

STIRLING COUNCIL

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

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SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

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1. Introduction

Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994, which produced the current system of unitary local authorities, made provision for the continuation of Community Councils. Under the legislation, every local community in Scotland is entitled to petition their local authority to establish a Community Council in their area.

The Scheme for the Establishment of Community Councils is designed to enable the establishment of Community Councils across the Stirling Council ("the Council") area and to provide a common minimum basic framework governing their creation and operation.

This Scheme includes:-

- Constitution for Community Councils
- Standing Orders for Community Councils
- Code of Conduct for Community Councillors

For the avoidance of doubt, in the event of any inconsistency between these documents, Section 1 of the Scheme takes priority.

2. Statutory Purposes

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

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

3. The Role and Responsibilities of Community Councils

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

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

Community Councils have a statutory right to be consulted on planning applications.

Licensing matters and any other matters may also be jointly agreed between Community Councils, the Council and other public sector and private agencies.

Community Councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objectives of their Constitution and the terms of the Council's Scheme for the Establishment of Community Councils.

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

In carrying out their activities Community Councils must at all times adhere to the law, the terms of the Council's Scheme for the Establishment of Community Councils, including the Constitution, Standing Orders and Community Councillors' Code of Conduct. It should be noted that while Data Protection legislation applies to Community Councils, Freedom of Information legislation does not currently apply.

Each Community Council is required to adopt a Constitution, (Section 2) and Standing Orders (Section 3), to encourage and maintain consistency for all Community Councils and to facilitate their proceedings being properly structured and regulated, to ensure that items of business relevant to the community are properly debated and decisions reached in a democratic manner. The Community Council's Constitution is required to be approved by the Council.

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

- Inform the community of the work and decisions of the Community Council by posting agendas and minutes of meetings in public places, such as libraries and notice boards and, subject to the provisions contained within current Data Protection legislation, provide contact details of Community Council members.
- Present agendas to the Council in advance of a Community Council meeting, to enable their circulation to Community Council members, relevant elected members, Council staff and other interested parties.
- Present minutes of Community Councils to the Council within 14 days of being approved, to enable their circulation to Community Council members, relevant elected members, Council staff and other interested parties, and to enable the Council to post minutes timeously on the Council's website.
- Seek to broaden both representation and expertise by promoting the associate membership of the Community Council to include persons with relevant knowledge or expertise for specific projects/issues.
- Look to further the aims of their community as set out in the Stirling Plan (Local Outcome Improvement Plan - LOIP) and any relevant Locality Action Plans.
- Make particular efforts to encourage young people and other under-represented groups to attend/participate in Community Council meetings and to ensure equality of opportunity in the way the Community Council carries out its objectives.

- Maintain proper financial records and present financial reports at Community Council meetings. An example of a standard format for Community Councils' financial record keeping is featured in the Guidance Notes to accompany the Scheme.
- Inform the Council of any change in membership (resignations, associate membership, etc.) and circumstances, as soon as is practicable.

The Council reserves the right to call the Community Council to account before a Conduct Review Panel, if it considers that a serious breach of this Scheme or its accompanying documents has taken place. This Panel shall consist of three Elected Members of Stirling Council and two Community Councillors. The Panel will operate in accordance with the process set out in Paragraph 13 of this Scheme.

Elected Members of Stirling Council will not sit on a Conduct Review Panel considering a matter relating to a Community Council which falls within their Ward. Community Councillors will not sit on a Panel considering a complaint relating to their own Community Council.

4. Community Council Areas within the Stirling Council area.

The Council has produced a list of named Community Council areas (Section 5) and a map (Section 6) that defines their boundaries.

5. Membership of Community Councils

There shall be minimum and maximum membership numbers of elected Community Councillors in a Community Council. Due to the diverse nature of the Council area, the Council has set its own formula for the definition of a minimum and maximum number of Community Council members in a Community Council area.

Community Council areas with a population of 1000 or fewer shall have a minimum number of six elected Community Councillors; those with a population of over 1000 shall have a minimum of seven. These figures are included in the list of Community Council areas attached as Section 5 of the Scheme.

The minimum age to stand for election as a Community Councillor is 16 years. Qualification for membership is by residency within the specific Community Council area. Community Councillors and candidates for Community Council membership must also be named on the electoral register for the Community Council area in which they reside.

A Community Council may, at any time, appoint non-voting Associate Members for purposes as defined by each Community Council, for example, for persons under 16 years of age or where there may be a need for individuals with particular skills or knowledge.

Such persons will not be counted in terms of meeting a quorum, or towards the total number of Community Council members and will not have voting rights.

Associate members may serve for a fixed period as determined by the Community Council or for the term of office of the Community Council that has appointed them. Associate members may also include representation from other constituted local voluntary organisations

Elected members of the Council and members of the Scottish, United Kingdom and European Parliaments are entitled to become *ex-officio* members of Community Councils, with no voting rights, for so long as they remain in that elected post.

6. Establishment of Community Councils under the Scheme

Upon the Council's revocation of its existing Scheme for the Establishment of Community Councils and decision to make a new Scheme, it shall publish a Public Notice, which shall invite the public to make suggestions as to the areas and composition of the Community Councils. Thereafter, a consultation process shall be undertaken prior to its formal adoption by the Council.

7. Community Council Elections

Eligibility

Candidates wishing to stand for election to a Community Council must be over the age of 16, reside in the local area and be named on the Electoral Register for that area. The same criteria shall apply to voters in a Community Council election and to co-opted members of the Community Council.

Any Community Council member who no longer resides within that Community Council area is deemed to have resigned from that Community Council.

Any individual who is elected to serve on the Council, or the Scottish, UK or European Parliaments shall be ineligible to remain a Community Councillor, or to stand for election to a Community Council. Such persons, upon taking office, become *ex-officio* members of the Community Councils contained in whole or in part of their electoral constituency, for so long as they remain in that elected post.

Nominations and Elections

The first elections to be held under the Scheme shall be held on a date to be determined by the Council.

Subsequent elections will be held on a four-yearly-cycle, outwith local government election years, on dates to be determined by the Council. Should the Community Councils election cycle fall in the year of Scottish Local Government or Parliamentary elections, the electoral proceedings will be held in the following year.

The Council will administer all elections.

Returning Officer

The Council will appoint an independent Returning Officer. The independent Returning Officer must not be a current elected member of that Community Council nor intending to stand for election to that Community Council.

Nominations

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

Nomination forms can be obtained from the Council's Elections Team. Nomination forms require to be submitted on the date set down in the election timetable. No forms submitted after that date will be accepted.

Process

On the expiry of the period for lodging nominations:-

1. Should the number of candidates validly nominated equal or exceed the minimum number of members required to establish a Community Council, but be less than or equal to the total maximum permitted membership as specified for the Community Council area in Section 5 of the Scheme, the said candidates will be declared to be elected and no ballot shall be held.
2. Should the number of candidates validly nominated exceed the total maximum permitted membership as specified for the Community Council area, arrangements for a Poll shall be implemented. At the Poll, each voter shall be entitled to vote for candidates up to the number of vacancies on the Community Council.
3. Should the number of candidates validly nominated be below the minimum number of members required to establish a Community Council as specified for the Community Council area, no Community Council will be established at that time, and no election will take place. However, that does not preclude the local authority from issuing a second call for nominations for a Community Council area failing to meet the minimum membership requirement within six months of the closing date for the registration of the first call for nominations.

Method of Election

Elections will be based on the whole Community Council area or devolved into wards if a Community Council is established on that basis, all in a manner to be determined by the independent Returning Officer.

Community Councils in the Council area shall be elected on the Single Transferable Vote method of election.

Filling of casual places/vacancies between elections

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

- When an elected Community Council member submits his/her resignation;
- When an elected Community Council member ceases to be resident within that Community Council area;
- When an elected Community Council member has his/her membership disqualified, or otherwise terminated.

Should a vacancy or vacancies arise on a Community Council between elections, it shall be a requirement that the Community Council informs and consults with the Council to undertake appropriate election arrangements. Filling a vacancy can be undertaken either through the process of an interim election or by co-option. The independent Returning Officer will determine the process for an interim election.

Co-option to Community Councils

Co-opted members must be eligible for membership of the Community Council as detailed in Section 7 of the Scheme. They must be elected onto the Community Council by a two-thirds majority of the full Community Councillors present and eligible to vote. Such co-opted members shall have full voting rights, with the exception of voting on the co-option of members.

Co-opted Members will serve for at least six months or attend a minimum of three Community Council meetings, whichever is soonest, at which time, if they wish to do

so, it will be put to the next available meeting of the Community Council to appoint them as a full member of the Community Council. They will then serve until the next round of elections, subject to the terms hereof. Notice of any proposed co-option procedure is required to be intimated to all of that Community Council's members at least 14 days prior to the meeting when the matter will be decided.

The number of co-opted members may not exceed a THIRD of the current elected Community Council membership. Should the ratio of co-opted to elected Community Councillors become greater than one third, due to any circumstances, an interim election process shall be triggered. The independent Returning Officer will determine the process for an interim election.

8. Equalities

Recognition should be given to the contribution of everyone participating in the work of the Community Council. Community Councils must comply with equalities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skills and experience taken into account and to act fairly for the whole community without favour and with complete transparency.

9. Disqualification of Membership

Membership of a Community Council is invalidated should a Community Councillor's residency qualification within that Community Council area cease to exist. If any member of a Community Council fails to attend any Community Council meeting, with or without submitting apologies, throughout a period of 6 months, the Community Council may terminate their membership with written notice to this effect. At the discretion of individual Community Councils, a period of leave of absence for Community Council members may be granted at any meeting of the Community Council.

10. Meetings

The first meeting of a Community Council following a Community Council election will be called by the independent Returning Officer approved by the Council and will take place within 21 days of the date of the election, or as soon as practicable thereafter. The business of that meeting will include adoption of a Constitution and Standing Orders, appointment of office bearers and any outstanding business matters from the outgoing Community Council.

The frequency of meetings will be determined by each Community Council, subject to a minimum of one annual general meeting and six ordinary meetings being held each year. The Council requires an AGM to be held in April, May or June of each year at which office bearers are elected and independently audited accounts are approved.

The quorum for Community Council meetings shall be one third of the current voting membership of a Community Council, or 3 voting members, whichever is the greater.

An outline for the content of business that Community Councils should adhere to when holding ordinary, special and annual general meetings is contained within the Standing Orders (Section 3).

At the beginning of each meeting of the Community Council, Community Councillors are required to declare any interests they may have in items of business on the Agenda. It is the responsibility of each individual Community Councillor to decide whether to declare an interest in an item. In taking this decision, Community Councillors should consider the objective test set out in the Standards Commission Code of Conduct for Local Authority Councillors when declaring an interest, which is *“whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice the Community Councillor’s discussion or decision making in their role as a Community Councillor”*. Community Councillors must withdraw from the meeting room until the discussion of and voting on the relevant item where they have a declarable interest is concluded.

Special meetings shall require at least 7 days public notice, called either by the Chair or on the request of not less than one-half of the total number of Community Council members, save as otherwise provided for. An officer of the Council has the discretion to call a meeting of the Community Council.

11. Liaison with the Council

In order to facilitate the effective functioning of Community Councils, the Council will make a commitment that each Community Council will have an identified point of contact. Unless there is a specific agreement or an issue is a specific departmental issue, all correspondence between the local authority and the Community Council should, in the first instance, be directed through this route. The Council has a duty to respond to queries of the Community Council within 10 working days of receipt of the query.

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

Community Councils shall provide to the Council, via their identified point of contact, copies of their agendas in advance of Community Council meetings and shall provide minutes within 14 days of being approved.

12. Resourcing a Community Council

The financial year of each Community Council shall be from 1 April to 31 March in each year to allow for the proper submission of audited statement of accounts to the Community Council’s annual general meeting on a specified date.

The Annual Accounts of each Community Council shall be independently examined by an examiner appointed by the Community Council, who is not a member of that Community Council. A copy of the independently examined statement of accounts/balance sheet shall be forwarded immediately thereafter the statement is approved at the Community Council’s annual general meeting to its nominated Council point of contact, together with copy draft Minute of Annual General Meeting or other meeting at which the audited accounts are approved.

The named official may, at their discretion and in consultation with the Council’s Chief Finance Officer, request the Community Council to produce such records, vouchers and account books, as may be required.

Each Community Council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions.

Each Community Council shall be eligible to apply for grants for suitable projects through the Council's grant system.

The Council will provide an initial administrative grant to Community Councils to assist with the operating costs of the Community Council. The grant shall be fixed at a minimum flat rate to be determined annually with an additional minimal amount per head of population.

The Council shall determine any additional support services/resourcing, such as: photocopying and distribution of Community Council minutes and agendas; and free lets of halls for Community Council meetings, to suit local requirements.

The Council shall facilitate advice and assistance to Community Councils and arrange for the establishment of a training programme for Community Councils on the duties and responsibilities of Community Council office bearers, the role of Community Councils, the functions of the Council and other relevant topics.

13. Complaints Procedure

Any person may complain to a Community Council about the conduct of the Community Council, or any of its members. All complaints shall be dealt with by the Community Council in the first instance, unless:

- the complaint concerns the conduct of the Community Council as a whole, or the conduct of half or more of the Community Council members;
- three or more complaints have previously been received about a particular Community Council member, or from a particular individual, during a single term of the Community Council; or
- the complaint concerns the response of the Community Council to a previous complaint.

Complaints falling within one of the above categories shall be referred to a Conduct Review Panel, established by the Council.

The Community Council does not have to consider the substance of a complaint, or refer it to the Conduct Review Panel, if it decides by a simple majority of those present and eligible to vote that the complaint is vexatious, or that the subject matter of the complaint is substantially identical to that of a previous complaint that has been or is currently being dealt with by either the Community Council or the Conduct Review Panel.

All other complaints shall be considered by the Community Council. They shall determine complaints on the basis of a simple majority of those present and eligible to vote whether the subject of the complaint has failed to comply with their duties in their role as a Community Councillor. Any member who is either the subject of a complaint, or is the complainer, will not be entitled to vote when that complaint is being considered.

If the Community Council is satisfied that complaint is upheld, the Community Council must either:-

- censure the member in question;
- issue a formal written warning to the member in question;
- suspend the member from the Community Council for up to 3 months; or
- where the Community Council considers it appropriate, refer the complaint to the Conduct Review Panel for consideration and determination.

A Conduct Review Panel shall be established to deal with any complaints that are referred beyond individual Community Councils.

A Conduct Review Panel shall consist of three Elected Members of Stirling Council plus two members of Community Councils within the Council area, to which the complaint does not relate. The Conduct Review Panel will have a quorum of three, being two Elected Members and one Community Councillor. Only panel members present for all meetings in relation to a complaint can vote on the decision on that complaint.

Elected Members of Stirling Council will not sit on a Conduct Review Panel considering a complaint relating to a Community Council which falls within their Ward. Community Councillors will not sit on a Panel considering a complaint relating to their own Community Council.

If a complaint is made in respect of a decision of a Community Council to impose one of the above sanctions, in respect of a previous complaint, implementation of that sanction shall be suspended pending the Conduct Review Panel's determination of the new complaint.

The Conduct Review Panel will endeavour to meet to decide a complaint within 12 weeks of the Council's receipt of the complaint. The relevant parties will be notified if a decision cannot be reached within the 12 week timescale. The Conduct Review Panel may refer a complaint for consideration by an independent person or body if required.

A decision by the Conduct Review Panel will be reached by a simple majority. If the Conduct Review Panel is satisfied that the complaint be upheld, they must do one or more of the following:-

- 1) impose one of the above sanctions;
- 2) suspend the member in question from the relevant Community Council for up to one year;
- 3) remove the member from the relevant Community Council;
- 4) disqualify an individual from sitting on any Community Council within the Council area up to a maximum of the remainder of the Community Council's term or two years, whichever is greater;
- 5) require the subject of the complaint to participate in mediation with the complainer;

- 6) in circumstances where it appears that the whole Community Council, or a significant proportion of its members have engaged in gross misconduct, recommend that the Council suspend or dissolve the Community Council;
- 7) confirm the decision to the Community Council and to the complainant, setting out the reason(s) for the decision.

The Council's Chief Governance Officer will determine procedures for how a meeting of the Panel is to be arranged and if any complaint is to be considered.

The Council reserves the right to carry out an investigation that it considers necessary into the conduct of a Community Council or individual members of the Community Council.

14. Removal of Chair

If they deem that the Chair's conduct is contrary to the expectations of that role as set out in the Scheme and Code of Conduct, the Community Council may:-,

- (a) on a motion being proposed and seconded, and a majority vote reached by those present and eligible to vote, agree at one meeting of the Community Council that the matter of the removal of the Chair will be considered at its next meeting; or
- (b) in terms of paragraph (10) above, at the request of not less than one-half of the total number of Community Councillors, call a Special Meeting to consider the matter of the removal of the Chair;

At any meeting called under (a) or (b) above, the Chair may only be removed following a majority vote by those present and eligible to vote, to do so.

15. Liability of Community Council Members

A scheme of insurance liability cover has been arranged for community councils. The insurance liability cover becomes effective upon the Council advising the insurance underwriter of the establishment of a Community Council. Further details on this matter can be provided on request.

16. Dissolution of a Community Council

The terms for dissolution of a Community Council are contained within the Constitution.

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

**STIRLING COUNCIL
CONSTITUTION FOR COMMUNITY COUNCILS**

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1. Name

The name of the COMMUNITY COUNCIL shall be

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referred to as “the COMMUNITY COUNCIL” in this document).

2. Area of the Community Council

The area of the COMMUNITY COUNCIL shall be as shown on the map at Section 6 of Stirling Council’s (“the Council”) Scheme for the Establishment of Community Councils.

3. Objectives

The objectives of the COMMUNITY COUNCIL shall be:

- a) to ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions, concerns and views of the people;
- b) to express the views of the community to the Council, to public authorities and to other organisations;
- c) to take such action in the interests of the community as appears to it to be desirable and practicable;
- d) to promote the well-being of the community and to foster community spirit;
- e) to be a means whereby the people of the area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.

4. Role and Responsibilities

In the discharge of their objectives and the conduct of their business, the COMMUNITY COUNCIL and its membership shall have regard to their role and responsibilities as set out in paragraph 3 of the Scheme for the Establishment of Community Councils, and Community Councillors’ Code of Conduct adopted by the Council.

5. Membership

The COMMUNITY COUNCIL’S membership is as governed by paragraph 5 of the Scheme for the Establishment of Community Councils and as determined from time to time by the Council.

6. Method of Election

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

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

Where a vacancy arises which does not result in the number of COMMUNITY COUNCILLORS falling below the minimum number as specified in paragraph 5 of the Scheme for the Establishment of Community Councils, and at least 6 months has passed since the last full election, the COMMUNITY COUNCIL may, if it considers it to be desirable, agree to:-

- a) an Extraordinary General Meeting being held in order that the Community Council can agree to submit a request to the Council to hold an election to fill the vacancy (and any other outstanding vacancies), on the basis that such vacancies would be publicised, nominations invited and an election held where the number of candidates exceeded the number of places available. Such interim elections will be administered by the local authority; or
- b) fill the vacancy by co-option with voting rights to a maximum of not exceeding one third of the total current full membership of the COMMUNITY COUNCIL as governed by paragraph 7 of the Scheme for the Establishment of Community Councils; or
- c) the vacancy being left unfilled until local public interest is expressed or until the next set of regular elections.

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

The right to vote at any meeting of the COMMUNITY COUNCIL or any committee thereof, shall be held by all COMMUNITY COUNCILLORS whether elected or co-opted, but not by associate members appointed for specific issues on a temporary basis, or *ex-officio* members. Co-opted members are prohibited from voting on the co-option of other members to the Community Council until or unless they have been approved as full members. With the exception of circumstances which may arise under the **Scheme for the Establishment of Community Councils**: Clause 7 – Community Council Elections [Co-option]; and **Constitution**: Clause 16 – Alterations to the Constitution and Clause 17 – Dissolution, all decisions of the COMMUNITY COUNCIL will be decided by a simple majority of those present and eligible to vote.

With the exception of a meeting called in terms of paragraph 14 of the Scheme, in the event of an equality of votes, the Chair will have a casting vote.

9. **Election of Office-Bearers**

- a) At the first meeting of the COMMUNITY COUNCIL after elections in the year when regular elections are held and at the Annual General Meeting in the following years, the COMMUNITY COUNCIL shall appoint a Chair, Vice Chair, Secretary, Treasurer and such other office-bearers as it shall from time to time decide.
- b) All office-bearers shall be elected for one year, but shall be eligible for re-election.
- c) Without the express approval of the local authority, no one member shall hold more than one of the following offices at any one time: Chair, Secretary or Treasurer;
- d) In the event of a Chair standing for re-election as Chair at the Annual General Meeting, then where they have already served as Chair for four or more consecutive years, the Community Council must approve their nomination by a simple majority of those present and eligible to vote, by secret ballot.

10. Committees of the Community Council

The COMMUNITY COUNCIL may appoint representatives to committees of the COMMUNITY COUNCIL and shall determine their composition, terms of reference, duration, duties and powers at the point at which they are established.

Meetings of committees and sub-committees should be minuted and reported back to the full Community Council for approval. Members of committees and sub-committees shall be subject to the Community Councillors' Code of Conduct.

11. Meetings of the Community Council

- a) The quorum for COMMUNITY COUNCIL meetings shall be at least one third of the current eligible voting membership, or 3 eligible voting members, whichever is the greater.
- b) Once in each year in the months of April, May or June the COMMUNITY COUNCIL shall convene an Annual General Meeting for the purpose of receiving and considering the Chair's annual report on the COMMUNITY COUNCIL, the submission and approval of the independently examined annual statement of accounts and the appointment of office bearers.
- c) Including the Annual General Meeting, the COMMUNITY COUNCIL shall meet not less than 7 times throughout the year.
- d) Dates, times and venues of regular meetings of the COMMUNITY COUNCIL shall be fixed at the first meeting of the COMMUNITY COUNCIL following ordinary elections and thereafter at its annual general meeting. Special meetings shall require at least 7 days public notice, either called by the Chair, or on the request of not less than one-half of the total number of COMMUNITY COUNCIL members. An officer of the Council has the discretion to call a meeting of the COMMUNITY COUNCIL.
- e) Copies of all minutes of meetings of the COMMUNITY COUNCIL and of committees thereof shall be approved at the next prescribed meeting of the COMMUNITY COUNCIL, with copies circulated within 14 days from the date of the meeting at which they are approved, to COMMUNITY COUNCIL members and the Council's identified Council Contact for the COMMUNITY COUNCIL.
- f) The COMMUNITY COUNCIL shall abide by its Standing Orders for the proper conduct of its meetings.
- g) The COMMUNITY COUNCIL has a duty to be responsive to the community it represents. Should the COMMUNITY COUNCIL receive a written request (petition), signed by at least 25 persons resident within the COMMUNITY COUNCIL area to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting, within 14 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings called by the COMMUNITY COUNCIL.

- h) The COMMUNITY COUNCIL can meet to discuss items of business in private where it considers it appropriate to do so, but this should only be in exceptional circumstances. The decision to meet in private will be agreed in advance at a meeting of the Community Council and decided by a majority vote of those present and eligible to vote. Notice of such a meeting will be given to the public in the usual way. However, the Notice will record that the meeting, or a part thereof, shall be held in private.

12. Public Participation in the Work of the Community Council

- a) All meetings of the COMMUNITY COUNCIL and its committees (subject to 11(h), above) shall be open to members of the public. Proper provision is to be made for the accommodation of members of the public and the opportunity should be afforded at each meeting to permit members of the public to address the COMMUNITY COUNCIL, under the guidance of the Chair.
- b) Notices calling Ordinary and Annual General meetings of the COMMUNITY COUNCIL and its committees shall be posted prominently within the COMMUNITY COUNCIL area for a minimum period of 10 days before the date of any such meeting, and, where possible, be advertised by other suitable means.

13. Information to the Council

The Council's identified officer shall be sent an annual calendar of the COMMUNITY COUNCIL'S prescribed meeting dates, times and venues (which should be agreed at the COMMUNITY COUNCIL'S Annual General Meeting), minutes of all meetings, the annual report, the annual financial statement and any other such suitable information, as may from time to time be agreed between the COMMUNITY COUNCIL and the Council. When special meetings of the COMMUNITY COUNCIL are to be held, the Council's identified officer should be advised of the date, time venue and subject(s) of debate of such meetings, at least 7 days in advance of the meeting date.

14. Control of Finance

- a) All monies raised by or on behalf of the COMMUNITY COUNCIL or provided by the Council and other sources shall be applied to further the objectives of the COMMUNITY COUNCIL and for no other purpose. The monies provided by the Council in the annual Administrative Grant for administrative and other approved purposes shall be used only as prescribed. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the Community Council), or in the absence of such terms, for the furtherance of the objectives of the COMMUNITY COUNCIL.
- b) The Treasurer shall undertake to keep proper accounts of the finances of the Community Council.
- c) Any two of three authorised signatories, who would normally be office-bearers of the Community Council, may sign cheques on behalf of the COMMUNITY COUNCIL. Authorised signatories may not be cohabitants.
- d) A statement of accounts for the last financial year, independently examined by an examiner appointed by the COMMUNITY COUNCIL, who is not a member of this COMMUNITY COUNCIL, shall be submitted to an Annual General Meeting of the COMMUNITY COUNCIL and shall be available for inspection at a convenient location.
- e) The financial year of the COMMUNITY COUNCIL shall be from 1 April until 31 March the succeeding year. Examined accounts as received and approved by the

COMMUNITY COUNCIL at the annual general meeting shall be submitted to the Council following approval at the community council's Annual General Meeting.

15. Title to Property

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

16. Alterations to the Constitution

Any proposal by the COMMUNITY COUNCIL to alter this Constitution must be first considered by a meeting of the COMMUNITY COUNCIL and the terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued not less than 10 days prior to the meeting. Any proposed alterations may not prejudice the terms and objectives contained within the Scheme for the Establishment of Community Councils.

If the proposal is supported by two-thirds of the total voting membership of the COMMUNITY COUNCIL and is approved in writing by the Council, the alteration shall be deemed to have been duly authorised and can then come into effect.

17. Dissolution

If the COMMUNITY COUNCIL by a two-thirds majority of the total voting membership decides at any time that on the grounds of expense or otherwise it is necessary or advisable to dissolve, it shall agree a date for a public meeting to be held to discuss the proposed resolution to dissolve. It is a requirement that not less than 10 days prior to the date of such meeting a public notice be given by means of notification in the local newspaper and Stirling Council website. If the resolution is supported at this special meeting by a majority of those persons present and eligible to vote and is approved by the Council, the COMMUNITY COUNCIL shall be deemed to be dissolved and all assets remaining, subject to the approval of the Council, after the satisfaction of any proper debts or liabilities shall transfer to the Council, who shall hold same in other appropriate methods for a future COMMUNITY COUNCIL representing that area.

In the event that the COMMUNITY COUNCIL is dissolved under the above procedure, and 20 or more electors in the COMMUNITY COUNCIL area, subsequently wish the reestablishment of a COMMUNITY COUNCIL for the area, these electors shall submit a requisition to the Council in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which the Returning Officer shall arrange for elections, on a date specified by the Council, to be held in accordance with the Scheme for the Establishment of Community Councils.

Where for any reason, the number of COMMUNITY COUNCIL members falls below the minimum specified in the Scheme for the Establishment of Community Councils the Council shall, if appropriate, by suspending the Constitution of the COMMUNITY COUNCIL, cause the COMMUNITY COUNCIL to be dissolved and in this event, the procedures for the establishment of a new COMMUNITY COUNCIL being those identified in the immediately preceding paragraph hereof, shall be initiated.

18. Approval and adoption of the Constitution

This Constitution was adopted by

..... COMMUNITY COUNCIL

on (*date*)

Signed:

..... Chair

..... Member

..... Member

..... (*date*)

and was approved on behalf of Stirling Council on

..... Signed

..... (*date*)

STIRLING COUNCIL
STANDING ORDERS FOR COMMUNITY COUNCILS

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1 Meetings (all held in public)

- (a) Ordinary meetings of the COMMUNITY COUNCIL shall be held in the months of..... [to be entered]. Special Meetings may be called at any time on the instructions of the Chair of the Community Council; on the request of not less than one-half of the total number of COMMUNITY COUNCIL members; or the receipt of a common written request (petition), signed by at least 25 persons, resident within the COMMUNITY COUNCIL area, to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting. A special meeting shall be held within 14 days of the receipt of the request made to the Secretary of the COMMUNITY COUNCIL. Annual General Meetings are held annually.
- (b) The notice of ordinary and Annual General Meetings of the COMMUNITY COUNCIL, featuring the date, time and venue, shall be provided to each COMMUNITY COUNCIL member and the local authority's named official by the Secretary of the COMMUNITY COUNCIL, at least 10 days before the date fixed for the meeting.

2 Minutes

Minutes of the proceedings of a meeting of the COMMUNITY COUNCIL shall be distributed in accordance with section 3 of the Scheme for the Establishment of Community Councils and shall, following their approval, be signed at the next meeting of the COMMUNITY COUNCIL by the person presiding thereat and retained for future reference.

3 Quorum

The quorum for a meeting of the COMMUNITY COUNCIL shall be one-third of the current voting membership of a Community Council, or 3 voting members, whichever is the greater.

4 Order of Business

i. Ordinary Meeting

The order of business at every ordinary meeting of the COMMUNITY COUNCIL shall be as follows:-

- (a) Recording of membership present and apologies received.
- (b) Recording of any declarations of interest in items of business on the Agenda.
- (c) The minutes of the last meeting(s) of the COMMUNITY COUNCIL shall be submitted for adoption.
- (d) Matters Arising
- (e) Treasurer's Report.
- (f) Any other item of business, which the Chair has directed, should be considered.
- (g) Any other competent business.

(h) Questions from the floor.

(i) Chair to declare date of next meeting and close meeting.

ii. Annual General Meeting

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

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

(a) Recording of membership present and apologies received.

(b) The minutes of the last annual general meeting of the COMMUNITY COUNCIL shall be submitted for adoption.

(c) Chair's Annual Report (and questions from the floor).

(d) Secretary's Annual Report (and questions from the floor).

(e) Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).

(f) Resignation of current office bearers/election of office bearers.

(g) Chair to declare date of next annual general meeting and close meeting.

iii. Special Meetings

The order of business at a Special Meeting of the COMMUNITY COUNCIL shall be as follows: -

(a) Recording of membership present and apologies received.

(b) Business for debate, as described in the calling notice for the special meeting.

(c) Chair to close meeting.

5 Order of Debate

(a) With the exception of a meeting called under paragraph 14 of the Scheme, the Chair shall decide all questions of order, relevancy and competency arising at meetings of the COMMUNITY COUNCIL and his/her ruling shall be final and shall not be open to discussion. In particular, the Chair shall determine the order, relevancy and competency of all questions from the public in attendance at meetings of the COMMUNITY COUNCIL raised at 4, above. The Chair in determining the order, relevance and competency of business and questions shall have particular regard to the relevance of the issue to the community and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Chair shall have the power, in the event of disorder arising at any meeting, to adjourn the COMMUNITY COUNCIL meeting to a time he/she may then, or afterwards, set.

(b) Every motion or amendment shall be moved and seconded.

- (c) After a mover of a motion has been called on by the Chair to reply, no other members shall speak to the question.
- (d) A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- (e) A motion or amendment which is contrary to a previous decision of the COMMUNITY COUNCIL shall not be competent within six months of that decision.

6 Voting

- (a) Voting shall be taken by a show of hands of those present and eligible to vote, with the exception that, at an Annual General Meeting, the election of office bearers may be held by secret ballot.
- (b) With the exception of a meeting called under paragraph 14 of the Scheme, where there is an equality of votes, the Chair shall have a casting vote as well as a deliberative (first) vote.
- (c) For the avoidance of doubt, only those present and eligible to vote can take part in a vote at any meeting.

7 Alteration of Standing Orders

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

8 Suspension of Standing Orders

These Standing Orders shall not be suspended except at a meeting at which three-quarters of the total number of COMMUNITY COUNCIL members are present and then only if the mover states the object of his/her motion and if two thirds of the COMMUNITY COUNCIL members present and eligible to vote consent to such suspension.

STIRLING COUNCIL

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

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

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

These principles are as follows:-

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

Service to the Community

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

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

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

Selflessness

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

Integrity

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

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

Objectivity

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

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

You are free to have political and/or religious affiliations, which are kept separate from your duties as a Community Councillor. You have a duty to ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

Accountability and Stewardship

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

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

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

Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council and to the Council 14 days after being approved by the next or subsequent meeting.

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

Openness

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

If you have dealings with the media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the

expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.

Honesty

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

Leadership

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

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

Respect

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

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

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

Sanctions

Sanctions which can be applied to Community Councillors who breach the terms of this Code of Conduct are as follows:-

- Censure of the member in question;
- Issue of a formal written warning to the member in question;
- Suspension of the member from the Community Council for up to 3 months; or
- Where the Community Council considers it appropriate, refer the complaint to the Council's Conduct Review Panel for consideration and determination.

LIST OF COMMUNITY COUNCIL AREAS

Including Population Statistics and Membership Criteria

Paragraph 5 of the Scheme states:-

“Community Council areas with a population of 1000 or fewer shall have a minimum number of six elected Community Councillors; those with a population of over 1000 shall have a minimum of seven.”

Additional Members are required according to the size of the population and geographic size of the Community Council.

Since Community Councils have different characteristics, it is necessary to group the Community Councils under Urban and Rural headings.

All Community Councils east of the M9/A9 are defined as Urban.

All those north and west are defined a Rural.

Within these two headings, it is also necessary to band certain sizes of Community Councils together and apply the same criteria to those within the same banding.

Outlined below are the bandings and membership criteria for Community Councils in the Stirling Council area.

<u>URBAN COMMUNITY COUNCILS</u>	
<u>Band 1</u>	Community Councils with a population above 5000 Minimum of 7 Members plus 1 additional Member per 1000 of population
<u>Band 2</u>	Community Councils with a population between 1001-5000 Minimum of 7 Members plus 1 additional Member per 750 of population
<u>Band 3</u>	Community Councils with a population below 1000 Minimum of 6 Members plus 1 additional Member per 750 of population
<u>RURAL COMMUNITY COUNCILS</u>	
<u>Band 1</u>	Community Councils: with a population above 1000 with a geographic area greater than 100km² Minimum of 7 Members Plus – 1 additional Member for every 500 of population Plus – 1 additional Member for every 100km ²
<u>Band 2</u>	Community Councils: with a population above 1000 with a geographic area less than 100km² Minimum of 7 Members Plus – 1 additional Member for every 500 of population
<u>Band 3</u>	Community Councils: with a population below 1000 with a geographic area greater than 100km² Minimum of 6 Members Plus – 1 additional Member for every 500 of population Plus – 1 additional Member for every 100km ²
<u>Band 4</u>	Community Councils: with a population below 1000 with a geographic area less than 100km² Minimum of 6 Members Plus – 1 additional member for every 500 of population

URBAN COMMUNITY COUNCILS

	Population 2011 Census	Area (km ²)	Minimum No. of Members	Additional Members based on population	TOTAL NUMBER OF PROPOSED MEMBERS
Urban Band 1				(1 per 1000 pop)	
Bridge of Allan	6,762	18	7	6	13
Braehead and Broomridge	5,700	4.4	7	5	12
Dunblane	9,394	57	7	9	16
St Ninians	6,000	3.1	7	6	13
Urban Band 2				(1 per 750 pop)	
Bannockburn	3,618	5.3	7	4	11
Cambusbarron	3,603	37	7	4	11
Causewayhead	2,794	1.6	7	3	10
Cornton	3,322	1.2	7	4	11
Cowie	2,713	9.3	7	3	10
Hillpark & Milton	3,547	1.1	7	4	11
Kings Park	2,317	2	7	3	10
Mercat Cross & City Centre	4,066	0.9	7	5	12
Plean	2,237	15	7	2	9
Polmaise	2,960	11	7	3	10
Raploch	2,938	4.1	7	3	10
Riverside	2,015	0.8	7	2	9
Torbrex	1,540	0.6	7	2	9
Urban Band 3				(1 per 750 pop)	
Cambuskenneth	241	2	6	0	6
Logie	196	21	6	0	6
Throsk	220	5.2	6	0	6

RURAL COMMUNITY COUNCILS

	Population 2011 Census	Area (km ²)	Minimum No. of Members	Additional Members based on population	Additional Members based on area	TOTAL NUMBER OF PROPOSED MEMBERS
Rural Band 1				(1 per 500 pop)	(1 per 100 km²)	
Callander	3,475	127	7	6	1	14
Strathard	1,237	236	7	2	2	11
Rural Band 2				(1 per 500 pop)	N/A	
Balfron	2,061	21	7	4	0	11
Drymen	1,570	35	7	3	0	10
Gargunnoch	1,002	37	7	2	0	9
Killlearn	2,194	48	7	4	0	11
Kilmadock	2,145	98	7	4	0	11
Kippen	1,255	22	7	2	0	9
Strathblane	2,387	44	7	4	0	11
Thornhill & Blairdrummond	1,125	54	7	2	0	9
Rural Band 3				(1 per 500 pop)	(1 per 100 km²)	
Balquhidder, Lochearnhead & Strathyre	787	269	6	1	2	9
Buchanan	461	106	6	0	1	7
Killin	972	278	6	1	2	9
Strathfillan	400	245	6	0	2	8
Trossachs	197	129	6	0	1	7
Rural Band 4				(1 per 500 pop)	N/A	
Arnprior	153	21	6	0	0	6
Buchlyvie	752	32	6	1	0	7
Carron Valley & District	322	65	6	0	0	6
Croftamie	358	25	6	0	0	6
Fintry	717	72	6	1	0	7
Gartmore	475	34	6	0	0	6
Port of Menteith	403	60	6	0	0	6

