



## **COMHAIRLE NAN EILEAN SIAR SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN NA H'EILEANAN AN IAR**

### **INTRODUCTION**

- 1 In accordance with Section 53 of the Local Government (Scotland) Act 1973 (hereinafter referred to as "the Act") and after the public notices and consultation and consideration of suggestions and representations following thereon, Comhairle nan Eilean Siar (hereinafter referred to as "the Comhairle") hereby make the following amended Scheme for the establishment of Community Councils for its area to come into effect on

### **APPLICATION TO ESTABLISH COMMUNITY COUNCIL**

- 2 In the event of not less than 20 electors in any of the areas specified in paragraph 4 below, making application in terms of Section 52(7) of the Act for the establishment in that area of a Community Council, the Comhairle shall, make arrangements to set up a Community Council for the area concerned.
- 3 In the event that a community served by a Community Council for one of the areas in paragraph 4 below applies to the Comhairle to be recognised as a separate area and to establish a Community Council to serve the new area, the Chief Executive shall arrange for the matter to be considered by the Comhairle as soon as practicably possible. The report to the Comhairle shall set out the proposed area of the new Community Council and the arrangements to consult both within the community concerned and the Community Council in whose area the community lies.

### **COMMUNITY COUNCIL AREAS**

- 4 The areas referred to in paragraph 2 above comprise:-
  - (1) Ness That part of the ward of An Taobh Siar agus Nis shown delineated and marked (1) on Map 1 appended hereto.
  - (2) Airidhantuim That part of the ward of An Taobh Siar agus Nis marked (2) on the said Map 1.
  - (3) Barvas and Brue That part of the ward of An Taobh Siar agus Nis marked (3) on the said Map 1.
  - (4) Shawbost That part of the ward of An Taobh Siar agus Nis and marked (4) on the said Map 1, marginally overlaps the ward Sgìre 'Uige agus Ceann a Tuath nan Loch on the west and south west periphery.
  - (5) Carloway That part of the ward of Sgìre 'Uige agus Ceann a Tuath nan Loch marked (5) on the said Map 1.
  - (6) Breascleit That part of the ward of Sgìre 'Uige agus Ceann a Tuath nan Loch marked (6) on the said Map 1.

- (7) Bernera That part of ward of Sgìre 'Uige agus Ceann a Tuath nan Loch marked (7) on the said Map 1.
- (8) Uig That part of the ward of Sgìre 'Uige agus Ceann a Tuath nan Loch marked (8) on the said Map 1.
- (9) Back The part of the ward of Loch a Tuath marked (9) on the said Map 1, marginally overlaps ward An Taobh Siar agus Nis on the north west periphery.
- (10) Tong That part of the ward of Loch a Tuath is marked (10) on the said Map 1.
- (11) North Tolsta That part of the ward of Loch a Tuath marked (11) on the said Map 1, marginally overlaps ward An Taobh Siar agus Nis on the north east periphery.
- (12) Laxdale That part of the ward of Steòrnabhadh a Tuath marked (12) on the said Map 1, marginally overlaps ward An Taobh Siar agus Nis on the north east periphery and ward Sgìre 'Uige agus Ceann a Tuath nan Loch on south west, south and south east periphery.
- (13) Stornoway That part of the wards of Steòrnabhadh a Deas and Steòrnabhadh a Tuath marked (13) on the said Map 1, marginally overlaps ward Sgìre 'Uige agus Ceann a Tuath nan Loch on the south west periphery.
- (14) Sandwick That part of the ward of Steòrnabhadh a Deas marked (14) on the said Map 1, marginally overlaps ward Sgìre an Rubha on the west periphery.
- (15) Point That part of the ward of Sgìre an Rubha marked (15) on the said Map 1.
- (16) North Lochs That part of the ward of Sgìre 'Uige agus Ceann a Tuath nan Loch is marked (16) on Map 1.
- (17) Pairc That part of the ward of Sgìre 'Uige agus Ceann a Tuath nan Loch is marked (17) on the said Map 1
- (18) Kinloch That part of the ward of Sgìre 'Uige agus Ceann a Tuath nan Loch is marked (18) on the said Map 1.
- (19) North Harris That part of ward of Na Hearadh agus Ceann a Deas nan Loch is marked (19) on the said Map 1.
- (20) Scalpay That part of ward of Na Hearadh agus Ceann a Deas nan Loch is marked (20) on the said Map 1.
- (21) South Harris That part of ward of Na Hearadh agus Ceann a Deas nan Loch is marked (21) on the said Map 1.
- (22) Berneray That part of the ward of Beinn na Faoghla agus Uibhist a Tuath is marked (22) on the said Map 2
- (23) North Uist That part of ward of Beinn na Faoghla agus Uibhist a Tuath is marked (23) on the said Map 2

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|------|--------------|---|
| (24) | Benbecula    | That part of ward of Beinn na Faoghla agus Uibhist a Tuath is marked (24) on the said Map 2   |
| (25) | lochdar      | That part of the ward of Barraigh, Bhattersaigh, Eirisgeidh agus Uibhist a Deas marked (25) on the said Map 2, marginally overlaps ward Beinn na Faoghla agus Uibhist a Tuath on the north periphery. |
| (26) | Bornish      | That part of the ward of Barraigh, Bhattersaigh, Eirisgeidh agus Uibhist a Deas is marked (26) on the said Map 2.   |
| (27) | Lochboisdale | That part of the ward of Barraigh, Bhattersaigh, Eirisgeidh agus Uibhist a Deas is marked (27) on the said Map 2.   |
| (28) | Eriskay      | That part of the ward of Barraigh, Bhattersaigh, Eirisgeidh agus Uibhist a Deas is marked (28) on the said Map 2.   |
| (29) | Northbay     | That part of the ward of Barraigh, Bhattersaigh, Eirisgeidh agus Uibhist a Deas is marked (29) on Map 2.  |
| (30) | Castlebay    | That part of the ward of Barraigh, Bhattersaigh, Eirisgeidh agus Uibhist a Deas is marked (30) on Map 2.  |

In the event of dispute or question, precise boundaries shall be determined by the Chief Executive in consultation with the relevant local elected members of the Comhairle.

#### **MEMBERSHIP**

- 5 To be eligible for election to a Community Council, a person must be resident within and registered as a Local Government elector in the Community Council area to which election is being sought and be 16 years of age or over on the day of election. Nominations for election shall be on a form prescribed by the Comhairle and each nominee shall be supported by a proposer who shall be resident within and registered as a Local Government elector in the Community Council area to which election is being sought.
- 6 The membership of each Community Council shall comprise:-
  - (1) a minimum of four and maximum of twelve directly elected members to the number specified in the following Schedule of Membership;
  - (2) the local Councillor or Councillors for the ward or wards encompassing the Community Council area; and
  - (3) at the discretion of the Community Council, four co-opted members.

Co-opted members need not, under this Scheme, be registered as local government electors for the area.

#### **ELECTIONS**

- 7 (1) Elections to Community Councils shall be conducted by postal ballot in accordance with the provisions made under this scheme and set out in paragraph 8 below.
- (2) At the expiry of the nomination period, if the number of valid nominations for election to a Community Council is between four and twelve, those candidates will be declared elected.

- (3) The Returning Officer for elections to Community Councils shall be the Chief Executive of Comhairle nan Eilean Siar who shall appoint such staff as he considers necessary to assist him in the conduct of elections.
- 8 The initial election for a Community Council shall take place in accordance with the provisions of Section 52(7) of the Act. The ordinary election for a Community Council established under the Scheme shall take place in 2007 and every fourth year thereafter, normally on the third Thursday in September. However, the Chief Executive shall have the power to determine an alternative date if it seems to him or her that circumstances in any election year require this. The Chief Executive shall give at least three months' notice to Community Councils of any change in the date of election. In any event, the ordinary election for a Community Council shall be held not later than 30 November in an election year. Elected members shall serve until the ordinary elections for Community Councils in \_\_\_\_\_, and thereafter for terms of four years or until the next ordinary election. The term of office for co-opted members shall be the same as that for elected members of the Community Council.
- 9 The timetable for an ordinary Community Council election shall be as follows:
  - (1) The Returning Officer shall publish a Notice of Election not less than six weeks before the date of the election;
  - (2) Nominations may be submitted at the place or places designated by the Returning Officer between 10.00am and 4.00pm on any day from the day after the Notice of Election is published. The close of the nomination period shall be 4.00pm on the day 21 days before the date of election.
  - (3) The closing date for withdrawal of nominations shall be two days after the close of nominations.
  - (4) Where a poll is to be conducted, three weeks before the date of election the Returning Officer shall publish a Notice of Poll stating the names and addresses of the validly nominated candidates. At the same date, the Returning Officer shall publish a Notice stating the names and addresses of the validly nominated candidates for those Community Councils where the number of candidates is between four and twelve elected members and stating that these members will be held elected to their respective Community Councils with effect from 11.00am on the date of election.
  - (5) Ballot papers shall be issued by post to every person registered as a Local Government elector in the Community Council area not later than two weeks prior to the date of election to be returned to the Returning Officer in the envelope provided at any time until the close of the poll which shall be at 5.00pm on the day of the election.
  - (6) The Returning Officer shall make arrangements to conduct a count or counts of the votes returned as soon as practicable after the close of the poll. The count may be conducted over more than one day and at more than one centre.
- 10 At a by-election to fill a vacancy on a Community Council, the Returning Officer may amend or adjust the timetable in paragraph 8 above following consultation with the Community Council, provided that the period of election for the date of publication of the Notice of Election to the date of Election shall be not less than four weeks.

#### **CASUAL VACANCIES**

- 11 In the event of casual vacancies occurring in the elected membership, the following provisions shall apply:

- (1) If the vacancy reduces the number of elected members on the Community Council to less than four elected members, the Community Council shall immediately advise the Returning Officer who will make arrangements to hold an election to fill the vacancy. Any such election shall be held within three months of the date of the vacancy occurring. The Community Council will continue to operate as normal during the period of any vacancy arising under this paragraph.
  - (2) In the event that it proves not possible to fill a vacancy in paragraph (1) and the number of elected members remains below four, the Returning Officer shall report the circumstances to Comhairle nan Eilean Siar and seeking the dissolution of that Community Council. The Returning Officer shall, at the same time, advise the Community Council that he will report to the Comhairle and shall provide a copy of his report to the Community Council.
  - (3) The election to fill any vacancy for an elected member on a Community Council will be conducted by postal ballot in accordance with the provisions of paragraph 8 above, subject to any changes sought by the Returning Officer under paragraph 9.
  - (4) Any vacancy in the elected membership of a Community Council arising during the six months prior to the end of the term of office shall not be filled, even if the number of elected members falls below threshold, and the Community Council will continue to operate during this period.
- 12 Any vacancy among the co-opted members on a Community Council may be filled by the Community Council co-opting a person to that vacancy.
  - 13 A Community Council may include in its constitution a provision that the Community Council may declare a casual vacancy if any member of the Community Council has not attended a meeting of the Community Council within a period set out in the constitution. The period may be expressed in terms of length of time or number of meetings. It is suggested that failure to attend during a period of six months, or the number of scheduled meetings equivalent to that period, would be appropriate.

#### **OFFICIALS OF COMMUNITY COUNCILS**

- 14 Each Community Council shall appoint from amongst its elected or ex-officio members, a Chairman, a Vice-Chairman and an Honorary Treasurer, all of whom shall be eligible for re-appointment for successive terms of office. In addition, each Community Council may appoint from within or outwith its members a Clerk whose duties shall include the administrative work of the Community Council and liaison between the Community Council and the Comhairle. Each Community Council may appoint such other staff as it deems necessary.

#### **MEETINGS AND VOTING POWERS**

- 15 (1) Following the initial election of members to a Community Council the first meeting of the said Council shall be convened by the Returning Officer.
- (2) Each Community Council shall meet as often as deemed necessary but in any event at least every three months.
- (3) In addition to regular meetings each Community Council shall once and in the same month of each year convene an annual general meeting whose agenda shall include:
  - (a) the Community Council's annual report;
  - (b) an audited statement of accounts and provision;
  - (c) where necessary, for consideration and voting, proposals for amendment of the Community Council's constitution; and

- (d) any other business which can competently be dealt with at an annual general meeting.
- (4) In an election year, a special general meeting shall be convened by the Returning Officer as soon as practicable after the election of members for the purpose of:
- (a) electing a Chairman, Vice-Chairman and Honorary Treasurer;
  - (b) appointing a Clerk;
  - (c) considering the Community Council's financial provision for the ensuing year; and
  - (d) any other urgent competent business.
- 16 All meetings of the Community Council and of its Committees and Sub-Committees shall be open to members of the public who shall, subject to the authority of the Chairman, have a right to speak at such meetings, except that that Community Council or Committee or Sub-Committee as appropriate may resolve to agree to consider in private, any items of business of a private or confidential nature, when in the opinion of the Community Council it would be in the community interest to do so.
- 17 Members of a Community council in terms of paragraph 6(2) shall be entitled to attend and participate all meetings but shall not be entitled to vote on any matter unless that Member has been elected as chairman, Vice Chairman or Honorary Treasurer.

#### **FUNCTIONS**

- 18 In addition to any other purpose which it may pursue, the general function of a Community Council shall be to ascertain, co-ordinate and express to the Comhairle and to other public and local authorities and bodies the views of the community which it represents in relation to matters for which the Comhairle and other authorities and bodies are responsible in the area, and to take such action in the interests of the community as appears to it to be expedient and practicable.
- 19 To effect the foregoing functions, the Comhairle shall from time to time communicate to the Community Council information by way of letter, report, copy minute and agenda of meetings as to proposed works to be carried out within the area, or decisions to be taken on any matter falling within the responsibility of the Comhairle affecting the area in order that the views of the local inhabitants may be ascertained and the proposals commented upon by the Community Council. It shall likewise be incumbent upon the Community Council to transmit to the Comhairle for information, copies of minutes of all their meetings and to advise the Comhairle upon matters affecting the area to which the local inhabitants were desirous that the Comhairle should give consideration. Each Community Council shall ensure adequate public display of copies of agendas and minutes of their meetings throughout the area.

#### **LIAISON**

- 20 The Chief Executive of the Comhairle shall act as Liaison Officer to ensure effective liaison between the Comhairle and the Community Councils.

#### **CONSTITUTION**

- 21 Each Community Council shall within **six** months after its establishment draw up and submit to the Comhairle for approval a constitution to regulate the management of its affairs, insofar as these are not specifically provided for in this Scheme, including *inter alia*:-
- (1) organisations entitled to nominate members for co-option;
  - (2) frequency and venue of meetings;
  - (3) voting powers of co-opted members; and

- (4) details of arrangements, if any, made by the Community Council to appoint local Committees, as may be necessary to represent the particular interests of individual neighbourhoods.
- 22 Once in each term of a Community Council, the Council shall review its constitution and shall make any amendments it considers necessary for the good management of the Community Council's activities and to incorporate any new provisions required by statute, regulation or other similar document.

### **DELEGATION**

- 23 Each Community Council may devise and submit to the Comhairle for approval, for grant in terms of paragraph 24 below, local projects deemed desirable for its areas and in the event of the Comhairle approving grant for any project supervision of the project may be delegated in whole or in part to the Community Council. Furthermore, the Comhairle may with the agreement of the Community Council delegate in whole or in part the supervision of certain of its own local projects to a Community Council.

### **FINANCE**

- 24 The Comhairle may, on application being made by the Community Council, make an administrative grant for each financial year on the basis of approved estimates based on expenditure incurred in the preceding year. In addition to any funds which a Community Council may raise throughout its own fund-raising activities and financial assistance with administrative expenses mentioned above, the Comhairle may make such other specific grants as it shall from time to time approve. Nothing in this paragraph shall be taken to prejudice the Community Council's right to raise funds by means of grant or loan from any public body other than the Comhairle or any private institution, company or source of funds or by fund-raising events such as sales of work, jumble sales or private collections provided the funds are applied in the interests of the community for purposes which appear to the Community Council to be expedient and practicable. These provisions are subject to the Comhairle having adequate financial provision.
- 25 Each Community Council shall keep such books as may be necessary to maintain an accurate record of receipts and expenditure and the Honorary Treasurer shall prepare annually an abstract of intromissions. These books and abstract shall be audited by the Director of Assets, Finance and Resources of the Comhairle and a copy of the abstracts certified by the Director shall be transmitted immediately after the annual general meeting of the Community Council to the Comhairle for the general information of the Comhairle.
- 26 Each Community Council shall submit to the Comhairle annually by 31 December, a budget showing their estimated expenditure, for the financial year commencing 1 April following, required to meet:
  - (1) administrative costs including remuneration of paid officials; and
  - (2) specific projects and needs;

in order that the Comhairle may consider the scope for allocating funds for such purposes.

### **REVIEW AND AMENDMENT OF SCHEME**

- 27 Once in each term the Comhairle shall review the provisions in this scheme in consultation with the Community Councils established in accordance with paragraphs 2 to 4 to ascertain whether circumstances have materially changed from those which prevailed when this Scheme was approved or last amended. If they consider its amendment appropriate, they shall give public notice of their proposals inviting any Community Councils concerned and the public to make representations as respects these

proposals. The Comhairle shall thereafter proceed, in accordance with the provisions and procedures specified in Section 53 of the Act, to effect such amendments.

Chief Executive  
18 February 2016