



## **Scheme for the Establishment of Community Councils**

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For more information on the Scheme for the Establishment of Community Councils email [communitycouncils@southlanarkshire.gov.uk](mailto:communitycouncils@southlanarkshire.gov.uk)

If you need this information in another language or format, please contact us to discuss how we can best meet your needs.

Phone 0303 123 1015 or email [equalities@southlanarkshire.gov.uk](mailto:equalities@southlanarkshire.gov.uk)

## Scheme for the Establishment of Community Council Amendments

Date	Amendment
27 September 2018	Voting age amended in line with Legislation for all Scottish Electoral Events from 18 to 16.

# **Scheme for the Establishment of Community Councils in Scotland South Lanarkshire Area**

## **1. Introduction**

Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government (Scotland) Act 1994, which produced the current system of unitary local authorities, made provision for the continuation of Community Councils and, where appropriate, the revocation of any Scheme for Establishment of Community Councils (Scheme) in existence prior to 1 April 1996. South Lanarkshire Council (**referred to as the Council**) made its Scheme in 1999. It has carried out a review of the Scheme and has decided to amend the Scheme. This is the Scheme as amended.

## **2. Statutory Purposes**

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

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

## **3. The Role and Responsibilities of Community Councils**

### **3.1 General purpose**

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

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

Community Councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objectives of their Constitution and comply fully with the terms of the Scheme.

### **3.2 Statutory rights**

Community Councils have a statutory right to be consulted on planning applications. Consultation on licensing matters and any other matters may also be jointly agreed between Community Councils, the Council and other public sector and private agencies.

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

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

### 3.3 **Constitution**

Each Community Council is required to adopt a Constitution, based upon the Model Constitution (**Appendix 2**), which adheres to the Scheme, together with the core Standing Orders (**Appendix 3**), to encourage and maintain consistency for all Community Councils and to facilitate their proceedings being properly structured and regulated; that items of business relevant to the community are properly debated to ensure that there is no perception of anything that may discourage or deter participation in the business of the meeting and that decisions are reached in a democratic manner. Each constitution must be approved by a 2/3 majority at a General Meeting of the Community Council and then be submitted to the Council for its approval.

Once a constitution has been approved by the Council in writing, the constitution cannot be altered unless the alteration has been considered and approved by a 2/3 majority of the Community Council and approved by the Council. All Community Council members must adhere to the rules of the constitution.

Community Councils will be able to delegate some matters to Sub Committees. However, the Community Council must prepare and make available the remit of any such Sub Committees to the public on request. This remit will be forwarded to the Council immediately after being approved at a Community Council meeting.

### 3.4 **Core Standing Orders**

The Council will provide core Standing Orders to Community Councils and no alteration of these core Standing Orders by a Community Council will be valid.

There will be flexibility for Community Councils to add to the core Standing Orders, subject to the Council's approval in writing

### 3.5 **Responsibilities**

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

- ◆ inform the community of the work and decisions of the Community Council by posting agendas and minutes of meetings in public places, such as libraries and notice boards and, subject to the provisions contained within the Data Protection Act 1998, provide contact details of Community Council members.
- ◆ submit to the Council and make available to all Community Council members, relevant elected Members and other interested parties, a copy of the draft minute within 14 days from the date of the meeting
- ◆ circulate a copy of the agenda for the next meeting to the Council, all Community Council members, relevant elected Members and other interested parties at least 7 days in advance of the next meeting.
- ◆ submit a list of dates of future Community Council meetings to the Council at the same time or before the submission of annual accounts for the preceding financial year. (The submission of this list of dates will be required before the annual Administration Grant can be paid)

- ◆ prepare an Annual Report to be presented at the Annual General Meeting and forwarded to the Council.
- ◆ look to broaden both representation and expertise by promoting the Associate Membership of the Community Council of persons for specific projects/issues.
- ◆ ensure equality of opportunity in the way the Community Council carries out its functions.
- ◆ maintain proper financial records and present financial reports at Community Council meetings. ***(An example of a standard format for Community Councils' financial record-keeping will be featured in the Guidelines Handbook).***
- ◆ inform the Council of any change in membership (resignations, Co-options, Associate Membership, Office Bearers, etc.) and circumstances, as soon as is practicable, but no more than 28 days after the change has occurred.
- ◆ ensure that the Community Council has appropriate and adequate insurances in place

All decisions must be discussed at a meeting of the full Community Council and any decisions reached must be recorded in the minutes of that meeting.

No Community Council can delegate any of its decision making powers to an individual member of the Community Council.

All recommendations proposed by a Sub Committee must be discussed at a meeting of the full Community Council. The minute of all Sub Committee meetings will be submitted to the next meeting of the Community Council for decision and any decisions reached must be recorded in the minutes of that meeting.

### 3.6 **Code of Conduct**

All Community Council members must agree to abide by the Community Council Code of Conduct. **(Appendix 4)** This should be recorded in the minutes.

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

Each of the areas specified in **Column 1 of Appendix 1** of the draft Scheme can be identified by the relevant map reference on the accompanying plans. Each area is eligible to have a Community Council.

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

### 5.1 **Establishment**

In order for a Community Council to be established within a defined Community Council boundary area, a petition must be received by the Council with the names, addresses and signatures of 20 persons who are eligible to vote and who are on the electoral register for that area. Once the petition has been deemed valid, those persons whose names appear on the petition will be invited to complete a nomination form for membership of the Community Council and an advert will be placed in the local newspaper inviting nominations from residents of voting age within that Community Council area.

### 5.2 **Membership**

Members of a Community Council will be known as Community Councillors.

Each Community Council will comprise a base of 8 members plus 2 additional members for every 2,000 eligible voters to a maximum of 24 members, as shown in the following table. The minimum number of members for each Community Council is 50% of the maximum membership. Column 2 of Appendix 1 of the draft Scheme shows the electorate for each area. The number of voting members for each Community Council is shown in Column 3 and cannot be altered by Community Councils. Any alteration must be made by amendment of this Scheme by the Council and is subject to public consultation.

<u>Maximum Community Council Elected Membership</u>	<u>Electorate</u>
8	0 – 2,000
10	2,001 – 4,000
12	4,001 – 6,000
14	6,001 – 8,000
16	8,001 – 10,000
18	10,001 – 12,000
20	12,001 – 14,000
22	14,001 – 16,000
24	16,001 +

## 6. Community Council Elections

### 6.1 Eligibility

The minimum age to stand for election as a Community Councillor is 16 years. Qualification for membership is by principal or only residence within the specific Community Council boundary. Community Councillors and candidates for Community Council membership must also be named on the electoral register for the Community Council area in which they reside. Residents voting for a candidate must have their principal or only residence within the Community Council boundary. There shall be provision made for non-voting Associate Membership for purposes as defined by each Community Council. Such persons will not be counted in terms of meeting a quorum, or towards the total number of Community Council members.

Elected members of the Council and members of the Scottish, United Kingdom and European Parliaments are automatically *ex officio* members of Community Councils, with no voting rights. They cannot be included in the quorum of a Community Council at Community Council meetings.

It should be noted that although Local Authority elected members, MPs MSPs, etc., are automatically *ex officio* members, their attendance at meetings is not obligatory and attendance is at their discretion.

Any Community Council member whose principal or only residence is no longer within that Community Council area will be deemed to have resigned from that Community Council from the day they leave that residence.

An elected Community Councillor who resigns from the Community Council, may seek co-option at a later date, if a vacancy is available.

A person shall be disqualified as a member of a Community Council if they are convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic of any offence and has passed on them a custodial sentence for a period of not less than 12 months.

## **6.2 Elections**

Subsequent elections will be held on a 4 yearly cycle on dates to be determined by the Council. Where the number of established Community Councils exceeds a level to be determined by the Council, elections for a proportion of the total number of established Community Councils within the 4 yearly cycle may be arranged.

The Council will administer and meet the costs of all contested elections. This includes the scheduling of all dates and other arrangements.

## **6.3 Nominations**

Individuals seeking election to a Community Council require to be nominated by a proposer and seconder, both of whom must be on the Electoral Register and whose main residence is within that Community Council area. Completed nominations require to be submitted to the Council with the candidate's consent. Self-nomination is not permitted.

A nomination form should be completed and submitted prior to close of nominations on the date set down in the election timetable. Nomination forms submitted after that date will not be accepted.

As part of giving their consent to being nominated candidates must indicate that if elected they will agree to be bound by the Code of Conduct referred to in paragraph 3.6.

## **6.4 Candidates Withdrawing Nominations**

Any candidate wishing to withdraw their name must do so prior to the close of nominations. This should be done in writing by sending a signed letter to that effect to the Council. For the avoidance of doubt, where a letter is received by other means than post, i.e. by fax or email, the Council will accept it provided that the letter received is clearly signed by the candidate.

Any candidate who requests to withdraw after this date will be refused and their name will be printed on the ballot paper. If, after close of poll, the candidate in question becomes elected as a member of the Community Council, only then can they resign from membership of the Community Council.

## **6.5 Independent Chairperson**

The Community Council will appoint an Independent Interim Chairperson to act as a Returning Officer for any elections.

The Independent Interim Chairperson must not be a current member of that Community Council or have any intention of standing for election to that Community Council.

## **6.6 Process on the expiry of the period for lodging nominations**

Should the number of candidates validly nominated equal or exceed 1/2, but be less than or equal to the total maximum permitted membership as specified for the

Community Council area in **Appendix 1 of the Scheme**, the said candidates will be declared to be elected and no ballot shall be held.

Should the number of candidates validly nominated exceed the total maximum permitted membership, as specified for the Community Council area, arrangements for an election shall be implemented. At the Poll, each voter shall be entitled to vote for candidates, up to the number of vacancies on the Community Council. The polling station for a Community Council election will be open from 2.00pm to 8.00pm. Postal votes will be made available on request to voters within the Community Council area. The Council reserve the right to make appropriate arrangements to conduct the Poll.

Should the number of candidates elected be less than 1/2 of the total maximum permitted membership, as specified for the Community Council area, no Community Council will be constituted at that time. However, that does not preclude the Council from issuing a second call for nominations for a Community Council area failing to meet the minimum membership requirement within 3 months of the closing date for the registration of the first call for nominations.

If the minimum membership requirement is not met after the second call for nominations, the Community Council will not be constituted (if not already so formed) or be dissolved (if previously constituted).

All office bearer positions must be filled by a voting member of the Community Council, (i.e. they cannot be filled by an associate member) in order for the Community Council to remain constitutional.

In exceptional circumstances, if agreed with the Council, an office bearer may hold more than 1 position (but not more than 2) for no longer than 3 months. If the Community Council fails to comply with the regulation, they will be deemed to be unconstitutional and will be dissolved.

#### 6.7 **Method of Election**

Community Councillors shall be elected on a simple majority basis. (First past the post).

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

Casual vacancies/vacant places on a Community Council may arise in the following circumstances:-

- a) When the number of members after an election is less than the maximum allowed, but more than the minimum.
- b) When an elected Community Council member submits their resignation
- c) When an elected Community Council member dies
- d) When an elected Community Council member has their membership disqualified (**Paragraph 10**)

Should a vacancy or vacancies arise on a Community Council between elections, it shall be a requirement that the Community Council shall take such immediate steps as necessary to fill that vacancy, in consultation with the Council. Filling a vacancy

or vacancies can be undertaken either through the process of co-option or, where necessary, a by-election:-

### **Co-option**

- ◆ Where residents of voting age can be co-opted onto the Community Council up to the maximum of 1/4 of the actual elected membership, not the total membership provision

The exception would be where the vacancy or vacancies falls in the last year of a 4 year term, in which case the vacancy or vacancies can remain unfilled, subject to the requirement to hold a by-election if the number of Community Councillors fall below 1/2 of the maximum Community Council membership.

### **By-election**

- ◆ Where, due to whatever circumstances, the elected membership falls below the minimum of less than 1/2 of the total membership provision

In a situation where the Community Council must hold a by-election, the Council shall make arrangements for a by-election for the vacant space(s) to be held within 3 months from the vacancy or vacancies being notified to them by the Community Council.

If insufficient nominations are received in relation to meeting the minimum membership requirement, then the Community Council will be dissolved and all assets returned to the Council, in line with Paragraph 15 of this Scheme.

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

Co-opted members must be eligible for membership of the Community Council as detailed in **Section 5** of the Community Council Scheme.

They must be elected onto the Community Council by at least half of the elected and co-opted Community Councillors present and voting. Such co-opted members shall have full voting rights, and will serve until the next round of elections (general and by-election).

Notice of any proposed co-option procedure is required to be intimated to all members of the Community Council, at least 14 days prior to the meeting, when the matter will be considered.

Co-opted membership is restricted to 1/4 of the elected membership, not the total membership provision, with the co-opted membership being rounded down. Should the ratio of co-opted to elected Community Councillors become greater than 1/4, due to any circumstances, a by-election process shall be triggered.

## **6.10 Additional Membership - Associate Members**

Associate membership is open to those who live or work in the Community Council area, are members of a local organisation or group and to those who may be appointed by a Community Council where there may be a need for individuals with particular skills or knowledge.

These individuals do not have voting rights, and cannot be included in the quorum. Associate members may serve for a fixed period as determined by the Community Council or for the term of office of the Community Council that has appointed them.

Associate members may also include representation from other constituted local voluntary organisations.

#### 6.11 **Ex officio Members**

Local Authority Councillors, MPs, MSPs and MEPs whose wards or constituencies fall wholly or partly within the geographical area of the Community Council area shall be deemed ex officio members of the Community Council. Ex officio members shall have no voting rights on the Community Council and their attendance at meetings is not mandatory and is at their own discretion.

### 7. **Election of Chairperson**

7.1 At the first meeting of the Community Council after an election, the Community Council shall appoint a Chairperson, who shall be appointed for the period until the next election of the Community Council, unless the person elected as Chairperson:-

- (a) dies
- (b) resigns from the post
- (c) otherwise is disqualified from being a member of the Community Council
- (d) is removed from post as a result of a vote of no-confidence by the Community Council (see paragraph 7.2 below)

7.2 If a Community Council votes by a 2/3 majority that it has no confidence in the Chairperson, the person elected to that post will be deemed to have been removed from that position. Prior to taking any vote on the matter, the Community Council must give the Chairperson the opportunity to respond to any matters that have caused the motion of no-confidence.

This does not affect the membership of the Community Council of the person removed from the post of Chairperson.

7.3 On the vacancy of the office of Chairperson, the Community Council must appoint a new Chairperson who will serve until the next election. Without the express approval of the Council, no person elected as Chairperson can serve as either Secretary or Treasurer of the Community Council for longer than 3 months.

7.4 It shall not be possible to elect a person to the post of Chairperson, if that person has:-

- (a) resigned from the post of Chairperson for whatever reason
- (b) been removed as Chairperson during that term of office, as a result of a vote of no confidence by the Community Council
- (c) filled the post of Chairperson for 2 full successive terms of 4 years prior to that election

unless there has been an intervening period of a full term of 4 years from:-

- ◆ in the case of (a) and (b), the date of the following election and
- ◆ in the case of (c), the date of the election at the end of the 2 successive terms of 4 years

If the Chairperson is absent due to illness or for personal reasons, the Vice-Chair will assume the responsibilities until the return of the Chair or the end of the current term of office.

## **8. Election of Secretary and Treasurer**

- 8.1 At the first meeting of the Community Council after an election year, and at the Annual General Meeting in the year when elections are not held, the Community Council shall appoint a Secretary and Treasurer and other such office-bearers as it shall decide from time to time.

These office bearers elected shall be elected for one year, but shall be eligible for re-election, without limitation of time, within the 4 yearly election period.

- 8.2 Without the express approval of the Council, no one office bearer shall hold more than 2 office bearer positions for longer than 3 months.

## **9. Equalities**

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

Members should promote equality of opportunity and ensure that the Community Council does not commit any discrimination on the grounds of:-

- ◆ age
- ◆ disability
- ◆ gender reassignment
- ◆ pregnancy and maternity
- ◆ race
- ◆ religion or belief
- ◆ sex
- ◆ sexual orientation

## **10. Disqualification of Membership**

- a) Where any member of a Community Council fails to attend any Community Council meeting throughout a period of 6 months, their membership of the Community Council shall be deemed to have terminated, unless there are exceptional circumstances acceptable to the Council. An application for the extension of membership must be made by the member of the Community Council to the Council as soon as it becomes apparent that their membership may terminate.

Applications received after effective termination will not be accepted by the Council. The decision to extend membership shall be solely at the discretion of the Council and will be made on the individual circumstances of each case. However, before making any decision, the Council will consult and take account of any views expressed by the Community Council in question

- b) A person shall be disqualified as a member of a Community Council if they are convicted in the United Kingdom, the Channel Islands, the Isle of Man, or the Irish Republic of any offence and has passed on them a custodial sentence for a period of 12 months or more
- c) Relocation which renders invalid the residence qualification for membership

- d) If a member of a Community Council is elected as a Councillor in the Local Authority or as an MP, MSP, or MEP, this will denote their membership of the Community Council as becoming an ex officio member with no voting rights

## 11. Meetings

- a) The first meeting of a Community Council, following a Community Council election, will be called by an Independent Interim Chairperson approved by the outgoing Community Council and will take place within 21 days of the date of the election, or as soon as practicable thereafter.

The business of that meeting will include adoption of a Constitution, core Standing Orders and Code of Conduct, appointment of office bearers, Chairperson and Treasurer's reports and any outstanding business matters from the outgoing Community Council

- b) The frequency of meetings will be determined by each Community Council, subject to a minimum of one Annual General Meeting and 4 ordinary meetings being held each year. The Annual General Meeting shall be held in a month of each year to be determined by the Council
- c) The quorum for Community Council meetings to be 1/4 of the current voting membership of a Community Council, or 4 voting members, whichever is the greater
- d) An outline for the content of business that Community Councils should adhere to when holding ordinary, special, extraordinary and annual general meetings is contained within the core Standing Orders. **(Appendix 3 - Item 4)**
- e) All Community Council meetings, including Sub Committee meetings, are to be held in public and open to the public and press **without exception**. There is no provision for any of the Community Councils or its Sub Committee meetings to be held in private
- f) No Community Council, or any of its members, may take steps to or shall do anything that would deter, discourage or obstruct a Community Councillor or a member of the public (including the press) from attending a meeting or, if entitled to participate in the meeting, from doing so.

No Community Council will be able to or require a Community Councillor or a member of the public (including the press) to leave a meeting of the Community Council, unless the Chairperson of the meeting has good cause to be satisfied that that Community Councillor or member of the public is behaving in a way that is disorderly or disruptive to the conducting of business of the meeting. Provisions regarding the exercise of this power to eject a Community Councillor or member of the public to leave a meeting are contained in the core Standing Orders. **(Appendix 3 - Item 7)**

- g) Officers of the Council shall have the right to attend any meetings of Community Councils

## 12. Liaison with the Council

In order to facilitate the effective functioning of Community Councils, the Council has identified an official to act as a Liaison Officer with Community Councils.

Unless there is a specific agreement or an issue is a specific departmental issue, all correspondence between the Council and the Community Councils should, in the first instance, be directed through the Community Council Liaison Officer.

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

Community Councils shall provide copies of their agendas and minutes, within prescribed timescales, to the Council via the Council's named Liaison Officer. (See paragraph 3.5 'Responsibilities')

### **13. Resourcing a Community Council**

The Council shall, in each financial year, set aside funds of an amount determined by it towards the administration costs of Community Councils.

- ◆ This sum shall consist of these elements:-
  - a) an amount to cover insurance which will be paid directly to the insurance company by the Council which will include public liability, employers' liability, loss and theft of money, personal accident, libel and slander
  - b) an amount to cover the cost of the Council's internal auditors to audit each Community Council's yearly financial records
  - c) a fixed annual administration grant for each Community Council, which will be awarded on condition that accounts for the previous financial year are submitted before 1 August, and the adherence of the Community Council to the conditions of award detailed on the Administration Grant Ledger.
- ◆ the financial year of each Community Council shall be provided for in the constitution of each Community Council and shall be from 1 April to 31 March in each succeeding year
- ◆ to allow for the proper submission of accounts to the Community Council's annual general meeting on a specified date
- ◆ the approved statement of accounts must be sent to the Council for auditing along with all relevant receipts. After approval by the Council and adherence to the conditions, the Administration Grant will be paid into the Community Council's bank account direct
- ◆ an annual calendar of meetings must be provided to the Liaison Officer at the same time as the submission of the accounts for auditing. The Administration Grant cannot be processed until the Council is in receipt of a timetable of meetings for the following year.
- ◆ The Council may, at its discretion, apply a reduction in the annual Administration Grant to reflect a failure by Community Councils to submit annual accounts or a forward programme of meetings on or after 1 August in each year using the scale set down in the below table.

<b>Annual Accounts/Forward Programme of meetings submitted</b>	<b>Percentage of Administration Grant to be paid by the Council</b>
by 31 July	100%
1 August – 31 October	75%
1 November – 31 January	50%
1 February - 31 March	25%

- ◆ Each Community Council shall have the power to secure additional resources for schemes, projects and all other purposes consistent with its functions.
- ◆ Each Community Council shall be eligible to apply for grants for suitable projects through the Council's Community Grant Process. The Council will determine the level of annual administrative grant and other support to Community Councils annually.
- ◆ The Council's Liaison Officer shall facilitate advice and assistance to Community Councils and arrange for the establishment of a training programme for Community Councils on the duties and responsibilities of Community Council office bearers, the role of Community Councils, the functions of the Council and other relevant topics.

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

The members of the Community Council must be aware that the Community Council is a separate entity from the Council and that the liabilities of membership of an unincorporated association will apply to all members of the Community Council.

To ensure Community Councils have in place the necessary insurance cover for its members, Public Liability Insurance Cover will each year be arranged through the Council. Insurance will automatically be deducted from the Community Council Administration Grant budget.

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

The terms for dissolution of a Community Council are contained within the Model Constitution. **(Appendix 2 – Item 17)**

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

If a Community Council is dissolved, all the property and funds owned on the date of its dissolution will transfer to the Council. Should a successor Community Council be formed within 6 months of the dissolution of the previous Community Council, the Council will transfer all remaining assets and funds to it.

After that time, it will be at the discretion of the Council how the funds should be applied for the benefit of the inhabitants of that area.

**16. Political Activities**

The Community Council must not be party political. It must not take part in activities relating to sponsoring, endorsing or opposing the election of any candidate or party to the United Kingdom, European and Scottish Parliaments and local elections. This includes the Community Council being involved in any party political issues. In determining whether the Community Council has breached the requirement to be non-party political, due regard shall be taken of the actions of the Community Council, the time and other circumstances of the actions and the likely effect of the actions in relation to the public or part of it. In particular, the following matters will be considered:-

- a) Whether the actions of the Community Council refers to a political party or to persons identified with a political party or promotes or opposes a point of view on a question of political controversy which is identifiable as the view of one political party and not another; and
- b) Where the Community Council supports a campaign that seeks to influence voters in favour of, or against, a particular political party or candidate

**17. Breach of the Scheme**

Any failure to comply with the Scheme and associated documents, (**Appendices 1 – 4**) may result in the Council taking action against the Community Council concerned. This includes the dissolution of the Community Council, withholding or pursuing the repayment of grant monies, or recovery of assets belonging to a dissolved Community Council.

Each breach of the Scheme will be dealt with on its own merits and investigated accordingly.

**18. Review of Scheme for the Establishment of Community Councils**

The Council will review this Scheme from time to time. If a change is proposed it will follow the procedure laid down in Section 53 of the Local Government (Scotland) Act 1973, as amended.

**Appendix 1 of the Scheme**

	<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Map ref</b>	<b>Name</b>	<b>Electorate</b>	<b>Maximum Membership of CC</b>	<b>Quorum</b>
<b>1</b>	<b>Royal Burgh of Lanark</b>	7,210	<b>14</b>	<b>4</b>
<b>2</b>	<b>New Lanark</b>	419	<b>8</b>	<b>4</b>
<b>3</b>	<b>Lesmahagow</b>	4,082	<b>12</b>	<b>4</b>
<b>4</b>	<b>Blackwood and Kirkmuirhill</b>	5,057	<b>12</b>	<b>4</b>
<b>5</b>	<b>Black Mount</b>	783	<b>8</b>	<b>4</b>
<b>6</b>	<b>Symington</b>	781	<b>8</b>	<b>4</b>
<b>7</b>	<b>Biggar</b>	2,159	<b>10</b>	<b>4</b>
<b>8</b>	<b>Leadhills</b>	262	<b>8</b>	<b>4</b>
<b>9</b>	<b>Crawford and Elvanfoot</b>	450	<b>8</b>	<b>4</b>
<b>10</b>	<b>Duneaton</b>	1,005	<b>8</b>	<b>4</b>
<b>11</b>	<b>Carmichael</b>	237	<b>8</b>	<b>4</b>
<b>12</b>	<b>Pettinain</b>	242	<b>8</b>	<b>4</b>
<b>13</b>	<b>Quothquan and Thankerton</b>	657	<b>8</b>	<b>4</b>
<b>14</b>	<b>Carstairs</b>	1,815	<b>8</b>	<b>4</b>
<b>15</b>	<b>Carnwath</b>	1,683	<b>8</b>	<b>4</b>
<b>16</b>	<b>Douglas</b>	1,523	<b>8</b>	<b>4</b>
<b>17</b>	<b>Douglas Water and Rigside</b>	749	<b>8</b>	<b>4</b>
<b>18</b>	<b>Coalburn</b>	1,528	<b>8</b>	<b>4</b>
<b>19</b>	<b>Carluke</b>	15,305	<b>22</b>	<b>6</b>
<b>20</b>	<b>Forth</b>	2,793	<b>10</b>	<b>4</b>
<b>21</b>	<b>Tarbrax</b>	444	<b>8</b>	<b>4</b>
<b>22</b>	<b>Calderwood</b>	10,319	<b>18</b>	<b>5</b>
<b>23</b>	<b>St Leonard's</b>	6,824	<b>14</b>	<b>4</b>
<b>24</b>	<b>East Mains</b>	3,852	<b>10</b>	<b>4</b>
<b>25</b>	<b>West Mains</b>	3,402	<b>10</b>	<b>4</b>
<b>26</b>	<b>Westwood</b>	6,645	<b>14</b>	<b>4</b>
<b>27</b>	<b>Murray</b>	4,717	<b>12</b>	<b>4</b>
<b>28</b>	<b>Greenhills and Lindsayfield</b>	8,301	<b>16</b>	<b>4</b>
<b>29</b>	<b>Whitehills</b>	3,557	<b>10</b>	<b>4</b>
<b>30</b>	<b>Hairmyres</b>	5,964	<b>12</b>	<b>4</b>
<b>31</b>	<b>Jackton and Thorntonhall</b>	1,853	<b>8</b>	<b>4</b>
<b>32</b>	<b>Stewartfield</b>	4,983	<b>12</b>	<b>4</b>
<b>33</b>	<b>Auldhouse and Chapelton</b>	932	<b>8</b>	<b>4</b>
<b>34</b>	<b>Strathaven and Glassford</b>	6,728	<b>14</b>	<b>4</b>
<b>35</b>	<b>Sandford and Upper Avondale</b>	788	<b>8</b>	<b>4</b>
<b>36</b>	<b>Blantyre</b>	13,461	<b>20</b>	<b>5</b>
<b>37</b>	<b>Burnbank</b>	2,491	<b>10</b>	<b>4</b>
<b>38</b>	<b>Hamilton Centre</b>	3,040	<b>10</b>	<b>4</b>
<b>39</b>	<b>Whitehill</b>	4,109	<b>12</b>	<b>4</b>
<b>40</b>	<b>Bothwell</b>	5,217	<b>12</b>	<b>4</b>
<b>41</b>	<b>Uddingston</b>	4,700	<b>12</b>	<b>4</b>

<b>42</b>	<b>Hillhouse</b>	4,762	<b>12</b>	<b>4</b>
<b>43</b>	<b>Udston</b>	1,859	<b>8</b>	<b>4</b>
<b>44</b>	<b>Wellhall</b>	3,848	<b>10</b>	<b>4</b>
<b>45</b>	<b>Earnock</b>	3,599	<b>10</b>	<b>4</b>
<b>46</b>	<b>Meikle Earnock</b>	4,120	<b>12</b>	<b>4</b>
<b>47</b>	<b>Hamilton Centre and Ferniegair</b>	3,144	<b>10</b>	<b>4</b>
<b>48</b>	<b>Low Waters</b>	3,974	<b>10</b>	<b>4</b>
<b>49</b>	<b>Silvertonhill</b>	6,886	<b>14</b>	<b>4</b>
<b>50</b>	<b>Quarter and Cadzow</b>	851	<b>8</b>	<b>4</b>
<b>51</b>	<b>Lower Clyde Valley</b>	2,123	<b>10</b>	<b>4</b>
<b>52</b>	<b>Larkhall</b>	11,922	<b>18</b>	<b>5</b>
<b>53</b>	<b>Stonehouse</b>	4,522	<b>12</b>	<b>4</b>
<b>54</b>	<b>Rutherglen</b>	18,686	<b>24</b>	<b>6</b>
<b>55</b>	<b>Burnside</b>	6,144	<b>14</b>	<b>4</b>
<b>56</b>	<b>Cambuslang</b>	10,535	<b>18</b>	<b>5</b>
<b>57</b>	<b>Halfway</b>	10,488	<b>18</b>	<b>5</b>

## Community Council Model Constitution

### 1. Name

The name of the Community Council shall be

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

### 2. Area of the Community Council

The area of the Community Council shall be as shown on the map attached to the Council’s Scheme for the Establishment of Community Councils (referred to as “the Scheme” in this document).

### 3. Objectives

The objectives of the Community Council shall be:-

- (a) to ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of local people, in relation to matters that directly affect the interests of the community
- (b) to express the views of the community to South Lanarkshire Council (referred to as “the Council” in this document) and other organisations
- (c) to take such action in the interests of the community as appears to it to be expedient, practicable and appropriate
- (d) to promote the well-being of the community and to foster community spirit
- (e) to be a means whereby the people of the area shall be able to voice their opinions on any matter affecting their lives, their welfare and on matters that directly affect the environment, development and amenity of the Community Council area
- (f) to be non-party political ***in all activities*** and
- (g) to promote equality of opportunity and ensure that the Community Council does not commit any discrimination on the grounds of
  - ◆ age
  - ◆ disability
  - ◆ gender reassignment
  - ◆ pregnancy and maternity
  - ◆ race
  - ◆ religion or belief
  - ◆ sex
  - ◆ sexual orientation

### 4. Roles and Responsibilities

In the discharge of their functions and the conduct of their business, the Community Council and its membership shall have regard to their role and responsibilities as set out in paragraph 3 of the Scheme and the Code of Conduct, approved by the Council

**5. Membership**

The Community Council's membership is as governed by paragraph 5 of the Scheme and as determined from time to time by the Council.

**6. Method of Election**

Election procedures shall be governed by the Council.

**7. Casual Vacancies on the Community Council**

Where a vacancy arises, which does not result in the number of Community Councillors falling below the minimum number, (as specified in paragraph 5 of the Scheme) and at least 3 months have passed since the last nomination process, the Community Council may agree to:-

- (a) hold an extraordinary general meeting in order that the vacancy (and any other outstanding vacancies) can be filled, on the basis that such vacancies would be publicised in prominent public places and the local press if possible, nominations invited and an interim election held if required; or
- (b) filling the vacancy by co-option, with voting rights to a maximum of 1/4 of the total voting membership of the Community Council, as governed by paragraph 6 of the Scheme

Where there is a proposal to co-opt members, the Community Council must seek expression of intent from people (who must be eligible for election to the Community Council)

Nominations for vacancies must be advertised in prominent public places 28 days prior to the meeting, where the vacancies will be placed on the agenda, and if possible, in the local press. Persons expressing an interest in being co-opted must make their intent known within 14 days of the publication.

The requirement to fill a vacancy does not apply where the vacancy falls in the last year of a 4 year term, in which case, the vacancy can remain unfilled, subject to the requirement to hold a by-election where the number of Community Councillors falls below 1/2 of the maximum Community Council membership

Should circumstances arise that lead to the number of elected Community Councillors falling below 1/2 of the maximum permitted membership, the Council shall be informed and shall undertake arrangements for a by-election to be held within 3 months from the elected membership deficit, as described within the Guidance Notes. If no further nominations are received the Council may, in consultation with the remaining Community Council members, arrange another by-election process within 3 months of the close of the last by-election. If no nominations are received, then the Community Council will be dissolved and all assets returned to the Council.

Should there be a vacancy within the membership of the Community Council which cannot be filled by co-option, the Council shall undertake arrangements for a by-election to be held within 3 months from the vacancy being notified to it by the Community Council. If no further nominations are received then the Community Council will be dissolved and all assets returned to the Council.

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

The right to vote at any meeting of the Community Council shall be held by all Community Councillors, whether elected or co-opted, but not by Associate Members appointed for specific issues on a temporary basis, or ex-officio members. All decisions of the Community Council will be decided by a simple majority of those eligible to vote and present at the meeting.

In the event of a vote of the Community Councillors that results in a majority not being achieved, the Chairperson shall have a casting vote.

If a Community Council votes by a 2/3 majority that it has no confidence in an office bearer, the person elected to that post will be deemed to have been removed from that position.

Prior to taking any vote on the matter, the Community Council must give the office bearer the opportunity to respond to any matters that have caused the motion of no-confidence.

This does not affect the membership of the Community Council of the person removed from the office bearer position. Another member of the Community Council must be prepared to take on the vacant office bearer position.

## **9. Election of Office-Bearers**

- (a) At the first meeting of the Community Council after an election year, and at the Annual General Meeting in the years when elections are not held, the Community Council shall appoint a Secretary, Treasurer and other such office-bearers as it shall from time to time decide.
- (b) The Chairperson shall hold office for the whole 4 yearly election period. The Chairperson, if re-elected, may hold office for a further 4 yearly election period, but may not stand for a third term of office until after the following 4 yearly election period has expired.
- (c) If the Chairperson is removed from office through either vote of no confidence – (See core Standing Orders 6 (c)), resignation or demit of office at the end of a 4 yearly electoral cycle, they will be ineligible to be re-appointed as Chairperson until the expiry of the ensuing full 4 yearly election period.
- (d) Without the express approval of the Council, no one member shall hold more than one of the following offices at any one time:- Chairperson, Secretary or Treasurer for longer than 3 months

## **10. Committees of the Community Council**

The Community Council may appoint representatives to Sub Committees of the Community Council and shall determine their composition, terms of reference, duration and duties, in liaison with the Council. Any recommendations arising from the work of a Sub Committee of the Community Council will require to be approved by the full Community Council before they can be implemented as any Sub Committees do not have delegated powers. Where there is shown to be an urgency to make a decision, and there is insufficient time to call a full Community Council meeting, the Chairperson, or in whose absence the Vice-Chair, and 1 other office

bearer shall be empowered to make a decision on behalf of the Community Council and report back in full to the Community Council at the next arranged meeting.

## **11. Meetings of the Community Council**

- (a) The quorum for Community Council meetings shall be at least 1/4 of the current eligible voting membership, or 4 eligible voting members, whichever is the greater. Associated or ex officio members cannot be included in the quorum
- (b) Once each year, the Community Council shall convene an Annual General Meeting for the purpose of receiving and considering the Chairperson's Annual Report on the Community Council, the submission and approval of the annual statement of accounts and the appointment of office bearers. The Annual General Meeting shall be held in a month of each year to be determined by the Council.
- (c) Including the Annual General Meeting, the Community Council shall meet not less than **5** times throughout the year
- (d) Dates, times and venues of regular meetings of the Community Council shall be fixed at the first meeting of the Community Council following ordinary elections and thereafter at its Annual General Meeting. Notice of these dates must be sent to the designated Liaison Officer of the Council.
- (e) Special meetings (including EGM's – Standing Orders 4 (iii)) shall require at least 21 days public notice, either called by the Chairperson, or on the request of not less than 1/2 of the total number of Community Council members. An officer of the Council has the discretion to call a meeting of the Community Council
- (f) Copies of all minutes of meetings of the Community Council and of Sub Committees thereof, shall be approved at the next prescribed meeting of the Community Council, but the draft minute shall be circulated within 14 days from the date of that meeting, to Community Council members, other appropriate parties and the Council's Liaison Officer for Community Councils. Where possible, approved minutes should be placed in prominent public display, e.g. notice board, web site, library
- (g) The Community Council shall abide by its Core Standing Orders for the proper conduct of its meetings
- (h) The Community Council has a duty to be responsive to the community it represents. Should the Community Council receive a written request (petition), signed by at least 20 persons resident within the Community Council area to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting within 21 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings called by the Community Council
- (i) No member of the public is entitled to speak at a meeting unless invited to do so by the Chairperson or by previous agreement of the Community Council

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

- (a) All meetings of the Community Council and its sub-committees shall be open to members of the public and press without exception.

Proper provision is to be made for the accommodation of members of the public and the opportunity should be afforded at each meeting to permit members of the public to address the Community Council, under the guidance of the Chairperson

- (b) No Community Council, or any of its members, may take steps to or shall do anything that would deter, discourage or obstruct a Community Councillor or a member of the public (including the press) from attending a meeting or, if entitled to participate in the meeting, from doing so as set out in paragraph 11 (f) of the Scheme
- (c) Notices calling meetings of the Community Council and its sub-committees shall be posted prominently within the Community Council area for a minimum period of 10 days before the date of any such meeting, and, where possible, be advertised by other suitable means

### **13. Information to the Council**

The Council's Liaison Officer shall be sent an annual calendar of the Community Council's prescribed meeting dates, times and venues, (which should be agreed at the Community Council's Annual General Meeting), minutes of all meetings, the Annual Report, the annual financial statement and any other such suitable information, as may from time to time be agreed between the Community Council and the Council.

When special meetings of the Community Council are to be held, the Council's Liaison Officer should be advised of the date, time venue and subject(s) of debate of such meetings, at least 10 days in advance of the meeting date.

Failure to provide the requested documentation to the Council's Liaison Officer within designated timescales will be a breach of the Scheme.

### **14. Control of Finance**

- (a) All monies raised by, or on behalf of, the Community Council or provided by the Council and other sources shall be applied to further the objectives of the Community Council and for no other purpose. The monies provided by the Council in the annual Administrative Grant for administrative and other approved purposes shall be used only as prescribed.

Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the Community Council), or in the absence of such terms, for the furtherance of the objectives of the Community Council

- (b) The treasurer shall undertake to keep proper accounts of the finances of the Community Council
- (c) Community Councils must have 3 authorised signatories on the bank account. Any 2 of the 3 authorised signatories, who would normally be office-bearers of the Community Council, may sign cheques on behalf of the Community Council. Authorised signatories may not share the same address or be closely related.
- (d) A statement of accounts for the last financial year shall be submitted to an annual general meeting of the Community Council and shall be available for inspection at a convenient location
- (e) The financial year of the Community Council shall be from **1 April until 31 March** the succeeding year. The unaudited accounts, which will include all

funds held by the Community Council, must be received and approved by the Community Council at the next meeting after the end of the financial year and then submitted to the Council for auditing to enable the release of Administration Grant funds before 1 August

- (f) Honoraria may be awarded to the Secretary (or minute Secretary) and Treasurer up to a maximum of 10% of the Administration Grant each in a financial year. The amount may be altered from time to time with the approval of the Council

**15. Title to Property**

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

**16. Alterations to the Constitution**

Any proposal by the Community Council to alter this Constitution must be first considered and approved by a meeting of the Community Council and the terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued not less than ten days prior to the meeting.

Any proposed alterations may not prejudice the terms and objectives contained within the Scheme.

If the proposal is supported by a 2/3 majority of the total voting membership of the Community Council and is then approved in writing by the Council, the alteration shall be deemed to have been duly authorised and can then come into effect from the date of the written approval of the Council.

**17. Dissolution**

If the Community Council by a 2/3 majority of the total voting membership decides at any time that it is necessary or advisable to dissolve, it shall agree a date for a public meeting to be held to discuss the proposed resolution to dissolve. It is a requirement that not less than 10 days prior to the date of such meeting a public notice be given by means of notification in the local newspaper or local prominent position. If the resolution is supported by a majority of those persons present and qualified to vote and is approved by the Council, the Community Council shall be deemed to be dissolved. If a Community Council is dissolved the property and funds owned on the date of its dissolution will transfer to the Council. Should a successor Community Council be formed within 6 months of the dissolution of the previous Community Council, the Council will transfer all remaining assets and funds to it. After that time it will be at the discretion of the Council how the funds should be applied for the benefit of the inhabitants of that area.

In the event that the Community Council is dissolved under the above procedure, and 20 or more electors subsequently wish the re-establishment of a Community Council for the area, these electors shall submit a requisition to the Council in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which the Council shall arrange for elections to be held in accordance with the Scheme.

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

be dissolved and in this event, the procedures for the establishment of a new Community Council being those identified in the immediately preceding paragraph, shall be initiated.

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

This Constitution was adopted by

..... Community Council

Signed:

.....  
**Chairperson**

.....  
**Member**

.....  
**Member**

.....  
**Date**

and was approved on behalf of South Lanarkshire Council on

.....  
**Date**

.....  
**Signed**

## Core Standing Orders

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

(a) Ordinary meetings of the Community Council shall be held in the months of

.....

..... Special Meetings, which includes Extraordinary General Meetings (EGM's – See 4 (iii)), may be called at any time on the instructions of the Chairperson of the Community Council on the request of not less than 1/2 of the total number of Community Council members; or the receipt of a common written request (petition), signed by at least 20 persons, resident within the Community Council area, to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting. A special meeting shall be held within **21** days of the receipt of the request made to the Secretary of the Community Council. Annual general meetings are held annually

(b) The notice of ordinary and annual general meetings of the Community Council, featuring the date, time and venue, shall be provided to each Community Council member by the Secretary of the Community Council, at least 7 days before the date fixed for the meeting. The local authority's named official must receive a list of dates of all meetings of the Community Council at the same time or before the submission of the annual accounts for the preceding financial year.

### 2. Minutes

Minutes of the proceedings of a meeting of the Community Council shall be drawn up within 14 days from the date of that meeting, distributed in accordance with **Paragraph 3.5** of the Scheme of Community Councils and shall, following their approval, be signed at the next meeting of the Community Council by the person presiding thereat and retained for future reference.

### 3. Quorum

A quorum shall be 1/4 of the current voting membership of the Community Council, or **4 voting** members, whichever is the greater.

### 4. Order of Business

#### (i) Ordinary Meeting

The order of business at every ordinary meeting of the Community Council shall be as follows: -

- (a) Recording of membership present and apologies received
- (b) The minutes of the last meeting of the Community Council shall be submitted for approval
- (c) Any other item of business, which the Chairperson has directed, should be considered
- (d) Secretary's report

- (e) Treasurer's report
- (f) Any other competent business
- (g) Questions from the public in attendance (if time permits)
- (h) Chairperson to declare date of next meeting and close meeting

In relation to Community Councils, the procedure at a Sub Committee meeting shall be the same as that set out in these core Standing Orders to be followed for any ordinary meeting of the Community Council except for the business set out in sub-paragraphs (c), (d) and (e) above and core Standing Orders 8 and 10 below, which shall not apply.

**(ii) Annual General Meeting**

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

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

- (a) Recording of membership present and apologies received
- (b) The minutes of the last annual general meeting of the Community Council shall be submitted for adoption
- (c) Chairperson's Annual Report (any questions)
- (d) Secretary's Annual Report (any questions)
- (e) Treasurer's submission of Balance Sheet and Annual Accounts (any questions)/any changes to bank account
- (f) Standing down of current office bearers/election of office bearers
- (g) Adoption of Constitution
- (h) Chairperson to declare date of next annual general meeting and close meeting

**(iii) Extraordinary General Meeting (EGM)**

The order of business at every extraordinary general meeting, shall be as follows: -

- (a) Recording of membership present and apologies received
- (b) Business for debate, as described in the calling notice for the EGM

- (c) Chairperson to close meeting

## 5. Order of Debate

- (a) The Chairperson shall decide all questions of order, relevancy and competency arising at meetings of the Community Council and their ruling shall be final and shall not be open to discussion. In particular, the Chairperson shall determine the order, relevancy and competency of all questions from the public in attendance at meetings of the Community Council raised at **Paragraph 4(i) (g)**, above. The Chairperson in determining the order, relevance and competency of business and questions shall have particular regard to the relevance of the issue to the community and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Chairperson shall have the power, in the event of disorder arising at any meeting, to adjourn the Community Council meeting to a time they may then, or afterwards, determine
- (b) Every motion or amendment shall be moved and seconded
- (c) A motion, or amendment, once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof
- (d) A motion, or amendment, which is contrary to a previous decision of the Community Council, shall not be competent within 6 months of that decision unless there is a justifiable and material change in circumstances

If a member of the public, or a Community Council member, is being disruptive (not allowing the business of the Community Council to take place in an orderly fashion) and does not adhere to the Chairperson's orders, then that person will be asked to leave the meeting. If they refuse, then the Chairperson can adjourn the meeting for a stated time until the situation is resolved, or stop the meeting from continuing and arrange for another date. The Chairperson may move a motion that the disruptive person is removed. If this motion is seconded and carried by those at the meeting, the disruptive person must immediately leave the meeting. There will be no discussion on the motion and no changes to it.

## 6. Voting

- (a) Voting shall be taken by a show of hands of those present and eligible to vote, with the exception that, at an annual general meeting, the election of office bearers may be held by secret ballot
- (b) The Chairperson of a meeting of the Community Council shall also have a casting vote if the vote is split equally
- (c) Any office bearer may be removed from that position if the motion is proposed and seconded and a 2/3 majority of the current membership is in agreement. The office bearer in question will have a right to reply before a vote is undertaken. This does not preclude the person's membership of the Community Council. Another member of the Community Council must be prepared to take on the vacant office bearer position

**7. Meetings open to the public**

- (a) No Community Council, or any of its members, may obstruct a Community Councillor or a member of the public (including the press) from attending a meeting
- (b) No Community Council will be able to require a Community Councillor or a member of the public (including the press) to leave a meeting of the Community Council, unless the Chairperson of the meeting has good cause to be satisfied that the Community Councillor or member of the public is behaving in a way that is disorderly or disruptive to the conduct of the meeting or any of its business.

Where the Chairperson requires a Community Councillor or a member of the public to leave a meeting of the Community Council, the reason for so requiring the person to leave will be noted in the minutes of the Community Council meeting

**8. Alteration of Core Standing Orders**

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

**9. Committees**

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

**10. Suspension of Core Standing Orders**

These core Standing Orders shall not be suspended except at a meeting at which 3/4 of the total number of Community Council members are present and then only if the mover states the object of his motion and if 2/3 of the Community Council members present consent to such suspension.

## **Code of Conduct for Community Councillors**

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

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

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

### **Service to the Community**

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

You have a duty to establish and reflect, through the Community Council, the views of the community as a whole, on any issue, irrespective of personal opinion.

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

### **Key principles of the Code of Conduct**

#### **Selflessness**

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

#### **Integrity**

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of

your community. If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

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

### **Objectivity**

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

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

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

### **Accountability and Stewardship**

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

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

No Community Council can delegate any of its decision making powers to an individual member of the Community Council.

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

Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting.

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

## **Openness**

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

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

## **Honesty**

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

## **Leadership**

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

You must also promote social inclusion and challenge discrimination in any form.

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

## **Respect**

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

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

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

## **Conduct at meetings**

You must respect the chair, your colleagues, Council employees and any members of the public present during meetings where you are performing duties as a Community Councillor. When a meeting has a Chairperson or acting Chairperson, you must comply with rulings from the chair.