list of competent objectors is given in the 1982 Act and no special status is given within the Act to Community Councils.

- G2.2 Schedule 1 of the Civic Government (Scotland) Act 1982 lays out the procedure which requires to be followed in relation to any objection or representation relating to an application for the grant or renewal of a licence in terms of that Act.
- G2.3 The Regulatory Panel will only consider objections or representations if they:-
- G2.3.1 are in writing;
 - G2.3.2 specify the ground of the objection;
 - G2.3.3 specify the name and address of the person making the objection or representation;
 - G2.3.4 are signed by him/her or on his/her behalf;
 - G2.3.5 are made within 28 days of either the first date when public notice of an application was given or the date on which a further public notice is required to be displayed or the date on which the application was made whichever is the latest; and
- G2.4 Late objections or representations will only be considered if the Licensing Authority is satisfied that there is sufficient reason why they were not made on time.
- G2.5 An objection or representation may be made by personal delivery or by ordinary or Special Delivery or Royal Mail Signed For post so that in the normal course of post it might be expected to be delivered on time. The Licensing Authority is required to send a copy of any relevant objection or representation to the applicant to whose application it relates.
- G2.6 In terms of Paragraph 4 of Schedule 1 to the 1982 Act the Licensing Authority may, before reaching a final decision upon an application, give the applicant and any person who was made a relevant objection or representation in relation to the application, an opportunity to be heard. If the Licensing Authority does give the objector or the applicant the opportunity to be heard the parties must be given not less than 14 days notice of the hearing. This notice will be given in writing. However, the Authority is not obliged to give applicant or objector a right to be heard in respect of an application.
- G2.7 If a relevant objection or representation is made and no hearing is to be given to the applicant he/she must be given the opportunity to give his/her views in writing on the objection or representation within a period of not less than 14 days.
- G2.8 Paragraph 5 of Schedule 1 to the 1982 Act stipulates that where an application for the grant or renewal of a licence has been made to a Licensing Authority it shall (a) grant or renew the licence unconditionally; (b) grant or renew the licence subject to conditions or (c) refuse to grant or renew the licence.
- G2.9 Conditions to which the licence may be subject must be reasonable and may include restricting the validity of the licence to an area specified in the licence and where the licence is intended to replace an existing licence, may include a condition requiring the holder of the existing licence to surrender it.

- G2.10 An authority should not refuse an application if it is of the view that its concerns could be met by granting the licence subject to appropriate conditions.
- G2.11 The Licensing Authority must refuse an application to grant or renew a licence if, in its opinion one of several grounds of refusal have been established but otherwise must grant the application. The statutory grounds for refusal are:
- G2.11.1 that the applicant (or Director or partner or other person responsible for its management) has been disqualified from holding a licence or is not a fit and proper person to be the holder of the licence;
 - G2.11.2 the activity to which the licence relates would be managed by or carried on for the benefit of the person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;
 - G2.11.3 if the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel which are not/is not suitable or convenient for the conduct of the activity having regard to; the location, character or condition or the premises or the character or condition of the vehicle or vessel; the nature and extent of the proposed activity; the kind of persons likely to be in the premises or vessel; the possibility of undue public nuisance; or public order or public safety or other good reason for refusing the application.

Notification of the authority's decision must be made within 7 days of the decision.

G3 At the Hearing

- G3.1 The Act does not prescribe in detail the conduct of the hearing at which a Licensing Authority considers an application. However, it is the usual practice in South Ayrshire for the Convener to call out the type of application being applied for together with the name of the applicant and for the applicant and/or his/her agent to come forward and identify themselves. The name of any objector will be called and the objector asked to identify him/herself. The objector is normally then asked to state the nature of the objection. This statement should be confined to speaking to the reasons for the objection as outlined in the written objection sent to the Licensing Authority. No new or additional grounds for objecting may normally be raised at this stage since, clearly, the applicant will have had no advance notice of these as the Act requires. Once the objector has spoken to his/her objection, the applicant will be given the opportunity to reply.
- G3.2 Following this the objector and applicant in turn may be given further opportunity to make representation to the hearing but this will be at the discretion of the Committee.

G4 Decision

- G4.1 The legislation only requires the Licensing Authority to intimate its decision within 7 days of it being made. However, it is the practice for the Committee to announce its decision in public on the day on which it is made. At that stage no further decision relating to the applications in question will be permitted, nor will reasons for the decisions be given. A statement of reasons for the decision may be requested and such a request should be made in writing and must be made within 28 days of the decision.

G4.2 Written objections and requests for statements of reasons should be sent to:

Licensing Services
County Buildings
Wellington Square
Ayr
KA7 1DR

G4.3 Should you require further information on the above, please write to the above address. or email licensing@south-ayrshire.gov.uk

G5 Licensing (Scotland) Act 2005 and Gambling Act 2005

G5.1 The **Licensing Board** deals with all types of licences relating to alcohol and gambling.

G5.2 In relation to the Gambling Act premises licences any interested party or responsible authority may make representations/objections

G5.3 In relation to Licensing (Scotland) Act 2005, anyone may object or make representations either for or against the application although frivolous objections may have costs awarded against them.

G6 How to Object

G6.1 In writing by the date specified on the website or notice.

G6.2 The objection must be lodged with the Licensing Section.

G6.3 The objector must send a copy of the objection by Special Delivery, Royal Mail Signed For, hand delivery or by email to Licensing@south-ayrshire.gov.uk.

G6.4 The written objection must also specify reasons in support of the identified ground for refusal. The objection must give name and address of the person making the objection and be signed by them or on their behalf.

G6.5 The Licensing Board will consider all competent objections whether or not the objector appears at the meeting.

G6.6 All objectors will be invited to attend the meeting and will receive a letter giving details of the time and place and application number.

G7 At the Meeting

G7.1 The application number will be called out.

G7.2 The applicant and/or their agent will come to the microphone at the front of the hall.

G7.3 The Clerk will read out a list of objectors and invite any of those objectors who are present and wish to address the Board to come forward and identify themselves.

G7.4 A decision has to be made by the Board as to whether the objection is competent, both in terms of service and content.

G7.5 The applicant/agent will address the Board on the merits of the application.

G7.6 The objector will then outline his/her reasons for objections. No new issues can generally be raised; the objector must cover the grounds listed in the written objection.

G7.7 The applicant will be given another opportunity to address the Board.

G7.8 Questions can be asked by the Board members to both the applicant and the objector.

G8 Decision

After considering all representations the Board will adjourn to consider these submissions. The Board will then return and announce the decision. It will also write to the applicant, police and any party appearing giving notice of its decision and they may then request a statement of reasons within 14 days of that notice

SECTION H

PLANNING

- CONSULTATION AND ENGAGEMENT ON PLANNING - The Development Process, the Planning System and the South Ayrshire Planning Forum
- H2 - Planning Applications
- H3 - Statutory Timetable
- H4 - Scheme of Delegation
- H5 - The Planning Committee
- H6 - Development Plans
- H7 - Master Plans and Design Briefs
- H8 - Supplementary Planning Guidance

PLANNING

H1 CONSULTATION AND ENGAGEMENT ON PLANNING MATTERS

H1.1 The Development Process

Planning permission is required for the erection of most buildings and for the material change of use of land and buildings. The processing of planning applications is one of the Council's most important statutory functions. Investment in South Ayrshire Council, through new building and refurbishment projects is estimated in tens of millions of pounds each year and provides associated activity in construction and service sector jobs. The planning system has a crucial part of the development process. The system considers where development should happen, where it should not and how development affects its surroundings. It aims to balance competing demands so that land is used in the public long-term interest, in a way that creates high quality, sustainable places. Decisions about planning applications are based on the 'development plan', prepared by each of the 34 local councils or national park authorities (aka the 'planning authority').

H1.2 The Planning System

Scotland has recently gone through the biggest reform to its planning system for 60 years, with a strong emphasis on involving people and the community. The Planning etc (Scotland) Act 2006 introduced significant changes to how planning applications are processed (Development Management) and to the regime of development plans, which are the primary decision-making framework for planning authorities (Development Planning). A hierarchy of planning policy exists from national to local level, setting out both overarching strategic issues and priorities and locally specific policies: National Planning Framework 2 (NPF2) is the Scottish Government's strategy for Scotland's long term spatial development. In particular, it designates 'national developments', such as key infrastructure projects.

H1.3 Development Plans – Prior to the 2006 planning reform, the Development Plan in each local authority consisted of the Local Plan and the Structure Plan. Following the reforms, the Development Plan in the four city regions will consist of Strategic Development Plans (SDP's), and Local Development Plans (LDP's) produced by each local authority. In other areas outside the city regions (including South Ayrshire), the development plan will consist solely of the Local Development Plan. In South Ayrshire, the South Ayrshire Local Plan and Ayrshire Joint Structure Plan remain as the development plan until the Local Development Plan is adopted.

H1.4 South Ayrshire Planning Forum

As part of the Council's commitment to maximise community engagement in the planning process, the Planning Forum was established in 2009 to discuss and provide feedback on Planning Service performance matters, and to inform the development of planning policy through the Local Development Plan (LDP) process, and supplementary guidance on specific policy areas. The Forum is made up of members of the community, Community Councils and representatives from the development industry. The Planning Forum has been extremely influential in forming the policies of the LDP and helping to bring about improvements to the Planning Service.

H.2 Planning Applications

H2.1 Planning applications are categorised according to their level of significance and are defined as being either 'national', 'major' or 'local'. As an example, housing proposals will be categorised as 'major', when more than 50 housing units are proposed, or where the site area exceeds 2 hectares. Below this level, the proposal would be 'local' development. Each has different requirements as to how an application will be processed. In the case of 'major' or 'national' applications, developers have a duty to consult Community Councils prior to a planning application being formally submitted to South Ayrshire Council.

H2.2 The involvement of Community Councils in the consideration of planning applications is important. Further advice and guidance is set out in the government's Planning Advice Note 47 'County Councils and Planning' which may be viewed at:

<http://www.scotland.gov.uk/Publications/1996/03/18415/28371>

This advice indicates that Community Councils should focus their attention on application proposals of potential community wide interest and not individual householder applications.

H2.3 South Ayrshire Council has, a statutory obligation to consult with Community Councils regarding planning applications where a Community Council has requested formal consultation. To facilitate this a weekly list of planning applications is circulated to Community Councils which is also published on the Council's web-site:

<http://www.south-ayrshire.gov.uk/planning/register.aspx>

The list contains basic information regarding the applicant, agent, site address, and a brief description of the proposed development.

H2.4 On receipt of the weekly list, Community Councils have seven days to request a formal consultation on an application. A fourteen day consultation period commences on the date the Planning Section issues a copy of the application to the Community Council. It is advisable for Community Councils to keep the Planning Section advised of the person to whom the weekly list is to be sent. Community Councils are advised to limit their attention to proposals which raise issues of genuine community interest. Householder applications will rarely involve issues of this kind.

H2.5 As Community Councils have a limited time to consider and comment on an application, it is recommended that a sub-committee be formed with fewer Community Councillors to allow for a quick response. The terms of reference and delegated powers of the sub-committee must be clearly laid down and recorded in the Community Council's Constitution or minutes of the meeting at which this was agreed. It is the responsibility of the sub-committee to ensure that all its decisions and actions are subsequently reported to and approved by the full Community Council.

H2.6 Whilst the above process is available to Community Councils, they need not request a consultation in order to consider and submit representations on a planning application. Since 2009, planning applications can be viewed on-line on the Council's web-site. It may be easier to view application plans on line:

<http://ww6.south-ayrshire.gov.uk:81/bumblebee-web/>

and also submit comments using the 'Make a Comment' tab. This avoids the need to contact the Council, as outlined above, and await the receipt of a hard copy of plans via the post. It also makes it easier for members of the Community Council to view the application plans and drawings and the Community Council to submit any observations it may wish to make. Using this process saves on time and cost. This alternative process does not undermine the status of a Community Council as a statutory consultee.

H3 Statutory Timetable – Planning Applications

The planning authority has a statutory duty to give a decision on a planning application within two months of it being registered, after which the applicant has a right to pursue a deemed refusal appeal. This period is extended to four months for applications that are classified as being 'major'. In a limited number of applications these timescales may be difficult to meet because of the complexity of the issues to be assessed. In these instances South Ayrshire Council and the applicant may agree to an extended determination time period. In some cases the Council may enter into a processing agreement with the applicant, setting out a timeline and key dates for the application process.

H4 Scheme of Delegation – Planning Applications

The Council has adopted a "scheme of delegation" through which 'local' development applications are dealt, without reference to the Council's Regulatory Panel. Where any 'local' development application has attracted more than 5 formal objections, is considered to be a significant departure from the Development Plan, the Council has an owner or financial interest in an application, or where the application is made by an elected member of the Council, that application requires to be referred to the Panel for a decision. Additionally, where a Community Council objects to an application and an appointed officer is minded to recommend approval of that application; that same application will be reported to the Panel for a decision. Applications for 'national' or 'major' development will always be determined by members of the Council.

H5 The Planning Committee – The Regulatory Panel

The Regulatory Panel meets every four weeks (other than during the summer recess) and usually considers no more than 20 items. The Panel meetings are usually held on Thursday mornings with business starting at 10 am. Panel Members' receive a copy of a report on the application, prepared by the Planning Service in advance of the meeting and also have an opportunity to view the application and representations published on the Council's web-site. Applicants and representees have an opportunity to address the Panel meeting for a maximum of five minutes. To aid this process all Panel papers are issued to all parties two weeks in advance of the meeting. Any party unable to attend can provide additional written representation for circulation one week in advance of the Committee meeting.

CONSULTATION ON DEVELOPMENT PLANS, MASTER PLANS, DEVELOPMENT BRIEFS AND SUPPLEMENTARY PLANNING GUIDANCE

H6 Development Plans

Development Plans are key documents in the planning process. They deal with promotion, facilitation and regulation of development. They contain policies designed to promote the economic, social and environmental wellbeing of an area and allocate land for different uses, based on a strategic vision for the area. The current development plan for South Ayrshire comprises of the approved Ayrshire Structure Plan and the South Ayrshire Local Plan.

H6.2 Under the Planning etc (Scotland) 2006 Act, the Development Plan for South Ayrshire will no longer include a structure plan and a local plan. Instead this will be replaced by a single 'Local Development Plan', which will be replaced every five years. Until a new Local Development Plan has been adopted, the Development Plan in South Ayrshire will remain Ayrshire Structure Plan and the South Ayrshire Local Plan. It is expected that the South Ayrshire Local Development Plan will be adopted in 2014.

H6.3 When preparing a local development plan extensive and active 'engagement' with communities is required, and community councils provide a key focus for engagement. The nature of engagement with the community councils changes at different stages in the plan's preparation. At the outset of the preparation of a plan, engagement with community councils should be open and transparent to allow communities to genuinely influence the strategic direction of the plan. Later stages focus more on ensuring communities have appropriate opportunities to make representation on the Council's proposed policies and sites.

H6.4 Under the new arrangements for development plans, the Council will publish a Development Plan Scheme which is to be prepared at the outset of commencing a Local Development Plan. The Scheme will set out how and when people can get involved and the timetable for plan preparation. The Scheme will be published widely so that the community are kept up to date with consultation arrangements and how the plan is progressing. The Development Plan Scheme is to be updated on an annual basis, to ensure it remains accurate. In addition to the publication of the Development Plan Scheme, community councils will be formally contacted by the Council at each stage of the process.

H6.5 As with the current Development Plan arrangements, any person or body can make a formal representation on the Local Development Plan, which can include objection to any part of the plan. These representations will be considered by the Scottish Government's Directorate for Planning and Environmental Appeals, which will appoint a reporter to conduct an examination of the Plan. The examination will focus on any unresolved representation to the proposed plan. It will be for the Reporter appointed to the development plan examination to determine whether an objection is to be considered through the exchange of written material or through a hearing or a public local inquiry.

H6.6 Each stage of the plan process will have different timescales for the receipt of consultation responses or additional information. Some of the timescales will be statutorily set, from which there will be no discretion for the Council to depart. Others may be more flexible. However these will be clearly set out in the Development Plan Scheme and in letters sent in respect of formal consultation or in response to a representation of objections that may have been lodged.

H7 Master Plans and Design Briefs

Master plans and Design Briefs provide a framework for the co-ordinated development of areas of land already defined for development in the Local Plan/Local Development Plan. These documents specify a range of detailed matters that should be adhered to in the development of particular sites. When produced by the Council these documents will be prepared in consultation with the Community Council within which the development site is located.

H8 Supplementary Planning Guidance

H8.1 Supplementary Planning Guidance can be prepared by the Council to provide detail to a policy that is covered in the development plan, or where there is a change that requires a more urgent policy response than can be provided through a development plan review. Supplementary guidance usually relates to matters of design, but can also set out detail on the implementation of policy.

H8.2 Supplementary guidance may be prepared and adopted alongside a local development plan, or subsequently. Guidance adopted in connection with a plan falls when that plan is replaced, but if it remains up-to-date, the Council may readopt it in connection with the replacement plan after limited reconsultation, provided a proper connection with the plan remains. Scrutiny by Scottish Ministers at the pre-adoption stage is likely to focus more on ensuring that the principles of good public involvement and a proper connection with the SDP or LDP have been achieved consistently, than on detailed policy content. The Council may issue guidance in connection with SDPs or LDPs without going through these procedures, but this should not be termed supplementary guidance and will not form part of the development plan. In any case, the Council's protocol for preparing supplementary guidance sets out that community councils will be consulted during the preparation of supplementary guidance.

SECTION I

DEALING WITH DISPUTES

- I1 - Disputes within the Community Council
- I2 - Disputes between the Community Council and Other Persons
- I3 - Disputes with South Ayrshire Council
- I4 - Council Comments and Complaints Procedure

I PROCEDURES FOR DEALING WITH DISPUTES

I1 Disputes within the Community Council

- I1.1 The Chairperson is responsible for conducting the business at meetings of the Community Council. The Chairperson will decide who will speak, in what order, and for how long. If these basic rules are not adhered to, then the business is unlikely to be conducted in an orderly and coherent manner (see Section D9).
- I1.2 In all cases of disagreement, the Chairperson must remain impartial and ensure that each party has an equal and adequate opportunity to present its case. The Chairperson should maintain his/her impartiality by not speaking during the debate, but restrict involvement to conducting the progress of the meeting and to assisting each party to summarise its argument. This summarising of the opposing arguments at the end of the debate, should hopefully clarify the issues and assist the Minutes Secretary to prepare concise minutes. Where agreement cannot be achieved by debate, then the matter should be put to a vote (see Section D11).
- I1.3 In the case where the Chairperson is involved in a dispute, then he/she should vacate the chair and hand over to the Vice-Chairperson, or other suitable member, who should conduct that item of business, failing which, the meeting should be adjourned.

I2 Disputes between the Community Council and Other Persons

- I2.1 A person may request, in writing, that a Community Council considers an issue at one of its regular meetings. The Chairperson and the Secretary, or in their absence any two other office bearers, will consider it, and either grant or refuse the request.
- I2.2 If the request is granted, then the item shall be placed on the agenda of the next meeting and the person invited to the meeting to speak to that item only. The Community Council will then consider the issue, and make any appropriate decision which then will be intimated to the person in writing by the Secretary within seven days of the meeting.
- I2.3 If the request to consider the issue is refused, then the person shall be notified of the reason(s) in writing. Details of the request and refusal shall be reported to the next meeting of the Community Council and recorded in the minutes. The person should also be advised, that should they feel aggrieved by this decision, they may refer this matter to the Head of Policy, Community Planning and Public Affairs, South Ayrshire Council, County Buildings, Wellington Square, Ayr.

I3 Disputes with South Ayrshire Council

- I3.1 Where a Community Council experiences difficulties with a South Ayrshire Council official or service, it should first attempt to resolve them through its Link Officer.
- I3.2 If the difficulties still cannot be resolved, then the Community Council should approach the line manager of the Council official concerned.
- I3.3 If agreement still cannot be achieved, then the Community Council should contact the Executive Director concerned.

I4 Council Comments and Complaints Procedure

- I4.1 South Ayrshire Council has developed a procedure for managing customer comments and complaints. This procedure complies with the Scottish Public Services Ombudsman's (SPSO) Guidance for the Model Complaints Handling Procedure as laid down by the Public Services Reform (Scotland) Act (2010).
- I4.2 South Ayrshire Council values all comments and complaints and uses information from them to help us improve its services. The Council is committed to providing high-quality customer services so if something goes wrong or you are dissatisfied with its services, please tell Customer Services. Comments can be submitted in the same way as complaints. Customer Services will acknowledge all comments and feedback received.
- I4.3 Anyone can make a complaint, including the representative of someone who is dissatisfied with a service. Customers can make a complaint in any of the following ways:
- 14.3.1 In writing to: Customer Services, South Ayrshire Council, Freepost NAT 7733, Ayr, KA7 1DR
 - 14.3.2 In person at one of the Customer Service Centres, or any local office.
 - 14.3.3 Phone the Customer Services Team on 0300 123 0900
 - 14.3.4 E-mail: listeningtoyou@south-ayrshire.gov.uk
 - 14.3.5 By completing an online form accessed at: www.south-ayrshire.gov.uk/listeningtoyou

SECTION J

LEGAL LIABILITY OF COMMUNITY COUNCILLORS

- J1 - Legal Status
- J2 - Public Liability Insurance
- J3 - Objectives of the Community Council and Related Funding
- J4 - Potential Development of Activities and Liability
- J5 - Working as a Group
- J6 - Liaison with Public Bodies and Voluntary Organisations.

J LEGAL LIABILITY OF COMMUNITY COUNCILLORS

J1 Legal Status

- J1.1 Community Councils are created by statute, Part IV of the Local Government (Scotland) Act 1973, but their legal status is not defined anywhere in the legislation. The description "statutory" in itself does not create any rights. Legal status is important because that is what creates the uniqueness of an organisation and makes it a separate legal entity from the members of the organisation.
- J1.2 The particular importance of the legal status of an organisation can be seen in relation to (i) whether it is the organisation itself which can sue or be sued in its own name without these rights and liabilities affecting the members of the organisation or (ii) whether the members of the organisation themselves have to sue on behalf of and, more importantly, can themselves be sued personally on behalf of the organisation.
- J1.3 In the first case only the organisation's own assets become liable, in the second case the member's own personal assets become liable. A limited company is an example of the first case and the shareholders' liability is limited to their shareholding. A voluntary association, ie a club or society, is an example of the second where either the office bearers or all club members can be liable personally.
- J1.4 Because the legislation does not give Community Councils some form of protected corporate status like a limited company or a local authority, the Community Council falls firmly into the second category. **The Community Council is the collection of the individual elected Community Councillors and any liability incurred by the Community Council can fall personally, collectively or individually on the Community Councillors.**

J2 Public Liability Insurance

- J2.1 **Community Councils are responsible for any loss, injury or damage to property or persons arising from its activities or from any equipment or services it provides.**
- J2.2 South Ayrshire Council has therefore agreed to pay the annual premium for public liability insurance with respect to Community Councils.
- J2.3 This type of cover provides indemnity in respect of incidents arising for activities such as fetes, gala days, firework displays (as long as the Insurance Company is advised and is satisfied with the safety arrangements and any other conditions that it may impose).
- J2.4 Where Community Councils own property or equipment it is advisable that Community Councils have their own appropriate insurance cover.
- J2.5 Details on how to obtain insurance cover and the policy can be obtained from the Risk & Insurance Team, Newton House, 30 Green Street Lane, Ayr KA8 8BH, telephone: 01292 613081, email: insurance@south-ayrshire.gov.uk.

J3 Objectives of the Community Council and Related Funding

The statutory foundation for Community Councils broadly is to enable them to express to the local authority local views on matters within the functions of the local authority, and other public bodies (for example the Health Board) and to take action in the interests of that community as may appear necessary. South Ayrshire Council funds Community Councils on the basis that they will represent such views to South Ayrshire Council and consequently feed back to the local area matters arising within South Ayrshire Council. Any other action which the Community Council might wish to take is regarded as being incidental to this principal purpose of communication flow. The current funding arrangements whereby South Ayrshire Council provides an administration grant to cover a Community Council's costs of photocopying, postage, room hire etc is intended to cover any reasonable liability which a Community Council might meet in carrying out its statutory duties. Consequently given the purposes of Community Councils and the funding provided by South Ayrshire Council this should not lead Community Councillors into circumstances where they accept other responsibilities which would lead them into potential financial liability in excess of the grant provided by South Ayrshire Council.

J4 Potential Development of Activities and Liability

J4.1 At a future date it is possible that Community Councils might wish to develop projects further. On a more general basis they might wish to undertake projects or carry out development work or become employers of staff. In such cases the Community Council could then be moving beyond the financial framework guaranteed by South Ayrshire Council and perhaps moving also outwith the statutory powers of Community Councils and may put the Community Councillors themselves in areas of personal liability. If developments of this nature are to be contemplated then, before proceeding, the Community Councillors should discuss with South Ayrshire Council what changes, if any, should be made to the legal status of the Community Council or what additional organisation should be formed by the Community Council to undertake the project or to employ the staff and so give the Community Councillors protection from personal liability.

J4.2 This is a very important matter. The statutory objectives of Community Councils are set out in the Local Government (Scotland) Act 1973, Section 51(2) 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".

J4.3 This objective is not only permissive, that is, it states what Community Councils can do, it is also restrictive because it limits what Community Councils can do in terms of the objective. Strictly speaking if Community Councils wish to develop in ways which involve them in acting outwith their statutory remit, then they would not be acting under the purpose of being a Community Council. It is likely that they may then be acting as an unincorporated voluntary association. As the personal liability of a Community Councillor is almost identical whether the activity falls within or just outside the statutory objective, the difference has more to do with whether a Community Council could continue to call itself a Community Council, and should be recognised as a Community Council, if it strayed into activities outwith the statutory objectives.

- J4.4 The 1973 Act does not make it clear. What then are the statutory objectives? The objective may seem clear enough initially but the opening words "In addition to any other purpose which a Community Council may pursue" and the closing words "and to take such action in the interests of that community as appears to it to be expedient and practical" open up the possibility of wide ranging action than might at first appear. The section in the middle probably gives the greatest guidance with the phrases at the beginning and the end having to be taken in this spirit and having to be seen as in some way only extending the main purpose at the centre of the objective. However the powers are not entirely clear and the legislation elsewhere is not definitive.
- J4.5 The central core of the objectives, that is representing views, is clear enough. However in relation to the phrases which may seem to extend this central purpose, if Community Councils were to embark on projects or activities which could not be seen to have their foundation in the central purpose of representing views they could be acting outwith their original purpose. If the Community Council were to go outwith the objectives it would be acting outwith its powers and the individual Community Councillors would be personally liable for that activity. Whether Community Councillors find themselves having incurred personal financial liability will arise from the nature of the activity which the Community Council embarks on and the prudence with which the activity is approached, regardless of whether the Community Council operates within its objective or goes beyond them. However in respect of adhering to the statutory objectives, in matters of real difficulty, controversy or where a significant change of purpose is proposed, the Community Council should take the advice of the Head of Policy, Community Planning and Public Affairs, South Ayrshire Council, **before embarking on the activity** to clarify the legal position.
- J4.6 The margins within which Community Councils can operate with financial safety and without the potential for incurring personal financial liability for the Community Councillors are narrow. Any arrangements which a Community Council enters into for provision of accommodation and/or administrative services and/or publication of newsletters or whatever, should be met from within the grant which they know is available from South Ayrshire Council. Making financial commitments in excess of the available grant will place the Community Councillors in potential liability. If Community Councils wish to develop in other ways they must be absolutely certain that guaranteed funding is in place to meet all their expenditure.
- J4.7 If Community Councils wish to move into areas of development where guaranteed funding cannot be quite so certain then they must discuss with South Ayrshire Council the creation of some other mechanism, eg the formation of a private limited company. This would not remove liability but would restrict it to the assets of the company and would remove it from the individual members ie the Community Councillors. If Community Councils feel that a course of action (with or without financial uncertainty) may move them outwith the statutory objectives they should discuss this with the Head of Policy, Community Planning and Public Affairs, South Ayrshire Council to clarify any consequences of the proposed activity **before any legal commitment is made.**

J5 Working as a Group

It should be remembered that a Community Council can only act collectively. The law does not permit individual Community Councillors any special place to act independently.

J6 Liaison with Public Bodies and Voluntary Organisations

In the main Community Councils relate directly to the Local Authority for its area, ie South Ayrshire Council. However it is important to emphasise that the statutory purpose goes much wider and enables Community Councils to represent local views to public bodies in relation to matters for which those authorities are responsible.

It is therefore important for Community Councils to recognise this wider ability and to include in the matters which they discuss and seek to improve those issues which fall within the scope of other public bodies for example Health Boards, Tourist Boards, Water Authority, etc, and to contact those bodies direct to pursue the Community Councils' legitimate interests.

Details of those public bodies and other voluntary organisations in South Ayrshire are undernoted, but this list is not intended to be exhaustive:-

Public Bodies and Voluntary Organisations	Contact No.
Ayrshire and Arran Health Board www.nhsaaa.net	0800 169 1441
Ayrshire and Arran Tourist Board www.ayrshire-arran.com	0845 22 55 121
Ayrshire Valuation Joint Board www.ayrshire-vjb.gov.uk	01292 612221
Clydeport www.clydeport.co.uk	0141 221 8733
Data Protection Commissioner (Scottish Office) www.dataprotectionregister.org.uk	0131 225 6341
Equality and Human Rights Commission www.equalityhumanrights.com	0808 800 0082
European Parliament (Edinburgh Office) www.europarl.org.uk/edinburgh	0131 557 7866
Glasgow Prestwick Airport www.glasgowprestwick.com	0871 223 0700
Historic Scotland www.historic-scotland.gov.uk	0131 668 8600
Scottish Police Authority Board enquiries@spa.pnn.police.uk	0141 585 8300
Scottish Fire and Rescue Service Board www.firescotland.gov.uk	01738 475200
Scotland Office (UK Government) www.gov.uk/government/organisations/scotland-office	0131 244 9010
Scottish Environmental Protection Agency (Ayr Office) www.sepa.org.uk	01292 294000
Scottish Government www.scotland.gov.uk	08457 741 741
Scottish Water www.scottishwater.co.uk	0845 601 8855
South Ayrshire Council www.south-ayrshire.gov.uk	0300 123 0900

SECTION K

DRAFT CONSTITUTION AND CODE OF CONDUCT

DRAFT CONSTITUTION

- 1 - Name
- 2 - Area
- 3 - Objects
- 4 - Membership
- 5 - Equality and Diversity
- 6 - Elections
- 7 - Co-option and nomination to the Community Council
- 8 - Voting rights of members of the Council
- 9 - Election of Office-Bearers
- 10 - Appointment of Planning Contact and Licensing Contact
- 11 - Sub Committees
- 12 - Meetings of the Community Council
- 13 - Public participation in the work of the Community Council
- 14 - Exchange of information with South Ayrshire Council
- 15 - Control of Finance
- 16 - Data Protection
- 17 - Alterations to the Constitution
- 18 - Dissolution
- 19 - Adoption and Ratification of the Constitution

SOUTH AYRSHIRE COUNCIL
SCHEME FOR COMMUNITY COUNCILS

MODEL CONSTITUTION FOR COMMUNITY COUNCILS

1. Name

The name of the Community Council shall be the [*insert name*] Community Council (hereinafter referred to as "the Community Council").

2. Area

The boundaries of the Community Council shall be as described in Appendix A of the Scheme for Community Councils (hereinafter referred to as "the Revised Scheme") as adopted by South Ayrshire Council on .

3. Objects

In addition to any other purpose which it shall pursue, the objects of the Community Council shall be:

- 3.1 to ascertain, co-ordinate and express to the local authority for the area, and to other public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible;
- 3.2 to take such action in the interests of the community as appears to it to be expedient and practicable;
- 3.3 to liaise with other community and voluntary organisations within the area, to express fairly the diversity of opinions and outlooks of the people in accordance with the Equality Duty in the Equality Act 2010.

4. Membership

4.1 The Community Council will have a membership as defined in the Scheme and shall consist of [*insert number*] elected Members with, in addition, *ex officio* Members and such Members as may be co-opted in terms of the Scheme.

4.2 Membership shall be open to all registered electors for Local Government Elections in the area of the Community Council as defined by the Scheme and the Community Council must comply with the Equality Duty to:

- eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;

- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- foster good relations between people who share a protected characteristic and people who do not share it.

5. Equality and Diversity

5.1 The Community Council will comply with the requirements of the Human Rights Act 1998 and the Equality Act 2010. The Equality Act 2010 protects people from discrimination, harassment and victimisation on the basis of 'protected characteristics'.

The protected characteristics are:

- 5.1.1 Age
- 5.1.2 Disability
- 5.1.3 Gender reassignment
- 5.1.4 Marriage and civil partnership
- 5.1.5 Pregnancy and maternity
- 5.1.6 Race
- 5.1.7 Religion and belief (including non-belief)
- 5.1.8 Sex
- 5.1.9 Sexual orientation

5.2 The Community Council will act and represent people from all protected characteristics within its communities with dignity and respect, and in a fair and equal manner.

5.3 The Community Council will not discriminate against, harass or victimise an existing or potential member or a Co-optee.

5.4 The Community Council will not refuse membership, or grant membership on less favourable terms (such as by applying different conditions) because the person has a protected characteristic as shown above.

5.5 The Community Council shall also support South Ayrshire Council in meeting its other general equality duties of advancing equality of opportunity and fostering good relations by:

- 5.5.1 highlighting the needs of particular groups that are different from the needs of others in the community and
- 5.5.2 encouraging participation in public life.

6. Elections

6.1 Method of Election – Elections shall be by the method of election defined in Section B of the Scheme. The Returning Officer for all Community Council elections shall be the Service Planning and Election Manager of South Ayrshire Council.

6.2 Qualifications of Candidates and Electors – Candidates and Electors in all Community Council elections shall fulfil the requirements specified in Section B of the Scheme.

7. Co-option and Nomination to the Community Council

- 7.1 There will be two different categories of Co-optee –
- 7.1.1 those filling a casual vacancy till the next ordinary election or by-election will be **temporary co-optee**, and,
 - 7.1.2 those co-opted for their specific expertise, for a specific length of time, will be a **specialist** co-optee.
- 7.2 There will be different methods of recruitment and qualification which apply to each type of co-optee:
- 7.2.1 **Temporary** co-optees must be resident within the boundary of the Community Council, or Sub Area, and must be recruited by advertisement in specified locations, as detailed in Section F of the Scheme, and serve only up to the next election or by-election. In any event they may not serve as a temporary co-optee for longer than eleven months.
 - 7.2.2 **Specialist** co-optees do not necessarily have to be resident in the area, but must be recruited for a specific project for a specified length of time. The Community Council will publicise the recruitment of specialist co-options to residents within its area, stating the reasons and duration of the co-option as detailed in Section F of the Scheme.

8. Voting Rights of Members of the Council

The right to vote at any meeting of the Community Council or any Sub-Committee shall be held by the Members of the Community Council, notwithstanding those who have made a Declaration of Interest, *ex officio* members and temporary Co-optees.

9. Election of Office-Bearers

- 9.1 At the first meeting of the Community Council after Elections in the year when Elections are held and at the Annual General Meeting in the year when Elections are not held, the Community Council shall appoint a Chair, Vice-Chair, Secretary and Treasurer.
- 9.2 All office-bearers shall be elected for one year, but shall be eligible for re-election, without limit of time.
- 9.3 Members of the Community Council appointed as Secretary and Treasurer, or as Secretary or as Treasurer individually, shall not be entitled to remuneration, but the Community Council may, within the Scheme, award honorariums to such Members.

10. Appointment of Planning Contact and Licensing Contact

At the first meeting of the Community Council after Elections in the year when Elections are held and at the Annual General Meeting in the year when Elections are not held, the Community Council may appoint a Planning Contact and a Licensing Contact.

11. Sub-Committees

The Community Council may appoint such Sub-Committees as it may from time to time decide and shall determine their composition, terms of reference, duration, duties and powers.

12. Meetings of the Community Council

- 12.1 In the month of May each year the Community Council shall convene an Annual General Meeting which may be attended by residents of the area for the purpose of receiving and considering the annual report of the Community Council and the annual audited Statement of Accounts.
- 12.2 The Community Council shall meet throughout the year a minimum of six times at intervals not exceeding three months for Ordinary Meetings.
- 12.3 Dates of regular meetings of the Community Council shall be fixed at the first meeting of the Council following ordinary elections.
- 12.4 The Community Council may from time to time convene Special General Meetings for the purpose of considering matters of interest or importance. These may, at the Community Council's discretion, take the form of Public Meetings. No more than four such meetings may be held between Annual General Meetings.
- 12.5 Copies of all Minutes of Meetings of the Community Council and of its Sub-Committees shall be approved at the next following meeting of the Community Council and shall be available for inspection by members of the public at a suitable place or places within fourteen days of the meeting of the Community Council at which such Minutes are approved. Minutes should also be made available in alternative formats upon request including draft minutes and the note of action points. Minutes of all meetings shall be sent to South Ayrshire Council following approval.
- 12.6 Notwithstanding the above, draft minutes or a note of action points of meetings should be prepared and circulated to Community Councillors and those attending the meeting seven days at least before the next meeting to ensure that any immediate action points are addressed.

13. Public Participation in the Work of the Community Council

- 13.1 The Community Council may invite a member of the public or the representative of an organisation to address any meeting of the Community Council or its Sub-Committees.
- 13.2 All meetings of the Community Council and of its Sub-Committees shall be open to members of the public except that the Community Council or Sub-Committee, as appropriate, may by resolution agree to consider in private any items of business of a confidential nature, as defined in the Local Government (Access to Information) Act 1985. Proper provision is to be made for the accommodation of members of the public.
- 13.3 Notices calling meetings of the Community Council and of its Sub-Committees shall be posted prominently within the Community Council area for a minimum period of seven days before the date of any such meeting, and by other suitable means.

14. Exchange of Information with South Ayrshire Council

14.1 South Ayrshire Council shall nominate an Officer or Officers to act as the principal point(s) of contact for matters relating to the Community Council.

14.2 South Ayrshire Council and the Community Council shall establish mutually satisfactory arrangements regarding exchange of ideas and information through the development of a Code of Conduct, which shall include:-

14.2.1 provision for the supply of information by South Ayrshire Council to the Community Council on proposals and decisions which may affect the area concerned in order that the views of the community may be ascertained, and

14.2.2 clarification on the roles and responsibilities, on matters concerning Community Council business, of South Ayrshire Elected Members, South Ayrshire Council Officers and Community Councillors as elected in terms of Section B of the Scheme.

14.3 Exchange of Minutes and Reports

14.3.1 South Ayrshire Council shall inform the Community Council that a copy of the Minutes of meetings of South Ayrshire Council and its Committees together with, where appropriate, copies of the agendas for such meetings and reports considered at such meetings may be obtained from its website.

14.3.2 The Community Council shall forward copies of Minutes of Meetings and Sub-Committees, together with, where appropriate, copies of reports considered by them, to South Ayrshire Council once they have been formally approved.

14.3.3 South Ayrshire Council shall inform the Community Council where its Annual Report may be obtained.

14.3.4 The Community Council shall prepare an Annual Report for presentation to its Annual General Meetings, and thereafter for submission to South Ayrshire Council.

15. Control of Finance

15.1 All monies raised by or on behalf of the Community Council or provided by South Ayrshire Council and other sources shall be applied to further the objects of the Community Council and for no other purpose. The monies provided by South Ayrshire Council in the Administration Grant shall be used only for administrative and other purposes as indicated in Section E of the Scheme. Monies raised by the Community Council from other sources may be used in accordance with the terms of the provision, or, in the absence of such terms, for the furtherance of the objects of the Community Council.

15.2 The Treasurer shall keep proper accounts of the finances of the Community Council.

15.3 The financial year of the Community Council shall be from 1 April to 31 March of the succeeding year. The accounts shall be submitted to South Ayrshire Council at the end of each financial year and shall be audited or independently by a professional auditor approved by South Ayrshire Council.

15.4 An audited Statement of Accounts for the last financial year shall be submitted to an Annual General Meeting of the Community Council and shall be available for inspection at a convenient location.

16 Data Protection

The Community Council will comply with the provisions of the Data Protection Act 1998.

17. Alterations to the Constitution

Any proposal to alter this Constitution must be delivered in writing to the Secretary of the Community Council not less than twenty eight days prior to the date of the meeting at which it is first to be considered and the terms of the proposed resolution to alter the Constitution shall be stated on the notice calling the meeting which shall be issued not less than fourteen days prior to the meeting. Should an individual require assistance in providing a written proposal, the Community Council is obliged to provide support to the individual to accomplish this. All proposed or actual alterations will require to conform to the Scheme. If the resolution is supported by two-thirds of the elected membership of the Community Council and is approved, in writing, by South Ayrshire Council or its appointed officer, the alteration shall be deemed to have been duly authorised from the date of the letter or such other date as may be agreed.

18. Dissolution

The Community Council will be dissolved if it has

18.1 failed to hold any meetings, or such meetings have been inquorate, for a period of six months, or longer or

18.2 failed to submit to South Ayrshire Council, in terms of the Scheme, minutes of its meetings for a period of at least twelve months

18.3 insufficient number of Members in terms of the Scheme.

The Council will co-operate with South Ayrshire Council in terms of Section E3 of the Scheme.

19. Adoption and Ratification of the Constitution

This Constitution was adopted by [*insert name*] Community Council on [*insert date*].

Signed: Chairperson

Member

Member

Date

and was ratified on behalf of South Ayrshire Council on

Signed:

Date:



COMMUNITY COUNCILLORS

CODE OF CONDUCT

- 1 - The law and standing orders
- 2 - Public Duty and Private Interest
- 3 - Disclosure of pecuniary and other Interests
- 4 - Dispensations
- 5 - Disclosure in other Dealings
- 6 - Chair
- 7 - Use of confidential and private information
2004
- 8 - Gifts and Hospitality
- 9 - Expenses and Allowances
- 10 - Dealings with the Community Council
- 11 - Use of Community Council Facilities
- 12 - Appointments to other Bodies
- 13 - Authority of Code
- 14 - Expulsions

1. THE LAW AND STANDING ORDERS

Community Councillors hold office by virtue of the law, and must at all times act within the law. You should make sure that you are familiar with the rules of personal conduct which the law and your Community Council's Constitution require, and the guidance contained in this Code. It is your responsibility to make sure that what you do complies with these requirements and this guidance. You should regularly review your personal circumstances with this in mind, particularly when your circumstances change. You should not at any time advocate or encourage anything to the contrary. If you are in any doubt, seek advice from the Head of Policy, Community Planning and Public Affairs of South Ayrshire Council or another of the Council's senior officers or from your own legal adviser. Ultimately, however, the decision and the responsibility are yours.

2. PUBLIC DUTY AND PRIVATE INTEREST

- 2.1 Your over-riding duty as a Community Councillor is to the whole local community served by the Community Council of which you are a member, including those who did not vote for you.
- 2.2 If you have a private or personal interest in a question which Community Councillors have to decide, you should never take any part in the decision, except in the special circumstances described below. Where such circumstances do permit you to participate, you should never let your interest influence the decision.
- 2.3 You should never do anything as a Community Councillor which you could not justify to the public. Your conduct, and what the public believes about your conduct, will affect the reputation of your Community Council.
- 2.4 It is not enough to avoid actual impropriety. You should at all times avoid any occasion for suspicion and any appearance of improper conduct.
- 2.5 You should be clear at all times on your role when attending Community Council meetings. You can employ your skills and experience for the benefit of the Community Council but you should not act in your professional or interest role (e.g. as architect, journalist, licensee) as well as act in the role of Community Councillor.

3. DISCLOSURE OF PECUNIARY AND OTHER INTERESTS

- 3.1 Whilst the law does not make specific provision requiring you, as a Community Councillor, to disclose both direct and indirect pecuniary interests (including those of a partner with whom you are living) which you may have in any matter coming before the Community Council, a Committee or a Sub-Committee, nor prohibit you from speaking or voting on that matter, you should behave as if the law applying to South Ayrshire Councillors applies to you. These requirements must be scrupulously observed at all times.
- 3.2 Interests which are not pecuniary can be just as important. You should not allow the impression to be created that you are, or may be, using your position to promote a private or personal interest, rather than forwarding the general public interest. Private and personal interests include those of your family, friends and employer, as well as those arising through membership of, or association with, clubs, societies, and other organisations such as the Freemasons, trade unions, political parties, religious groups and voluntary bodies.

- 3.3 If you have a private or personal non-pecuniary interest in a matter arising at a Community Council meeting, you should always disclose it, unless it is one which you share with other members of the public generally as a ratepayer or a council tax payer or an inhabitant of the area.
- 3.4 Where you have declared such a private or personal interest, you should decide whether it is clear and substantial (see 3.5 below). If it is not, then you may continue to take part in the discussion of the matter and may vote on it. If, however, it is a clear and substantial interest, then (except in the special circumstances described in 3.6 below) you should never take any further part in the proceedings, and should always withdraw from the meeting whilst the matter is being considered.
- 3.5 In deciding whether such an interest is clear and substantial, you should ask yourself whether members of the public, knowing the facts of the situation, would reasonably think that you might be influenced by it. If you think so, you should regard the interest as clear and substantial.
- 3.6 In the following circumstances, but only in these circumstances, it can still be appropriate to speak, and in some cases to vote, in spite of the fact that you have declared such a clear and substantial private or personal interest:
- 3.6.1 if your interest arises in your capacity as a member of a public body, you may speak and vote on matters concerning that body. For this purpose, a public body is one where, under the law governing declarations of pecuniary interests, membership of the body would not constitute an indirect pecuniary interest;
- 3.6.2 if your interest arises from being appointed by your Community Council as its representative on the managing committee, or other governing body, of a charity, voluntary body or other organisation formed for a public purpose (and not for the personal benefit of the members), you may speak and vote on matters concerning that organisation;
- 3.6.3 if your interest arises from being a member of the managing committee, or other governing body of such an organisation, but you were not appointed by your Community Council as its representative, then you may speak on matters in which that organisation has an interest; you should not vote on any matter directly affecting the finances or property of that organisation, but you may vote on other matters in which the organisation has an interest;
- 3.6.4 if your interest arises from being an ordinary member or supporter of such an organisation (and you are not a member of its managing committee or other governing body), then you may speak and vote on any matter in which the organisation has an interest.

4. DISPENSATIONS

- 4.1 Circumstances may arise where the work of your Community Council is affected because some Community Councillors have personal interests (pecuniary or non-pecuniary) in some question.

- 4.2 In the case of non-pecuniary interests, there may be exceptions to the guidance contained in paragraphs 3.2 to 3.6 of this Code. In the circumstances below it may be open to you to decide that the work of the Community Council requires you to continue to take part in a meeting which is discussing a matter in which you have a clear and substantial private or personal interest.
- 4.3 Before doing so, you should:
- 4.3.1 take advice from the chairperson of your Community Council (if this is practicable) or from the appropriate senior officers of South Ayrshire Council as to whether the situation justifies such a step;
 - 4.3.2 consider whether the public would regard your interest as so closely connected with the matter in question that you could not be expected to put your interest out of your mind (for example, the matter might concern a decision by the Community Council affecting a close relative); if you think that they would, you should never decide to take part in a discussion of, or a vote on, the matter in question; and
 - 4.3.3 consider any guidance which your Community Council has issued on this matter.
- 4.4 The circumstances in which (after such consultation and consideration) you may decide to speak and vote on a matter in which you have a clear and substantial private or personal non-pecuniary interest are if, but only if, at least half the Community Council would otherwise be required to withdraw from consideration of the business because they have a personal interest.
- 4.5 If you decide that you should speak or vote, notwithstanding a clear and substantial personal or private non-pecuniary interest, you should say at the meeting, before the matter is considered, that you have taken such a decision, and why.
- 4.6 The guidance set out in paragraphs 4.2 to 4.5 above also applies to Committees and Sub-Committees.

5. DISCLOSURE IN OTHER DEALINGS

- 5.1 You should always apply the principles about the disclosure of interests to your dealings with Community Council matters to your unofficial relations with other Community Councillors at, for example, informal occasions, no less scrupulously than at formal meetings of the Community Council, Committees and Sub-Committees.
- 5.2 You, or some firm or body with which you are personally connected, may have professional business or personal interests within the area for which the Community Council is responsible. Such interests may be substantial and closely related to work of the Community Council or of one or more of the Community Council's Committees or Sub-Committees. For example, the firm or body may be concerned with planning, developing land, council housing, personnel matters or the letting of contracts for supplies, services or works. You should not seek, or accept, membership of the Community Council or any such Committee or Sub-Committee if that would involve you in disclosing an interest so often that you could be of little value to the Council, Committee or Sub-Committee, or if it would be likely to weaken public confidence in the duty of the Community Council, Committee or Sub-Committee to work solely in the general public interest.

6. CHAIR

- 6.1 You should not seek or accept the Chair of the Community Council if you or any body with which you are associated, has a substantial financial interest in, or is closely related to, the business or affairs of the Council. Likewise you should not accept the Chair of a Committee or Sub-Committee if you have a similar interest in the business of the Committee or Sub-Committee.

7. USE OF CONFIDENTIAL AND PRIVATE INFORMATION

- 7.1 As a Community Councillor or a Committee or Sub-Committee member, you may acquire much information that has not yet been made public and is still confidential. It is a betrayal of trust to breach such confidences. You should never disclose or use confidential information for the personal advantage of yourself or of anyone known to you, or to the disadvantage or the discredit of the Community Council or any else.

8. GIFTS AND HOSPITALITY

- 8.1 You should treat with extreme caution any offer or gift, favour or hospitality that is made to you personally. The person or organisation make the offer may be doing, or seeking to do, business with the Community Council, or may be applying to the Community Council for some kind of decision or recommendation.
- 8.2 There are no hard or fast rules about the acceptance or refusal of hospitality or tokens of goodwill. For example, working lunches may be a proper way of doing business, provided that they are approved by the Community Council beforehand and that no extravagance is involved. Likewise, it may be reasonable for a member to represent the Community Council at a social function or event organised by outside persons or bodies.
- 8.3 You are personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in Community Councils. The offer or receipt of gifts or invitations should always be reported to the Secretary of the Community Council.

9. EXPENSES AND ALLOWANCES

- 9.1 There may be rules enabling you to claim expenses and allowances in connection with your duties as a Community Councillor or a Committee or Sub-Committee member, and these rules must be scrupulously observed.

10. DEALINGS WITH THE COMMUNITY COUNCIL

- 10.1 You may have dealings with the Community Council on a personal level (for example as an applicant for planning permission). You should never seek or accept preferential treatment in those dealings because of your position as a Community Councillor or a Committee or Sub-Committee member. You should also avoid placing yourself in a position that could lead the public to think that you are receiving preferential treatment. Likewise, you should never use your position as a Community Councillor or a Committee or Sub-Committee member to seek preferential treatment for friends or relatives, or any firm or body with which you are personally connected.

11. USE OF COMMUNITY COUNCIL FACILITIES

You should always make sure that any facilities (such as transport, stationery, or secretarial services) provided by the Community Council for use in your duties as a Community Councillor or a Committee or Sub-Committee member are used strictly for those duties and for no other purpose.

12. APPOINTMENTS TO OTHER BODIES

You may be appointed or nominated by your Community Council as a member of another body or organisation – for instance, to voluntary organisation. You should always observe this Code in carrying out your duties on that body in the same way you would with the Community Council.

13. AUTHORITY OF CODE

This code has been issued by South Ayrshire Council to describe the standard of behaviour expected from individual Community Councillors. It is expected that all Community Council Members will adhere to its terms. If a Member of a Community Council does not or cannot adhere to the terms of the Code, it would be expected that the Member would leave the Council. If the Member refuses to leave then the Community Council may cease to be recognised by South Ayrshire Council.

14. EXPULSIONS

Each duly elected Member of a Community Council, shall agree in writing to abide by the Constitution of his/her Community Council. Each Community Council will lay down a Code of Conduct and procedure within their Constitution. Any Member of a Community Council who repeatedly flouts or ignores the rules as laid down in the Code of Conduct, will be subject to disciplinary action by their Community Council. If the conduct of a Community Councillor is deemed to amount to “gross misconduct”, in terms of the Code of Conduct, then he or she may be duly expelled by their Community Council. Where a dispute arises between an individual Member and his/her Community Council over the interpretation of the Constitution of that Community Council, then the Head of Policy, Community Planning and Public Affairs, South Ayrshire Council, or his/her representative may be invited by the individual member, or the Community Council to act as arbiter, in which event the decision by the Head of Policy, Community Planning and Public Affairs shall be final and binding.



**Scheme for the Establishment
of Community Councils**

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For more information on the Scheme for the Establishment of Community Councils email communitycouncils@southlanarkshire.gov.uk

If you need this information in another language or format, please contact us to discuss how we can best meet your needs.

Phone 0303 123 1015 or email equalities@southlanarkshire.gov.uk

Scheme for the Establishment of Community Council Amendments

Date	Amendment
27 September 2018	Voting age amended in line with Legislation for all Scottish Electoral Events from 18 to 16.

Scheme for the Establishment of Community Councils in Scotland South Lanarkshire Area

1. Introduction

Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government (Scotland) Act 1994, which produced the current system of unitary local authorities, made provision for the continuation of Community Councils and, where appropriate, the revocation of any Scheme for Establishment of Community Councils (Scheme) in existence prior to 1 April 1996. South Lanarkshire Council (**referred to as the Council**) made its Scheme in 1999. It has carried out a review of the Scheme and has decided to amend the Scheme. This is the Scheme as amended.

2. Statutory Purposes

The statutory purposes of Community Councils established under the 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

3.1 General purpose

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 Council, 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 recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sectors of the community.

Community Councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objectives of their Constitution and comply fully with the terms of the Scheme.

3.2 Statutory rights

Community Councils have a statutory right to be consulted on planning applications. Consultation on licensing matters and any other matters may also be jointly agreed between Community Councils, the Council and other public sector and private agencies.

There should be mutual engagement in the establishment of working relationships with the Council 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 and the Community Councillors' Code of Conduct.

3.3 **Constitution**

Each Community Council is required to adopt a Constitution, based upon the Model Constitution (**Appendix 2**), which adheres to the Scheme, together with the core Standing Orders (**Appendix 3**), to encourage and maintain consistency for all Community Councils and to facilitate their proceedings being properly structured and regulated; that items of business relevant to the community are properly debated to ensure that there is no perception of anything that may discourage or deter participation in the business of the meeting and that decisions are reached in a democratic manner. Each constitution must be approved by a 2/3 majority at a General Meeting of the Community Council and then be submitted to the Council for its approval.

Once a constitution has been approved by the Council in writing, the constitution cannot be altered unless the alteration has been considered and approved by a 2/3 majority of the Community Council and approved by the Council. All Community Council members must adhere to the rules of the constitution.

Community Councils will be able to delegate some matters to Sub Committees. However, the Community Council must prepare and make available the remit of any such Sub Committees to the public on request. This remit will be forwarded to the Council immediately after being approved at a Community Council meeting.

3.4 **Core Standing Orders**

The Council will provide core Standing Orders to Community Councils and no alteration of these core Standing Orders by a Community Council will be valid.

There will be flexibility for Community Councils to add to the core Standing Orders, subject to the Council's approval in writing

3.5 **Responsibilities**

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.
- ◆ submit to the Council and make available to all Community Council members, relevant elected Members and other interested parties, a copy of the draft minute within 14 days from the date of the meeting
- ◆ circulate a copy of the agenda for the next meeting to the Council, all Community Council members, relevant elected Members and other interested parties at least 7 days in advance of the next meeting.
- ◆ submit a list of dates of future Community Council meetings to the Council at the same time or before the submission of annual accounts for the preceding financial year. (The submission of this list of dates will be required before the annual Administration Grant can be paid)

- ◆ prepare an Annual Report to be presented at the Annual General Meeting and forwarded to the Council.
- ◆ look to broaden both representation and expertise by promoting the Associate Membership of the Community Council of persons for specific projects/issues.
- ◆ 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 will be featured in the Guidelines Handbook).***
- ◆ inform the Council of any change in membership (resignations, Co-options, Associate Membership, Office Bearers, etc.) and circumstances, as soon as is practicable, but no more than 28 days after the change has occurred.
- ◆ ensure that the Community Council has appropriate and adequate insurances in place

All decisions must be discussed at a meeting of the full Community Council and any decisions reached must be recorded in the minutes of that meeting.

No Community Council can delegate any of its decision making powers to an individual member of the Community Council.

All recommendations proposed by a Sub Committee must be discussed at a meeting of the full Community Council. The minute of all Sub Committee meetings will be submitted to the next meeting of the Community Council for decision and any decisions reached must be recorded in the minutes of that meeting.

3.6 **Code of Conduct**

All Community Council members must agree to abide by the Community Council Code of Conduct. **(Appendix 4)** This should be recorded in the minutes.

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

Each of the areas specified in **Column 1 of Appendix 1** of the draft Scheme can be identified by the relevant map reference on the accompanying plans. Each area is eligible to have a Community Council.

5. **Establishment and Membership of Community Councils**

5.1 **Establishment**

In order for a Community Council to be established within a defined Community Council boundary area, a petition must be received by the Council with the names, addresses and signatures of 20 persons who are eligible to vote and who are on the electoral register for that area. Once the petition has been deemed valid, those persons whose names appear on the petition will be invited to complete a nomination form for membership of the Community Council and an advert will be placed in the local newspaper inviting nominations from residents of voting age within that Community Council area.

5.2 **Membership**

Members of a Community Council will be known as Community Councillors.

Each Community Council will comprise a base of 8 members plus 2 additional members for every 2,000 eligible voters to a maximum of 24 members, as shown in the following table. The minimum number of members for each Community Council is 50% of the maximum membership. Column 2 of Appendix 1 of the draft Scheme shows the electorate for each area. The number of voting members for each Community Council is shown in Column 3 and cannot be altered by Community Councils. Any alteration must be made by amendment of this Scheme by the Council and is subject to public consultation.

<u>Maximum Community Council Elected Membership</u>	<u>Electorate</u>
8	0 – 2,000
10	2,001 – 4,000
12	4,001 – 6,000
14	6,001 – 8,000
16	8,001 – 10,000
18	10,001 – 12,000
20	12,001 – 14,000
22	14,001 – 16,000
24	16,001 +

6. Community Council Elections

6.1 Eligibility

The minimum age to stand for election as a Community Councillor is 16 years. Qualification for membership is by principal or only residence within the specific Community Council boundary. 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. Residents voting for a candidate must have their principal or only residence within the Community Council boundary. There shall be provision made for non-voting Associate Membership for purposes as defined by each Community Council. 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 Council and members of the Scottish, United Kingdom and European Parliaments are automatically *ex officio* members of Community Councils, with no voting rights. They cannot be included in the quorum of a Community Council at Community Council meetings.

It should be noted that although Local Authority elected members, MPs MSPs, etc., are automatically *ex officio* members, their attendance at meetings is not obligatory and attendance is at their discretion.

Any Community Council member whose principal or only residence is no longer within that Community Council area will be deemed to have resigned from that Community Council from the day they leave that residence.

An elected Community Councillor who resigns from the Community Council, may seek co-option at a later date, if a vacancy is available.

A person shall be disqualified as a member of a Community Council if they are convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic of any offence and has passed on them a custodial sentence for a period of not less than 12 months.

6.2 Elections

Subsequent elections will be held on a 4 yearly cycle on dates to be determined by the Council. Where the number of established Community Councils exceeds a level to be determined by the Council, elections for a proportion of the total number of established Community Councils within the 4 yearly cycle may be arranged.

The Council will administer and meet the costs of all contested elections. This includes the scheduling of all dates and other arrangements.

6.3 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 and whose main residence is within that Community Council area. Completed nominations require to be submitted to the Council with the candidate's consent. Self-nomination is not permitted.

A nomination form should be completed and submitted prior to close of nominations on the date set down in the election timetable. Nomination forms submitted after that date will not be accepted.

As part of giving their consent to being nominated candidates must indicate that if elected they will agree to be bound by the Code of Conduct referred to in paragraph 3.6.

6.4 Candidates Withdrawing Nominations

Any candidate wishing to withdraw their name must do so prior to the close of nominations. This should be done in writing by sending a signed letter to that effect to the Council. For the avoidance of doubt, where a letter is received by other means than post, i.e. by fax or email, the Council will accept it provided that the letter received is clearly signed by the candidate.

Any candidate who requests to withdraw after this date will be refused and their name will be printed on the ballot paper. If, after close of poll, the candidate in question becomes elected as a member of the Community Council, only then can they resign from membership of the Community Council.

6.5 Independent Chairperson

The Community Council will appoint an Independent Interim Chairperson to act as a Returning Officer for any elections.

The Independent Interim Chairperson must not be a current member of that Community Council or have any intention of standing for election to that Community Council.

6.6 Process on the expiry of the period for lodging nominations

Should the number of candidates validly nominated equal or exceed 1/2, but be less than or equal to the total maximum permitted membership as specified for the

Community Council area in **Appendix 1 of the Scheme**, the said candidates will be declared to be elected and no ballot shall be held.

Should the number of candidates validly nominated exceed the total maximum permitted membership, as specified for the Community Council area, arrangements for an election 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. The polling station for a Community Council election will be open from 2.00pm to 8.00pm. Postal votes will be made available on request to voters within the Community Council area. The Council reserve the right to make appropriate arrangements to conduct the Poll.

Should the number of candidates elected be less than 1/2 of the total maximum permitted membership, as specified for the Community Council area, no Community Council will be constituted at that time. However, that does not preclude the Council from issuing a second call for nominations for a Community Council area failing to meet the minimum membership requirement within 3 months of the closing date for the registration of the first call for nominations.

If the minimum membership requirement is not met after the second call for nominations, the Community Council will not be constituted (if not already so formed) or be dissolved (if previously constituted).

All office bearer positions must be filled by a voting member of the Community Council, (i.e. they cannot be filled by an associate member) in order for the Community Council to remain constitutional.

In exceptional circumstances, if agreed with the Council, an office bearer may hold more than 1 position (but not more than 2) for no longer than 3 months. If the Community Council fails to comply with the regulation, they will be deemed to be unconstitutional and will be dissolved.

6.7 **Method of Election**

Community Councillors shall be elected on a simple majority basis. (First past the post).

6.8 **Filling of casual vacancies/vacant places between elections**

Casual vacancies/vacant places on a Community Council may arise in the following circumstances:-

- a) When the number of members after an election is less than the maximum allowed, but more than the minimum.
- b) When an elected Community Council member submits their resignation
- c) When an elected Community Council member dies
- d) When an elected Community Council member has their membership disqualified (**Paragraph 10**)

Should a vacancy or vacancies arise on a Community Council between elections, it shall be a requirement that the Community Council shall take such immediate steps as necessary to fill that vacancy, in consultation with the Council. Filling a vacancy

or vacancies can be undertaken either through the process of co-option or, where necessary, a by-election:-

Co-option

- ◆ Where residents of voting age can be co-opted onto the Community Council up to the maximum of 1/4 of the actual elected membership, not the total membership provision

The exception would be where the vacancy or vacancies falls in the last year of a 4 year term, in which case the vacancy or vacancies can remain unfilled, subject to the requirement to hold a by-election if the number of Community Councillors fall below 1/2 of the maximum Community Council membership.

By-election

- ◆ Where, due to whatever circumstances, the elected membership falls below the minimum of less than 1/2 of the total membership provision

In a situation where the Community Council must hold a by-election, the Council shall make arrangements for a by-election for the vacant space(s) to be held within 3 months from the vacancy or vacancies being notified to them by the Community Council.

If insufficient nominations are received in relation to meeting the minimum membership requirement, then the Community Council will be dissolved and all assets returned to the Council, in line with Paragraph 15 of this Scheme.

6.9 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 at least half of the elected and co-opted Community Councillors present and voting. Such co-opted members shall have full voting rights, and will serve until the next round of elections (general and by-election).

Notice of any proposed co-option procedure is required to be intimated to all members of the Community Council, at least 14 days prior to the meeting, when the matter will be considered.

Co-opted membership is restricted to 1/4 of the elected membership, not the total membership provision, with the co-opted membership being rounded down. Should the ratio of co-opted to elected Community Councillors become greater than 1/4, due to any circumstances, a by-election process shall be triggered.

6.10 Additional Membership - Associate Members

Associate membership is open to those who live or work in the Community Council area, are members of a local organisation or group and to those who 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, and cannot be included in the quorum. 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.

6.11 **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 and their attendance at meetings is not mandatory and is at their own discretion.

7. **Election of Chairperson**

7.1 At the first meeting of the Community Council after an election, the Community Council shall appoint a Chairperson, who shall be appointed for the period until the next election of the Community Council, unless the person elected as Chairperson:-

- (a) dies
- (b) resigns from the post
- (c) otherwise is disqualified from being a member of the Community Council
- (d) is removed from post as a result of a vote of no-confidence by the Community Council (see paragraph 7.2 below)

7.2 If a Community Council votes by a 2/3 majority that it has no confidence in the Chairperson, the person elected to that post will be deemed to have been removed from that position. Prior to taking any vote on the matter, the Community Council must give the Chairperson the opportunity to respond to any matters that have caused the motion of no-confidence.

This does not affect the membership of the Community Council of the person removed from the post of Chairperson.

7.3 On the vacancy of the office of Chairperson, the Community Council must appoint a new Chairperson who will serve until the next election. Without the express approval of the Council, no person elected as Chairperson can serve as either Secretary or Treasurer of the Community Council for longer than 3 months.

7.4 It shall not be possible to elect a person to the post of Chairperson, if that person has:-

- (a) resigned from the post of Chairperson for whatever reason
- (b) been removed as Chairperson during that term of office, as a result of a vote of no confidence by the Community Council
- (c) filled the post of Chairperson for 2 full successive terms of 4 years prior to that election

unless there has been an intervening period of a full term of 4 years from:-

- ◆ in the case of (a) and (b), the date of the following election and
- ◆ in the case of (c), the date of the election at the end of the 2 successive terms of 4 years

If the Chairperson is absent due to illness or for personal reasons, the Vice-Chair will assume the responsibilities until the return of the Chair or the end of the current term of office.

8. Election of Secretary and Treasurer

- 8.1 At the first meeting of the Community Council after an election year, and at the Annual General Meeting in the year when elections are not held, the Community Council shall appoint a Secretary and Treasurer and other such office-bearers as it shall decide from time to time.

These office bearers elected shall be elected for one year, but shall be eligible for re-election, without limitation of time, within the 4 yearly election period.

- 8.2 Without the express approval of the Council, no one office bearer shall hold more than 2 office bearer positions for longer than 3 months.

9. 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.

Members should promote equality of opportunity and ensure that the Community Council does not commit any discrimination on the grounds of:-

- ◆ age
- ◆ disability
- ◆ gender reassignment
- ◆ pregnancy and maternity
- ◆ race
- ◆ religion or belief
- ◆ sex
- ◆ sexual orientation

10. Disqualification of Membership

- a) Where any member of a Community Council fails to attend any Community Council meeting throughout a period of 6 months, their membership of the Community Council shall be deemed to have terminated, unless there are exceptional circumstances acceptable to the Council. An application for the extension of membership must be made by the member of the Community Council to the Council as soon as it becomes apparent that their membership may terminate.

Applications received after effective termination will not be accepted by the Council. The decision to extend membership shall be solely at the discretion of the Council and will be made on the individual circumstances of each case. However, before making any decision, the Council will consult and take account of any views expressed by the Community Council in question

- b) A person shall be disqualified as a member of a Community Council if they are convicted in the United Kingdom, the Channel Islands, the Isle of Man, or the Irish Republic of any offence and has passed on them a custodial sentence for a period of 12 months or more
- c) Relocation which renders invalid the residence qualification for membership

- d) If a member of a Community Council is elected as a Councillor in the Local Authority or as an MP, MSP, or MEP, this will denote their membership of the Community Council as becoming an ex officio member with no voting rights

11. Meetings

- a) The first meeting of a Community Council, following a Community Council election, will be called by an Independent Interim Chairperson approved by the outgoing Community Council 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, core Standing Orders and Code of Conduct, appointment of office bearers, Chairperson and Treasurer's reports and any outstanding business matters from the outgoing Community Council

- b) The frequency of meetings will be determined by each Community Council, subject to a minimum of one Annual General Meeting and 4 ordinary meetings being held each year. The Annual General Meeting shall be held in a month of each year to be determined by the Council
- c) The quorum for Community Council meetings to be 1/4 of the current voting membership of a Community Council, or 4 voting members, whichever is the greater
- d) An outline for the content of business that Community Councils should adhere to when holding ordinary, special, extraordinary and annual general meetings is contained within the core Standing Orders. **(Appendix 3 - Item 4)**
- e) All Community Council meetings, including Sub Committee meetings, are to be held in public and open to the public and press **without exception**. There is no provision for any of the Community Councils or its Sub Committee meetings to be held in private
- f) No Community Council, or any of its members, may take steps to or shall do anything that would deter, discourage or obstruct a Community Councillor or a member of the public (including the press) from attending a meeting or, if entitled to participate in the meeting, from doing so.

No Community Council will be able to or require a Community Councillor or a member of the public (including the press) to leave a meeting of the Community Council, unless the Chairperson of the meeting has good cause to be satisfied that that Community Councillor or member of the public is behaving in a way that is disorderly or disruptive to the conducting of business of the meeting. Provisions regarding the exercise of this power to eject a Community Councillor or member of the public to leave a meeting are contained in the core Standing Orders. **(Appendix 3 - Item 7)**

- g) Officers of the Council shall have the right to attend any meetings of Community Councils

12. Liaison with the Council

In order to facilitate the effective functioning of Community Councils, the Council 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 Council and the Community Councils should, in the first instance, be directed through the Community Council Liaison Officer.

Community Councils may make representations to the Council 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 Council official. On issues where a Council Resource is consulting with Community Councils, representations should be made to the appropriate Resource officer direct.

Community Councils shall provide copies of their agendas and minutes, within prescribed timescales, to the Council via the Council's named Liaison Officer. (See paragraph 3.5 'Responsibilities')

13. Resourcing a Community Council

The Council shall, in each financial year, set aside funds of an amount determined by it towards the administration costs of Community Councils.

- ◆ This sum shall consist of these elements:-
 - a) an amount to cover insurance which will be paid directly to the insurance company by the Council which will include public liability, employers' liability, loss and theft of money, personal accident, libel and slander
 - b) an amount to cover the cost of the Council's internal auditors to audit each Community Council's yearly financial records
 - c) a fixed annual administration grant for each Community Council, which will be awarded on condition that accounts for the previous financial year are submitted before 1 August, and the adherence of the Community Council to the conditions of award detailed on the Administration Grant Ledger.
- ◆ the financial year of each Community Council shall be provided for in the constitution of each Community Council and shall be from 1 April to 31 March in each succeeding year
- ◆ to allow for the proper submission of accounts to the Community Council's annual general meeting on a specified date
- ◆ the approved statement of accounts must be sent to the Council for auditing along with all relevant receipts. After approval by the Council and adherence to the conditions, the Administration Grant will be paid into the Community Council's bank account direct
- ◆ an annual calendar of meetings must be provided to the Liaison Officer at the same time as the submission of the accounts for auditing. The Administration Grant cannot be processed until the Council is in receipt of a timetable of meetings for the following year.
- ◆ The Council may, at its discretion, apply a reduction in the annual Administration Grant to reflect a failure by Community Councils to submit annual accounts or a forward programme of meetings on or after 1 August in each year using the scale set down in the below table.

Annual Accounts/Forward Programme of meetings submitted	Percentage of Administration Grant to be paid by the Council
by 31 July	100%
1 August – 31 October	75%
1 November – 31 January	50%
1 February - 31 March	25%

- ◆ Each Community Council shall have the power to secure additional 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 Council's Community Grant Process. The Council will determine the level of annual administrative grant and other support to Community Councils annually.
- ◆ The Council'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 Council and other relevant topics.

14. Liability of Community Council Members

The members of the Community Council must be aware that the Community Council is a separate entity from the Council and that the liabilities of membership of an unincorporated association will apply to all members of the Community Council.

To ensure Community Councils have in place the necessary insurance cover for its members, Public Liability Insurance Cover will each year be arranged through the Council. Insurance will automatically be deducted from the Community Council Administration Grant budget.

15. Dissolution of a Community Council

The terms for dissolution of a Community Council are contained within the Model Constitution. **(Appendix 2 – Item 17)**

Notwithstanding these terms, should a Community Council fail to hold a fully quorate 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 Council have taken action to address the situation*), the Council shall take action to dissolve that Community Council.

If a Community Council is dissolved, all the property and funds owned on the date of its dissolution will transfer to the Council. Should a successor Community Council be formed within 6 months of the dissolution of the previous Community Council, the Council will transfer all remaining assets and funds to it.

After that time, it will be at the discretion of the Council how the funds should be applied for the benefit of the inhabitants of that area.

16. Political Activities

The Community Council must not be party political. It must not take part in activities relating to sponsoring, endorsing or opposing the election of any candidate or party to the United Kingdom, European and Scottish Parliaments and local elections. This includes the Community Council being involved in any party political issues. In determining whether the Community Council has breached the requirement to be non-party political, due regard shall be taken of the actions of the Community Council, the time and other circumstances of the actions and the likely effect of the actions in relation to the public or part of it. In particular, the following matters will be considered:-

- a) Whether the actions of the Community Council refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not another; and
- b) Where the Community Council supports a campaign that seeks to influence voters in favour of, or against, a particular political party or candidate

17. Breach of the Scheme

Any failure to comply with the Scheme and associated documents, (**Appendices 1 – 4**) may result in the Council taking action against the Community Council concerned. This includes the dissolution of the Community Council, withholding or pursuing the repayment of grant monies, or recovery of assets belonging to a dissolved Community Council.

Each breach of the Scheme will be dealt with on its own merits and investigated accordingly.

18. Review of Scheme for the Establishment of Community Councils

The Council will review this Scheme from time to time. If a change is proposed it will follow the procedure laid down in Section 53 of the Local Government (Scotland) Act 1973, as amended.

Appendix 1 of the Scheme

	Column 1	Column 2	Column 3	Column 4
Map ref	Name	Electorate	Maximum Membership of CC	Quorum
1	Royal Burgh of Lanark	7,210	14	4
2	New Lanark	419	8	4
3	Lesmahagow	4,082	12	4
4	Blackwood and Kirkmuirhill	5,057	12	4
5	Black Mount	783	8	4
6	Symington	781	8	4
7	Biggar	2,159	10	4
8	Leadhills	262	8	4
9	Crawford and Elvanfoot	450	8	4
10	Duneaton	1,005	8	4
11	Carmichael	237	8	4
12	Pettinain	242	8	4
13	Quothquan and Thankerton	657	8	4
14	Carstairs	1,815	8	4
15	Carnwath	1,683	8	4
16	Douglas	1,523	8	4
17	Douglas Water and Rigside	749	8	4
18	Coalburn	1,528	8	4
19	Carluke	15,305	22	6
20	Forth	2,793	10	4
21	Tarbrax	444	8	4
22	Calderwood	10,319	18	5
23	St Leonard's	6,824	14	4
24	East Mains	3,852	10	4
25	West Mains	3,402	10	4
26	Westwood	6,645	14	4
27	Murray	4,717	12	4
28	Greenhills and Lindsayfield	8,301	16	4
29	Whitehills	3,557	10	4
30	Hairmyres	5,964	12	4
31	Jackton and Thorntonhall	1,853	8	4
32	Stewartfield	4,983	12	4
33	Auldhouse and Chapelton	932	8	4
34	Strathaven and Glassford	6,728	14	4
35	Sandford and Upper Avondale	788	8	4
36	Blantyre	13,461	20	5
37	Burnbank	2,491	10	4
38	Hamilton Centre	3,040	10	4
39	Whitehill	4,109	12	4
40	Bothwell	5,217	12	4
41	Uddingston	4,700	12	4

42	Hillhouse	4,762	12	4
43	Udston	1,859	8	4
44	Wellhall	3,848	10	4
45	Earnock	3,599	10	4
46	Meikle Earnock	4,120	12	4
47	Hamilton Centre and Ferniegair	3,144	10	4
48	Low Waters	3,974	10	4
49	Silvertonhill	6,886	14	4
50	Quarter and Cadzow	851	8	4
51	Lower Clyde Valley	2,123	10	4
52	Larkhall	11,922	18	5
53	Stonehouse	4,522	12	4
54	Rutherglen	18,686	24	6
55	Burnside	6,144	14	4
56	Cambuslang	10,535	18	5
57	Halfway	10,488	18	5

Community Council Model Constitution

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 Council’s Scheme for the Establishment of Community Councils (referred to as “the Scheme” in this document).

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 local people, in relation to matters that directly affect the interests of the community
- (b) to express the views of the community to South Lanarkshire Council (referred to as “the Council” in this document) and other organisations
- (c) to take such action in the interests of the community as appears to it to be expedient, practicable and appropriate
- (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 and on matters that directly affect the environment, development and amenity of the Community Council area
- (f) to be non-party political ***in all activities*** and
- (g) to promote equality of opportunity and ensure that the Community Council does not commit any discrimination on the grounds of
 - ◆ age
 - ◆ disability
 - ◆ gender reassignment
 - ◆ pregnancy and maternity
 - ◆ race
 - ◆ religion or belief
 - ◆ sex
 - ◆ sexual orientation

4. Roles 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 and the Code of Conduct, approved by the Council

5. Membership

The Community Council's membership is as governed by paragraph 5 of the Scheme and as determined from time to time by the Council.

6. Method of Election

Election procedures shall be governed by the Council.

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) and at least 3 months have passed since the last nomination process, the Community Council may agree to:-

- (a) hold an extraordinary general meeting in order that the vacancy (and any other outstanding vacancies) can be filled, on the basis that such vacancies would be publicised in prominent public places and the local press if possible, nominations invited and an interim election held if required; or
- (b) filling the vacancy by co-option, with voting rights to a maximum of 1/4 of the total voting membership of the Community Council, as governed by paragraph 6 of the Scheme

Where there is a proposal to co-opt members, the Community Council must seek expression of intent from people (who must be eligible for election to the Community Council)

Nominations for vacancies must be advertised in prominent public places 28 days prior to the meeting, where the vacancies will be placed on the agenda, and if possible, in the local press. Persons expressing an interest in being co-opted must make their intent known within 14 days of the publication.

The requirement to fill a vacancy does not apply where the vacancy falls in the last year of a 4 year term, in which case, the vacancy can remain unfilled, subject to the requirement to hold a by-election where the number of Community Councillors falls below 1/2 of the maximum Community Council membership

Should circumstances arise that lead to the number of elected Community Councillors falling below 1/2 of the maximum permitted membership, the Council shall be informed and shall undertake arrangements for a by-election to be held within 3 months from the elected membership deficit, as described within the Guidance Notes. If no further nominations are received the Council may, in consultation with the remaining Community Council members, arrange another by-election process within 3 months of the close of the last by-election. If no nominations are received, then the Community Council will be dissolved and all assets returned to the Council.

Should there be a vacancy within the membership of the Community Council which cannot be filled by co-option, the Council shall undertake arrangements for a by-election to be held within 3 months from the vacancy being notified to it by the Community Council. If no further nominations are received then the Community Council will be dissolved and all assets returned to the Council.

8. Voting Rights of Members of the Community Council

The right to vote at any meeting of the Community Council 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. All decisions of the Community Council will be decided by a simple majority of those eligible to vote and present at the meeting.

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.

If a Community Council votes by a 2/3 majority that it has no confidence in an office bearer, the person elected to that post will be deemed to have been removed from that position.

Prior to taking any vote on the matter, the Community Council must give the office bearer the opportunity to respond to any matters that have caused the motion of no-confidence.

This does not affect the membership of the Community Council of the person removed from the office bearer position. Another member of the Community Council must be prepared to take on the vacant office bearer position.

9. Election of Office-Bearers

- (a) At the first meeting of the Community Council after an election year, and at the Annual General Meeting in the years when elections are not held, the Community Council shall appoint a Secretary, Treasurer and other such office-bearers as it shall from time to time decide.
- (b) The Chairperson shall hold office for the whole 4 yearly election period. The Chairperson, if re-elected, may hold office for a further 4 yearly election period, but may not stand for a third term of office until after the following 4 yearly election period has expired.
- (c) If the Chairperson is removed from office through either vote of no confidence – (See core Standing Orders 6 (c)), resignation or demit of office at the end of a 4 yearly electoral cycle, they will be ineligible to be re-appointed as Chairperson until the expiry of the ensuing full 4 yearly election period.
- (d) Without the express approval of the Council, no one member shall hold more than one of the following offices at any one time:- Chairperson, Secretary or Treasurer for longer than 3 months

10. Committees of the Community Council

The Community Council may appoint representatives to Sub Committees of the Community Council and shall determine their composition, terms of reference, duration and duties, in liaison with the Council. Any recommendations arising from the work of a Sub Committee of the Community Council will require to be approved by the full Community Council before they can be implemented as any Sub Committees do not have delegated powers. Where there is shown to be an urgency to make a decision, and there is insufficient time to call a full Community Council meeting, the Chairperson, or in whose absence the Vice-Chair, and 1 other office

bearer shall be empowered to make a decision on behalf of the Community Council and report back in full to the Community Council at the next arranged meeting.

11. Meetings of the Community Council

- (a) The quorum for Community Council meetings shall be at least 1/4 of the current eligible voting membership, or 4 eligible voting members, whichever is the greater. Associated or ex officio members cannot be included in the quorum
- (b) Once each year, 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 annual statement of accounts and the appointment of office bearers. The Annual General Meeting shall be held in a month of each year to be determined by the Council.
- (c) Including the Annual General Meeting, the Community Council shall meet not less than **5** 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. Notice of these dates must be sent to the designated Liaison Officer of the Council.
- (e) Special meetings (including EGM's – Standing Orders 4 (iii)) shall require at least 21 days public notice, either called by the Chairperson, or on the request of not less than 1/2 of the total number of Community Council members. An officer of the Council has the discretion to call a meeting of the Community Council
- (f) Copies of all minutes of meetings of the Community Council and of Sub 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 Council's Liaison Officer for Community Councils. Where possible, approved minutes should be placed in prominent public display, e.g. notice board, web site, library
- (g) The Community Council shall abide by its Core Standing Orders for the proper conduct of its meetings
- (h) 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 21 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings called by the Community Council
- (i) No member of the public is entitled to speak at a meeting unless invited to do so by the Chairperson or by previous agreement of the Community Council

12. Public Participation in the Work of the Community Council

- (a) All meetings of the Community Council and its sub-committees shall be open to members of the public and press without exception.

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) No Community Council, or any of its members, may take steps to or shall do anything that would deter, discourage or obstruct a Community Councillor or a member of the public (including the press) from attending a meeting or, if entitled to participate in the meeting, from doing so as set out in paragraph 11 (f) of the Scheme
- (c) Notices calling meetings of the Community Council and its sub-committees shall be posted prominently within the Community Council area for a minimum period of 10 days before the date of any such meeting, and, where possible, be advertised by other suitable means

13. Information to the Council

The Council'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 Council.

When special meetings of the Community Council are to be held, the Council'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.

Failure to provide the requested documentation to the Council's Liaison Officer within designated timescales will be a breach of the Scheme.

14. Control of Finance

- (a) All monies raised by, or on behalf of, the Community Council or provided by the Council and other sources shall be applied to further the objectives of the Community Council and for no other purpose. The monies provided by the Council 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) Community Councils must have 3 authorised signatories on the bank account. Any 2 of the 3 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 share the same address or be closely related.
- (d) A statement of accounts for the last financial year 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 **1 April until 31 March** the succeeding year. The unaudited accounts, which will include all

funds held by the Community Council, must be received and approved by the Community Council at the next meeting after the end of the financial year and then submitted to the Council for auditing to enable the release of Administration Grant funds before 1 August

- (f) Honoraria may be awarded to the Secretary (or minute Secretary) and Treasurer up to a maximum of 10% of the Administration Grant each in a financial year. The amount may be altered from time to time with the approval of the Council

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 and approved 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.

If the proposal is supported by a 2/3 majority of the total voting membership of the Community Council and is then approved in writing by the Council, the alteration shall be deemed to have been duly authorised and can then come into effect from the date of the written approval of the Council.

17. Dissolution

If the Community Council by a 2/3 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 10 days prior to the date of such meeting a public notice be given by means of notification in the local newspaper or local prominent position. If the resolution is supported by a majority of those persons present and qualified to vote and is approved by the Council, the Community Council shall be deemed to be dissolved. If a Community Council is dissolved the property and funds owned on the date of its dissolution will transfer to the Council. Should a successor Community Council be formed within 6 months of the dissolution of the previous Community Council, the Council will transfer all remaining assets and funds to it. After that time it will be at the discretion of the Council how the funds should be applied for the benefit of the inhabitants of that area.

In the event that the Community Council is dissolved under the above procedure, and 20 or more electors subsequently wish the re-establishment of a Community Council for the area, these electors shall submit a requisition to the Council in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which the Council shall arrange for elections to be held in accordance with the Scheme.

Where for any reason, the number of Community Council members falls below the minimum specified in the Scheme, the Council may 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, shall be initiated.

18. Approval and adoption of the Constitution

This Constitution was adopted by

..... Community Council

Signed:

.....
Chairperson

.....
Member

.....
Member

.....
Date

and was approved on behalf of South Lanarkshire Council on

.....
Date

.....
Signed

Core Standing Orders

1. Meetings (all held in public)

(a) Ordinary meetings of the Community Council shall be held in the months of

.....

..... Special Meetings, which includes Extraordinary General Meetings (EGM's – See 4 (iii)), may be called at any time on the instructions of the Chairperson of the Community Council on the request of not less than 1/2 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 **21** 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 by the Secretary of the Community Council, at least 7 days before the date fixed for the meeting. The local authority's named official must receive a list of dates of all meetings of the Community Council at the same time or before the submission of the annual accounts for the preceding financial year.

2. Minutes

Minutes of the proceedings of a meeting of the Community Council shall be drawn up within 14 days from the date of that meeting, distributed in accordance with **Paragraph 3.5** 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 1/4 of the current voting membership of the Community Council, or **4 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) Secretary's report

- (e) Treasurer's report
- (f) Any other competent business
- (g) Questions from the public in attendance (if time permits)
- (h) Chairperson to declare date of next meeting and close meeting

In relation to Community Councils, the procedure at a Sub Committee meeting shall be the same as that set out in these core Standing Orders to be followed for any ordinary meeting of the Community Council except for the business set out in sub-paragraphs (c), (d) and (e) above and core Standing Orders 8 and 10 below, which shall not apply.

(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 (any questions)
- (d) Secretary's Annual Report (any questions)
- (e) Treasurer's submission of Balance Sheet and Annual Accounts (any questions)/any changes to bank account
- (f) Standing down of current office bearers/election of office bearers
- (g) Adoption of Constitution
- (h) Chairperson to declare date of next annual general meeting and close meeting

(iii) Extraordinary General Meeting (EGM)

The order of business at every extraordinary general meeting, shall be as follows: -

- (a) Recording of membership present and apologies received
- (b) Business for debate, as described in the calling notice for the EGM

- (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 their 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 **Paragraph 4(i) (g)**, 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 they may then, or afterwards, determine
- (b) Every motion or amendment shall be moved and seconded
- (c) A motion, or amendment, once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof
- (d) A motion, or amendment, which is contrary to a previous decision of the Community Council, shall not be competent within 6 months of that decision unless there is a justifiable and material change in circumstances

If a member of the public, or a Community Council member, is being disruptive (not allowing the business of the Community Council to take place in an orderly fashion) and does not adhere to the Chairperson's orders, then that person will be asked to leave the meeting. If they refuse, then the Chairperson can adjourn the meeting for a stated time until the situation is resolved, or stop the meeting from continuing and arrange for another date. The Chairperson may move a motion that the disruptive person is removed. If this motion is seconded and carried by those at the meeting, the disruptive person must immediately leave the meeting. There will be no discussion on the motion and no changes to it.

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 also have a casting vote if the vote is split equally
- (c) Any office bearer may be removed from that position if the motion is proposed and seconded and a 2/3 majority of the current membership is in agreement. The office bearer in question will have a right to reply before a vote is undertaken. This does not preclude the person's membership of the Community Council. Another member of the Community Council must be prepared to take on the vacant office bearer position

7. Meetings open to the public

- (a) No Community Council, or any of its members, may obstruct a Community Councillor or a member of the public (including the press) from attending a meeting
- (b) No Community Council will be able to require a Community Councillor or a member of the public (including the press) to leave a meeting of the Community Council, unless the Chairperson of the meeting has good cause to be satisfied that the Community Councillor or member of the public is behaving in a way that is disorderly or disruptive to the conduct of the meeting or any of its business.

Where the Chairperson requires a Community Councillor or a member of the public to leave a meeting of the Community Council, the reason for so requiring the person to leave will be noted in the minutes of the Community Council meeting

8. Alteration of Core Standing Orders

A proposal to alter these core 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.

9. 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.

10. Suspension of Core Standing Orders

These core Standing Orders shall not be suspended except at a meeting at which 3/4 of the total number of Community Council members are present and then only if the mover states the object of his motion and if 2/3 of the Community Council members present consent to such suspension.

Code of Conduct for Community Councillors

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

Community Councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles, shall apply to all Community Councillors and those representing the Community Council. These principles are as follows:-

- ◆ Service to the Community (Public Service)
- ◆ Selflessness
- ◆ Integrity
- ◆ Objectivity
- ◆ Accountability and Stewardship
- ◆ Openness
- ◆ Honesty
- ◆ Leadership
- ◆ Respect

Service to the Community

As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Scheme for the Establishment of Community Councils, as set out by your local authority under the terms of the Local Government (Scotland) Act 1973.

You 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.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Key principles of the Code of Conduct

Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of

your community. If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Council.

Objectivity

In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your Community Council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations. However, you must ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the Community Council. You must ensure that the Community Council uses its resources prudently and in accordance with the law.

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to the Council's Scheme for the Establishment of Community Councils and this Code of Conduct.

No Community Council can delegate any of its decision making powers to an individual member of the Community Council.

Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Councils Scheme for the Establishment of Community Councils. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Council business and for no other purpose.

Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting.

Any breach of the Council's Scheme for the Establishment of Community Councils as set out by your local authority under the terms of the Local Government (Scotland) Act 1973 may be reported to your local authority to determine what action, if necessary, should be taken.

Openness

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the Media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.

Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

Leadership

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area.

You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

Respect

You must respect fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, you have dealings with in your capacity as a Community Councillor.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. You 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.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

Conduct at meetings

You must respect the chair, your colleagues, Council employees and any members of the public present during meetings where you are performing duties as a Community Councillor. When a meeting has a Chairperson or acting Chairperson, you must comply with rulings from the chair.

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STIRLING COUNCIL

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

Adopted by Stirling Council 23 August 2018

Amended by Stirling Council 28 February 2019 (Section 1, paragraph 7, page 9)

<u>Section 1</u> Scheme for the Establishment of Community Councils	Pages 3 – 14
<u>Section 2</u> Constitution for Community Councils	Pages 15 – 22
<u>Section 3</u> Standing Orders for Community Councils	Pages 23 – 28
<u>Section 4</u> Code of Conduct for Community Councillors	Pages 29 - 32
<u>Section 5</u> List of Community Council Areas (including population statistics and membership criteria)	Pages 33 - 36
<u>Section 6</u> Map showing boundaries of Community Councils (Maps for individual Community Councils can be provided on request and are available on the Council's website www.stirling.gov.uk)	Page 37

STIRLING COUNCIL

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

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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 Scheme for the Establishment of Community Councils is designed to enable the establishment of Community Councils across the Stirling Council ("the Council") area and to provide a common minimum basic framework governing their creation and operation.

This Scheme includes:-

- Constitution for Community Councils
- Standing Orders for Community Councils
- Code of Conduct for Community Councillors

For the avoidance of doubt, in the event of any inconsistency between these documents, Section 1 of the Scheme takes priority.

2. Statutory Purposes

The statutory purposes of the Community Councils established under the 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 making 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 Council and other key stakeholders/partners, 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 Council 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 objectives 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, including the Constitution, Standing Orders and Community Councillors' Code of Conduct. It should be noted that while Data Protection legislation applies to Community Councils, Freedom of Information legislation does not currently apply.

Each Community Council is required to adopt a Constitution, (Section 2) and Standing Orders (Section 3), 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 Council.

Community Councils and individual Community Councillors 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 to be effective and representative, Community Councils and individual Community Councillors 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 current Data Protection legislation, provide contact details of Community Council members.
- Present agendas to the Council in advance of a Community Council meeting, to enable their circulation to Community Council members, relevant elected members, Council staff and other interested parties.
- Present minutes of Community Councils to the Council within 14 days of being approved, to enable their circulation to Community Council members, relevant elected members, Council staff and other interested parties, and to enable the Council to post minutes timeously on the Council's website.
- Seek to broaden both representation and expertise by promoting the associate membership of the Community Council to include persons with relevant knowledge or expertise for specific projects/issues.
- Look to further the aims of their community as set out in the Stirling Plan (Local Outcome Improvement Plan - LOIP) and any relevant Locality Action Plans.
- 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 objectives.

- 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 to accompany the Scheme.
- Inform the Council of any change in membership (resignations, associate membership, etc.) and circumstances, as soon as is practicable.

The Council reserves the right to call the Community Council to account before a Conduct Review Panel, if it considers that a serious breach of this Scheme or its accompanying documents has taken place. This Panel shall consist of three Elected Members of Stirling Council and two Community Councillors. The Panel will operate in accordance with the process set out in Paragraph 13 of this Scheme.

Elected Members of Stirling Council will not sit on a Conduct Review Panel considering a matter relating to a Community Council which falls within their Ward. Community Councillors will not sit on a Panel considering a complaint relating to their own Community Council.

4. Community Council Areas within the Stirling Council area.

The Council has produced a list of named Community Council areas (Section 5) and a map (Section 6) that defines their boundaries.

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 the Council area, the Council has set its own formula for the definition of a minimum and maximum number of Community Council members in a Community Council area.

Community Council areas with a population of 1000 or fewer shall have a minimum number of six elected Community Councillors; those with a population of over 1000 shall have a minimum of seven. These figures are included in the list of Community Council areas attached as Section 5 of the Scheme.

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.

A Community Council may, at any time, appoint non-voting Associate Members for purposes as defined by each Community Council, for example, for persons under 16 years of age or where there may be a need for individuals with particular skills or knowledge.

Such persons will not be counted in terms of meeting a quorum, or towards the total number of Community Council members and will 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

Elected members of the Council and members of the Scottish, United Kingdom and European Parliaments are entitled to become *ex-officio* members of Community Councils, with no voting rights, for so long as they remain in that elected post.

6. Establishment of Community Councils under the Scheme

Upon the Council'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 Council.

7. Community Council Elections

Eligibility

Candidates wishing to stand for election to a Community Council must be over the age of 16, 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 and to co-opted members of the Community Council.

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 the Council, or the Scottish, UK or European Parliaments 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, for so long as they remain in that elected post.

Nominations and Elections

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

Subsequent elections will be held on a four-yearly-cycle, outwith local government election years, on dates to be determined by the Council. Should the 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 Council will administer all elections.

Returning Officer

The Council 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.

Nomination forms can be obtained from the Council's Elections Team. Nomination forms require to be submitted on the date set down in the election timetable. No 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 the minimum number of members required to establish a Community Council, but be less than or equal to the total maximum permitted membership as specified for the Community Council area in Section 5 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 validly nominated be below the minimum number of members required to establish a Community Council as specified for the Community Council area, no Community Council will be established at that time, and no election will take place. 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 six months of the closing date for the registration of the first call for nominations.

Method of Election

Elections will be based on the whole Community Council area or devolved into wards if a Community Council is established on that basis, all in a manner to be determined by the independent Returning Officer.

Community Councils in the Council area shall be elected on the Single Transferable Vote method of election.

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 his/her resignation;
- When an elected Community Council member ceases to be resident within that Community Council area;
- When an elected Community Council member has his/her membership disqualified, or otherwise terminated.

Should a vacancy or vacancies arise on a Community Council between elections, it shall be a requirement that the Community Council informs and consults with the Council to undertake appropriate election arrangements. Filling a vacancy can be undertaken either through the process of an interim election or by co-option. The independent Returning Officer will determine the process for an interim election.

Co-option to Community Councils

Co-opted members must be eligible for membership of the Community Council as detailed in Section 7 of the Scheme. They must be elected onto the Community Council by a two-thirds majority of the full Community Councillors present and eligible to vote. Such co-opted members shall have full voting rights, with the exception of voting on the co-option of members.

Co-opted Members will serve for at least six months or attend a minimum of three Community Council meetings, whichever is soonest, at which time, if they wish to do

so, it will be put to the next available meeting of the Community Council to appoint them as a full member of the Community Council. They will then serve until the next round of elections, subject to the terms hereof. 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 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. The independent Returning Officer will determine the process for an interim election.

8. Equalities

Recognition should be given to the contribution of everyone participating in the work of the Community Council. Community Councils must comply with equalities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skills and experience taken into account and to act fairly for the whole community without favour and with complete transparency.

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 with written notice to this effect. 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 the independent Returning Officer approved by the Council 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 six ordinary meetings being held each year. The Council requires an AGM to be held in April, May or June of each year at which office bearers are elected and independently audited accounts are approved.

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 Standing Orders (Section 3).

At the beginning of each meeting of the Community Council, Community Councillors are required to declare any interests they may have in items of business on the Agenda. It is the responsibility of each individual Community Councillor to decide whether to declare an interest in an item. In taking this decision, Community Councillors should consider the objective test set out in the Standards Commission Code of Conduct for Local Authority Councillors when declaring an interest, which is *“whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice the Community Councillor’s discussion or decision making in their role as a Community Councillor”*. Community Councillors must withdraw from the meeting room until the discussion of and voting on the relevant item where they have a declarable interest is concluded.

Special meetings shall require at least 7 days public notice, called either by the Chair or on the request of not less than one-half of the total number of Community Council members, save as otherwise provided for. An officer of the Council has the discretion to call a meeting of the Community Council.

11. Liaison with the Council

In order to facilitate the effective functioning of Community Councils, the Council will make a commitment that each Community Council will have an identified point of contact. Unless there is a specific agreement or an issue is a specific departmental issue, all correspondence between the local authority and the Community Council should, in the first instance, be directed through this route. The Council has a duty to respond to queries of the Community Council within 10 working days of receipt of the query.

Community Councils may make representations to the Council 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 identified point of Council contact. On issues where a Council department is consulting with Community Councils, representations should be made to the appropriate departmental officer.

Community Councils shall provide to the Council, via their identified point of contact, copies of their agendas in advance of Community Council meetings and shall provide minutes within 14 days of being approved.

12. Resourcing a Community Council

The financial year of each Community Council shall be from 1 April to 31 March in each 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 an examiner appointed by the Community Council, who is not a member 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 its nominated Council point of contact, together with copy draft Minute of Annual General Meeting or other meeting at which the audited accounts are approved.

The named official may, at their discretion and in consultation with the Council’s Chief Finance Officer, request 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 Council's grant system.

The Council will 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 to be determined annually with an additional minimal amount per head of population.

The Council shall determine any additional support services/resourcing, such as: photocopying and distribution of Community Council minutes and agendas; and free lets of halls for Community Council meetings, to suit local requirements.

The Council 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 Council and other relevant topics.

13. Complaints Procedure

Any person may complain to a Community Council about the conduct of the Community Council, or any of its members. All complaints shall be dealt with by the Community Council in the first instance, unless:

- the complaint concerns the conduct of the Community Council as a whole, or the conduct of half or more of the Community Council members;
- three or more complaints have previously been received about a particular Community Council member, or from a particular individual, during a single term of the Community Council; or
- the complaint concerns the response of the Community Council to a previous complaint.

Complaints falling within one of the above categories shall be referred to a Conduct Review Panel, established by the Council.

The Community Council does not have to consider the substance of a complaint, or refer it to the Conduct Review Panel, if it decides by a simple majority of those present and eligible to vote that the complaint is vexatious, or that the subject matter of the complaint is substantially identical to that of a previous complaint that has been or is currently being dealt with by either the Community Council or the Conduct Review Panel.

All other complaints shall be considered by the Community Council. They shall determine complaints on the basis of a simple majority of those present and eligible to vote whether the subject of the complaint has failed to comply with their duties in their role as a Community Councillor. Any member who is either the subject of a complaint, or is the complainer, will not be entitled to vote when that complaint is being considered.

If the Community Council is satisfied that complaint is upheld, the Community Council must either:-

- censure the member in question;
- issue a formal written warning to the member in question;
- suspend the member from the Community Council for up to 3 months; or
- where the Community Council considers it appropriate, refer the complaint to the Conduct Review Panel for consideration and determination.

A Conduct Review Panel shall be established to deal with any complaints that are referred beyond individual Community Councils.

A Conduct Review Panel shall consist of three Elected Members of Stirling Council plus two members of Community Councils within the Council area, to which the complaint does not relate. The Conduct Review Panel will have a quorum of three, being two Elected Members and one Community Councillor. Only panel members present for all meetings in relation to a complaint can vote on the decision on that complaint.

Elected Members of Stirling Council will not sit on a Conduct Review Panel considering a complaint relating to a Community Council which falls within their Ward. Community Councillors will not sit on a Panel considering a complaint relating to their own Community Council.

If a complaint is made in respect of a decision of a Community Council to impose one of the above sanctions, in respect of a previous complaint, implementation of that sanction shall be suspended pending the Conduct Review Panel's determination of the new complaint.

The Conduct Review Panel will endeavour to meet to decide a complaint within 12 weeks of the Council's receipt of the complaint. The relevant parties will be notified if a decision cannot be reached within the 12 week timescale. The Conduct Review Panel may refer a complaint for consideration by an independent person or body if required.

A decision by the Conduct Review Panel will be reached by a simple majority. If the Conduct Review Panel is satisfied that the complaint be upheld, they must do one or more of the following:-

- 1) impose one of the above sanctions;
- 2) suspend the member in question from the relevant Community Council for up to one year;
- 3) remove the member from the relevant Community Council;
- 4) disqualify an individual from sitting on any Community Council within the Council area up to a maximum of the remainder of the Community Council's term or two years, whichever is greater;
- 5) require the subject of the complaint to participate in mediation with the complainer;

- 6) in circumstances where it appears that the whole Community Council, or a significant proportion of its members have engaged in gross misconduct, recommend that the Council suspend or dissolve the Community Council;
- 7) confirm the decision to the Community Council and to the complainant, setting out the reason(s) for the decision.

The Council's Chief Governance Officer will determine procedures for how a meeting of the Panel is to be arranged and if any complaint is to be considered.

The Council reserves the right to carry out an investigation that it considers necessary into the conduct of a Community Council or individual members of the Community Council.

14. Removal of Chair

If they deem that the Chair's conduct is contrary to the expectations of that role as set out in the Scheme and Code of Conduct, the Community Council may:-,

- (a) on a motion being proposed and seconded, and a majority vote reached by those present and eligible to vote, agree at one meeting of the Community Council that the matter of the removal of the Chair will be considered at its next meeting; or
- (b) in terms of paragraph (10) above, at the request of not less than one-half of the total number of Community Councillors, call a Special Meeting to consider the matter of the removal of the Chair;

At any meeting called under (a) or (b) above, the Chair may only be removed following a majority vote by those present and eligible to vote, to do so.

15. Liability of Community Council Members

A scheme of insurance liability cover has been arranged for community councils. The insurance liability cover becomes effective upon the Council advising the insurance underwriter of the establishment of a Community Council. Further details on this matter can be provided on request.

16. Dissolution of a Community Council

The terms for dissolution of a Community Council are contained within the 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 Council have taken action to address the situation), the Council shall, if appropriate, take action to dissolve that Community Council.

**STIRLING COUNCIL
CONSTITUTION FOR COMMUNITY COUNCILS**

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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 at Section 6 of Stirling Council’s (“the Council”) 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, concerns and views of the people;
- b) to express the views of the community to the Council, to public authorities and to 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 objectives 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, and Community Councillors’ Code of Conduct adopted by the Council.

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 Council.

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 full election, the COMMUNITY COUNCIL may, if it considers it to be desirable, agree to:-

- a) an Extraordinary General Meeting being held in order that the Community Council can agree to submit a request to the Council to hold an election to fill the vacancy (and any other outstanding vacancies), 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. Such interim elections will be administered by the local authority; or
- b) fill the vacancy by co-option with voting rights to a maximum of not exceeding one third of the total current full membership of the COMMUNITY COUNCIL as governed by paragraph 7 of the Scheme for the Establishment of Community Councils; or
- c) the vacancy being 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. Co-opted members are prohibited from voting on the co-option of other members to the Community Council until or unless they have been approved as full 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 Clause 17 – Dissolution, all decisions of the COMMUNITY COUNCIL will be decided by a simple majority of those present and eligible to vote.

With the exception of a meeting called in terms of paragraph 14 of the Scheme, in the event of an equality of votes, the Chair will have a casting vote.

9. **Election of Office-Bearers**

- a) At the first meeting of the COMMUNITY COUNCIL after elections in the year when regular elections are held and at the Annual General Meeting in the following years, the COMMUNITY COUNCIL shall appoint a Chair, Vice Chair, Secretary, Treasurer and such other 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.
- 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: Chair, Secretary or Treasurer;
- d) In the event of a Chair standing for re-election as Chair at the Annual General Meeting, then where they have already served as Chair for four or more consecutive years, the Community Council must approve their nomination by a simple majority of those present and eligible to vote, by secret ballot.

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 at the point at which they are established.

Meetings of committees and sub-committees should be minuted and reported back to the full Community Council for approval. Members of committees and sub-committees shall be subject to the Community Councillors' Code of Conduct.

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 months of April, May or June the COMMUNITY COUNCIL shall convene an Annual General Meeting for the purpose of receiving and considering the Chair'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 7 days public notice, either called by the Chair, or on the request of not less than one-half of the total number of COMMUNITY COUNCIL members. An officer of the Council 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, with copies circulated within 14 days from the date of the meeting at which they are approved, to COMMUNITY COUNCIL members and the Council's identified Council Contact for the COMMUNITY COUNCIL.
- 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 25 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, but this should only be in exceptional circumstances. The decision to meet in private will be agreed in advance at a meeting of the Community Council and decided by a majority vote of those present and eligible to 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 Chair.
- b) Notices calling Ordinary and Annual General meetings of the COMMUNITY COUNCIL and its committees shall be posted prominently within the COMMUNITY COUNCIL area for a minimum period of 10 days before the date of any such meeting, and, where possible, be advertised by other suitable means.

13. Information to the Council

The Council's identified 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 Council. When special meetings of the COMMUNITY COUNCIL are to be held, the Council's identified officer should be advised of the date, time venue and subject(s) of debate of such meetings, at least 7 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 Council and other sources shall be applied to further the objectives of the COMMUNITY COUNCIL and for no other purpose. The monies provided by the Council 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 cohabitants.
- d) A statement of accounts for the last financial year, independently examined by an examiner appointed by the COMMUNITY COUNCIL, who is not a member 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 1 April until 31 March the succeeding year. Examined accounts as received and approved by the

COMMUNITY COUNCIL at the annual general meeting shall be submitted to the Council 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, Vice 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 10 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 Council, 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 on the grounds of expense or otherwise 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 10 days prior to the date of such meeting a public notice be given by means of notification in the local newspaper and Stirling Council website. If the resolution is supported at this special meeting by a majority of those persons present and eligible to vote and is approved by the Council, the COMMUNITY COUNCIL shall be deemed to be dissolved and all assets remaining, subject to the approval of the Council, after the satisfaction of any proper debts or liabilities shall transfer to the Council, who shall hold same in other appropriate methods for a future COMMUNITY COUNCIL representing that area.

In the event that the COMMUNITY COUNCIL is dissolved under the above procedure, and 20 or more electors in the COMMUNITY COUNCIL area, subsequently wish the reestablishment of a COMMUNITY COUNCIL for the area, these electors shall submit a requisition to the Council in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which the Returning Officer shall arrange for elections, on a date specified by the Council, 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 Council shall, if appropriate, 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 (*date*)

Signed:

..... Chair

..... Member

..... Member

..... (*date*)

and was approved on behalf of Stirling Council on

..... Signed

..... (*date*)

**STIRLING COUNCIL
STANDING ORDERS FOR COMMUNITY COUNCILS**

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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 Chair 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 25 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 distributed in accordance with section 3 of the Scheme for the Establishment 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

The quorum for a meeting of the COMMUNITY COUNCIL shall be one-third of the current voting membership of a 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) Recording of any declarations of interest in items of business on the Agenda.
- (c) The minutes of the last meeting(s) of the COMMUNITY COUNCIL shall be submitted for adoption.
- (d) Matters Arising
- (e) Treasurer's Report.
- (f) Any other item of business, which the Chair has directed, should be considered.
- (g) Any other competent business.

(h) Questions from the floor.

(i) Chair 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) Chair'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) Resignation of current office bearers/election of office bearers.

(g) Chair to declare date of next annual general meeting and close meeting.

iii. Special Meetings

The order of business at a Special 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) Chair to close meeting.

5 Order of Debate

(a) With the exception of a meeting called under paragraph 14 of the Scheme, the Chair shall decide all questions of order, relevancy and competency arising at meetings of the COMMUNITY COUNCIL and his/her ruling shall be final and shall not be open to discussion. In particular, the Chair 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 Chair 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 Chair 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, set.

(b) Every motion or amendment shall be moved and seconded.

- (c) After a mover of a motion has been called on by the Chair 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) With the exception of a meeting called under paragraph 14 of the Scheme, where there is an equality of votes, the Chair shall have a casting vote as well as a deliberative (first) vote.
- (c) For the avoidance of doubt, only those present and eligible to vote can take part in a vote at any meeting.

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 Council shall have final discretion on any proposed change.

8 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/her motion and if two thirds of the COMMUNITY COUNCIL members present and eligible to vote consent to such suspension.

STIRLING COUNCIL

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

This Code of Conduct for Community Councillors is based largely on the Code of Conduct for local authority Councillors and relevant public bodies as provided for in the Ethical Standards in Public Life etc (Scotland) Act 2000.

Community Councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles shall apply to all Community Councillors and those representing the Community Council.

These principles are as follows:-

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Service to the Community

As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Council's Scheme for the Establishment of Community Councils, as set out by Stirling Council ("the Council") under the terms of the Local Government (Scotland) Act 1973.

You 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.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Council.

Objectivity

In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your Community Council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations, which are kept separate from your duties as a Community Councillor. You have a duty to ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the Community Council. You must ensure that the Community Council uses its resources prudently and in accordance with the law.

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to the Council's Scheme for the Establishment of Community Councils and this Code of Conduct.

Community Councils will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Council's Scheme for the Establishment of Community Councils. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purpose of Community Council business and for no other purpose.

Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council and to the Council 14 days after being approved by the next or subsequent meeting.

Any breach of the Council's Scheme for the Establishment of Community Councils as set out by the Council under the terms of the Local Government (Scotland) Act 1973 may be reported to the Council to determine what action, if necessary, should be taken.

Openness

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the

expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.

Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

Leadership

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves. Where the concerns of any particular interest group may be in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

Respect

You must respect fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, you have dealings with in your capacity as a Community Councillor.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. You must comply with equalities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skills and experience taken into account.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

Sanctions

Sanctions which can be applied to Community Councillors who breach the terms of this Code of Conduct are as follows:-

- Censure of the member in question;
- Issue of a formal written warning to the member in question;
- Suspension of the member from the Community Council for up to 3 months; or
- Where the Community Council considers it appropriate, refer the complaint to the Council's Conduct Review Panel for consideration and determination.

LIST OF COMMUNITY COUNCIL AREAS

Including Population Statistics and Membership Criteria

Paragraph 5 of the Scheme states:-

“Community Council areas with a population of 1000 or fewer shall have a minimum number of six elected Community Councillors; those with a population of over 1000 shall have a minimum of seven.”

Additional Members are required according to the size of the population and geographic size of the Community Council.

Since Community Councils have different characteristics, it is necessary to group the Community Councils under Urban and Rural headings.

All Community Councils east of the M9/A9 are defined as Urban.

All those north and west are defined a Rural.

Within these two headings, it is also necessary to band certain sizes of Community Councils together and apply the same criteria to those within the same banding.

Outlined below are the bandings and membership criteria for Community Councils in the Stirling Council area.

<u>URBAN COMMUNITY COUNCILS</u>	
<u>Band 1</u>	Community Councils with a population above 5000 Minimum of 7 Members plus 1 additional Member per 1000 of population
<u>Band 2</u>	Community Councils with a population between 1001-5000 Minimum of 7 Members plus 1 additional Member per 750 of population
<u>Band 3</u>	Community Councils with a population below 1000 Minimum of 6 Members plus 1 additional Member per 750 of population
<u>RURAL COMMUNITY COUNCILS</u>	
<u>Band 1</u>	Community Councils: with a population above 1000 with a geographic area greater than 100km² Minimum of 7 Members Plus – 1 additional Member for every 500 of population Plus – 1 additional Member for every 100km ²
<u>Band 2</u>	Community Councils: with a population above 1000 with a geographic area less than 100km² Minimum of 7 Members Plus – 1 additional Member for every 500 of population
<u>Band 3</u>	Community Councils: with a population below 1000 with a geographic area greater than 100km² Minimum of 6 Members Plus – 1 additional Member for every 500 of population Plus – 1 additional Member for every 100km ²
<u>Band 4</u>	Community Councils: with a population below 1000 with a geographic area less than 100km² Minimum of 6 Members Plus – 1 additional member for every 500 of population

URBAN COMMUNITY COUNCILS

	Population 2011 Census	Area (km²)	Minimum No. of Members	Additional Members based on population	TOTAL NUMBER OF PROPOSED MEMBERS
Urban Band 1				(1 per 1000 pop)	
Bridge of Allan	6,762	18	7	6	13
Braehead and Broomridge	5,700	4.4	7	5	12
Dunblane	9,394	57	7	9	16
St Ninians	6,000	3.1	7	6	13
Urban Band 2				(1 per 750 pop)	
Bannockburn	3,618	5.3	7	4	11
Cambusbarron	3,603	37	7	4	11
Causewayhead	2,794	1.6	7	3	10
Cornton	3,322	1.2	7	4	11
Cowie	2,713	9.3	7	3	10
Hillpark & Milton	3,547	1.1	7	4	11
Kings Park	2,317	2	7	3	10
Mercat Cross & City Centre	4,066	0.9	7	5	12
Plean	2,237	15	7	2	9
Polmaise	2,960	11	7	3	10
Raploch	2,938	4.1	7	3	10
Riverside	2,015	0.8	7	2	9
Torbrex	1,540	0.6	7	2	9
Urban Band 3				(1 per 750 pop)	
Cambuskenneth	241	2	6	0	6
Logie	196	21	6	0	6
Throsk	220	5.2	6	0	6

RURAL COMMUNITY COUNCILS

	Population 2011 Census	Area (km²)	Minimum No. of Members	Additional Members based on population	Additional Members based on area	TOTAL NUMBER OF PROPOSED MEMBERS
Rural Band 1				(1 per 500 pop)	(1 per 100 km²)	
Callander	3,475	127	7	6	1	14
Strathard	1,237	236	7	2	2	11
Rural Band 2				(1 per 500 pop)	N/A	
Balfron	2,061	21	7	4	0	11
Drymen	1,570	35	7	3	0	10
Gargunnoch	1,002	37	7	2	0	9
Killearn	2,194	48	7	4	0	11
Kilmadock	2,145	98	7	4	0	11
Kippen	1,255	22	7	2	0	9
Strathblane	2,387	44	7	4	0	11
Thornhill & Blairdrummond	1,125	54	7	2	0	9
Rural Band 3				(1 per 500 pop)	(1 per 100 km²)	
Balquhidder, Lochearnhead & Strathyre	787	269	6	1	2	9
Buchanan	461	106	6	0	1	7
Killin	972	278	6	1	2	9
Strathfillan	400	245	6	0	2	8
Trossachs	197	129	6	0	1	7
Rural Band 4				(1 per 500 pop)	N/A	
Arnprior	153	21	6	0	0	6
Buchlyvie	752	32	6	1	0	7
Carron Valley & District	322	65	6	0	0	6
Croftamie	358	25	6	0	0	6
Fintry	717	72	6	1	0	7
Gartmore	475	34	6	0	0	6
Port of Menteith	403	60	6	0	0	6

WEST DUNBARTONSHIRE COUNCIL SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

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 (Appendix 1).

Each community council is required to adopt a Constitution, based upon the Model Constitution (Appendix 2), which has been produced for national use, together with Model Standing Orders (Appendix 3), 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 Head of Legal, Administrative and Regulatory Services of West Dunbartonshire Council.

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: -

- Community councils must inform the community of its work and decisions 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 for meetings of the community council should be sent to the local authority in advance of the meeting. 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.
- Community councils should seek to broaden both representation and expertise by promoting the Associate Membership of the community council of persons for specific projects/issues.

- Community councils should 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.
- Community councils must 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 Scottish Government's Guidance Notes which will be reviewed from time to time. See <http://www.scotland.gov.uk/Topics/Government/local-government/CommunityCouncils/GoodPracticeGuidanceVer2> .
- Community councils must 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. A list of community councils is attached as Appendix 4 to the Scheme, while a description of their boundaries is attached as Appendix 5.

5. Membership of Community Councils

There shall be minimum and maximum membership numbers of elected community councillors in a community council. The formula to apply in West Dunbartonshire is as follows:-

All community councils will have a base number of seven elected community councillors, plus one community councillor for every 1,000 of the population up to five thousand plus 1 community councillor thereafter for every 2,000 of the population. In this way, a community council with a population of 7,000 would have 13 community councillors (7, plus 5, plus 1).

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 prepared by the Scottish Government. See

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 seventeen year-olds residing in the community council area and named on the Electoral Register for that area are also entitled both to stand for the community council and to vote in any election. A supplementary electoral register may have to be compiled for 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 prescribed by the local authority. 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. Community councillors 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.

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 the 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 1 April to 31 March 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 made up of a minimum flat rate and an additional per capita allowance. The amounts to be applied shall be reviewed on an annual basis.

The local authority will determine any additional support services/resourcing 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.

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

Community Councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles, shall apply to all Community Councillors and those representing the Community Council. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Service to the Community

As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Councils Scheme for the Establishment of Community Councils, as set out by your local authority under the terms of the Local Government (Scotland) Act 1973.

You 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.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Council.

Objectivity

In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your Community Council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the Community Council. You must ensure that the Community Council uses its resources prudently and in accordance with the law.

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to the Council's Scheme for the Establishment of Community Councils and this Code of Conduct.

Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Councils Scheme for the Establishment of Community Councils. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Council business and for no other purpose.

Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting.

Any breach of the Council's Scheme for the Establishment of Community Councils as set out by your local authority under the terms of the Local Government (Scotland) Act 1973 may be reported to your local authority to determine what action, if necessary, should be taken.

Openness

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the Media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.

Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

Leadership

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

Respect

You must respect fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, you have dealings with in your capacity as a Community Councillor.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. You 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.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

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 should be independently examined by two examiners appointed by the COMMUNITY COUNCIL, who are not members of that COMMUNITY COUNCIL. The accounts shall be submitted to an Annual General Meeting of the COMMUNITY COUNCIL and shall be available for inspection on application to the secretary.
- (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

.....

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.

COMPOSITION OF COMMUNITY COUNCILS

All community councils will have a base number of seven elected community councillors, plus one community councillor for every 1,000 of the population up to five thousand plus 1 community councillor thereafter for every two thousand of the population.

Example

For a community council with 7,000 of a population, 7 community councillors + 5 + 1 = 13 elected community councillors.

Community Council	Pop'n	Max No. Directly Elected	Var.	Non-Elected Members
1. Old Kilpatrick	2857	7 + 3 = 10		+ 1/3
2. Duntocher and Hardgate	7395	7 + 6 = 13		"
3. Faifley	5210	7 + 5 = 12		"
4. Dalmuir and Mountblow	8215	7 + 6 = 13	-1	"
5. Parkhall, North Kilbowie and Central	7480	7 + 6 = 13		"
6. Linnvale and Drumry	7024	7 + 6 = 13		"
7. Clydebank East	5750	7 + 5 = 12		"
8. Bowling and Milton	967	7 + 1 = 8		"
9. Dumbarton East and Central	4103	7 + 4 = 11		"
10. Dumbarton North	5005	7 + 5 = 12	+1	"
11. Silverton and Overtoun	4825	7 + 5 = 12		"
12. Dumbarton West	5962	7 + 5 = 12		"
13. Renton	3559	7 + 4 = 11		"
14. Bonhill and Dalmonach	9031	7 + 7 = 14		"
15. Alexandria	4840	7 + 5 = 12		"
16. Balloch and Haldane	6538	7 + 5 = 12		"
17. Kilmarnock	693	7 + 1 = 8		"

Date Source: Voluntary Population Survey 2003 (as amended to reflect changes to boundaries 2011)

WEST DUNBARTONSHIRE COUNCIL
COMMUNITY COUNCIL BOUNDARIES

Clydebank East Community Council

Commencing at the junction of the south eastern Administrative Boundary and the River Clyde; then continuing north-westward along the River Clyde to a point south east of the former cable depot, on Cable Depot Road; then generally northeast in a straight line to a point in the centre of the Forth & Clyde Canal; then generally eastward along the said Canal to the eastern Administrative Boundary; then generally southward to the point of commencement.

Dalmuir & Mountblow Community Council

Commencing at the south-western boundary of Clydebank East Community Council then continuing generally north-westward along the River Clyde to the confluence of the River Clyde and the prolongation of the burn adjacent to Chivas Regal bonded warehouses; then generally north-eastward along the said burn and its culverted course to the centre of the roundabout at Freelands Place; then generally westwards along Old Dalnotter Road to the junction with the boundary of the former MOD Tank Farm; then generally north-eastward, westward and north-eastward along said boundary to the junction with the A82 Great Western Road; then generally eastward along the said Road to its junction with Mountblow Road; then generally southwards on Mountblow Road to the access lane through the golf course adjacent to Littleholm Place; then generally north-eastward along said lane to the junction of the Duntocher burn; then generally southward and south-eastwards along the said burn to the junction with the Glasgow to Balloch/Helensburgh railway track; then generally eastward along the Singer line and south-eastward along the Clydebank line to the junction with the north-western boundary of Clydebank East Community Council; then generally southward to the point of commencement.

Linnvale & Drumry Community Council

Commencing at the junction of Duntreath Avenue and the Forth & Clyde Canal and continuing westward along the northern boundary of Clydebank East Community Council to Kilbowie Road; then generally northwards along Kilbowie Road to the Kilbowie Roundabout; then generally south-eastwards along Great Western Road to the point of commencement.

Parkhall, North Kilbowie and Central Community Council

Commencing at the junction of the northern boundary of Clydebank East Community Council and the western boundary of Linnvale & Drumry Community Council, then continuing westward, north-westward and northward along the northern boundary of Clydebank East Community Council and Dalmuir & Mountblow Community Council to the junction with Great Western Road; then generally south eastward along said Road to the western boundary of Linnvale & Drumry Community Council; then generally southward along said boundary to the point of commencement.

Duntocher & Hardgate Community Council

Commencing at the junction of Great Western Road and the Administrative Boundary adjacent to GOALS “Five-a-Side” playing fields and continuing north-westwards along Great Western Road to the junction with the western boundary of Dalnottar Cemetery; then generally northwards to the landward area; then generally northwards, eastwards and southwards around the landward area to the junction of the Cochno burn; then generally southwards on the Cochno burn to the junction with Faifley Road; then generally southwards on said road to the centre of Hardgate roundabout; then generally north-eastward and eastward along an un-named burn through Knowes Park to the junction with an un-named footpath; then generally southward and south-westward along said footpath to the junction with Glasgow Road; then generally eastward along said road to the junction with the eastern Administrative Boundary; then generally southward along the Administrative Boundary to the point of commencement.

Faifley Community Council

Commencing at the junction of Glasgow Road and the eastern Administrative Boundary then continuing generally westward, northward and eastward along the Duntocher & Hardgate Community Council boundary to the junction with the Administrative Boundary; then generally southward along the Administrative Boundary to the point of commencement.

Old Kilpatrick Community Council

Commencing at the south-western corner of Dalmuir & Mountblow Community Council and continuing westward along the River Clyde to its confluence with an un-named burn west of Roman Crescent; then generally northwards along said burn to its junction with the northern carriageway boundary of the A82(T) Great Western Road; then generally eastward along said boundary to the western boundary of steading area of Gavinburn Farm; then generally northward, eastward and southward through the landward area to the western boundary of Dalnottar Cemetery; then generally southwards along said boundary to the western boundary of Dalmuir & Mountblow Community Council; then generally southwards, eastwards and southwards to the point of commencement.

Bowling & Milton Community Council

Commencing at the south-western boundary of Old Kilpatrick Community Council then continuing along the River Clyde to the junction with the prolongation of the un-named lane to the east of the former Mitsui Babcock site; then generally north-eastward along the said lane crossing Dumbarton Road and in turn Stirling Road to a point at the north east corner of Barnhill housing estate; then generally westward along the northern boundary of Barnhill to the landward area; then generally northward and eastward through the landward area to the western boundary of Old Kilpatrick Community Council and the point of commencement.

Dumbarton East and Central Community Council

Commencing at the south-western boundary of Bowling & Milton Community Council then continuing along the River Clyde to its confluence with the River Leven; then generally northwards and north-westwards along the River Leven to its junction with the Glasgow to Balloch/Helensburgh railway track; then eastwards along said railway track and Glasgow-Loch Lomond cycle track to the junction with Greenhead Road; then generally north-eastward along Greenhead Road, Strowanswell Road and Gruggies Burn to a point adjacent to the northern boundary of Barnhill housing estate; then generally south-eastwards along the northern boundary of Barnhill and south-westward along the western boundary of Bowling & Milton Community Council to the point of commencement.

Silverton & Overtoun Community Council

Commencing at the junction of the Glasgow to Loch Lomond cycle track and Greenhead Road and continuing westward along the northern boundary of Dumbarton East Community Council to Townend Road then generally northward and north-eastward to the centre of Barloan Roundabout; then generally eastward along Stirling Road to its junction with Garshake Road; then generally north eastward along Garshake Road until just beyond the junction of Garshake Avenue and Garshake Road and then generally north-westwards until it meets with the Dumbarton North Community Council boundary line; and then through the landward area, joining Gruggies burn adjacent to the northern boundary of Barnhill housing estate; then continuing generally southward on Gruggies burn, Strowanswell Road and Greenhead Road to the point of commencement.

Dumbarton West Community Council

Commencing at the south-western corner of Dumbarton East Community Council then continuing generally westward along the River Clyde to the south western corner of the Administrative Boundary; then generally northward on the said boundary to its junction with the Whitelees burn; then generally eastward and north-eastward along the Whitelees burn, the A82(T) slip road and the A82(T) Alexandria by-pass to its junction with the River Leven; then generally southward and eastward along said river to the point of commencement.

Dumbarton North Community Council

Commencing at the south western corner of Silverton and Overtoun Community Council then continuing westward on the Glasgow to Balloch/Helensburgh railway track to the junction with the River Leven; then generally northwards along the river to its junction with the A82(T) Alexandria bypass; then generally eastward on said bypass to its junction with the Murroch Burn then generally north-eastward and continuing through the landward area to the junction with the western boundary of Silverton and Overtoun; then generally southward and westward to the point of commencement.

Renton Community Council

Commencing at the north east corner of Dumbarton West Community Council then continuing along the northern boundary of Dumbarton West Community Council through the landward area to the western boundary of the Vale of Leven Cemetery then continuing southward, eastward and northward around the cemetery and eastward along the cemetery access road to the junction with the A82 (T) Alexandria by-pass then continuing generally northwards along the A82(T) Alexandria by-pass to the junction with the southern boundary of Christie Park; then generally eastward along said boundary to the junction with Main Street, Alexandria; then generally southward on Main Street and eastward and northward on Church Street to a point paralleled to Alexandria Railway Station; then generally eastward in a straight line to a point at Alexandria Railway Station and northwards on the Glasgow to Balloch railway line to the junction with the River Leven; then generally southwards following the River Leven to the point of commencement.

Alexandria Community Council

Commencing at a point in Loch Lomond (Grid Ref: NS 39746 83867) then south westwards in a straight line to Duck Bay (Grid Ref: NS 37431 83354) and then generally south westwards to the end of Tank Wood and then south eastwards to Grid Ref: NS 36578 82414; then south westwards to the edge of Darleith Muir (Grid Ref: NS 36076 81982) then generally north westwards to Grid Ref: NS 34691 82640 and then south westwards to Grid Ref: NS 34238 82060; then following the Administrative Boundary of West Dunbartonshire Council to the boundary of Renton Community Council (Grid Ref: NS 36903 79669) and generally eastwards towards Vale of Leven Cemetery (Grid Ref: NS 38338 79743) and following the road until it meets the A82 By-Pass (Grid Ref: NS 38685 79916), then generally north following the A82 until Grid Ref: 38575 80279, then north eastwards along Park Street towards the junction of Main Street, Alexandria and then southwards down Main Street until the junction with Church Street to Grid Ref: NS 39325 79999, then due north following the railway line to Grid Ref: NS 39311 80276, and then following the River Leven north to the Bridge at Lomond Road, then west on Lomond Road until it reaches the Stoneymollan Roundabout, then northward along A82 until Grid Ref: NS 37927 81958, and then generally northeast to an un-named burn and then following the burn north eastwards to Drumkinnon Bay (Grid Ref: NS 38422 82361) and then generally north westwards until the point of commencement via Grid Ref: NS 38434 82955.

Balloch & Haldane Community Council

Commencing at the northern shoreline boundary of Balloch Park and Loch Lomond, where Balloch Burn enters Loch Lomond, then generally south eastwards in a straight line to a point in Loch Lomond at Grid Ref: NS 38080 83671; then generally southwards to the confluence of an un-named burn and Loch Lomond at Grid Ref: NS 38424 82360; then generally south westwards and westwards along the said burn to its intersection with the A82(T) at Grid Ref: NS 37923 81969; then generally southwards in a straight line to the centre point of the Stoneymollan roundabout; then generally eastwards along the A811, dissecting the Balloch roundabout and continuing to the intersection with the River Leven at Lomond Bridge; then generally

southwards along the River Leven to the junction of the prolongation of Auchincarroch Road and said river; then following said road north-eastwardly to an un-named track to Mill of Haldane; following this track north-westwardly to the junction with the Carrochan Burn (Grid Ref: NS 41148 81559); then generally northwards following the track to the housing estate of Mill of Haldane at the junction with Dumbain Crescent, then north-eastwards along the rear curtilage of the estate and Haldane Terrace; then continuing generally north-eastwards along the A811 Stirling Road to Ballagan (Grid Ref: NS 40303 82968); then generally westwards on road to the access road to Balloch Park (North Lodge); then northwards on the Boturich Road to the northern boundary of Balloch Park; then following the northern boundary of said park to shoreline of Loch Lomond to the point of commencement.

Kilmaronock Community Council

Commencing at the north western corner of Balloch & Haldane Community Council then continuing north-westwards in a straight line to the junction with the north-western Administrative Boundary; continuing along the Administrative Boundary to the junction with the northern boundary of Bowling & Milton Community Council; then generally westward and south-westward along said boundary to the north-eastern boundary of Bonhill & Dalmonach Community Council; then generally north-westward, northward and westward along the eastern and northern boundary of Balloch & Haldane Community Council to the point of commencement.

Bonhill & Dalmonach Community Council

Commencing on the south-eastern corner of Renton Community Council at the River Leven and continuing generally northwards along said river to the junction with the prolongation of Auchincarroch Road and the River Leven; then generally north-eastward along the southern boundary of Balloch & Haldane Community Council, south-eastward and south-westward along the western boundary of Kilmaronock and Bowling & Milton Community Councils to the junction with the Murroch Burn; then generally south-westward along the Murroch burn to the point of commencement.

2015 Code of Conduct for
community councils in west lothian

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

Community Councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles, shall apply to all Community Councillors and those representing the Community Council. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Service to the Community

As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Councils Scheme for the Establishment of Community Councils, as set out by your local authority under the terms of the Local Government (Scotland) Act 1973.

You 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.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Council.

Objectivity

In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your Community Council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the Community Council. You must ensure that the Community Council uses its resources prudently and in accordance with the law.

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to the Council's Scheme for the Establishment of Community Councils and this Code of Conduct.

Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Councils Scheme for the Establishment of Community Councils. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Council business and for no other purpose.

Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting.

Any breach of the Council's Scheme for the Establishment of Community Councils as set out by your local authority under the terms of the Local Government (Scotland) Act 1973 may be reported to your local authority to determine what action, if necessary, should be taken.

Openness

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the Media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.

Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

Leadership

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

Respect

You must respect fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, you have dealings with in your capacity as a Community Councillor.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. You 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.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.

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2015 Model Constitution and Standing Orders for
community councils in west lothian



CONSTITUTION AND STANDING ORDERS 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.
- (f) seek to engage with the West Lothian Association of Community Councils and the West Lothian Community Planning Partnership.

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 $\frac{1}{2}$ of the total current 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 **Standing Orders: 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.

Voting shall be taken by a show of hand of those present and eligible to vote, with the exception that, at an inaugural meeting or annual general meeting, when the election of office bearers may be held by secret ballot.

In the event of a vote of the community councillors that results in a majority not being achieved, the chair shall have a casting vote. However, this will not apply in the event of a tied vote for the position of chair at the inaugural meeting. Instead the decision will be made by drawing of lots. The chair of the former community council does not have the 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 at the AGM, 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: Chair, 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) Including the AGM, the community council shall meet not less than 5 times throughout the year.
- (b) 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.
- (c) The 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.
- (d) Ordinary meetings of the community council shall be held in the months of(to be entered).
- (e) The notice of ordinary and general meetings of the community council, featuring the date, time and venue, shall be provided to each community council member and made available to the local authority's named official by the community council secretary.
- (f) Once in each year in the month of **(to be determined by the community council)** the community council shall convene an annual general meeting for the purpose of receiving and considering the Chair'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.
- (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) Special meetings may be called at any time on the instructions of the Chair of the community council or on the request of not less than one-half of the total number community council members. The local authority's liaison officer for community councils has the discretion to call a meeting of the community council.
- (i) A special meeting shall be held within 14 days of the receipt of the request made to the Secretary of the community council. Special meetings shall require 10 days public notice.
- (j) 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 7 days before the next scheduled meeting, to community council members, other appropriate parties and the local authority's liaison officer for community councils.
- (k) The community council shall abide by its Constitution and Standing Orders for the proper conduct of its meetings.
- (l) 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 and the reason for doing so. All members, including ex officio members, are entitled to be informed of and to be in attendance at any such private meeting. Brief minutes should be produced and presented to the next public meeting.
- (m) The community council may also hold private meetings, with no public notification, but only: in circumstances where it is not otherwise possible to arrange and advertise a public meeting according to the standard rules of the scheme; or where the objective of the meeting is purely to ratify a community council position that has previously been discussed at the preceding public session. Such meetings shall invite the opinion of all the community councillors present and will be minuted. The minutes will then be presented to the next public meeting.
- (n) All community council members, including ex-officio members, shall be treated equally, and fairly and without distinction or discrimination, in relation to meetings of the community council.
- (o) Meetings of a community council can be conducted by any other method in which each member is able to participate despite not being

present in the meeting venue. Any community council wishing to hold virtual meetings would have to put in place appropriate arrangements to allow virtual participation by the public.

12. Order of Business

(i) Ordinary Meetings

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) Declarations of Interest.
- (c) The minutes of the last meeting of the community council shall be submitted for approval.
- (d) Any other items of business, which the Chair has directed, should be considered.
- (e) Any other competent business.
- (f) Questions from the floor.
- (g) Chair to declare the 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 the membership present and apologies received.
- (b) Declarations of Interest.
- (c) The minutes of the last annual general meeting of the community council shall be submitted for adoption.
- (d) Chair's Annual Report (and questions from the floor).
- (e) Secretary's Annual Report (and questions from the floor).

- (f) Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).
 - (g) Demit of current office bearers/election of office bearers.
 - (h) Chair to declare date of regular community council meeting dates along with the next annual general meeting and close meeting.
- (iii) Extraordinary General Meeting

The order or business at every extraordinary general meeting of the community council shall be as follows:-

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

13. Order of Debate

- (a) The Chair 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 Chair shall determine the order, relevance and competency of all questions from the public in attendance at meetings of the community council raised at 12 above. The Chair, in determining the order, relevance and competency of business and questions shall have particular regard to the relevance of the issue to the community council and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Chair 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 or seconded.
- (c) After a mover of a motion has been called on by the Chair 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.

14. Minutes of the Community Council

Minutes of the proceedings of a meeting of the community council shall be drawn up within 21 days from the date of that meeting, distributed in accordance with paragraph 3 of the Scheme for Establishment 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.

15. Public Participation in the Work of the Community Council

- (a) All meetings of the community council and its committees (subject to 11 (l) and (m) 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 Chair.
- (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 7 days before the date of any such meeting, and, where possible, be advertised by other suitable means.

16. 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.

17. 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 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 a qualified accountant or by two examiners appointed by the community council, who are not members of this community council and who have no connection with it, 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 will be from 1st April until 31st March 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.

18. 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.

Property or assets purchased or leased by community councils under the Community Right to Buy process or such similar schemes, may be owned by a community trust set up by the community council to specifically manage the asset.

19. Alterations to the Constitution and Standing Orders

Any proposal by the community council to alter this Constitution and Standing Orders 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 7 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.

20. 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 7 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.

21. 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 West Lothian Council on

.....
..... Signed
..... Date

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Introduction

This Community Engagement Toolkit brings together a range of introductory information on community engagement.

It has been designed as a practical resource for anyone who wants to learn more about what we mean by engagement; providing practical guidance on the issues to consider when planning and designing community engagement activities.

The purpose of this toolkit is to support a whole range of individuals such as local workers, voluntary organisations and community members in the planning and delivery of different types of engagement; through recognising and appreciating the different levels of engagement; and outlining the methods and techniques that can be used to effectively involve people. The toolkit aims to increase understanding of community engagement to create more meaningful ways for local people to become involved in decisions that affect their lives.

West Lothian has a great track record of good community engagement practice. Good practice case studies can be found throughout the toolkit to demonstrate the varied and innovative ways that practitioners in West Lothian have involved local people.

This toolkit aims to support and promote effective community engagement practice in West Lothian. It does not cover every method and technique that can be used to engage people, but signposts useful and informative resources so that more detailed information can be found.

The toolkit was developed by West Lothian's Community Engagement Practitioners Network; a group of practitioners from organisations across West Lothian who are involved in community engagement.

The network is jointly supported by West Lothians Community Planning Team and Community Regeneration Team.

Benefits of community engagement

- Enhanced **wellbeing** and increased levels of satisfaction through local people being genuinely involved in decisions.
- Increase local **ownership** and enhanced civic pride – if people feel valued and included they are more likely to participate.
- Increased **dialogue** and **communication** between local people and organisations. Working in partnership will allow better relationships and trust to develop between policy makers and local people.
- Increased **openness** and **accessibility**.
- Promotion of social inclusion.
- Increased sustainability – Sustainable change can only happen if communities are involved from the start.
- **Responsive** services that meet local need.

Case Study *Community Engagement in Kirknewton*

Kirknewton run a community engagement exercise, via the Kirknewton Community Development Trust (CDT), every five years to determine what people like about Kirknewton, what they don't like and what they would like to see. Engagement is based on these three simple questions. The latest exercise was carried out in 2014. Prior to carrying out the engagement, the CDT met with a range of community groups to make sure everyone in the community was informed of their plans. Promotion of the engagement activity was done through flyers, posters, Facebook, twitter, websites, blogs, local newsletters and through West Lothian Council social media. Engagement activities included an open day, meeting with a wide range of groups in the community including school children, carrying out street and outreach work door to door and holding a feedback day at the end. Throughout the process, the CDT track individuals they speak to on a map so they can identify

unrepresented areas and ensure people in these areas are involved in the process.

This work informs a five year development plan that the CDT uses to attract funding and direct their resources into. The work in 2010 cost £8000 but attracted half a million pounds of funding and several new volunteers. In the work undertaken in 2014 for the 2016 - 2020 plan 'community spirit' came from nowhere as the number one reason people like to live in Kirknewton. 560 people engaged with the process (Kirknewton has a population of just under 2000).



The Spectrum of Community Engagement

This spectrum of engagement demonstrates the possible types of engagement with stakeholders and communities. It shows the increasing level of public impact as you progress from 'inform' through to 'empower' and explains the range of public participation and engagement options available. It will help to assist with selecting the most suitable level of participation or engagement.

Increasing Level of Public Impact

	Inform	Consult	Involve	Collaborate	Empower
Purpose	To provide the public with information to assist their understanding of an issue	To collect information from the public about attitudes and opinions	To work with the public throughout all stages of the process to ensure their concerns and aspirations are understood and considered.	To partner with the public in each aspect of the decision, agree sharing of resources and decision making.	To place final decision making in the hands of the public.
Expectation	We will keep you informed	We will keep you informed, listen to and provide feedback on how public input has informed the decision.	We will work with you to ensure that your concerns and aspirations shape the process and influence the decision.	We will look to you for advice and help in developing solutions and incorporate your advice and	We will implement what you decide
Example techniques	<ul style="list-style-type: none"> ➤ Fact Sheets ➤ Websites ➤ Street Stalls/ Displays ➤ Newsletters ➤ Shop Fronts 	<ul style="list-style-type: none"> ➤ Surveys ➤ Public Meetings ➤ Web based consultation ➤ Citizens Panels ➤ Consultation documents 	<ul style="list-style-type: none"> ➤ Workshops ➤ Community Events 	<ul style="list-style-type: none"> ➤ Citizen Advisory Committees ➤ Participatory decision making ➤ Open Space Events 	<ul style="list-style-type: none"> ➤ Citizens Juries ➤ Ballots ➤ Delegated Decision

Planning community engagement

Community Engagement works best when it is an ongoing process which allows relationships and trust to build and strengthen over time. Engagement activities should be planned with this in mind. Communities, groups or individuals may want to participate at a range of levels; from providing advice to co-designing the process or from undertaking some aspects of the engagement to delivering projects themselves.



Thinking through the following questions and issues will help in the planning and design of community engagement activities.

➤ **Who needs to be involved in the planning of your engagement process?**

➤ **What level of participation is it hoped will be achieved?**

➤ **How to identify stakeholders**

➤ **Communications**

➤ **Resources**

➤ **Feedback and next steps**

➤ **Tools to help choose a method**

➤ **Methods**

What is the purpose?

Before you begin any engagement process, you need to be clear about the purpose. This will help you to select the most appropriate and meaningful engagement methods to use. Setting out your aims is an important step which ensures that you have a clear understanding of why you are engaging with people. Think about what difference you want your engagement to make and what you hope will change as a result of the engagement. This will help you to plan your engagement activity effectively.

What level of engagement are you hoping to achieve?

Individuals can participate in a variety of ways, and to different levels of influence, in helping to identify community needs, generate solutions, plan new projects and influence how services are developed and delivered. The purpose of your engagement will help determine the appropriate level of engagement and who needs to be involved. As illustrated in the Spectrum of Community Engagement, each of the levels of engagement will be appropriate in particular circumstances, and will achieve different results. (*Community Places: communityplanningtoolkit.org*)

Case Study Tobacco Free Generations'

This project began as an event to raise awareness about No Smoking Day, stimulate smokers into action and highlight services that smokers could access should they wish to quit.

The event consisted of a series of workshops for smokers and their families in Fauldhouse. One of the local primary schools developed a Stop Smoking Play which they performed to their community. The following year the school held their own initiative for No Smoking Day which led to funding being sourced for them to develop a tobacco education resource which would support the Curriculum for Excellence. A group of Primary 6 pupils were approached to develop this resource in Partnership with Firefly Arts. As well as developing this resource the pupils were keen to make this a community issue and embarked on a range of activities to engage with the local community to raise awareness of smoking and its associated dangers. This was achieved through local exhibitions, including one in the main shopping centre in Livingston where young people dressed up and spoke to members of the public about smoking related issues. The pupils engaged with over

200 people through these events, in ways they felt most effective. They delivered talks to their school community about the effects of tobacco impacting on several members of their families who have now stopped smoking. The pupils have also embarked on a campaign to make their local play park a smoke free zone, and have the support of their local councillor, and council officers responsible for play parks.

This project has demonstrated the power of the involvement of young people in tackling this significant public health issue and the effectiveness of their engagement with the public to working towards supporting their community to change their behaviour.



Who should be involved?

Who you involve depends very much on what you are engaging on. To get the most from your engagement activity, it is useful to use a range of methods and techniques to achieve the widest possible participation.

Local community networks and support organisations should be involved in identifying community stakeholders, their particular interests and needs and how best to engage with them. Issues to consider include;

- ▶ What impact the issue or proposals will have on these stakeholder interests?
- ▶ Who represents these groups?
- ▶ Are there existing community networks or forms of communication?
- ▶ Are their gaps in information which could be plugged through local knowledge?
- ▶ Relevant equality legislation

There are many groups, organisations and individuals that represent a whole range of interests in West Lothian. These might include;

- ▶ Local residents or area based groups
- ▶ Communities of Interest
- ▶ Faith Based groups
- ▶ Local community groups
- ▶ Voluntary groups
- ▶ Service Users
- ▶ Web based or virtual groups

What time and resources are available?

The following types of resources will be required for most forms of engagement;

- ▶ Input by staff, volunteers and other interested stakeholders
- ▶ Background information on briefing papers on the issue(s) or plan proposals
- ▶ Communication & promotion – venues, transport, childcare, translation
- ▶ Publication and printing of materials
- ▶ Resourcing local and voluntary groups to support people in understanding and responding to information and proposals; convene meetings; be involved in conversations; attending meetings and events.

The Guildford Community Engagement Strategy has a useful checklist for involvement which can be found here:

http://www.guildford.gov.uk/media/10373/Guildford-Community-Engagement-Strategy-2011/pdf/Guildford_Community_Engagement_Strategy_2011.pdf

Ensuring Diversity & Being Inclusive

Inclusiveness is a key principle of community engagement therefore it is important that engagement activities reflect the diversity of West Lothian's population. There are groups in the community who are traditionally more difficult to engage; these are sometimes referred to as 'hard to reach'. There are also the individuals who are referred to as the 'usual suspects' – those who regularly are involved in consultation or community activity. It is important to ensure that these groups of people are engaged with in the most appropriate way and aren't marginalised as a result of their involvement (or lack of) in community activities.

Matching methods to people or groups will increase the effectiveness and success of any engagement activity. Ensuring that an engagement process is inclusive contributes to its value and its legitimacy. The real challenge of inclusiveness is to avoid involving just the usual suspects and the hard to reach, and leaving everybody else out.³

Things to consider

- ✔ Think creatively about ways to access these groups. This could be through informal networks, social venues or local organisations who work with these groups.
- ✔ Take measures that will help overcome the barriers that prevent these groups from participating e.g. translators, visual aids, providing childcare, accessible venues.
- ✔ Be flexible over timing, location and transport issues to ensure you accommodate the needs and requirements of particular individuals or groups.
- ✔ Use methods that are appropriate to certain types of groups or individuals. For example, using a questionnaire with those who have literacy needs isn't a good idea; or holding a meeting for mums at school pick up time would not be suitable.

Groups that are more difficult to reach might be;

Asylum Seekers, young people, drug users, faith communities, homeless people, minority ethnic communities, offenders, older people, people with disabilities, people with mental health problems, single parents, travellers, victims of domestic abuse, people with learning difficulties, gay, lesbian and bi-sexual men and women, transsexual and transgendered people



Overcoming barriers to engagement

When planning an engagement process you need to recognise diversity, identify potential barriers and design the process to minimise barriers where possible. The table below illustrates some potential barriers that may prevent

individuals or groups getting involved and identifies some areas you may want to consider which may help to remove these barriers.

Potential barriers	Design issues to consider
<ul style="list-style-type: none"> ➤ The capacity and ability of different stakeholders, groups and individuals to participate ➤ 'Hard to reach' groups such as young people, older people, minority groups or socially excluded groups ➤ Levels of community infrastructure ➤ Rural isolation ➤ Gaps in information ➤ Literacy and numeracy levels 	<ul style="list-style-type: none"> ➤ Techniques and engagement methods to be used ➤ Need for independent facilitation ➤ Location and accessibility of venue ➤ Number and type of engagement events ➤ Transport requirements ➤ Childcare needs ➤ Format and content of communication and publicity material ➤ Use of interpreters and signers

Case Study *Fire & Rescue Community Engagement*

The Scottish Fire and Rescue Service engages closely with partner agencies, volunteer organisations and members of the public to identify those most vulnerable within our communities at risk from fire and unintentional harm. In doing so we are able to provide education and support through the delivery of our Home Fire Safety Visit Programme.

This includes the installation of free smoke detection, and in some cases additional measures designed to protect householders. Referrals for Home Fire Safety Visits are generated through social work, telecare providers, Police, NHS staff and frontline council staff. The programme is delivered by our frontline operational staff and our specialist Community Action Team. An example of how this community engagement process is put into practice was demonstrated recently when our frontline crews and Community Action Teams crews attended a number of NHS flu clinics that were being run across West Lothian. Our staff attended these events and provided fire safety education to the attendees and also gathered Home Fire Safety referrals.

Our staff also delivered advice on behalf of our partners in Trading Standards, particularly in relation to bogus callers and scam prevention. Through this process we were able to engage directly with several hundred individuals and gathered 180 Home Fire Safety Referrals.

The Scottish Fire and Rescue Service also interacts with schools, youth groups and diversionary projects in order to contribute towards reducing antisocial behaviour. This includes the delivery of seasonal specific targeted schools programmes which are delivered by our operational crews and Community Action Teams. We also run a number of diversionary Youth Engagement programmes designed to provide early and effective intervention, enhance life skills, develop and promote good citizenship and build confidence.

In addition, we work closely with local youth organisations and groups, and proactively support community events in order to develop a close relationship with the communities in which we serve. An example of such activities include allowing community groups to use fire service facilities to hold meetings and events. This not only provides free facilities to the groups, but encourages the development of working relationships between the various groups attendees and our staff. The delivery of our Youth Engagements programmes also provide an environment for our staff to meet up with youths and their families on a face to face basis. Once again this promotes positive relationships between SFR staff and members of the community.



The National Standards for Community Engagement

The National Standards for Community Engagement provide a framework upon which community engagement should be based. They set out best practice guidelines for engagement between communities and public agencies.

1 The Involvement Standard

We will identify and involve the people and organisations with an interest in the focus of the engagement.

2 The Support Standard

We will identify and overcome any barriers to involvement.

3 The Planning Standard

We will gather evidence of the needs and available resources and use this to agree the purpose, scope and timescale of the engagement and the actions to be taken.

4 The Methods Standard

We will agree and use methods of engagement that are fit for purpose.

5 The Working Together Standard

We will agree and use clear procedures to enable the participants to work with one another effectively and efficiently.

6 The Sharing Information Standard

We will ensure necessary information is communicated between the participants.

7 The Working with Others Standard

We will work effectively with others with an interest in the engagement.

8 The Improvement Standard

We will develop actively the skills, knowledge and confidence of all the participants.

9 The Feedback Standard

We will feedback the results of the engagement to the wider community and agencies affected.

10 The Monitoring and Evaluation Standard

We will monitor and evaluate whether the engagement meets its purposes and the national standards for community engagement.

Case Study *Homeless Housing Network Group*

The Homeless Housing Network Group (HHNG) is a panel of tenants who, prior to securing their own tenancy were homeless or threatened with homelessness and received input from Housing Need Service. The aim of the group is to harness the experiences of people who have been either homeless or threatened with homelessness and use their knowledge to improve and make changes to existing services and processes. The group meet on a monthly basis and these meetings are facilitated through Housing Need Service and include representation by management at every meeting to answer any questions of the group.

The group have developed a work plan, which sets out how they will carry out inspections and desk top audits on the service. As a result of these inspections, findings are presented to the management team and an action plan is created to meet the recommendations of the group.

The Tenant Participation Team supports the Network and this offers opportunities to engage with other Local Authorities and attend events on participation. As a result of the input of this group, the service has made positive changes to improve the experience for individuals who use this service. This process has also had a positive effect on the participants in the group. The group liaise and coordinate with Care Inspectorate inspections and participate and encourage others to participate in developing the homeless service. The group has previously received the Francis Nelson Award for their Tenant Led Inspection of the Homeless Service.

The group is a great example of how positive engagement with service users has resulted in genuine participation and involvement in the way a service is developed and delivered.

Effective communication skills for engagement

An important part of any community engagement activity is good communication. Whatever level of engagement you are looking to achieve; informing, consulting or involving, good communication skills are vital. To get the most out of your community engagement activity, it is worth thinking through the key skills that are required and the behaviours that will help to encourage, support and enable individuals to participate in ways that suit them.

The heart of community engagement is the development of relationships, open and clear communication, networking, listening and learning to understand the diverse people and places that we are working with

Community Engagement should be a positive experience for those carrying out the engagement and those being engaged with. Below are some of the key skills that are relevant to community engagement practice.

Facilitation

Facilitation is used to help encourage and enable individuals to participate in a variety of situations. A good facilitator will make things easier, enhance people's willingness to get involved and result in a positive engagement experience. Some effective facilitation points are listed below ; ⁵

- ▶ Lead, but don't take over
- ▶ Summarise and communicate
- ▶ Offer praise and support
- ▶ Be assertive, not aggressive
- ▶ Listen to what people say
- ▶ Treat participants equally
- ▶ Encourage participants

Listening

Showing you are interested in what people are saying and why they are saying it. This creates a trusting and supportive atmosphere. Participants should feel that they have been listened to and that they have been understood.

Questioning

Ask the right questions, of the right people at the right time, in the right way. This will keep discussion moving. ⁶ Good use of questions will help to bring structure to the engagement activity.

Useful resources;

- 🔗 *The Involve guide: 'Making Community Engagement informal & Fun' provides some useful listening and questioning techniques. (Appendix 5) <http://www.involve.org.uk/wp-content/uploads/2011/09/Not-Another-Consultation.pdf>*
- 🔗 *Better Community Engagement; A framework for learning: <http://www.gov.scot/Resource/Doc/1046/0055390.pdf>*

Case Study *Early Years in Blackburn*

The Blackburn Early Years Group (BEYAG) is a local early years action group made up of local workers and volunteers who work or volunteer within the Blackburn early years public, private and voluntary sector.

The group meet monthly to share practice, knowledge and skills and to coordinate activities. To make sure their activities meet the needs of the local community, the group undertake community engagement when developing their action plan for the area.

The engagement approach that the group used was the H diagram tool. This was delivered on a one to one basis, using the H diagram tool to gather individual's views on what they like, what could be better and ideas for improvement. Engagement was undertaken by a whole range of individuals; midwives, health visitors, community workers, volunteers and community members in a variety of locations; including voluntary organisations, private

childcare, key community groups, outside nurseries, the Mill Centre – all with families with pre-school children that live, work or access services within the Blackburn community.

A2 size visuals were designed to report on the findings of the engagement and were used to help local people prioritise what was most important for them. A findings workshop was held to give local people an opportunity to look at the findings and add their ideas for improvement. This process has helped the Blackburn Early Years Group develop an action plan that truly reflects the needs of the community, through a process which has genuinely involved local people.



⁴ Manchester Community Engagement Toolkit ⁵ Manchester Community Engagement Toolkit

⁶ <http://www.involve.org.uk/wp-content/uploads/2011/09/Not-Another-Consultation.pdf>

Feedback & Evaluation

One aspect of community engagement that can discredit the process is lack of feedback to participants.

It is important to inform them of how their views have been taken into account, the broad findings from the process and what has happened as a result of the engagement.



Providing good quality, timely feedback is necessary to making sure that participants feel that their views have been listened to and taken into account. If people feel their views have been considered then they are more likely to continue to participate in engagement activities and see this as a worthwhile process. If feedback isn't given, participants may think that taking part is a waste of time, or that they have been ignored, and won't know if their contribution has made a difference.

It should be set out at the start when and how feedback will be provided, and what form this will take. When and how you feedback to participants will depend upon the nature of the engagement.

A range of feedback techniques should be used to make sure you reach a variety of participants. Feedback should provide the participant with information but also offer an opportunity to ask questions or get additional information.

Feedback methods

- Writing letters, either paper or through email
- Providing summary reports of meetings, events or workshops
- Workshops to feedback information
- Presentations to groups
- Publishing newsletters or posters
- Using websites to post information
- Using local media to communicate information
- Using social media

Feeding back to participants will:

- Encourage people to participate
- Improve relations between organisations and communities
- Build trust and confidence in the engagement process

- Empower individuals and communities
- Promote ongoing dialogue between organisations and communities

Evaluation

It is important that any engagement process is evaluated in order to learn what worked well, what didn't work and why. For example, evaluation will provide useful information on the best methods for engaging with groups in a particular area or most appropriate venues. This information should influence future community engagement processes.

Evaluation arrangements should be set out at the start of the engagement process. Key pointers for evaluation are;

- Be clear about the aims of your engagement process so you can evaluate whether or not these have been met.
- Make sure you ask participants, staff, groups and any others involved in the process what they think; Ask if they think the process did what it set out to do and how they found the engagement experience.
- Make use of evaluation forms to gather information from participants about the event or meeting. This will capture how people felt at the event or meeting and provide you with an opportunity to ask questions about individual elements of the event.

More information on how to carry out effective evaluation of community engagement can be found in the resources below.

- 🔗 <http://www.qld.gov.au/web/community-engagement/guides-fact-sheets/documents/engaging-queenslanders-evaluating.pdf>
- 🔗 <http://www.scdc.org.uk/what/voice/>
- 🔗 <http://www.manchesterbeacon.org/files/manchester-beacon-pe-evaluation-guide.pdf>
- 🔗 <http://www.involve.org.uk/evaluation-guide/index.shtml>

Community Engagement Tools & Methods

The following section provides guidance on the different methods and techniques that can be used to engage with communities. They have been split into three categories; **INFORM**, **CONSULT** and **ENGAGE** so that it is clear what methods can be used to achieve different levels of engagement.

For each, we have given a brief description, outlined the benefits and weaknesses and where appropriate, provided links to useful resources. This section will give you some ideas about the different ways to engage people to get the most out of your engagement activity. This is not an exhaustive list; there are many other tools and methods available.

More detailed information on a wider range of methods can be found in the following toolkits and guides.

 **The Scottish Governments Community Engagement How to Guide:**
<http://www.gov.scot/Topics/People/engage/HowToGuide/Techniques>

 **Engaging Queenslanders: A guide to community engagement methods and techniques**
<http://www.qld.gov.au/web/community-engagement/guides-factsheets/documents/engaging-queenslanders-methods-and-techniques.pdf>

 **Manchester Community Engagement Toolkit**
http://www.manchester.gov.uk/downloads/download/172/community_engagement_toolkit

 **Community Planning Toolkit: Community Engagement**
<http://www.communityplanningtoolkit.org/sites/default/files/Engagement.pdf>

 **Argyll & Bute Better Community Engagement Resource Pack:**
<http://www.aloscotland.com/alo/viewresource.htm?id=348>

Tools & Methods to INFORM

Fact Sheets/Newsletter

What is it?

- Provide information about a local area or particular project in a paper or on line format.
- One of the cheapest and cost effective methods of keeping people informed.
- A useful complement to other forms of engagement.
- Can be used to inform the community about developments in their area.

Benefits

- 😊 If distributed regularly, can build community awareness and understanding

- 😊 Effective means of developing and sustaining interest through a community
- 😊 Can be developed in a format that appeals to a target group
- 😊 Cost effective

Weaknesses

- 😞 May not be accessible to people with low levels of literacy or visual impairment
- 😞 People may not take time to read it

Useful links

 **Producing a Newsletter:** http://www.manchester.gov.uk/downloads/download/172/community_engagement_toolkit

Web based information processes

What is it?

- A variety of web based processes are available to choose from which gives people the opportunity to get involved at different levels.
- Websites provide a way for organisations to provide information to the public.
- Online methods can be used as standalone processes or as part of a wider engagement activity.

Benefits

- 😊 People can choose a convenient time and place to participate
- 😊 Particularly useful for those who may be homebound e.g. elderly, carers, parents with young children
- 😊 Can create debate and exchange of views

- 😊 Cost effective
- 😊 Can reach large numbers of people
- 😊 Less time consuming than attending a workshop or meeting

Weaknesses

- 😞 Some techniques may require a moderator to manage comments-this can be expensive and time consuming
- 😞 Excludes those without access to the internet
- 😞 Needs to be publicised to generate activity
- 😞 Some people may feel intimidated

Useful links

 <http://www.digitalengagement.info/>

 <http://www.biglunchextras.com/resources/guide-social-media-and-websites>

Street Stalls & Displays

What is it?

- Use of highly visual materials to get a particular message or information across a range of audiences.
- Displays are normally set up in local community areas like community centres, shopping centres, libraries.
- Useful for informing the public and stimulating discussion on issues.

Benefits

- 😊 Can collect the views of large numbers of people
- 😊 Interactive
- 😊 Engages and generates interest
- 😊 Can reach people who may not normally participate

Shop Fronts

What is it?

- Shop fronts can be temporary venues set up in a heavily used public area to display information or provide a venue where people can meet, collect information and have discussions.
- Need to be effectively located to target a large audience.
- Staffed by knowledgeable and approachable staff.

Weaknesses

- 😞 Can generate a large amount of data
- 😞 Requires advance planning and preparation
- 😞 Requires several facilitators to engage with people
- 😞 Event may be affected by weather conditions
- 😞 If people can't attend on that day, they will miss it

Useful links

- 🔗 <http://www.communityplanningtoolkit.org/sites/default/files/engagement.pdf>

Benefits

- 😊 Increases visibility and accessibility of project/topic
- 😊 Easily accessible for community members
- 😊 Provide a venue/physical space for local people

Weaknesses

- 😞 Expensive to establish
- 😞 Requires resources in terms of staff and venue
- 😞 Access could be an issue depending on opening hours

Tools & Methods to CONSULT

Public Meetings

What is it?

- Provide an opportunity to consult large numbers of people. They are open to all, offering an opportunity for people to ask questions and discuss issues.
- Often opportunities for participants to set or influence the agenda and to ask questions.
- As part of a series of events they can be a valuable way of sharing information and demonstrating openness and transparency.

Benefits

- 😊 Enables large numbers of people to have their say
- 😊 Provides an opportunity to explain processes, give information and gather feedback
- 😊 Demonstrates openness and transparency
- 😊 Can attract publicity or can be used as a launch event
- 😊 Enables participants to develop networks
- 😊 Face to face meetings humanise organisations and authorities in public eyes

Weaknesses

- 😞 Unlikely to be representative – not everyone has the time or inclination to attend
- 😞 Attendance is often low unless people feel personally or deeply concerned
- 😞 Some people are likely to be inhibited from speaking in a large group
- 😞 Traditional formats can limit audience contribution and lead to conflict
- 😞 If confrontational it may lead to poor media publicity

Useful links

- 🔗 <http://www.unlockdemocracy.org.uk/guides/entry/how-to-hold-a-public-meeting>
- 🔗 <http://www.resourcecentre.org.uk/information/organising-a-public-meeting/>

Surveys & Questionnaires

What is it?

- Most widely used consultation method.
- Undertaken to identify needs and views of a large number of people in a standard format.
- The main stages involved are: defining the sample size and the type of information required; deciding on the type of survey to be used (postal, drop and collect, telephone or interview); survey design; piloting the survey; undertaking the survey and post-completion analysis of the results.
- Often best to use a short and concise questionnaire where people's views on an issue are being sought.
- Good way of collecting quantitative and qualitative information from local people at a certain point in time.
- Surveys can be completed through face to face interviews, self-completion written forms, over the telephone, or electronically over the internet or email.
- Surveys often best used as part of a programme of other methods – by themselves they can sometimes be limited.

Benefits

- 😊 Can gain the views of a large number of people
- 😊 Useful for obtaining quantitative data
- 😊 In principle data can be compared over time or with results from elsewhere
- 😊 Useful for identifying and evidencing need

Weaknesses

- 😞 Need to be well designed and coded to get 'usable' answers
- 😞 Large questionnaire surveys are time consuming and labour intensive
- 😞 Information may be limited
- 😞 Do not offer any real sense of community engagement or provide an opportunity for people to exchange views.
- 😞 Can contribute to 'over-consultation' if public are surveyed on a number of occasions

Useful links

🔗 <http://www.gov.scot/Topics/People/engage/HowToGuide/Techniques>

🔗 https://www.herefordshire.gov.uk/media/7363131/creating_a_questionnaire.pdf

Web based consultation

What is it?

- As well as being used to provide information (as described in the previous section) the internet offers a range of opportunities for individuals to engage in decision making processes.
- Online consultation is one tool which should be considered as part of a range of other consultative tools.
- Interactive websites can support consultation by enabling people to get involved online. This could be by completing online surveys, taking part in a poll or participating in online discussions.
- Discussion forums provide the public with an alternative method of getting their views on particular issues across. By monitoring discussion boards, we can get a better insight into the thoughts and ideas of people who may not participate in other ways.

Benefits

- 😊 A range of online tools are available
- 😊 Cost effective
- 😊 Can reach a wide audience quickly
- 😊 Gives more choice to individuals as to when and how they can participate
- 😊 Anonymous nature may increase participation

Weaknesses

- 😞 Participation is limited to those with access to the internet
- 😞 Resources required to analyse information gained
- 😞 Resources required to set up and mediate discussion forums

Useful links

🔗 <http://www.digitalengagement.info/>

🔗 <http://www.biglunchextras.com/resources/guide-social-media-and-websites>

Consultation Documents

What is it?

- Regularly used for formal consultation by local authorities and other government bodies to seek formal responses from statutory consultees.
- A document which allows whoever is consulting on a particular issue to set out in detail the whole of a situation and set specific questions.
- Provides an opportunity to provide detailed background information on a particular proposal or issue.
- Most consultation documents are document based, although web based consultation is increasing.
- If carrying out a document based consultation process, it is a good idea to offer a web based alternative that enables participants to navigate directly to the parts of the document that are relevant to them.
- The use of diagrams and illustrations rather than text is preferable. The number of questions should be kept to a minimum and every question asked should serve a specific purpose.

Benefits

- 😊 A written document allows the consulters to set out in detail the whole picture and ask specific questions
- 😊 A document can also be used to explain complexity and provide background information
- 😊 Paper based consultation is safe and predictable
- 😊 Web based processes allow comments on documents and responses to questions to be displayed in full

Weaknesses

- 😞 The sheer size and detail in a document can have a negative effect on the people being consulted
- 😞 People are reluctant to read long documents
- 😞 A large number of responses can be labour intensive to collate and analyse

Citizens Panels

What is it?

- Representative sample of people from a local area who sign up to be involved in various consultation activities.
- Provide a 'ready-made' sample of people to consult or engage with.
- Panels normally involve around 1000-2000 local people

Benefits

- 😊 Using the same panel a number of times reduces recruitment costs
- 😊 People agree to be on the panel thereby increasing response rates
- 😊 May allow for some measurement of changes over time
- 😊 Provides a ready-made sample of individuals to consult with.
- 😊 The composition of panels can be made representative of the local population

Weaknesses

- 😞 People on the panel become more knowledgeable (and therefore less representative) than the general public over time
- 😞 A turnover of the panel may reduce the validity of tracking over time
- 😞 Information provided may mean responses are not an accurate reflection of opinion among the less informed.

Useful links

- 🔗 <http://communityplanningaberdeen.org.uk/cityvoice/>
- 🔗 <http://www.westlothian.gov.uk/community-engagement>

Workshops

What is it?

- Workshops and focus groups allow people to discuss their ideas in an open and relaxed atmosphere.
- Can take a variety of different formats, depending on the topic for discussion.
- They can be designed to exchange information; to discuss the strengths, weaknesses, opportunities and threats of an idea or project; to obtain ideas and innovative thinking for a way forward for a project; or they can be specifically geared towards prioritisation and the production of an action plan.
- Focus groups by contrast are designed to specifically concentrate on a single issue or a programme of topics.

Benefits

- 😊 Encourages active discussion in a welcoming environment
- 😊 Time and resource efficient way of identifying and clarifying key issues

- 😊 Conflict can be more easily handled in a small group
- 😊 Can be designed for a specific purpose
- 😊 Can be directly targeted at excluded or 'hard to reach' groups

Weaknesses

- 😞 With small groups, it is difficult to be sure all stakeholders or interests are represented
- 😞 Workshops can be dominated by articulate and confident individuals if not carefully facilitated
- 😞 Requires experienced facilitators

Useful links

- 🔗 <http://www.ketso.com/learn-about-ketso>

Planning for Real

What is it?

- Practical technique involving a 3D architectural model of an area which is used to help participants decide what improvements/changes need to be made to their local area.
- Local residents are involved in creating the model.
- The model can be displayed in public venues to generate interest and discussion.
- Cards/cut-outs that represent services and physical assets are made available so individuals can place appropriate suggestions and changes on the model itself.
- These details are then fed back to people, discussed further and prioritised at public meetings or small group discussions.

Benefits

- 😊 Adds variety to consultation and can engage people who might not otherwise get involved
- 😊 It is accessible to people of all abilities and backgrounds
- 😊 Can build a sense of community ownership of the process
- 😊 Can help people see and understand their community in different ways

Weaknesses

- 😞 Can generate ideas which are not possible to implement
- 😞 Preparing for the event can be time consuming
- 😞 The card count can be seen as conclusive and may cause conflict particularly if there is a disagreement

Useful links

- 🔗 <http://www.gov.scot/Topics/People/engage/HowToGuide/PlanningforReal>
- 🔗 <http://www.planningforreal.org.uk/>

Community Fairs/Events

What is it?

- Provide a fun, informal atmosphere that will attract a wide ranging audience.
- Provides various opportunities to inform and engage participants about local issues using different methods.
- Should incorporate a range of activities and events to cater for the broadest possible audience.
- As well as distributing information, a fair provides a range of opportunities for consultation and involvement.
- Community events work best if a number of organisations in the community get together to run one.

Benefits

- 😊 Can reach a large number of people
- 😊 Allows for different levels of engagement
- 😊 Can allow for creativity in the ways in which people are engaged

- 😊 If a number of organisations get involved, the range of activities can be increased and generate more interest

Weaknesses

- 😞 It may not appeal to the people who most need to be reached
- 😞 Can be expensive and require a lot of resources
- 😞 May not be well attended

Useful links

- 🔗 <http://www.biglunchextras.com/resources/guide-community-engagement>
- 🔗 <http://www.involve.org.uk/wp-content/uploads/2011/09/Not-Another-Consultation.pdf>
- 🔗 <http://www.time-to-change.org.uk/sites/default/files/community-event-toolkit.pdf>

Asset Based Community Engagement

What is it?

- Uses maps and photographs of an area or specific location to illustrate how people view their area; what they like or dislike or improvements they would like to see.
- Practical way of finding out what assets exist in a community.
- A variety of aspects can be mapped including land use, community assets, facilities, transport and business to develop a snapshot of an area.
- Increases understanding of assets in its broadest sense; not just about the physical assets but the people, groups and skills that exist in a community.

Benefits

- 😊 Stimulates discussion
- 😊 Can build a sense of community ownership
- 😊 Can help people see and understand their community in different ways

Weaknesses

- 😞 Can generate ideas which are not possible to implement
- 😞 It may be difficult to interpret participants ideas
- 😞 Participants need to be familiar with the local area

Useful links

- 🔗 <http://www.scdc.org.uk/what/assets-scotland/>
- 🔗 <http://scottishparticipatoryinitiatives.co.uk/>
- 🔗 <http://www.coproductionsotland.org.uk/>

World Cafes

What is it?

- Aim to gather the views of participants in a comfortable and informal setting, much like a café.
- Informal setting stimulates creative conversations.
- Set up room to look like a café, using small tables, tablecloths and provide food.
- Discussions take place in small groups. The tablecloths are used to take notes and make comments. Each group feeds back to the facilitator at the end of each question discussion.
- Participants move around the tables in order to discuss each discussion topic.

Benefits

- 😊 Informal atmosphere created which encourages conversation

- 😊 Flexible
- 😊 Less formal than a public meeting
- 😊 Easier to get people to attend

Weaknesses

- 😞 Potential for raising expectations
- 😞 Success can be dependent on the questions set
- 😞 No qualitative data

Useful links

- 🔗 <http://www.theworldcafe.com/method.html>
- 🔗 http://www.scottishhealthcouncil.org/patient_public_participation/participation_toolkit/world_cafe.aspx

Open Space Events

What is it?

- An approach to meetings that gives participants the opportunity to set the agenda. Participants are responsible for the content and recording of the event.
- The event will have a set theme but no fixed programme or agenda.
- The event begins with participants sitting or standing in a circle, the theme is introduced and participants are invited to identify issues they are interested in, and asked to take responsibility for running a session.
- Participants can sign up to sessions they are interested in.
- Participants can move from one session to another as they see fit.
- Fluid and unstructured approach.

Benefits

- 😊 Increases skills of participants
- 😊 Promotes empowerment and ownership
- 😊 Breaks down traditional 'them' and 'us' barriers
- 😊 No fixed agenda – structure and content shaped by participants
- 😊 Good for addressing difficult issues

Weaknesses

- 😞 Limited control
- 😞 Danger of not recording information correctly
- 😞 As they are 'one-off' events, people may miss out

Useful links

- 🔗 <http://www.openspaceworld.org/>
- 🔗 <http://www.gov.scot/Topics/People/engage/HowToGuide/OpenSpaceEvents>

Appreciative Inquiry

What is it?

- Builds a vision for the future using questions to focus people's attention on past and future successes.
- Group discussions focus on the positive aspects of an area; what people enjoy about their area and their hopes for the future.
- The process begins with a core group setting and testing the questions and then these are used to gather information from the wider community.
- The findings from the process are then looked at, pulled together collectively by the community to create a plan for the future.

Benefits

- 😊 It includes people who normally don't take part, involving a range of people, not just those who can attend an event.
- 😊 Focuses on what can be achieved
- 😊 Encourages participants to reflect on what has worked well

Weaknesses

- 😞 Does not address problems
- 😞 Ensuring consistency of approach by interviewers

Useful links

- 🔗 <http://www.gov.scot/Resource/Doc/94257/0094033.pdf>

Citizens Juries

What is it?

- A group of citizens who are representative of the general public meet to consider a complex issue by gathering evidence, deliberating and reaching a decision.
- Jurors can hear from and ask questions of experts and 'witnesses' before they reach their decision.
- After they reach a decision, the jury will present their recommendations/decision to the public or local authority.
- A high level of skill is required as participants are often asked to analyse complex issues.

Benefits

- 😊 Empowering experience for those involved
- 😊 Can result in obtaining informed community opinions on complex issues
- 😊 Helps to identify solutions to problems
- 😊 Participants gain an in depth understanding of the issue
- 😊 Enables decision makers to understand what the public thinks

Weaknesses

- 😞 Representativeness of jury may be compromised due to small numbers
- 😞 Issues are often complex, and require extensive preparatory work
- 😞 Could exclude individuals with low literacy or non-English speakers
- 😞 The sponsoring body has to be prepared to accept the results or else the process loses credibility

Useful links

- 🔗 <http://www.dse.vic.gov.au/effective-engagement/toolkit/tool-citizen-juries>
- 🔗 <http://www.nice.org.uk/guidance/ph9/chapter/glossary/#/citizens-juries>

Useful resources

Not another consultation: Making Community Engagement informal and fun

<http://www.involve.org.uk/wp-content/uploads/2011/09/Not-Another-Consultation.pdf>

Community Planning Toolkit: Community Engagement

<http://www.communityplanningtoolkit.org/sites/default/files/Engagement.pdf>

The Scottish Government Community Engagement How To Guide

<http://www.gov.scot/Topics/People/engage/HowToGuide>

Better Community Engagement (Scottish Community Development Centre)

http://www.scdc.org.uk/media/resources/what-we-do/better-comm-engage/better_community_engagement.pdf

Herefordshire Council Guidance Note: Best Practice Community Engagement Techniques

https://www.herefordshire.gov.uk/media/6312587/12_best_practice_community_engagement_techniques.pdf

Guilford Community Engagement Strategy

http://www.guilford.gov.uk/media/10373/Guilford-Community-Engagement-Strategy-2011/pdf/Guilford_Community_Engagement_Strategy_2011.pdf

Dialogue by Design Handbook

http://designer.dialoguebydesign.net/docs/Dialogue_by_Design_Handbook.pdf

National Standards for Community Engagement

<http://www.scdc.org.uk/what/national-standards/>

Making it Meaningful: Involving Communities in Community Planning

<http://www.gov.scot/Topics/Built-Environment/regeneration/engage/HowToGuide/LearningPoint1>

Argyll & Bute Better Community Engagement Resource Pack 2012

<http://www.aloscotland.com/alo/viewresource.htm?id=348>

The Scottish Health Council Participation Toolkit

http://www.scottishhealthcouncil.org/patient_public_participation/participation_toolkit/the_participation_toolkit.aspx

Big Lunch Extras

<http://www.biglunchextras.com/>

Visioning Outcomes in Community Engagement (VOiCE)

<http://www.scdc.org.uk/what/voice/>

National Co-ordinating centre for public engagement

<http://www.publicengagement.ac.uk/>



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West Lothian Community Engagement Practitioners Network Membership

- › West Lothian Council
- › Disability West Lothian
- › Optima Scotland
- › West Lothian Youth Action Project
- › Police Scotland
- › West Lothian Chamber of Commerce
- › Citizens Advice Bureau
- › Family & Community Development West Lothian
- › Scottish Fire & Rescue Service
- › Kirknewton Community Development Trust



Special thanks to Community Places. Their community engagement toolkit provided useful information and guidance in the development of this toolkit.

www.communityplanningtoolkit.org

UPDATED WITH 2016 MID YEAR ESTIMATE AND THE 2016 HOUSING LAND AUDIT

COMMUNITY COUNCIL NAMES, SIZES AND POPULATIONS

Name of Community Council	Minimum and Maximum Number of Elected Members of Community Council	Approximate Population (2016 estimate) Covered by Community Council
1. Addiewell & Loganlea	4-18	1393
2. Armadale	4-18	12355
3. Bathgate	4-18	22837
4. Bellsquarry & Adambrae	4-18	1864
5. Blackburn	4-18	5410
6. Blackridge	4-18	2165
7. ♦Breich	4-18	538
8. ♦Bridgend	4-18	1003
9. Broxburn	4-18	10282
10. Carmondean	4-18	5527
11. Craigshill	4-18	6622
12. ♦Deans	4-18	4897
13. Dechmont	4-18	947
14. Dedridge	4-18	7348
15. East Calder & District	4-18	6262
16. Ecclesmachan & Threemiletown	4-18	363

UPDATED WITH 2016 MID YEAR ESTIMATE AND THE 2016 HOUSING LAND AUDIT

17. Eliburn	4-18	6334
18. Fauldhouse	4-18	4907
19. Greenrigg	4-18	1034
20. ♦Howden	4-18	3248
21. Kirknewton	4-18	2320
22. Knightsridge	4-18	4498
23. Ladywell	4-18	6375
24. Linlithgow & Linlithgow Bridge	4-18	13937
25. Livingston Village	4-18	2727
26. ♦Longridge	4-18	1216
27. Mid Calder	4-18	3393
28. Murieston	4-18	5838
29. Newton	4-18	256
30. Philpstoun	4-18	569
31. Polbeth	4-18	2644
32. Pumpherston	4-18	1277
33. ♦Seafield	4-18	1430
34. Stoneyburn	4-18	1978
35. Torphichen	4-18	834
36. Uphall	4-18	4816
37. Uphall Station	4-18	863
38. West Calder & Harburn	4-18	3457

UPDATED WITH 2016 MID YEAR ESTIMATE AND THE 2016 HOUSING LAND AUDIT

39. ♦Westfield & Bridgehouse	4-18	849
40. Whitburn	4-18	13004
41. Winchburgh	4-18	3689

♦ No Community Council currently in Operation

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2015 Community Council Guidance Notes

community councils in west lothian

**WEST LOTHIAN COUNCIL
COMMUNITY COUNCIL
GUIDANCE DOCUMENTS**

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SECTION 1 – LEGAL LIABILITY OF COMMUNITY COUNCILLORS

It is important that community councillors are aware of their legal liabilities and these are explained in the section below. In addition, West Lothian Council is keen to support community councils in this and will happily provide legal advice and clarification.

Legal Status

Community councils were created as part of the Local Government (Scotland) Act 1973 but their legal status is not defined anywhere in legislation. Although they are described as “statutory” they do not have any rights or protection as an organisation, in the same way as a local authority does.

This means that a community council is seen as a collection of individual elected community councillors. So if any liability is incurred by the community council, this can fall personally or collectively on the individual community councillors. It is in the same sort of position as a club or voluntary organisation.

In recognition of this situation, West Lothian Council arranges insurance to cover all community councils to provide basic cover for common risks. However, all community councils and individual community councillors in West Lothian should always conduct their business in a responsible fashion and be aware that their actions could have potential legal liabilities – both personal and collective.

It should be remembered that a community council can only act collectively. The law does not give individual community councillors any special place to act independently.

An illustration of risk and ways to avoid or reduce them

A court case from 2009/10 shows the potential problems which can arise without giving proper consideration to risks and liabilities (Perman v Members of Largs Community Council).

A former Community Councillor sued the current members of the Community Council for payment of over £8,000.00. He claimed that he had loaned that money to the Community Council to allow it to investigate and pursue a legal issue relating to Common Good Assets. He asked the court to order the community council to pay the money back to him when it decided not to pursue the matter any further. He lost his case after the court had heard days of evidence. The claim was taken against the Community Councillors collectively, and not against the community council, since it had no standing as a separate legal body.

The court decided that there had been no loan made at all, and even if there had been a loan made then only those who were community councillors at the time would have been liable to pay it back.

Some of the lessons to be learned from the circumstances of the case and the Sheriff's decision are as follows:-

- Liability of Community Councillors for the debts of the Community Council is personal and is shared amongst those who were incurred the debt. In that respect, Community Councillors are no different to members' clubs or associations or societies.
- That personal liability covers only debts taken on while they are community councillors. They have no liability for debts incurred before or after they take up their positions.

- Minutes of meetings should record the whole proceedings. Business should not be deliberately omitted, so that there is a clear and proper record of the entire proceedings and decisions.
- If there are genuine reasons for not wishing business to be dealt with and recorded publicly, then business can be dealt with in private, subject to the terms of the relevant Scheme, Constitution, Standing orders and Code of Conduct.
- If a liability is to be taken on then the amount of money involved and the purpose should be clearly minuted.
- Important decisions cannot and should not be taken at informal meetings or unrecorded meetings amongst only some of the community councillors.
- If some authority is to be given to one or some Community Councillors to do something on behalf of the whole Community Council then that authority should be given at a Community Council meeting and it should be clearly recorded exactly what they are being authorised to do.
- Any action taken under that sort of authority should be reported back to a Community Council meeting and minuted.
- Treasurers should be scrupulous in the records they keep to ensure that all transactions are fully recorded and vouched.
- Treasurers and other office bearers should ensure that they are aware of the content of documents they sign, of the reason for money being received or spent, and should ensure that authority has been given by the Community Council for payments to be received and made.

Potential Development of Activities and Liabilities

It is possible that Community Councils might wish to develop themselves further – for example, undertake projects, development work, become employers of staff, or take advantage of policies and developing legislation in relation to community empowerment. The Community Council could then be moving away from the statutory powers of community councils and the financial framework guaranteed by West Lothian Council. This may result in the community councillors moving into areas where they might be personally liable for different risks and liabilities. If developments of this nature are being considered, then community councils and community councillors should discuss these with West Lothian Council before proceeding, and even take independent legal advice.

The main community council objective of representing community views is clear, but the Act also makes provision for the possibility of action in the interests of the community. However, the power to take such action is not clear cut – so if a significant change of purpose is proposed, community councils should take the advice of West Lothian Council and clarify the legal circumstances before embarking on any activity.

SECTION 2 – APPOINTMENT OF NEW MEMBERS BETWEEN ELECTIONS

Is the candidate aged over 18 and is he/she named on the electoral register for the area they wish to join?



YES

The community council can co-opt a candidate subject to the number of co-opted members not exceeding more than $\frac{1}{2}$ of the current number of members.

Notice of the proposed co-option should be given to all members at least 14 days before the meeting when the matter will be discussed.

At least $\frac{2}{3}$ of the members present and voting must agree to the co-option. Co-opted members have full voting rights (except when voting on other co-options) and can hold an office-bearer position. They will serve until the next round of elections, general or interim.



NO

To join a community council as a full member, candidates' names and addresses must appear in the electoral register.

Does the candidate have a particular skill or knowledge?

If so he/she can be appointed as an Associate Member. There is no limit on the number of associate members permitted on a community council. Associate members do not have voting rights and cannot hold office-bearer positions.

SECTION 3 - FILLING OF VACANCIES

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

- When an elected community council members submits his/her resignation
- When an elected member ceases to be resident with the community council area
- When an elected member has his/her membership disqualified

Should a vacancy or vacancies arise on a community council between election the community council can fill the vacancy. This can be done through co-option or by holding an interim election.

As the number of co-opted members is limited and varies from each community council, it is essential that community councils liaise with the local authority before progressing to ensure the vacancy is filled correctly in accordance with the scheme.

Co-option

Where it is established that a community council has the ability to co-opt further members, the following process should be followed:-

- a. The secretary should issue notice of the proposed co-option to all members at least 14 days prior to the meeting when the matter will be decided.
- b. When the matter is considered at the community council meetings, the individual(s) must be elected on to the community council by a 2/3rds majority of the elected (general and interim) community councillors present and voting.

Co-opted members have full voting rights, with the exception of voting on further co-options. They will serve until the next round of elections (general and interim). If an interim election becomes necessary during the term, co-opted members must participate in that process if they wish to continue.

Interim Election

Where it is established that a community council had already co-opted the maximum number of members, an interim election will be necessary to allow any other members to be elected.

The community council will give the council the dates of its next two meetings in order that an interim election can be organised. A timetable will be drawn up by the council and issued to the community council secretary.

In preparation for the 1st meeting of the community council, the agenda notice must include an item "Filling of Vacancies". The agenda must be issued to all members and posted locally at least 7 days before the meeting. Nomination forms will be supplied by the council and made available for this meeting. Small adverts will also be produced for posting locally.

After the closing date for nominations, the council will check and validate all nomination forms. If the number of nomination forms returned does not exceed the number of vacancies available, all

candidates will be elected unopposed. If more nomination forms are received than there are places available, an election will be organised.

The council will set a date for the election and will announce the results as soon as possible thereafter.

SECTION 4 - ROLE OF COMMUNITY COUNCILLORS

As a community councillor, it is important that you recognise from the outset that you are required to play a role in your community. This means not simply offering your own views and opinions on local issues, or taking decisions that are based on your own self-interest.

The role of the community councillor is one that requires you to represent the view of your community, or your section of the community. In practice, this will involve discussing issues with people in the community to clarify their views and assess the strength of their feelings on different topics.

It is also a good idea to encourage people to bring issues to you so that you can take them up at community council meetings. Try to check out the facts, however, before taking matters to the community council, and if there are two sides to the story, make sure both of them are put forward. There is little point in taking up time at a meeting to discuss problems that are based simply on misunderstandings or misrepresentations of the facts.

At some point, it may be that you will find some conflict between your own personal view and interests and those of the community that you are representing. If such a situation arises, try to make sure that the views of the community take precedence. Experience shows that if the views of the individuals of the community council are allowed to take priority then the community will very quickly lose confidence in the community council and its work may subsequently be devalued.

In some instances, it may be necessary and appropriate to declare an interest in the matter under discussion and withdrawn from that debate and decision-making.

The task of any community council is to identify the needs and aspirations of its community and to take decisions that will lead to appropriate action in that community. At some point this might involve setting priorities on the competing or conflicting needs of different sections of the community.

Competition and conflict are normal in any community, so you shouldn't think of them as something that can be altogether avoided. What is important is that you approach competition or conflict in a fair and reasonable manner. This means taking a balanced view of your community's needs and aspirations and giving a fair hearing to representatives from different interest groups in your community. In particular, you should try to avoid being influenced by prejudice or bias, whether in the sphere of race, religion, gender or any other of the "labels" which get attached to people and local issues.

SECTION 5 - ROLE OF OFFICE BEARERS

1. The Role of the Chair

The Chair has perhaps the most important single role to play in ensuring that community council meetings run smoothly. However, even a good Chair will find the task exhausting unless all the members of the community council give the role appropriate respect and support.

The Chair is elected in accordance with the rules set out in the Scheme and the community council Constitution/Standing Orders.

The Chair's job is to make sure that decisions are taken on all of the items that are on the agenda. In practice, this usually means that the Chair will have to make judgements about how much time to allocate to each agenda item. It also means that he or she may occasionally have to bring speakers back to the agenda and generally encourage people to make their contributions brief and to the point.

In regular meetings, the role of the Chair is a formal one: all speakers will be expected to address their comments through the Chair. This helps the Chair to keep control of the discussion. In meetings, where proceedings need not be so formal, the Chair may be content to simply steer the general direction of discussion – this may be described as an enabling role. The extent to which a Chair adopts one or the other of these will be dependent upon the circumstances at a particular time or occasion. Some of the characteristics of these two approaches are set out below.

Most important of all, the Chair is expected to know the rules by which the community council functions and ensure that at all stages of its work, the community council is operating in accordance with any procedures that are set down. In this context, the Chair may be called upon to act as an arbiter when there is a disagreement about how the rules should be interpreted.

It is important to recognise that the Chair's role extends outwith the meeting itself. The Chair may be called upon to act on behalf of the community council between meetings, or to represent the community council in dealing with outside bodies. This role may also be delegated to the community council to other office bearers or members.

Very often, the Chair is seen as the official spokesperson for the community council and must be seen as authoritative and fair in all of their dealings with outside bodies, groups, individuals and the press.

2. Formal Role and Enabling Role

During meetings, the Chair can be described as having two main roles – formal and enabling. The following table details the various elements of these two roles:-

THE FORMAL CHAIR	THE ENABLING CHAIR
General role and responsibilities	
Ensure fair play	Have an overview of the ask/goals of the meeting
Stay in charge	Help to clarify goals
Remain neutral	Help the group to take responsibility for what it wants to accomplish and to carry out its tasks
Have little emotional investment	
Agenda and timekeeping	
Open the meeting	Run through the agenda at the beginning and get the meeting's approval for it
Introduce all agenda items	Arrange in advance for someone to introduce each agenda item
Be familiar with all agenda items	Update latecomers
Get through the agenda in allotted time	Keep track of the time
Evaluate how the meeting went	
Discussion	
Select speakers	Encourage and help all to participate
Summarise discussion	Encourage expression of various views
End discussion	Encourage people to keep to the subject
Ensure that people keep to the subject	Clarify and summarise discussion
Make it safe to share feelings	Suggest ways of handling conflict
Decision making and voting	
Ensure decisions are taken and agreed	Suggest structures for decision making
Decide when to and conduct the vote	Look for and test areas of agreement
Tasks	
Ensure someone will carry out decisions	Ensure that responsibility for action is allocated
Rules	
Check that the meeting has been called in accordance with the rules	
Have a thorough knowledge of the rules	
Rules on points of order and procedure	
Outside the meeting	
Act on behalf of the organisation	
Pursue decisions made in meetings	
Represent the Council to outside bodies	

3. Role of the Vice Chair

The Vice Chair has no specific duties other than standing in for the Chair when he or she is unable to be present. The Vice Chair post can be a useful preparatory role for a future Chair, by shadowing the current Chair, supporting the Chair in their role, or taking over some of the Chair's workload when necessary or when asked to. This would be particularly applicable where the community council has appointed working groups to work on specific topics.

4. Role of the Treasurer

The Treasurer is responsible for receipt and banking of the annual grant; issuing all cheques; and making payments on behalf of the community council.

The Treasurer must manage the bank account: account for all funds received, and ensure money is only spent in a manner which meets the objectives and approval of the community council and its members as recorded in the formal minutes.

The Treasurer must maintain the community council's financial records so that they disclose, with reasonable accuracy at any time, the financial position of the community council.

All cheques should be signed by at least 2 of the 3 persons authorised to act as signatories by the community council members. These appointments need to be recorded in the minutes and notified to the bank in writing. It is good practice to have more than two authorised signatories, in the event of someone being available at short notice. As a general rule, Treasurers should avoid paying out money except by cheque. This makes accounting for expenditure much easier.

The Treasurer must keep proper accounts of all receipts and expenditure and prepare an Annual Statement of Accounts. The annual accounts must be independently examined by a qualified accountant or by two examiners who are independent of the community council.

The annual accounts must be formally approved at the next AGM when the Treasurer must report and answer any questions raised by members or the public. Once approved, the accounts should then be sent to West Lothian Council to apply for the community council's annual grant paid. An example statement of accounts is provided below.

MODEL ACCOUNTS

.....COMMUNITY COUNCIL

INCOME AND EXPENDITURE ACCOUNT FOR YEAR ENDING 31ST MARCH

INCOME	£'s	£'s
Balance carried forward from previous year	100.00	
Bank Interest	10.01	
Annual Grant	250.00	
Special Project Grant	750.00	
Other Income (eg. fundraising)	50.00	£1160.01
EXPENDITURE	£'s	£'s
Auditors Fees	30.00	
Information Commissioner Annual Subscription	35.00	
Travel Expenses	22.50	
Office Bearer Expenses	100.00	
Administration costs (including postage, copying, stationery, etc.)	116.97	
Other expenditure	36.99	321.46
CLOSING BALANCE		838.55
Represented by		
Cash in Bank		768.55
Cash in Hand		70.00

Prepared by (Treasurer) **Date**

EITHER Auditor's Certificate (For Two Independent Examiners)

We have examined the books and records of Community Council for the period to and have found them to be in order.

Print Name

Signature Date

Print Name

Signature Date

OR Auditor's Certificate (For Qualified Accountant)

I have examined the books and records of Community Council for the period to and have found them to be in order.

Print Name

Signature Date
(Certified Accountant)

Declaration by the Chair

I confirm that these accounts have been approved at the annual general meeting of Community Council.

Signature Date

5. Role of the Secretary

The Secretary is responsible for:

- Compiling the agenda for meetings (in conjunction with the Chair)
- Distributing minutes in advance of meetings
- Taking minutes of meetings, or delegating this to a dedicated Minute Secretary
- Copying and distributing minutes in advance of the next meeting, by post or email
- Answering any correspondence, as agreed by the community council
- Circulating a correspondence list to members along with the agenda
- Public relations, dealing with the media (some community councils delegate this role to the chair or a dedicated media representative)
- Arranging the venue for meetings
- Liaison with officials of the local authority

To be successful, a community council must have an energetic and conscientious Secretary prepared to put in the necessary time and effort. It is more than desirable for all members, but especially the Chair, to spread the Secretary's load, for instance, delegating some of his or her responsibilities for specific areas to other members, i.e. transport, education, health, etc.

It is bad policy to overload your Secretary – you might find difficulty getting volunteers!

It should be considered essential that the Secretary has the necessary skills and capacity to fulfil their responsibilities, e.g. access to computer, knowledge or IT and familiar in the use of emails and the internet.

6. **Role of the Planning Secretary**

A weekly list of planning applications is made available by West Lothian Council. The Planning Secretary should register to receive the weekly list in order to allow them to assess whether any of the planning applications listed in its area raises issues of local interest. They should also check planning applications in adjacent wards in case they have an impact on their area. It is unlikely that householder applications will raise issues of genuine community interest.

Further details on planning are provided on below.

SECTION 6 – Community Councils and Planning

1. Introduction

This guidance note has been produced to help community councils understand how the planning system works and their role within it.

Since 1996, community councils have had the right to be consulted on applications for planning permission. PAN 47 sets out the roles and responsibilities. The advice note is available on the Scottish Government's website using the following link:-

<http://www.scotland.gov.uk/Publications/1996/03/18415/28371>

In 2007, the Scottish Executive issued advice to planning authorities and developers on how communities should be properly engaged in the planning process. PAN 81 shows how everyone can take part in shaping the future of their area by providing advice on how best to listen, engagement and understanding what people want for their area. The advice note is available on the Scottish Government's website using the following link:-

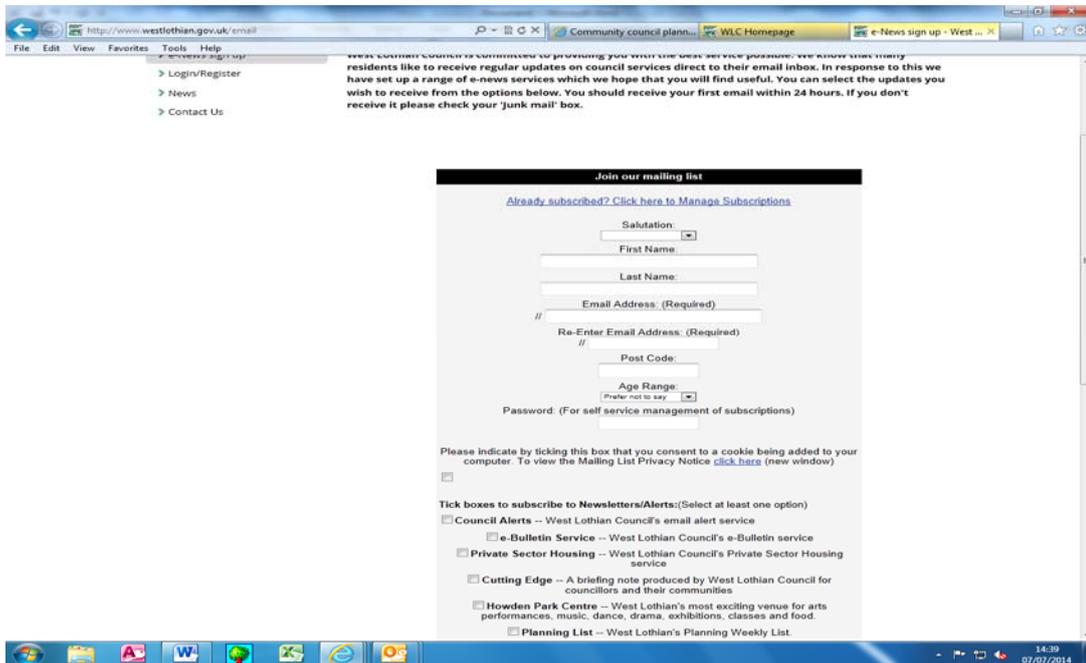
<http://www.scotland.gov.uk/Resource/Doc/169453/0047204.pdf>

2. How to find out about planning applications

The council produces a weekly list of planning applications. This includes any pre-applications consultations. The list can be found on the council's website www.westlothian.gov.uk/planning-applications

The screenshot shows a web browser window displaying the 'Planning Applications' page on the West Lothian Council website. The browser's address bar shows the URL 'http://www.westlothian.gov.uk/planning-applications'. The page has a green header with the breadcrumb 'You are here: Home / Planning and Building Standards / Planning Applications'. A left-hand navigation menu lists various planning-related topics, with 'Planning Applications' selected. The main content area is titled 'Planning Applications' and includes a sub-heading 'Find out how to apply for planning permission, view applications and other important information.' Below this is a photograph of a modern house. The page is divided into several sections: 'How is a planning application processed? Registration', 'Consultation', 'Site visit and consideration of all material issues', 'Decision', and 'Local reviews or appeals'. A right-hand sidebar contains 'Contacts' information for Development Management and 'Related Links' to the Scottish Government's Appeals page. The Windows taskbar at the bottom shows the date as 01/01/2014 and the time as 14:41.

Community council planning secretaries must sign up to receive the weekly list. To register to receive the weekly list go to:- <http://www.westlothian.gov.uk/email>



Planning secretaries who do not have e-mail access, should let the Community Council Liaison Officer know in order that arrangements can be made for the weekly list to be sent by post.

3. Role of the Planning Secretary

Upon receiving the weekly list, the planning secretary should assess whether any of the planning applications listed in its area raises issues of local interest. They should then decide whether to be a formal consultee or simply make a representation. The date comments must be submitted by is published in the weekly list.

It is recommended that the planning secretary should also check planning applications in adjacent areas in case they may have an impact in their own area.

4. The Planning Portal

The West Lothian Council planning portal gives full access to planning applications from 2003 onwards. Decisions on applications from 1992-2003 can also be found on the portal. Applications can be found by searching for street names, by application number or by postcode. Alternatively, the applications can be viewed by week or month.

5. Planning Proposals and Applications

Since planning reform took effect in 2009 there has been a greater role for community councils and community engagement in the planning system. This includes early and broad based engagement when preparing planning policies and major development proposals.

The National Planning Framework sets out the Scottish Government's broad proposals for the future land use planning of Scotland

The current version is NPF3 was placed before Scottish Parliament in June 2014. NPF3 sets out the government's development priorities over the next 20-30 years which support the development strategy with a focus on supporting sustainable economic growth and the transition to a local carbon economy. It includes 14 national programmes to deliver the strategy.

Proposals contained in the National Planning Framework are termed 'national developments'. Below national developments in the planning hierarchy are major developments. There are 9 classes of major developments in the hierarchy. For example, 50 or more houses or the development of a site over 2 hectares in size are major developments.

For national and major developments, design and access statements may have to be submitted and there may be additional scrutiny deciding the application, such as a pre-determination hearing and consideration by the full council.

All other development proposals are classified as local developments.

The council also receives applications for works affecting listed buildings, advertisements, conservation areas and the storage of hazardous substances.

6. Pre-Application Consultation

Developers are now required to undertake mandatory pre-application consultation for all national and major developments. Pre-application consultation allows communities to be better informed and to have an opportunity to contribute their views to the developer before a planning application is submitted.

There is no requirement to undertake formal pre-application consultation for local developments but determining community views on the proposed development at an early stage is often a good idea.

7. Proposal of Application Notice (PAN)

A minimum of 12 weeks prior to submission of a national or major application, a proposal of application notice (PAN) must be submitted to the planning authority by the developer. Community councils are encouraged to work with the the developer prior to the submission of the PAN during the pre-application consultation period.

This notice must provide details of the proposal and the pre-application consultation to be carried out.

For the pre-application consultation, as a minimum, the PAN must be served on affected community councils and one public event must be held. There must be publicity for the public event in the form of a newspaper advert at least 7 days in advance. The PAN will also be published in the weekly list.

Sometimes a developer may be asked by the planning authority to undertake additional community engagement depending on the nature, extent and location of the proposed development.

The purpose of the pre-application consultation is to improve the quality of planning applications, mitigate negative impacts where possible, address misunderstandings and air and deal with any community issues that can be tackled.

Community councils and the public generally can make their views known to the developer. Pre-application consultation does not replace the opportunity to comment on planning applications once they have been received by the planning authority.

8. Pre-application Consultation Report

When the planning application is made, the developer must provide a pre-application consultation report, known as a PAC report. Before this happens, developers are asked to give a draft of the PAC report to the community council for their comment. It is important that community councils give feedback as soon as possible. Sometimes there might be a need for further consultation at this stage. The PAC report includes details of who has been consulted, what steps were taken to comply with the statutory requirement, how the applicant responded to comments made, copies of adverts and consultation material and evidence that the public were made aware that the PAC process does not replace the planning application process whereby representations can be made to the planning authority.

9. Permitted Development

Planning permission from West Lothian Council is required for most types of development including certain changes of use of land or buildings. Nevertheless there is a lengthy schedule of types of development that do not require planning permission. This is termed 'permitted

development' and includes works proposed by householders, statutory undertakers and other specific types of development.

10. Speaking up for Communities

It is the statutory duty of a community council to find out what people in the community feel and to express these feelings to the council.

Community councils may wish to consider the following actions:-

- Talk to local people and see if they share the views of the community council
- Contact the local newspaper and ask about publishing an article in the local news section or issue a newsletter describing the proposed development
- Contact your local ward councillors. Community councils should bear in mind that councillors are restricted in what they can do/say in relation to planning applications by the Code of Conduct for Councillors, particularly if they are members of the Development Management Committee or it is a major application which is significantly contrary to the development plan and which will come before a meeting of the West Lothian Planning Committee and Full Council for determination.
- Find out when the particular application is due to be considered by the Development Management Committee. Committee reports are available on the council's website 4 days before the committee. The planning officer dealing with the application will be able to provide you with the timescales for requesting to speak at the meeting.

11. When to submit a representation

Any individual or organisation has the right to submit comments (known as representations) on a planning application. Many community councils submit comments and objections as representations after viewing the application details.

The representation method is generally used where the community council has a clear understanding of local opinion on the proposal, or where the proposal is relatively minor but nevertheless raises a wider local issue. Representations are accepted on the understanding that the views contained therein are the view of the community council. Guidance and advice on commenting on planning proposals is available on the council web site.

PAN47 provides community councils with guidance on their responsibilities in this respect.

A planning authority has to take comments and representations into account in reaching its decision on a planning application, provided that:-

- The representations are made within a specific period, and
- They are material planning considerations

The date of registration or advertisement is shown against each planning application on the weekly list. The newspaper advert, covering a limited number of applications, appears in the West Lothian Courier on a Thursday or the Linlithgow Gazette on a Friday.

12. When to be a consultee

Community councils are automatically be treated as a consultee on national and major developments. In others cases, planning legislation requires a community council to request formal consultation within 7 days of the issuing date of the weekly list.

PAN47 emphasises that consultation should not cause delay in the processing of applications; community councils should organise themselves in a way that allows a response to be made within the consultation period.

Community councils have 21 days to respond, starting from the date of issue of the consultation by the Planning Service. To request a formal consultation, contact the case officer for the application.

PAN47 advises community councils as follows in considering whether to ask to be formally consulted:

“...community councils are advised to limit their attention to proposals which raise issues of genuine community interest; householder applications will rarely involve issues of this kind”.

In accordance with its duty to “ascertain, co-ordinate and express” local views, a community council may decide that it is necessary to arrange a public meeting or some other form of local consultation exercise before it submits its consultation response. In such a situation, the community council may wish to seek an extension to the 21 days consultation period. This is likely to be limited to proposals raising complex or controversial local issues and would not be expected to occur on a regular basis. Community councils must discuss a request for an extension with the case officer for the application and then confirm it in writing, giving reasons. If an extension to the timetable is agreed, the extension period will be specified so that the applicant can be informed.

Letters of representation or consultation can be inspected on the planning portal. They cannot be treated as confidential, although personal details will be redacted.

13. Variation or amendment of applications after submission

Legislation allows applications to be varied after submission with the agreement of the planning authority, provided that the variation is not substantial. A new application would be required to take forward a substantial variation.

The legislation makes it clear that it is for the planning authority to decide what is appropriate regarding notice about the variation to other parties. These changes are often minor and may raise no new planning issues. Many changes address points raised by objectors of planning officers.

Changes can also be made to approved applications provided they do not raise any new material planning issues.

14. Contact with the Case Officer

During the processing of an application, the case officer will endeavour to offer help and advice on progress and procedures. They will be unable to enter into a debate on the merits of the scheme.

Similarly it is inappropriate for case officers to express views about proposals at open meetings or other meetings with interested individuals during the consideration of an application. It is the case officer's duty to remain impartial until all the relevant information has been assessed.

Following a decision, the report and its assessment set out the council's justification for the decision. This is available on the planning portal. There is no right of appeal for community groups after a decision is made.

15. Making the Decision

In West Lothian, the final decisions on planning applications are either taken by the Development Management Committee or to help speed up the process, less complex or non-controversial decisions are delegated to the Head of Planning and Economic Development for decision.

The council is required to create a scheme of delegation which specifies how applications for local developments will be decided. The decision can be reviewed by the Local Review Body of the planning authority rather than by appeal to Scottish Ministers.

Some application types are the subject of mandatory pre-determination hearings and the Regulations prescribe those, other than the applicant, who can appear before and be heard by the committee. Pre-determination hearings take place before the West Lothian Council Planning Committee with the final decision being made by the West Lothian Council (Planning).

Pre-determination hearings are mandatory for major developments where they are significantly contrary to the development plan, and for national developments.

16. Development Plans

Preparation of a development plan is a statutory requirement under the terms of the Town and Country Planning (Scotland) Act 1997. The development plan sets out how places should change and what they could be like in the future. They set out what type of development should take place and where, and which areas should not be developed.

The development plan also gives an indication as to when development is anticipated to be delivered, inform decisions on investment in infrastructure e.g. schools and roads, and is used to inform decisions on planning applications. Development plans must be reviewed every five years.

The current development plan for West Lothian comprises the Strategic Development Plan for Edinburgh and South East Scotland (SDP), approved by Scottish Ministers in June 2013 and the West Lothian Local Plan (WLLP), adopted by West Lothian Council in January 2009. The plan is also supported by a suite of supplementary planning guidance which, where taken forward, will form part of the new development plan.

The West Lothian Local Plan will be replaced by the West Lothian Local Development Plan (LDP). The LDP will set out where most new developments are proposed and the policies that will guide decision-making on planning applications. LDPs generally cover in detail a five year period but also provide an indication of longer term planning strategies. The West Lothian LDP will cover the period 2015 – 24 and beyond.

Community councils are encouraged to get involved in the preparation or review of the development plan to allow communities to shape the planning framework which is used for making decisions on individual development proposals.

Planning guidance is produced to explain the policies and development plan and to guide the development of larger sites. The guidance is considered to be a material consideration in the determination of planning applications, but carries less weight than the development plan. It must be subject to publicity and consultation and is available on the council's website.

17. Help and Advice

For further advice or to make an appointment, please call 01506 280000 or e-mail planning@westlothian.gov.uk

Further information on planning can be available on the council website www.westlothian.gov.uk/planning-and-building-standards

18. Planning Aid for Scotland

If you need independent advice, Planning Aid for Scotland may be able to help. The organisation is a voluntary charitable company which offers free advice to individuals, community councils and other groups. PAS volunteers are qualified and experienced planners who can provide information and advice on all aspects of Town and Country Planning and related issues. Their contact details are:-

Planning Aid for Scotland
11a South Charlotte Street
Edinburgh
EH2 4AS

Tel. 0131 220 9730
Helpline 0845 603 7602
E-mail office@planningaidscotland.org.uk

APPENDIX 1

Summary of the Roles and Responsibilities of Community Councils in the planning system (extract from PAN47)

- Statutory right to be consulted on applications for planning permission
- Represent a broader yet still local view
- Key task is helping to provide an informed local context within which sensible decisions can be made in the public interest
- Appoint one person as their point of contact for the planning authority on all planning matters, provide holiday cover, and inform the authority accordingly
- Community councils should receive copies of the weekly list of planning applications
- May wish to view particular applications in detail and can request formal consultation within 7 working days of the issuing date of the weekly list
- May not seek to be formally consulted – may submit comments (known as representations) like any other member of the public
- Advised to limit their attention to proposals which raise issues of genuine community interest; householder applications will rarely involve issues of this kind
- Ensure method of working allows response within the consultation period (21 days)
- Should not expect to be consulted on very minor changes which are sometimes made to applications either while they are being considered or after they have been approved
- Planning authorities should consider occasional training sessions for community councillors in their area

APPENDIX 2

The Planning Hierachy

National developments are identified in the National Planning Framework and tend to be proposals for infrastructure developments such as the replacement Forth Crossing.

There are 9 classes of major development which are designated in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, and include proposals such as all development under Schedule 1 of the EIA (Scotland) Regulations 1999 and housing proposals of 50 dwellings or more, or housing sites exceeding 2 hectares.

Local developments are designated as those which are not national or major developments, and tend to be of a smaller scale.

SECTION 7 – UNDERSTANDING AND ACHIEVING COMMUNITY ENGAGEMENT

Community engagement is about making sure that people can get involved and take part in a range of ways in the planning, development and delivery of services. It goes further than informing and consulting local people by seeking to enable communities to take an active part in influencing decision making and service delivery.

The Standards for Community Engagement define community engagement as *'Developing and sustaining a working relationship between one or more public body and one or more community group, to help them both to understand and act on the needs or issues that the community experiences'*.

Community Councils have a vital role to play in community engagement at local level. It is important that Community Councillors are aware of their responsibilities in engaging with their communities and the ways in which to do it. Community Councils must be equipped with the knowledge and have access to the appropriate tools to enable them to wholly represent the views of their community as a result of genuine community engagement activity.

Community Councils ability to undertake effective community engagement depends on the following;

- Understanding what community engagement is and the spectrum of activity within it is central to the ability of Community Councils to engage with their communities effectively and therefore represent their interests.
- Understanding why we need to engage with communities; the legislative and policy context behind it, the benefits to engagement what we want to achieve by engaging with communities.
- Being clear about who to engage with. Community Councils have a defined geographical community however it is important to recognise the different groups and individuals within that.
- Understanding the range of methods and techniques for engaging with communities and how to plan these around the needs of particular groups in the community.

A Community Engagement Toolkit has been developed in West Lothian as a practical resource for anyone that wants more information on how to carry out effective community engagement. This can be used by Community Councils in helping them to plan and carry out community engagement in the ways that suit members of their community. The toolkit is being finalised and will be published on the council's website. A link to the document will be issued to all community council secretaries.

SECTION 8 - CONSULTING WITH YOUR LOCAL AREA

You have a responsibility to communicate with all the residents living in your community. You should do this regularly and effectively to be able to claim that you represent their views and needs, and not the personal opinion of community councillors. There are two parts to this duty – seeking their views and keeping them informed of your work as their elected representatives.

This is a positive duty. Fulfilling it will immensely improve the service you give to the community. Here are some examples:-

- Ensure your council is giving you the support you need to fulfil your duty
- Include main contact details in every piece of paper, e-mail, etc., that is issued from your community council. Always invite contact and encourage feedback.
- Create a community council website and publish agendas, minutes, consultations, etc. Contact details should be published on the website to ensure that members of the public can contact the community council easily.
- Collate a Citizens' Panel type circulation list of e-mail addresses for local constituents. Ask for permission to send e-mail bulletins seeking their views on proposals and reporting on actions.
- Display contact details for the community council in public buildings in your area. Include information on what you do and how you can help.
- Secure space in the local news section of the local newspaper. Publicise your work and invite comments.
- Submit articles to the council for publication on its Facebook and Twitter pages.
- Invite the local press to attend your meetings and issue press releases on matters of local interest. Consider appointing a press liaison officer to undertake this role.
- Whenever you have a change of office-bearer, let the council's CCLO know. This will help to ensure that the council's officers are contacting the correct person and avoid important deadlines from being missed.
- Issue a community survey once per year. Ask questions about the community's perception of you, of their community and their quality of life. Ask what they think should be done to improve the area. Find out what their priorities are. Be sure to include questions on the issues that are important to your constituents even if these are not yet fully known.
- Consider shorter, faster surveys on individual issues of significant local importance where timescales permit. The response will be very important in helping you demonstrate how you speak for the community.
- Hold public meetings when there is an issue of significant local importance. Monitor the attendance in terms of whether it representatively reflects the community – age, sex, area of residents, numbers in attendance and so on.
- Place suggestion boxes in prominent, local venues to allow citizens to make comments and/or suggestions on how to tackle a local issue or generally better the community. Always respond to comments left when the person gives contact details. Regularly report comments at community council meetings.

- If possible, deliver flyers door to door. This is a great way for community councillors to get to know their constituents and vice versa.
- Word of mouth and informal personal contact is a common practice and has its place. It is the least objective method of discovering the community's views and should not be relied upon wholly when the community council make important decisions.

Remember

- Always make it as easy as possible for the public to contact you by publishing a mixture of contact addresses, phone numbers and e-mail details for office-bearers. Do not assume that everyone has computer access – there must alternative contact methods to ensure that the community council is accessible to everyone it represents.
- Always seek comments and opinions from the community.
- Always evaluate your effectiveness
- Never let the personal opinions of individual community councillors replace the views of the community.
- Always adhere to the principles of the Code of Conduct for Community Councillors.

SECTION 9 - CAMPAIGNING ON THE ISSUES

Community councils are presented with a large variety of issues and problems. Some will affect a single member of the community and others the entire community and beyond. Your community council must try its best to make a balanced decision on what issues it will tackle and how.

- Start by applying the “community benefit test”. Your actions should be directed towards securing the most positive results for the greatest number of local people, so long as the minority does not suffer in the process. When faced with a number of issues, give first and most attention to those that affect the most people and on which you can realistically have a positive effect.
- Begin by gathering information. Decisions made without information, by prejudging the issue or by making assumptions are bad for your community and your reputation. Find out the key points and then find out what local people feel about it.
- Base your community councils position on the views of or the benefit to the majority of citizens.
- Be honest and realistic about whether you can do something about the issue. What influence can you have on the issue and those involved? Can you secure professional advice on technical aspects that will help to make your case? Research the person/organisation you wish to influence? How can you engage with them to reach the desired outcome of the community council?
- Decide what results you want. Be specific. Know why you want each result and exactly how they will meet the conditions about benefit to the community.
- Figure out how to reach those objectives, and monitor your activity. Assess how you can tell when you’ve achieved your objectives.
- An issue does not need to have only two opposing sides – your community council could be an independent mediator bringing both sides together.
- Avoid allowing the community council to become a vehicle for any campaign that is not the evident will of the majority of the community council. When that is established, maintain that position and do not let your community council become the venue for constant debate about the issues merits. Single issues should not be allowed to overwhelm your meetings.
- When you have determined the official position of your community council on an issue, you should not alter it unless there is a material change in circumstances or evidence.
- A community councillor who becomes publicly associated with a particular position in a way that may be seen to prejudice the community council on an issue must declare an interest to the community council and take no part in the activity associated with it.
- You may choose to appoint a special committee to co-ordinate action on a particular issue with appropriate delegated authority. Make sure the committee has a clear remit and set clear instructions on what it can and cannot do without prior approval of the whole community council.

SECTION 10 - REPRESENTING YOUR COMMUNITY

Communities want to see how their views are being reflected in the decisions made on their behalf by community councils. This can be achieved in a number of ways:-

- **Minutes** - should accurately reflect the business at the meeting and the decision that was reached. This decision should be made on the basis of community opinion (evidenced where possible) to clearly show both the local community and other outside bodies, such as the local council, that the community have been consulted, listened to and that the views accurately reflected.
- **Meetings** – this is the clearest way for community council to share the known views of the community and to demonstrate to those in attendance that they are being listened to.
- **Public meeting called for a specific purpose** - will again demonstrate that the public are being listened to and consulted on their concerns and that where appropriate, action is being taken on their behalf.
- **Attendance by community councillors at other meetings** – attendance at meetings should be recorded in the minute where community councillors have attended on behalf of their community. Issues/opinions expressed by the community councillor should be reported back to the community via the community council minutes.
- **Newsletters/Public Notices** – these are a good means of engaging and sharing information. They are also a good way of gathering local views and identifying how local views have helped to shape the view of the community council.
- **Membership** – encourage membership from across the geographical community council area reflecting the make-up of the community it represents.
- **Communication Channels** – a community council should make sure that it has the communication channels in place to pass on local opinion to decision makers. These are usually established by public sector organisations who are required to consult/engage with the community but such channels may not have been set up between local groups where the representation of a local opinion is just as important. Examples of communication media include notice boards, local shops, suggestion boxes, the internet, etc.
- **Consultation** – it is important for community councils to represent local views through various mechanisms including consultations where possible.
- **Availability of Information** – all community council information produced should be available as widely as possible and easily accessible. It is important that the community council seeks out the most effective ways to engage with the residents. Members of the public can inform the community council of points which they would like to be discussed and make their views know.

- **Establishing Views** – community councillors should canvass local opinion but be careful not to be perceived as orchestrating campaigns unless endorsed by the community. Community councils are aware that it is often only a vocal minority who make representations. The community council should seek to represent the views of the whole community.

SECTION 11 - IMPROVING AND ENCOURAGING YOUTH MEMBERSHIP

A community council's primary function is to ascertain and express the views of the community they seek to represent and based on these views take appropriate action. It is important that all sections of the community are properly represented and have the opportunity to participate in the local democratic process. This includes young people.

Ever since they were established, many community councils have struggled to attract and sustain the involvement of young people. Research carried out by the then Association of Community Councillors in Scotland a number of years ago showed that the average age of community councillors in Scotland was around 58 years old.

Article 12 in the United National Convention for the Rights of the Child states that young people who are capable of forming their views should have the right to express these views freely. The inclusion of youth members on community councils provides equal opportunities for young people in local democratic decisions through community councils.

In recognition of this and to allow young people to become fully involved in the work of community councils, the council extended its scheme in 2005 to allow 2 youth members per community council. This practice was continued in the 2009 scheme. It remains in the new 2015 scheme although the maximum number of youth members per community council has been increased to 4.

Youth members must be aged between 14-18. They will be asked to provide evidence of their home address to the Returning Officer as their details will not necessarily appear in the electoral register.

Youth members have full voting rights and can hold an office-bearers position. The only exception to this is the post of treasurer which must be filled by a member aged 18 or over due to banking restrictions.

Youth members are in addition to the membership numbers and count towards the quorum for a meeting.

A separate nomination pack is available for youth members.

SECTION 12 - TRAINING AND DEVELOPMENT OF COMMUNITY COUNCILLORS

General community council training will be organised for community councillors annually. Annual questionnaires will be issued to all community councils to identify their training needs to ensure that the training being offered is relevant to their needs.

Regular planning training is also arranged to take place every 2-3 months with dates notified to all secretaries in advance.

SECTION 13 - WEST LOTHIAN ASSOCIATION OF COMMUNITY COUNCILS

The West Lothian Association of Community Councils was set up in 1998. Its aims and objectives are:-

- 1.1 To facilitate the exchange of information between Community Councils in West Lothian.
- 1.2 To ascertain the views of its member Community Councils on all issues which concern them, to provide a forum for discussion of these views, and to communicate them to local and central government, other public bodies and the general public.
- 1.3 To increase the collective influences of Community Councils and strengthen their identity across West Lothian.
- 1.4 To promote and organise co-operation in the achievement of the above purposes and to that end bring together representatives of the community councils operating in West Lothian, and to do all things as will properly attain the above.
- 1.5 To foster community spirits and assists the communities charitable purposes.
- 1.6 The West Lothian Association of Community Councils will take no action, which is detrimental to the independence of any Community Council.
- 1.7 The West Lothian Association of Community Councils will be non-part in politics, and will not tolerate discriminatory practices.

Membership of the Association is open to all community councils in West Lothian. Each community council has one vote at Association meetings but up to two representatives from their membership may attend meetings.

The Association meets on the 4th Thursday of every month (excluding July and December) in the West Lothian Civic Centre, Livingston at 7.00pm. All community councils are encouraged to get involved with the Association and ensure it is providing services appropriate to the needs of the community councils it represents.

SECTION 14 - EQUALITY AND DIVERSITY

1. Introduction

The purpose of this document is to make clear:

- Why Community Councils need to be aware of the general responsibilities relating to the Equality Act (2010); and
- How they can play a significant part in promoting and supporting equality in the community.

2. Background

The Equality Act (2010) legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws (Sex Discrimination Act (1975); Race Relations Act (1976); Disability Discrimination Act (1995)) with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.

The Act was amended to include the [public sector equality duty](#) in April 2011 – this is often referred to as the general duty. The public sector equality duty states that Scottish public authorities must have 'due regard' to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

The main purpose of a Community Council is to find out the views of their community and clearly express them to the Local Authority and other relevant public organisations. Some also find themselves involved in fundraising, organising community projects and other such activities. Community Councils therefore have both a responsibility to ensure that they represent all within their community irrespective of protected characteristics. Community Councils must act in accordance with the Equality Act (2010).

3. Equality Act (2010)

The Equality Act (2010) outlines following characteristics are protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Under the Act people are not allowed to discriminate, harass or victimise another person because they have any of the protected characteristics. There is also protection against discrimination where someone is perceived to have one of the protected characteristics or where they are associated with someone who has a protected characteristic. The definitions of each of the protected characteristics can be found below:

3.1 Age

This protected characteristic refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

3.2 Disability

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

3.3 Gender Reassignment

A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing, or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.

3.4 Marriage or Civil Partnership

A person has the protected characteristic of marriage and civil partnership if the person is married or is a civil partner. In Scotland marriage is no longer restricted to a union between a man and a woman but now includes a marriage between same-sex couples. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favourably than married couples.

3.5 Pregnancy or Maternity

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

3.6 Race

Race refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

3.7 Religion or Belief

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

3.8 Sex

Sex refers to how an individual identifies as a man or a woman.

3.9 Sexual Orientation

Sexual orientation refers to whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

4. **Community Councils and Equality**

There are various ways in which community councils can support and promote equality and diversity. Some key examples include:

- Find out about the population make-up of the area – for example how many people of different races or with disabilities live in the area? Is the work of the community council taking this diversity into account?
- Ensure that any advertising or promotions for the Community Council are inclusive to all, and that meetings take place in accessible buildings at times that are as inclusive as possible.
- You may need to make a particular effort to hear from or engage ‘hard-to reach’ groups – help to do this is likely to be available from your community council liaison officer or from Voluntary Sector Gateway West Lothian.
- If organising or participating in local events in partnership with community groups, you may want to include West Lothian Council supported Equality Forums (further details at 5.3).
- Act in an inclusive manner when inviting speakers from community groups to discuss difficulties they are experiencing in the community with the community council.
- Make it clear that the community council will not support any discrimination, harassment or victimisation.

5. Further Information

Further information or guidance in relation to equality and diversity is available from the following sources:

5.1 Equality and Human Rights Commission

This is the national, independent organisation responsible for ensuring that organisations comply with equality and diversity legislation and guidance:

<http://www.equalityhumanrights.com/about-us/devolved-authorities/commission-scotland>

5.2 Equality Advisory Service

The Equality Advisory Service provides information and guidance to individuals on their rights and responsibilities in relation to equality and discrimination issues:

<http://www.equalityadvisoryservice.com/>

5.3 West Lothian Equality Forums

The Forums exist to promote equality and good relations within the community. Forums are supported at the moment in relation to disability, ethnicity and women’s inequality. A young people’s LGBT group and a Faith Network, bringing representatives of different faiths in West Lothian together, are also supported.

For further information please contact E: diversity@westlothian.gov.uk

SECTION 15 – NOMINATION FORMS



.....COMMUNITY COUNCIL

NOMINATION FOR ELECTION

CANDIDATE		
FULL NAME	ADDRESS AND POSTCODE (AS ON ELECTORAL REGISTER)	ELECTORAL REGISTRATION NUMBER (i.e. LVL1E 123)
TEL. NO:	E-MAIL:	

PROPOSER			
FULL NAME	SIGNATURE	ADDRESS AND POSTCODE (AS ON ELECTORAL REGISTER)	ELECTORAL REGISTRATION NUMBER (i.e. LVL1E 456)

FULL NAME	SIGNATURE	ADDRESS AND POSTCODE (AS ON ELECTORAL REGISTER)	ELECTORAL REGISTRATION NUMBER (i.e. LVL1E 789)

I CONSENT TO BEING NOMINATED AND IF ELECTED I ACCEPT OFFICE AS A COMMUNITY COUNCILLOR.

I ACKNOWLEDGE THAT IF APPOINTED AS A COMMUNITY COUNCIL OFFICE-BEARER, IT IS ESSENTIAL THAT I CAN BE CONTACTED BY MEMBERS OF THE COMMUNITY REGARDING COMMUNITY COUNCIL BUSINESS.

I ACKNOWLEDGE THAT IF APPOINTED AS A COMMUNITY COUNCIL OFFICE-BEARER, WEST LOTHIAN COUNCIL WILL BE ENTITLED TO USE AND PUBLISH MY NAME AND CONTACT DETAILS (EXCLUDING EX-DIRECTORY TELEPHONE NUMBERS AND E-MAIL ADDRESSES, EXCEPT WITH MY CONSENT) TO PROVIDE A POINT OF CONTACT WITH THE COMMUNITY COUNCIL, TO PRODUCE COMMUNITY COUNCIL CONTACT LISTS IN COMPUTERISED OR PRINT FORM, OR FOR PUBLICATION ON THE INTERNET ON THE COUNCIL'S WEBSITE.

Signature _____

Date _____

Return form to:-
Returning Officer (Community Councils)
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Notes -

- (i) Electoral registers can be viewed at all main council office, Partnership Centres/Council Information Service Offices and libraries. Alternatively, you can telephone the Electoral Registration Officer on 0131 344 2500 who will provide you with your register number.
- (ii) If you require any assistance in completing the form, please contact the Community Council Liaison Officer on 01506 281609.

For official use only

Date Nomination Received	Time Received	Initials of Receiving Officer	Valid/Invalid



.....COMMUNITY COUNCIL

NOMINATION FOR CO-OPTION

CANDIDATE		
FULL NAME	ADDRESS AND POSTCODE (AS ON ELECTORAL REGISTER)	ELECTORAL REGISTRATION NUMBER (i.e. LVL1E 123)
TEL. NO:	E-MAIL:	

PROPOSER			
FULL NAME	SIGNATURE	ADDRESS AND POSTCODE (AS ON ELECTORAL REGISTER)	ELECTORAL REGISTRATION NUMBER (i.e. LVL1E 456)

SECONDER			
FULL NAME	SIGNATURE	ADDRESS AND POSTCODE (AS ON ELECTORAL REGISTER)	ELECTORAL REGISTRATION NUMBER (i.e. LVL1E 789)

I CONSENT TO BEING NOMINATED AND IF ELECTED I ACCEPT OFFICE AS A COMMUNITY COUNCILLOR.

I ACKNOWLEDGE THAT IF APPOINTED AS A COMMUNITY COUNCIL OFFICE-BEARER, IT IS ESSENTIAL THAT I CAN BE CONTACTED BY MEMBERS OF THE COMMUNITY REGARDING COMMUNITY COUNCIL BUSINESS.

I ACKNOWLEDGE THAT IF APPOINTED AS A COMMUNITY COUNCIL OFFICE-BEARER, WEST LOTHIAN COUNCIL WILL BE ENTITLED TO USE AND PUBLISH MY NAME AND CONTACT DETAILS (EXCLUDING EX-DIRECTORY TELEPHONE NUMBERS AND E-MAIL ADDRESSES, EXCEPT WITH MY CONSENT) TO PROVIDE A POINT OF CONTACT WITH THE COMMUNITY COUNCIL, TO PRODUCE COMMUNITY COUNCIL CONTACT LISTS IN COMPUTERISED OR PRINT FORM, OR FOR PUBLICATION ON THE INTERNET ON THE COUNCIL'S WEBSITE.

Signature

Date

Return form to:-

Returning Officer (Community Councils)
West Lothian Civic Centre
Howden South Road
Livingston
EH54 6FF

Notes -

- (i) Electoral registers can be viewed at all main council office, Partnership Centres/Council Information Service Offices and libraries. Alternatively, you can telephone the Electoral Registration Officer on 0131 344 2500 who will provide you with your register number.
- (ii) If you require any assistance in completing the form, please contact the Community Council Liaison Officer on 01506 281609.

For official use only

Date Nomination Received	Time Received	Initials of Receiving Officer	Valid/Invalid

COMMUNITY COUNCIL
YOUTH MEMBER INFORMATION
AND NOMINATION FORM

West Lothian Council has included provision in its Scheme for Establishment of Community Councils to allow young people of 14 years of age and over to be involved in the work of community councils.

Every community council in West Lothian is entitled to have up to four youth members. Youth members have full voting rights and can even become an office-bearer (except for the post of Treasurer where you must be 18 due to banking restrictions).

To join your local community council as a youth member, you must be between 14-18 years of age. You will have to complete the nomination form overleaf and if you are under 16, your parent or guardian will need to sign the form to give their consent to you joining the community council.

As long as there is a youth member vacancy on the community council in the area where you live, your nomination form will be processed and you or your parent/guardian will be asked to provide the council with copies of the information referred to in the nomination form to ensure you live in the area you wish to join.

If there are no youth member vacancies, your details will be kept on file and you will be invited to join as and when a space becomes available. Until such times as a vacancy arises, the community council may agree to let you join in as an associate member. However, you would not be able to vote on any matters as an associate member or hold an office-bearer position.

If you would like further information before joining, please contact the council's Community Council Liaison Officer on 01506 281609 or e-mail lorraine.mcgrorty@westlothian.gov.uk

West Lothian Community Councils - Youth Member Nomination Form

Name: _____

*Address: _____

Postcode: _____

Tel. No: _____

E-mail: _____

*Date of birth: _____

Your signature: _____

Today's date: _____

*If we contact you to say you can become a youth Community Councillor, before you start, you will need to provide us with:

- a copy of your birth certificate or passport as proof of age; and
- a copy of a utility bill, or similar, from your parent/guardian as proof of residence

If you are under 16, you must get your parent or guardian to sign the consent statement below.

"If their nomination is accepted I hereby consent to the above named becoming a youth community councillor."

Print name: _____

Signature: _____

Date: _____

Nomination forms should be returned to:
Returning Officer (Community Councils)
West Lothian Council
West Lothian Civic Centre
Howden South Road
Livingston EH54 6FF



**COMHAIRLE NAN EILEAN SIAR
SCHEME FOR THE ESTABLISHMENT OF
COMMUNITY COUNCILS IN NA H'EILEANAN AN IAR**

INTRODUCTION

- 1 In accordance with Section 53 of the Local Government (Scotland) Act 1973 (hereinafter referred to as “the Act”) and after the public notices and consultation and consideration of suggestions and representations following thereon, Comhairle nan Eilean Siar (hereinafter referred to as “the Comhairle”) hereby make the following amended Scheme for the establishment of Community Councils for its area to come into effect on

APPLICATION TO ESTABLISH COMMUNITY COUNCIL

- 2 In the event of not less than 20 electors in any of the areas specified in paragraph 4 below, making application in terms of Section 52(7) of the Act for the establishment in that area of a Community Council, the Comhairle shall, make arrangements to set up a Community Council for the area concerned.
- 3 In the event that a community served by a Community Council for one of the areas in paragraph 4 below applies to the Comhairle to be recognised as a separate area and to establish a Community Council to serve the new area, the Chief Executive shall arrange for the matter to be considered by the Comhairle as soon as practicably possible. The report to the Comhairle shall set out the proposed area of the new Community Council and the arrangements to consult both within the community concerned and the Community Council in whose area the community lies.

COMMUNITY COUNCIL AREAS

- 4 The areas referred to in paragraph 2 above comprise:-
 - (1) Ness That part of the ward of An Taobh Siar agus Nis shown delineated and marked (1) on Map 1 appended hereto.
 - (2) Airidhantuim That part of the ward of An Taobh Siar agus Nis marked (2) on the said Map 1.
 - (3) Barvas and Brue That part of the ward of An Taobh Siar agus Nis marked (3) on the said Map 1.
 - (4) Shawbost That part of the ward of An Taobh Siar agus Nis and marked (4) on the said Map 1, marginally overlaps the ward Sgìre ‘Uige agus Ceann a Tuath nan Loch on the west and south west periphery.
 - (5) Carloway That part of the ward of Sgìre ‘Uige agus Ceann a Tuath nan Loch marked (5) on the said Map 1.
 - (6) Breascleit That part of the ward of Sgìre ‘Uige agus Ceann a Tuath nan Loch marked (6) on the said Map 1.

- (7) Bernera That part of ward of Sgìre 'Uige agus Ceann a Tuath nan Loch marked (7) on the said Map 1.
- (8) Uig That part of the ward of Sgìre 'Uige agus Ceann a Tuath nan Loch marked (8) on the said Map 1.
- (9) Back The part of the ward of Loch a Tuath marked (9) on the said Map 1, marginally overlaps ward An Taobh Siar agus Nis on the north west periphery.
- (10) Tong That part of the ward of Loch a Tuath is marked (10) on the said Map 1.
- (11) North Tolsta That part of the ward of Loch a Tuath marked (11) on the said Map 1, marginally overlaps ward An Taobh Siar agus Nis on the north east periphery.
- (12) Laxdale That part of the ward of Steòrnabhadh a Tuath marked (12) on the said Map 1, marginally overlaps ward An Taobh Siar agus Nis on the north east periphery and ward Sgìre 'Uige agus Ceann a Tuath nan Loch on south west, south and south east periphery.
- (13) Stornoway That part of the wards of Steòrnabhadh a Deas and Steòrnabhadh a Tuath marked (13) on the said Map 1, marginally overlaps ward Sgìre 'Uige agus Ceann a Tuath nan Loch on the south west periphery.
- (14) Sandwick That part of the ward of Steòrnabhadh a Deas marked (14) on the said Map 1, marginally overlaps ward Sgìre an Rubha on the west periphery.
- (15) Point That part of the ward of Sgìre an Rubha marked (15) on the said Map 1.
- (16) North Lochs That part of the ward of Sgìre 'Uige agus Ceann a Tuath nan Loch is marked (16) on Map 1.
- (17) Paìrc That part of the ward of Sgìre 'Uige agus Ceann a Tuath nan Loch is marked (17) on the said Map 1
- (18) Kinloch That part of the ward of Sgìre 'Uige agus Ceann a Tuath nan Loch is marked (18) on the said Map 1.
- (19) North Harris That part of ward of Na Hearadh agus Ceann a Deas nan Loch is marked (19) on the said Map 1.
- (20) Scalpay That part of ward of Na Hearadh agus Ceann a Deas nan Loch is marked (20) on the said Map 1.
- (21) South Harris That part of ward of Na Hearadh agus Ceann a Deas nan Loch is marked (21) on the said Map 1.
- (22) Berneray That part of the ward of Beinn na Faoghla agus Uibhist a Tuath is marked (22) on the said Map 2
- (23) North Uist That part of ward of Beinn na Faoghla agus Uibhist a Tuath is marked (23) on the said Map 2

- | | | |
|------|--------------|---|
| (24) | Benbecula | That part of ward of Beinn na Faoghla agus Uibhist a Tuath is marked (24) on the said Map 2 |
| (25) | lochdar | That part of the ward of Barraigh, Bhattersaigh, Eirisgeidh agus Uibhist a Deas marked (25) on the said Map 2, marginally overlaps ward Beinn na Faoghla agus Uibhist a Tuath on the north periphery. |
| (26) | Bornish | That part of the ward of Barraigh, Bhattersaigh, Eirisgeidh agus Uibhist a Deas is marked (26) on the said Map 2. |
| (27) | Lochboisdale | That part of the ward of Barraigh, Bhattersaigh, Eirisgeidh agus Uibhist a Deas is marked (27) on the said Map 2. |
| (28) | Eriskay | That part of the ward of Barraigh, Bhattersaigh, Eirisgeidh agus Uibhist a Deas is marked (28) on the said Map 2. |
| (29) | Northbay | That part of the ward of Barraigh, Bhattersaigh, Eirisgeidh agus Uibhist a Deas is marked (29) on Map 2. |
| (30) | Castlebay | That part of the ward of Barraigh, Bhattersaigh, Eirisgeidh agus Uibhist a Deas is marked (30) on Map 2. |

In the event of dispute or question, precise boundaries shall be determined by the Chief Executive in consultation with the relevant local elected members of the Comhairle.

MEMBERSHIP

- 5 To be eligible for election to a Community Council, a person must be resident within and registered as a Local Government elector in the Community Council area to which election is being sought and be 16 years of age or over on the day of election. Nominations for election shall be on a form prescribed by the Comhairle and each nominee shall be supported by a proposer who shall be resident within and registered as a Local Government elector in the Community Council area to which election is being sought.
- 6 The membership of each Community Council shall comprise:-
 - (1) a minimum of four and maximum of twelve directly elected members to the number specified in the following Schedule of Membership;
 - (2) the local Councillor or Councillors for the ward or wards encompassing the Community Council area; and
 - (3) at the discretion of the Community Council, four co-opted members.

Co-opted members need not, under this Scheme, be registered as local government electors for the area.

ELECTIONS

- 7 (1) Elections to Community Councils shall be conducted by postal ballot in accordance with the provisions made under this scheme and set out in paragraph 8 below.
- (2) At the expiry of the nomination period, if the number of valid nominations for election to a Community Council is between four and twelve, those candidates will be declared elected.

- (3) The Returning Officer for elections to Community Councils shall be the Chief Executive of Comhairle nan Eilean Siar who shall appoint such staff as he considers necessary to assist him in the conduct of elections.
- 8 The initial election for a Community Council shall take place in accordance with the provisions of Section 52(7) of the Act. The ordinary election for a Community Council established under the Scheme shall take place in 2007 and every fourth year thereafter, normally on the third Thursday in September. However, the Chief Executive shall have the power to determine an alternative date if it seems to him or her that circumstances in any election year require this. The Chief Executive shall give at least three months' notice to Community Councils of any change in the date of election. In any event, the ordinary election for a Community Council shall be held not later than 30 November in an election year. Elected members shall serve until the ordinary elections for Community Councils in _____, and thereafter for terms of four years or until the next ordinary election. The term of office for co-opted members shall be the same as that for elected members of the Community Council.
- 9 The timetable for an ordinary Community Council election shall be as follows:
- (1) The Returning Officer shall publish a Notice of Election not less than six weeks before the date of the election;
 - (2) Nominations may be submitted at the place or places designated by the Returning Officer between 10.00am and 4.00pm on any day from the day after the Notice of Election is published. The close of the nomination period shall be 4.00pm on the day 21 days before the date of election.
 - (3) The closing date for withdrawal of nominations shall be two days after the close of nominations.
 - (4) Where a poll is to be conducted, three weeks before the date of election the Returning Officer shall publish a Notice of Poll stating the names and addresses of the validly nominated candidates. At the same date, the Returning Officer shall publish a Notice stating the names and addresses of the validly nominated candidates for those Community Councils where the number of candidates is between four and twelve elected members and stating that these members will be held elected to their respective Community Councils with effect from 11.00am on the date of election.
 - (5) Ballot papers shall be issued by post to every person registered as a Local Government elector in the Community Council area not later than two weeks prior to the date of election to be returned to the Returning Officer in the envelope provided at any time until the close of the poll which shall be at 5.00pm on the day of the election.
 - (6) The Returning Officer shall make arrangements to conduct a count or counts of the votes returned as soon as practicable after the close of the poll. The count may be conducted over more than one day and at more than one centre.
- 10 At a by-election to fill a vacancy on a Community Council, the Returning Officer may amend or adjust the timetable in paragraph 8 above following consultation with the Community Council, provided that the period of election for the date of publication of the Notice of Election to the date of Election shall be not less than four weeks.

CASUAL VACANCIES

- 11 In the event of casual vacancies occurring in the elected membership, the following provisions shall apply:

- (1) If the vacancy reduces the number of elected members on the Community Council to less than four elected members, the Community Council shall immediately advise the Returning Officer who will make arrangements to hold an election to fill the vacancy. Any such election shall be held within three months of the date of the vacancy occurring. The Community Council will continue to operate as normal during the period of any vacancy arising under this paragraph.
 - (2) In the event that it proves not possible to fill a vacancy in paragraph (1) and the number of elected members remains below four, the Returning Officer shall report the circumstances to Comhairle nan Eilean Siar and seeking the dissolution of that Community Council. The Returning Officer shall, at the same time, advise the Community Council that he will report to the Comhairle and shall provide a copy of his report to the Community Council.
 - (3) The election to fill any vacancy for an elected member on a Community Council will be conducted by postal ballot in accordance with the provisions of paragraph 8 above, subject to any changes sought by the Returning Officer under paragraph 9.
 - (4) Any vacancy in the elected membership of a Community Council arising during the six months prior to the end of the term of office shall not be filled, even if the number of elected members falls below threshold, and the Community Council will continue to operate during this period.
- 12 Any vacancy among the co-opted members on a Community Council may be filled by the Community Council co-opting a person to that vacancy.
 - 13 A Community Council may include in its constitution a provision that the Community Council may declare a casual vacancy if any member of the Community Council has not attended a meeting of the Community Council within a period set out in the constitution. The period may be expressed in terms of length of time or number of meetings. It is suggested that failure to attend during a period of six months, or the number of scheduled meetings equivalent to that period, would be appropriate.

OFFICIALS OF COMMUNITY COUNCILS

- 14 Each Community Council shall appoint from amongst its elected or ex-officio members, a Chairman, a Vice-Chairman and an Honorary Treasurer, all of whom shall be eligible for re-appointment for successive terms of office. In addition, each Community Council may appoint from within or outwith its members a Clerk whose duties shall include the administrative work of the Community Council and liaison between the Community Council and the Comhairle. Each Community Council may appoint such other staff as it deems necessary.

MEETINGS AND VOTING POWERS

- 15 (1) Following the initial election of members to a Community Council the first meeting of the said Council shall be convened by the Returning Officer.
- (2) Each Community Council shall meet as often as deemed necessary but in any event at least every three months.
- (3) In addition to regular meetings each Community Council shall once and in the same month of each year convene an annual general meeting whose agenda shall include:
 - (a) the Community Council's annual report;
 - (b) an audited statement of accounts and provision;
 - (c) where necessary, for consideration and voting, proposals for amendment of the Community Council's constitution; and

- (d) any other business which can competently be dealt with at an annual general meeting.
- (4) In an election year, a special general meeting shall be convened by the Returning Officer as soon as practicable after the election of members for the purpose of:
- (a) electing a Chairman, Vice-Chairman and Honorary Treasurer;
 - (b) appointing a Clerk;
 - (c) considering the Community Council's financial provision for the ensuing year; and
 - (d) any other urgent competent business.
- 16 All meetings of the Community Council and of its Committees and Sub-Committees shall be open to members of the public who shall, subject to the authority of the Chairman, have a right to speak at such meetings, except that that Community Council or Committee or Sub-Committee as appropriate may resolve to agree to consider in private, any items of business of a private or confidential nature, when in the opinion of the Community Council it would be in the community interest to do so.
- 17 Members of a Community council in terms of paragraph 6(2) shall be entitled to attend and participate all meetings but shall not be entitled to vote on any matter unless that Member has been elected as chairman, Vice Chairman or Honorary Treasurer.

FUNCTIONS

- 18 In addition to any other purpose which it may pursue, the general function of a Community Council shall be to ascertain, co-ordinate and express to the Comhairle and to other public and local authorities and bodies the views of the community which it represents in relation to matters for which the Comhairle and other authorities and bodies are responsible in the area, and to take such action in the interests of the community as appears to it to be expedient and practicable.
- 19 To effect the foregoing functions, the Comhairle shall from time to time communicate to the Community Council information by way of letter, report, copy minute and agenda of meetings as to proposed works to be carried out within the area, or decisions to be taken on any matter falling within the responsibility of the Comhairle affecting the area in order that the views of the local inhabitants may be ascertained and the proposals commented upon by the Community Council. It shall likewise be incumbent upon the Community Council to transmit to the Comhairle for information, copies of minutes of all their meetings and to advise the Comhairle upon matters affecting the area to which the local inhabitants were desirous that the Comhairle should give consideration. Each Community Council shall ensure adequate public display of copies of agendas and minutes of their meetings throughout the area.

LIAISON

- 20 The Chief Executive of the Comhairle shall act as Liaison Officer to ensure effective liaison between the Comhairle and the Community Councils.

CONSTITUTION

- 21 Each Community Council shall within **six** months after its establishment draw up and submit to the Comhairle for approval a constitution to regulate the management of its affairs, insofar as these are not specifically provided for in this Scheme, including *inter alia*:-
- (1) organisations entitled to nominate members for co-option;
 - (2) frequency and venue of meetings;
 - (3) voting powers of co-opted members; and

- (4) details of arrangements, if any, made by the Community Council to appoint local Committees, as may be necessary to represent the particular interests of individual neighbourhoods.
- 22 Once in each term of a Community Council, the Council shall review its constitution and shall make any amendments it considers necessary for the good management of the Community Council's activities and to incorporate any new provisions required by statute, regulation or other similar document.

DELEGATION

- 23 Each Community Council may devise and submit to the Comhairle for approval, for grant in terms of paragraph 24 below, local projects deemed desirable for its areas and in the event of the Comhairle approving grant for any project supervision of the project may be delegated in whole or in part to the Community Council. Furthermore, the Comhairle may with the agreement of the Community Council delegate in whole or in part the supervision of certain of its own local projects to a Community Council.

FINANCE

- 24 The Comhairle may, on application being made by the Community Council, make an administrative grant for each financial year on the basis of approved estimates based on expenditure incurred in the preceding year. In addition to any funds which a Community Council may raise throughout its own fund-raising activities and financial assistance with administrative expenses mentioned above, the Comhairle may make such other specific grants as it shall from time to time approve. Nothing in this paragraph shall be taken to prejudice the Community Council's right to raise funds by means of grant or loan from any public body other than the Comhairle or any private institution, company or source of funds or by fund-raising events such as sales of work, jumble sales or private collections provided the funds are applied in the interests of the community for purposes which appear to the Community Council to be expedient and practicable. These provisions are subject to the Comhairle having adequate financial provision.
- 25 Each Community Council shall keep such books as may be necessary to maintain an accurate record of receipts and expenditure and the Honorary Treasurer shall prepare annually an abstract of intromissions. These books and abstract shall be audited by the Director of Assets, Finance and Resources of the Comhairle and a copy of the abstracts certified by the Director shall be transmitted immediately after the annual general meeting of the Community Council to the Comhairle for the general information of the Comhairle.
- 26 Each Community Council shall submit to the Comhairle annually by 31 December, a budget showing their estimated expenditure, for the financial year commencing 1 April following, required to meet:
 - (1) administrative costs including remuneration of paid officials; and
 - (2) specific projects and needs;

in order that the Comhairle may consider the scope for allocating funds for such purposes.

REVIEW AND AMENDMENT OF SCHEME

- 27 Once in each term the Comhairle shall review the provisions in this scheme in consultation with the Community Councils established in accordance with paragraphs 2 to 4 to ascertain whether circumstances have materially changed from those which prevailed when this Scheme was approved or last amended. If they consider its amendment appropriate, they shall give public notice of their proposals inviting any Community Councils concerned and the public to make representations as respects these

proposals. The Comhairle shall thereafter proceed, in accordance with the provisions and procedures specified in Section 53 of the Act, to effect such amendments.

Chief Executive
18 February 2016

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.

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