



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.