



Community Council Handbook

Inverclyde Council – Community Council Handbook

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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>

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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.

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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.