



## **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.

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- 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

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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.

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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.