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**Report to**                      **Clackmannanshire Council**

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**Date of Meeting:**    **12<sup>th</sup> April 2018**

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**Subject:**                      **Scheme for the Establishment of Community Councils**

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**Report by:**                      **Head of Strategy & Customer Services**

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## **1.0 Purpose**

- 1.1. The purpose of this report is for Council to consider the outcome of the third stage of consultation on the content of a proposed new Scheme for the Establishment of Community Councils.

## **2.0 Recommendations**

- 2.1. It is recommended that Council
- 2.1.1. notes the summary of final representations on the proposed Scheme attached as Appendix 1 to this report;
  - 2.1.2. approves for adoption the proposed new Scheme for the Establishment of Community Councils attached as Appendix 2 to this report;
  - 2.1.3. notes the timetable for introduction of the new Scheme, including the scheduling of the next review, attached as Appendix 3 to this report.

## **3.0 Considerations**

- 3.1. Clackmannanshire Council has a statutory duty to draw up a Scheme for the Establishment of Community Councils to ensure that community councils have a framework within which to exist and operate.
- 3.2. At its meeting in December, 2017, the Council agreed to take a proposed new Scheme forward to a third stage of statutory consultation in accordance with Section 22 of the Local Government Scotland Act 1994.
- 3.3. The four-week consultation period which has just ended invited final comments in writing on the proposed new Scheme including some amendments to the draft Scheme which had been the subject of the previous stage of consultation.
- 3.4. Comments which were received during the third stage of consultation are summarised in Appendix 1 to this report. While there was general agreement

with the content of the proposed Scheme following final amendments, there were new comments submitted on the top-up election provision.

#### **4.0 Final Representations**

- 4.1. The provision for top-up elections was originally proposed as a means for the Council to assist community councils to maintain membership numbers within an election cycle. It was included at the first appropriate stage (Stage 2) of this consultation on the new Scheme.
- 4.2. In the second stage of consultation, there was support for the introduction of more opportunities for people to fill vacancies arising on community councils. However, upon further examination in the third stage of consultation, this provision was found on balance to be less helpful than intended and of less value than the other provisions for filling vacancies.
- 4.3. The Council's approach to the content of the Scheme aims to reflect our aspirations to empower communities and help community councils to modernise. Accordingly, comments relating to community councils' need for flexibility to balance the workload of involving residents in community council elections with their other core functions to suit local circumstances have been given weight and the provision for top-up elections has been removed from the proposed draft Scheme.
- 4.4. In addition, to emphasise community council prerogative to request an interim election when necessary, the provision for interim elections has been amended to allow more flexibility in the threshold for membership numbers at which they can be called.
- 4.5. The removal of the provision for top-up elections and the amendment to the provision for interim elections do not change the principle or method by which people become community councillors. Therefore, it is recommended that the proposed draft Scheme proceeds to adoption with the amendments outlined in paragraphs 4.3 and 4.4.
- 4.6. There were otherwise no substantive comments on the final amendments to the Scheme after Stage 2 and only further amendments of a stylistic nature in the interests of clarity have been made.

#### **5.0 Next Step In The Process**

- 5.1. Six of the eight steps in the statutory consultation process to prepare a new Scheme for the Establishment of Community Councils have been completed (see Appendix 3). Should Council adopt the proposed new Scheme, a final notice will be published announcing the adoption of the new Scheme.
- 5.2. The content of the new Scheme will be reflected in the content of other documents governing community councils. (See drafts in appendix 4). Any necessary re-wording of these documents and the new arrangements will be effected in consultation with the community councils.
- 5.3. The approach to this extensive statutory process aimed to ensure any changes to the Scheme remain relevant and applicable over at least the

period of the full election cycle of community councils, and the need for review can next be considered in 2022.

## 6.0 Sustainability Implications

- 6.1. The recommendations will have a positive impact on encouraging community participation in decision making.

## 7.0 Resource Implications

### 7.1. *Financial Details*

- 7.2. The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes ☒

- 7.3. Finance have been consulted and have agreed the financial implications as set out in the report. Yes ☒

### 7.4. *Staffing*

## 8.0 Exempt Reports

- 8.1. Is this report exempt? Yes ☐ (please detail the reasons for exemption below) No ☒

## 7.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

- (1) **Our Priorities** (Please double click on the check box ☒)

Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all	<input type="checkbox"/>
Our families; children and young people will have the best possible start in life	<input type="checkbox"/>
Women and girls will be confident and aspirational, and achieve their full potential	<input type="checkbox"/>
Our communities will be resilient and empowered so that they can thrive and flourish	<input checked="" type="checkbox"/>

- (2) **Council Policies** (Please detail)

## 8.0 Equalities Impact

- 8.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations?

Yes ☒ No

## 9.0 Legality

- 9.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes ☒

## 10.0 Appendices

- 10.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

Appendix 1 – Summary of consultation responses stage 3

Appendix 2 – draft proposed Scheme

Appendix 3 – Review Timetable

Appendix 4 – Revised draft model documents

## 11.0 Background Papers



- 11.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

Yes ☐ (please list the documents below) No ☒

### Author(s)

NAME	DESIGNATION	TEL NO / EXTENSION
Lesley Baillie	Community Planning Adviser	2012

### Approved by

NAME	DESIGNATION	SIGNATURE
Stuart Crickmar	Head of Strategy & Customer Services	
Elaine McPherson	Chief Executive	

Questionnaire comment	Council Response	Final proposed Scheme content
<b><i>Filling vacancies arising in between elections</i></b>		
<b>Top-up Elections</b>		
1. Top-up elections are intended to fill vacancies. When an individual is co-opted onto a CC, for example, to replace a member standing down, then that vacancy no longer exists. Therefore, to create a vacancy, to be filled at a Top-up Election, the co-opted member will be required to stand down to create a vacancy to be filled at the Top-up Election. MCC considers this to be unacceptable.	The provision for co-option has been included primarily to allow community councils to maintain workload until new members can be elected at the next elections. It is not intended to allow people to bypass the formal election process.	This objection has been indirectly addressed by the removal of the provision for top-up elections but for different reasons.
2. Should one member leave the area, or resign, then a replacement member could be co-opted. Does this mean that the following January, the Council would be required to conduct a Top-up election and that the Co-opted member would be required to stand for election, possibly unopposed, to fill the membership gap that was previously filled by co-option? This could be simply avoided by changing the wording in Sec. 8.13 to read: "... and will serve until the next round of elections (whether regular or interim)", rather than the wording "... (whether regular, top-up or interim)"	As above, our position is that it is neither desirable nor in the interests of the electorate to avoid this situation.	As point 1 above, the provision causing this objection has been removed.
3. should the Council decide to go ahead and adopt the current Scheme proposal for Top-Up Elections to fill casual vacancies, then what is the proposed procedure by which a co-opted member would be required to stand down, in order to re-create the required vacancy? Further, at what point in time would a co-opted member be required to do so?	Should the Scheme be adopted with this provision remaining, the process and timing would be consistent with that of a regular election.	We are no longer proposing to include this provision.
4. Although top up elections are a good idea in principle, as tax payers, we feel having a top up election which could go to ballot only to fill	Community concern about the costs involved is understandable. Whilst we do not feel that	As with point 1 above, this objection has been indirectly addressed by the

one place is not good value for money.

the reasonable costs of legitimate, democratic processes which intend to meaningfully increase citizen participation should be a key factor in the debate, the case against top-up elections has in any case been argued elsewhere.

removal of the provision for top-up elections but for different reasons.

5. Elections are work for ccs too and we would like to be able to request an election when necessary rather than to a schedule

We are aware of the extensive work community councils undertake to encourage residents to take part in their elections and we acknowledge that the trend for more community consultation and participation in local community planning are placing increasing demands on community council time and attention.

The provision for Interim Elections will be re-worded to help community councils respond to drops in membership numbers in a managed way.

## Interim Elections

6. Having been supportive of the concept of Top-Up Elections I now believe that if the cases of the Interim Election could be altered to allow for a CC to request an Interim Election in circumstances where either the overall number of CC members has dropped or are at risk of dropping to too low a level to allow for the effective operation of the CC or if the balance between elected CC members and Co-opted Members has again reached a point which would prejudice the operation of the CC then this would be a simpler arrangement giving the CC's maximum flexibility.

We welcome this pragmatic response and are aware that it came about through careful consideration and deliberation by community councils collectively.

As point 4 above, we accept the case for managing volunteer workload. Elections, and the work involved in campaigning actively to involve residents in their elections, should not present a barrier to community council activities but should inherently support them.

The wording in the paragraphs relating to interim elections has been amended so as to assist community councils with their efforts to monitor membership numbers and plan for election campaigns.

7. Further to our meeting on Monday, MCC would be grateful if the following additional comments could be noted, in terms of our input to the consultation. MCC would be happy if the term 'Top-up

8.11 would require to be changed accordingly.

8. I like the idea of top up elections but would only like to see them called if there two or more vacancies, as I won't want to do election unless necessary as it would distract from cc business.

## Co-option

9. MCC strongly believes that [ *requiring a co-opted member to stand at a top-up election*] will discourage any member of the community volunteering to fill a casual vacancy, during the 'life' of the CC, leaving the remaining members with a disproportionate workload.

We note a key point in this comment is the importance of not creating barriers for new members and of avoiding disproportionate disruption to community council business.

This objection has been addressed, as per point 6-8 above.

10. should a vacancy arise close to the date of a Top-Up Election (say, in the September), a CC may decide not to take "immediate steps" to co-opt a member to fill a casual vacancy, for that individual, potentially, to participate in one, at the most, two CC meetings prior to being required to stand down for an election taking place!! The wording in Para. 8.12 need to be amended, and / or 'conditions' added, to reflect this situation.

The provision for co-option has been included on the understanding from Stage 2 that community councils usually require to replace members immediately to maintain productivity, but we accept that for practical reasons the process of co-option would not always be immediate.

The wording of the provision for interim elections (point 6-8 above) addresses the need to allow for what is practicable.

11. casual "vacancies arising since a regular or interim election" are only vacancies if the place has not been filled by co-option. Therefore, the only way a vacancy can be created is if the co-opted member is required to stand down. As previously submitted, this is not something that MCC supports. A co-opted member should be allowed to remain on the CC until the next Regular (or Interim) Election. We do not believe that Sec. 8 of the proposed draft Scheme (referenced in Q. 8 below) adequately deals with this issue.

We provide guidance on adhering to minimum standards for co-option and we note our community councils are striving to undertake co-option to even higher standards to ensure residents are as confident of the legitimacy of the status of co-opted community councillors as those who became members at an election.

We are not proposing any changes to this provision in the Scheme but will revisit the guidance we provide to community councils on co-option with a view to ensuring it reflects the high standards they expect of themselves.

12. It is essential to have both a flexible (co-option) and less flexible but more democratically robust method (elections) of recruiting. Co-options must be done with safeguards in place to ensure legitimacy. Co-option is a form of election so a co-opted place is not vacant.

13. It is important that the majority of Community councils are elected, although co-option should be available.	We agree with this and feel the Scheme already reflects this.	Continue with provisions for traditional elections and co-options.
14. If there is a resignation during the term, it would be desirable to be able to elect an interested and suitable candidate for the duration of the term. Without having to go through hoops to do so.	We respect the need for local flexibility. This has been recognised and reflected in the new proposed Scheme	Continue with provision for co-option and amend provision for interim elections (as point 6-8 above).

## ***Dissolution and Suspension***

### **Power**

15. MCC is still of the belief that the Council, ultimately, needs to take responsibility for the dissolution of a CC which is in breach of the Scheme and / or it's Constitution and that this should be made clear. The Council is responsible for establishing a CC, through a fair and democratic election process, that it arranges and conducts. It also establishes and 'owns' the Scheme. Therefore, it should also take ultimate responsibility for dissolving a CC. Other Local Authorities reserve the right to dissolve CCs, e.g. Glasgow City Council (Sec. 13 (a) of its Scheme): "Any decision which may lead to the dissolution of a community council rests with the Executive Committee within Glasgow City Council". This is similar to the powers that the Scottish Government has to suspend or 'dissolve' a Council / Local Authority that is in breach of its rules, or its terms of operation, or, indeed, that the UK Government can, ultimately, take over from or 'dissolve', a devolved Government that is not, or can not, operate effectively in the interests of the electorate that put it in place.	<p>The Scheme shows that the Council takes breaches of the Scheme seriously but we maintain our stance that the will of the people determines a community council and determines its future.</p> <p>We hope community councils will help us to dispel the common misunderstanding that because we set the framework and administer the elections, the Council creates and is in charge of community councils.</p> <p>The Scheme is indeed Clackmannanshire's. There is no requirement for Schemes across Scotland to be identical and the scope for local determination of the content is important. Like the respondent, we frequently refer to government and local government processes for rationale but community councils are unique organisations and comparisons are not always applicable.</p>	Continue with the existing provision.
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### **Process**

16. If the Council still wishes a community to take responsibility for the dissolution of a CC, under Sec. 12.1, what 'process' is to be followed?	Circumstances under which dissolution occurs vary. The Council will respond as necessary with a level and nature of assistance which	The process for dissolution is set out in the constitution of each community council.
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What assistance will be provided to the community?

suits the local circumstances.

17. What if the CC in question is in breach of its governance framework, and is subsequently suspended by the Council, but has the full support of the community it represents? How will this CC be dissolved!? What is the documented process that the Council will follow to determine whether a CC should be dissolved against the wishes of the community?

A community council which has the full support of the community it represents will not be dissolved. The suspension will be lifted when residents take the steps necessary to rectify the actions which have placed it in breach of the Scheme. It may continue to operate as a community group but it will not be recognised as a community council.

Unfortunately, a process for dissolution which applies across the county to cover all eventualities would be subject to too many variables to include. No change to proposed provision.

18. what if the community actually continues to fully support a CC that the Council has suspended and it continues to operate without funding?

## Other

### General

19. The final content of the draft scheme is fine and easy to understand and would be beneficial for those wanting to become Community Councillors.

The content has been derived following extensive negotiation primarily with community councils and we are pleased to receive this reassurance.

No change to proposed Scheme

20. It looks good to me

21. When someone applies at election time, there is no vetting on the suitability unless it goes to a vote when numbers are at maximum. I think there should be some kind of vetting to deter time wasters or people who are only interested in having the title.

Elections are designed to give residents the chance to 'vet' nominees through a ballot. This has proven itself to work in practice when voters have chosen their community councillors based on the content of the candidates' supporting statements on their nomination form.

No change to eligibility criteria or to proposed Scheme.

22. I do not think that CC should be paid, as if this was the case the difference in the input and effort that each CC makes would become an issue. Some do not even attend meetings while others are busy

Community councillors are volunteers. They are reimbursed for out-of-pocket expenses but they are not paid a wage. This is not a

No change to proposed Scheme.

with CC almost every day.

reflection of the quality or quantity of the work they undertake or on the role they assume within the community council. There are currently no proposals to give community councillors a wage.

## Future direction of community council activity

23. I would suggest that Community Councillors are advised that they are here for all communities within the Alloa area and not just for the young, but middle age and elderly. Specific groups appears to be missed out at every opportunity and there are a lot more things that can be done instead of just having things done for the chosen few.

Community councils represent the breadth of interests within a geographic community. As such, they do have to balance the interests of various groupings within that community and as they have limited resources, they have to prioritise their work. Not all the work done in a community for specific groups has to be done by a community councillor and people can help as volunteers.

The model community council constitution has been amended to make it clearer that community councils can engage volunteers who are not community councillors. No change to the Scheme.

24. Is [ *the direction community councils should be moving in to fulfil their function meaningfully, to be relevant*] not already covered in Secs. 2 and 3 of the proposed draft Scheme?.

We agree that the function, as described in legislation, generally gives community councils the scope to respond to the interests and priorities of their communities through the activities they judge to be appropriate.

No change to proposed Scheme

25. Community Councils should have a "special relationship" with their councils. Often described as influence but not decision making, which is the Clacks Councillors role.

We agree that the working relationship between community councils and the Council should add value to the work of both and, in technical terms, our community council protocol covers this.

No change to proposed Scheme.

26. The recent snowy weather, highlighted how Community Councils using their links into the community help link people who wanted to help with those that needed help

We agree that effective use of these links makes a positive difference to how communities mobilise in extreme situations.

No change to proposed Scheme.

## Respondent breakdown

Where in Clackmannanshire do you live?

Community Council Review Stage 3

Final Proposals

Option	Total	Percent of All	Total	Percent of All
Alloa	3	50%	0	0%
Alva	0	0%	0	0%
Cambus	0	0%	0	0%
Clackmannan	1	17%	0	0%
Coalsnaughton	0	0%	0	0%
Devonside	0	0%	0	0%
Dollar	0	0%	0	0%
Fishcross	0	0%	0	0%
Forestmill	0	0%	0	0%
Glenochil	0	0%	0	0%
Kennet	0	0%	0	0%
Menstrie	0	0%	0	0%
Muckhart	1	17%	2	100%
Sauchie	0	0%	0	0%
Tillicoultry	1	17%	0	0%
Tullibody	0	0%	0	0%
Not Answered	0	0%	0	0%

Do you have any experience of community councils in the last 4 years either as a community councillor or as a member of the public attending community council meetings?

Community Council Review Stage 3

Final Proposals

Option	Total	Percent of All	Total	Percent of All
Yes, I've attended one or more community council meetings in the last 4 years	6	100%	2	100%
No, I've haven't attended a community council meeting in the last 4 years	0	0%	0	0%
Not Answered	0	0%	0	0%



# **SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS**



**Clackmannanshire  
Council**

[www.clacks.gov.uk](http://www.clacks.gov.uk)

Comhairle Siorrachd  
Chlach Mhanann

## **1. Introduction**

- 1.1. 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 and 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.
- 1.2. The Scheme is designed to enable the establishment of community councils across Clackmannanshire to provide a common minimum basic framework governing their creation and operation.

## **2. Statutory Purposes**

- 2.1. The statutory purposes of community councils established under this Scheme are set out in Section 51 (2) of the Local Government (Scotland) Act 1973, as follows: -
- 2.2. "In addition to any other purpose which a Community Council may pursue, the general purpose of a community council shall be to ascertain, co-ordinate and express to the local 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. Role of Community Councils**

- 3.1. Community councils have a duty under statute to represent the views of their local community. Clackmannanshire Council recognises community councils as the voice of the community on matters which directly affect public services in their areas and as appropriate bodies to participate at all stages of Local Development Planning.
- 3.2. Community councils have a statutory right to be consulted on planning applications which affect their area.
- 3.3. Community councils are competent objectors for licensing applications.
- 3.4. It is the role of community councils to inform the community they represent of matters of public concern and enable and facilitate active community deliberation on key developments affecting their area.
- 3.5. Clackmannanshire Council also recognises the scope community councils have to promote the well-being of the communities they represent; foster community spirit, and safeguard and improve the amenities of the community council area, its buildings and its natural environment.

## 4. Boundaries and Membership

- 4.1. The boundaries for community council areas and names of the community council areas are as outlined below and shown in this map which annexes this Scheme.
- 4.2. There shall be minimum and maximum membership numbers of community councillors. Only members who were elected at a regular, or interim election count for minimum membership to operate. In addition, there shall be a minimum number of nominations required at a regular election and below which a community council may not establish. These are listed below.

Community Council	Membership maximum	Minimum membership to operate	Minimum nominations at a regular election	Population est
Alloa	16 members	8 members	9 nominations	14085
Alva	14 members	7 members	8 nominations	4824
Clackmannan	14 members	7 members	8 nominations	3716
Dollar	14 members	7 members	8 nominations	3084
Menstrie	14 members	7 members	8 nominations	2826
Muckhart	12 members	6 members	7 nominations	534
Sauchie & Fishcross	14 members	7 members	8 nominations	6425
Tillicoultry	14 members	7 members	8 nominations	5931
Coalsnaughton, & Devonside				
Tullibody, Cambus, & Glenochil	14 members	7 members	8 nominations	9345

## 5. Eligibility

- 5.1. To qualify for nomination and election to a community council, and membership, a candidate must:

- Reside in the community council area for which membership is sought and,
  - be aged 18 or over and included on the current electoral register for the Community Council Area, or
  - be aged 16 or over and included in the roll of 16-18 year olds held by the Returning Officer
- Not be, or within the last 5 years have been, declared bankrupt, convicted of any offence of which the sentence was anything other than a fine
- Not be a Clackmannanshire Council elected member, an MP, an MEP or an MSP.
- Not to have been refused permission or had permission withdrawn if an employee of Clackmannanshire Council.

## 6. Establishment

- 6.1. Clackmannanshire Council will invite electors in an area where no community council exists to apply in writing to the Chief Executive for the establishment of a community council in their area.

- 6.2. Clackmannanshire Council will arrange an election where at least 20 electors, who in their own right would be eligible to stand for election to a community council, notify the Chief Executive in writing within 21 days that they wish to see a community council established for their area. The method of election will be that of a regular election described in Paragraph 8.
- 6.3. If nominations are received for less than the minimum nomination number, no community council will be formed. Clackmannanshire Council will give a statement of reasons why a community council may not be formed in any area.
- 6.4. In areas where no community council is established, 20 electors may petition the Chief Executive at any time to hold an election to establish a community council. This will be subject to there being no more than two elections in a twelve month period in any one community council area.
- 6.5. Clackmannanshire Council will make reasonable arrangements to accommodate establishment of a new community council when a petition is made in the year a regular, National or Local election is scheduled.

## **7. Election**

- 7.1. The method by which people become community councillors shall be open and transparent. Clackmannanshire Council will conduct community council elections to allow a community to establish a community council. Clackmannanshire Council is committed to exploring with community councils innovative approaches to encourage greater involvement in community council elections and to enhance the democratic process.
- 7.2. Election to community councils takes place through four methods, described in Paragraph 8. They are:
  - Regular elections, every four years to fill all places on all community councils
  - Top-up elections, in the January of the second and third years after every regular election
  - Interim elections, in the event that a community council's membership falls below the minimum membership to operate, or when the community council fails to receive the minimum nominations at a regular election
  - Co-option, to be used to maintain membership numbers as soon as a vacancy arises
- 7.3. Regular, top-up and interim elections will be conducted by Clackmannanshire Council. Co-options will be conducted by community councils.

## **8. Election Methods**

### **Regular Elections and Interim Elections**

- 8.1. The Returning Officer for community council elections carried out by Clackmannanshire Council will be the Chief Executive of Clackmannanshire Council. The Returning Officer may appoint such number of deputies as may be considered necessary for the proper discharge of the relevant functions.

## Regular Elections

- 8.2. Regular elections are held every four years at a time to be determined by Clackmannanshire Council. Clackmannanshire Council will make reasonable arrangements to accommodate community council elections in a year National or Local Elections are scheduled.
- 8.3. Clackmannanshire Council shall set the schedule for regular elections. The first regular elections following the adoption of this Scheme are scheduled for September 2020.

## Regular Election Process

### 8.4. Step 1 Nominations

All places on all community councils are available. All serving Community councillors will stand down and will be eligible for re-election. For all serving community councillors, the term of office will end at midnight of the day prior to the scheduled polling day at the next regular election.

Clackmannanshire Council will advertise a Notice of Election by public notices in the area covered by the community council. This notice will invite residents of the area to put forward nominations for membership of the community council.

Nominations will be in the form decided by the Returning Officer and will be subscribed by one proposer and one seconder, both of whom must be eligible for election in their own right. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.

Nominations for election to a community council must be received by the Returning Officer by the time specified.

### 8.5. Step 2 Election Process

Where nominations are received for between the nomination minimum and 100% of the places to be filled by election, those individuals will be declared elected unopposed and the Returning Officer will produce and display a notice to that effect in the local area.

Where at any election the number of nominations received exceeds the number of places to be filled, a ballot will be held.

### 8.6. Step 3 Ballot

When a ballot is held, community councils shall be elected on the Block Voting system. The ballot will be secret and will follow the process set by the Returning Officer.

### 8.7. Optional Step: Nomination deadline extension

Should the total number of candidates nominated be below the minimum nomination number as specified for the community council area, no community council will be established in that area at that time. However, Clackmannanshire Council may, at its discretion, extend the deadline and within 6 months of the closing date for the registration of the first call for nominations issue a second call for nominations for a community council area failing to meet the minimum nomination requirement.



## **Interim Elections**

- 8.8. In the event that a community council's membership falls below or is at risk of falling below the minimum membership to operate, it shall notify Clackmannanshire Council. Clackmannanshire Council will make reasonable arrangements for an interim election to be held to fill places left vacant at a regular or interim election and vacancies arising since a regular or interim election. Places filled at a regular, or previous interim election are not subject to interim elections, however, places filled by co-option are. An interim election within 6 months of a regular election will be at the discretion of Clackmannanshire Council.

### **Interim Elections Process**

- 8.9. The process for an interim election is that of the nominations and ballot process in a regular election but nominations shall be invited only for the number of vacancies. There will be no second call for nominations. A community councillor elected at an interim election will hold office until the next regular elections.

## **Co-option**

- 8.10. Should a place filled through an election become vacant, community councils shall take steps through a process of co-option to fill the vacancy to maintain membership numbers until the next election. A community council must not co-opt further members if, as a result, the number of co-opted members would exceed one third of the number of community councillors elected at a regular or interim election. Places not filled at a regular or interim election cannot be filled by co-option.
- 8.11. Co-opted members must meet the eligibility criteria set out in this Scheme. A co-opted member must be elected onto the community council by a two-thirds majority of the elected (regular and interim) community councillors present and voting. Such co-opted members shall have full voting rights, with the exception of voting on co-option of members, and will serve until the next round of elections (whether regular or interim). Co-opted members do not count for minimum operating numbers.

### **Co-option Process**

- 8.12. Community councils shall determine the process of co-option. Notice of any proposed co-option procedure is required to be intimated to all of that community council's members and publicly in the community council area at least 14 days prior to the meeting at which the matter will be decided.

## **9. Meetings**

- 9.1. The Returning Officer will call the first meeting of the community council after its establishment and after regular elections. This meeting will take place within 4 weeks of the election or as soon thereafter as is practicable. The election of a chairperson for that meeting from amongst community councillors present must be the first item of business at this meeting. Until a chairperson for that meeting is elected, the Returning Officer or a suitable deputy appointed in his/her place will chair the meeting.

- 9.2. Community councils shall determine the format of their meetings subject to meetings being open to the public, with the place, date, time, nature of the business to be conducted at the meeting and draft note of any decisions made at the previous meeting advertised in the community council area at least 7 days before the meeting.
- 9.3. Each community council will determine the frequency with which it meets subject to a minimum of 4 meetings held in public per year.
- 9.4. Each community council shall hold a meeting by the end of September of each regular election year and by the end of October in non-election years at which it will account for its activities in the previous year, present its annual accounts for approval and elect its office bearers.
- 9.5. Each community council will adopt and make available publicly Standing Orders which lay out the procedure and business for its meetings.

## **10. Constitution**

- 10.1. Each community council is required within 2 months of establishment or as soon thereafter as is practicable to adopt a Constitution which adheres to the terms of this Scheme. The constitution must meet minimum standards of legitimacy, democracy, accountability and transparency relevant to the statutory function of community council and is required to be approved by Clackmannanshire Council prior to adoption by the community council.

## **11. Resourcing**

- 11.1. Clackmannanshire Council will provide assistance to community councils to support their administrative needs. The details of this assistance and resourcing which the Council will from time to time determine will be set out in the Protocol which accompanies this Scheme.
- 11.2. Any financial assistance will be made available to community councils following receipt of bank account details and, in the case of established community councils, approval by the chief finance officer of independently examined annual accounts which the community council can demonstrate have been approved by the community council at a properly-convened meeting which is open to the public.

## **12. Dissolution and Suspension**

### **Dissolution**

- 12.1. Clackmannanshire Council will, upon request of the community in question and following due process as set out in the community council's own constitution, assist a community with the process of the dissolution of a community council.

### **Suspension**

- 12.2. Clackmannanshire Council may move to consider a community council to be suspended where:
- It has demonstrated a major single breach or a series of breaches to the requirements set out in this Scheme or its adopted constitution and where said breach(es) have not been remedied after being brought to the community council's attention.
  - A majority of its members collectively or separately have been charged with an offence under the law
- 12.3. Should Clackmannanshire Council consider a community council to be suspended, it shall publish a public notice in the area giving reasons. Within 2 months of suspension of a community council (or as soon as is practicable) Clackmannanshire Council shall set in motion a process to establish if the community wish to dissolve the community council or take action to re-instate its status. The process will be set out in the public notice.
- 12.4. A community council which is considered by Clackmannanshire Council to be suspended will not receive further Council resources.

## **13. Exchange of Information**

### **Procedures**

- 13.1. Procedures for the exchange of information on matters of mutual interest will be negotiated, and updated to suit changes in working arrangements, between community councils and Clackmannanshire Council. They are set out in the community council Protocol which accompanies this Scheme.

### **Single Point of Contact**

- 13.2. Each community council shall elect from among its members a Single Point of Contact for communication with Clackmannanshire Council and other public authorities, and provide the name and contact details of the Single Point of Contact to Clackmannanshire Council for wider publication to the public. The community council shall notify the Community Council Liaison Officer of any changes to the Single Point of Contact.

### **Community Council Liaison Officer**

- 13.3. Clackmannanshire Council will appoint a Liaison Officer who will have prime responsibility for ensuring that information exchange mechanisms between community councils and the Council are operational.

### **Guidance**

- 13.4. Clackmannanshire Council will provide guidance where relevant to assist community councils to adhere to the terms of this Scheme.

Adopted: [ date ].

Review date : 2022





## Appendix 3

### Indicative Review Timetable

- 1.1. The steps involved in this process and proposed timescales are laid out in the Table below.

<b><i>Date</i></b>	<b><i>Step</i></b>
<i>January 2017:</i>	Council agrees to revoke existing Scheme.
<i>February 2017:</i>	Public notice of intention to revoke existing Scheme and statutory minimum 8-week public consultation inviting the public to make suggestions as to the areas and composition of the community councils.
<i>June 2017:</i>	Council meeting considers the outcome of the consultation, recommendations arising from comments gathered during the public consultation and the contents of a draft new Scheme.
<i>August 2017:</i>	Public notice of second statutory minimum 8-week public consultation inviting the public to make representations on the aspects of governance of community councils and their relationship with Clackmannanshire Council which the Scheme details.
<i>December 2017:</i>	Council consider any revised draft proposals on the contents of a proposed new Scheme. If there are none, Council may consider adopting a new Scheme.
<i>February 2018:</i>	If required, the public will have a 4-week period in which to make any final representations on the proposed document.
<i>April 2018:</i>	Council will consider any final representations and will formally adopt a new Scheme.
<i>April 2018:</i>	Public notice of the adopted Scheme and invitation for electors to apply for establishment in areas where no community council exists.

- 1.2. The eventual Scheme is timetabled for implementation in 2018.
- 1.3. Consideration will be given to the next review of the Scheme in 2022.



## Appendix 4

### Draft revised model documents

- i. Draft revised model constitution
- ii. Draft revised model standing orders
- iii. Draft revised model code of conduct

- i. Draft revised model constitution

### [ ... ] **COMMUNITY COUNCIL**

#### **CONSTITUTION**

##### **ONE                      Name**

The name of the Community Council shall be [.....]  
**COMMUNITY COUNCIL** (hereinafter referred to as the Community Council).

##### **TWO                      Objects**

The objects of the Community Council shall be

- a) To ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of the people;
- b) To provide a link between the community and the elected members and officers of Clackmannanshire Council and all statutory bodies.
- c) To keep the community informed of matters of public concern.
- d) To take such action in the interests of the community it represents as appears to be expedient and practicable
- e) [To promote community spirit and the well-being of the community, provide assistance, advice and help to all sections of the community as sought without favour, and to safeguard and improve the amenities of the Community Council area by providing advice and assistance on environmental issues, maintaining and improving public amenities and buildings of historical or cultural importance.]

and unless specifically authorised by the Constitution, for no other purposes whatsoever.

##### **THREE                      Area of Jurisdiction**

The boundaries of the Community Council shall be as described in the Scheme for the Establishment of Community Councils approved by Clackmannanshire Council and are shown in the map attached.

##### **FOUR                      Eligibility**

To qualify for nomination, election and membership, a candidate must:

- Reside in the community council area and,
- be aged 18 or over and included on the current electoral register for the Community Council Area, or
- be aged 16 or over and included in the roll of 16-18 year olds held by the Returning Officer
- Not be, or within the last 5 years have been, declared bankrupt, convicted of any offence of which the sentence was anything other than a fine
- Not be a Clackmannanshire Council elected member, an MP, an MEP or an MSP.
- Not to have been refused permission or had permission withdrawn if an employee of Clackmannanshire Council.

## **FIVE Composition**

There shall be a maximum of [sixteen (16) Alloa, twelve (12) Muckhart, fourteen (14) rest] elected Community Councillors (hereinafter referred to as Councillors).

The Community Council shall remove from membership any Councillor who

- a) no longer meets the eligibility criteria or
- [b) has failed to attend x consecutive meetings for reasons unacceptable to members of the Community Council; or
- c) [ ... ]]

A decision to remove a community councillor shall be taken by a simple majority of members present on an appropriate motion at a properly-convened community council meeting. In the event of such a decision, the Community Council shall apply in writing to the Returning Officer for that place to be declared vacant.

## **SIX Membership**

Community councillors are elected to the community council through an open and transparent election process.

- a) the term of office of a Councillor shall be four years at a regular election
- b) all Councillors are eligible for re-election at the next election, provided that they meet the eligibility criteria.

## **SEVEN Office Bearers**

The Community Council will elect from among its members a Single Point of Contact, [Chairperson, Vice-Chairperson, Secretary ] and a Treasurer annually by the end of October or in regular election years at the first meeting after a regular election. Office bearers shall be eligible for re-election. Other office bearers may be elected as required.

## **EIGHT Casual Vacancies**

In the event that an elected Councillor resigns within a term of office, the Community Council may fill the vacancy through an open and



transparent co-option process. Councillors elected through a co-option process will hold office until the next election.

#### **NINE Appointment of Sub-Committees and Volunteers**

The Community Council may, if it deems it appropriate, appoint sub-committees to consider specific items of business. The Community Council shall determine the powers and terms of reference of such sub-committees which must be chaired by a Councillor.

The Community Council may recruit as volunteers interested individuals and experts to assist with its work, and may appoint these individuals to a sub-committee and to agreed tasks and action. The Community Council will determine the duration of such appointments.

These individuals shall have no voting rights on the Community Council but may be granted voting rights on a sub-committee to which they have been appointed.

#### **TEN Meetings**

The Council shall hold a minimum of four (4) regular meetings per year. Members of the public (including the press) shall be allowed to attend as observers and may be permitted to address the meeting at the discretion of the chairperson.

One half of the members (where there is an odd number the largest number less than half) in post or 4 whichever is greater shall be the quorum.

The Community Council will conduct its business in accordance with its adopted Standing Orders annexed to the Constitution.

#### **ELEVEN Annual General Meeting**

The Community Council shall hold a meeting no later than six months after the end of the financial year each year at which it will account for its activities in the previous year, present its annual accounts for approval and [except in regular election years] elect its office bearers. At least fourteen (14) days public notice shall be given in writing of such a meeting.

#### **TWELVE Special Meeting**

A special meeting shall be called when (i) the Community Council, receives a written request containing details of the business to be discussed submitted by at least three (3) Councillors; or (ii) the Chairman of the Community Council submits a written request to the Secretary. ]

At least fourteen (14) days written notice shall be given to every member of the Community Council, together with the names of those requesting the meeting and the business to be discussed. The meeting shall be held within twenty one (21) days of notification having been received by the Secretary. No other business shall be in order at that meeting.

### **THIRTEEN    Exceptional Circumstances**

In the event of exceptional circumstances which could not reasonably have been foreseen, where a decision must be taken urgently, procedures for meetings and decision-making will not apply provided that the decision to act is made unanimously by the Officer-bearers. The Community Council shall be bound by the decision unless the Office-bearers act outwith the provisions of this clause.

### **FOURTEEN    Finance**

- a) The Community Council may obtain, collect and receive money and funds and accept and receive gifts of property of any description provided that the acceptance of such gifts does not contravene any applicable rule of law.
- b) The income and property of the Community Council shall be applied solely towards the promotion of the objects of the Community Council and no part thereof shall be paid or transferred directly or indirectly to any member of the Community Council other than the reimbursement of out-of-pocket expenses incurred in connection with Community Council business
- c) The Treasurer shall keep appropriate accounts of the finance of the Community Council
- d) The accounts shall be independently examined by a person approved by the chief finance officer of Clackmannanshire Council.
- e) The Community Council shall operate a bank account(s) through which all financial transactions shall be run. There shall be three (3) authorised signatories, one of whom shall be the Treasurer.

### **FIFTEEN    Property**

The title of all and any heritable property which may be acquired by the Community Council shall be taken in the names of the [ 3x office-bearers ] for the Council and their successors in office as Trustees for the Community Council.

### **SIXTEEN    Contracts**

The Community Council shall, in pursuit of its objects, have the power to contract as it may from time to time determine.

### **SEVENTEEN Employees**

The Community Council shall, in pursuit of its objects, have the power to appoint and dismiss paid officials and such other employees as it may from time to time determine provided any such engagement complies with current employment laws.

### **EIGHTEEN    Liability**

The Community Council will only be liable for those actions of members which they have authorised in accordance with the procedures set out in this constitution.

Provided that the Community Council act within the terms of its constitution, the Office Bearers shall be indemnified by the Community Council against any claims arising from the exercise of their powers under clauses 15, 16 and 17.

## **NINETEEN     Dissolution**

A process of dissolution will be initiated if

- a) the Community Council has been notified in writing by Clackmannanshire Council that it is acting in breach of the terms of its constitution or the Scheme for Establishment and has not ceased to do so
- b) the Community Council decides by a majority that it is advisable to dissolve the Community Council

If the Community Council is to be dissolved a meeting shall be called of all the electors within the Community Council area. Notice of such a meeting shall not be less than twenty-one (21) days and shall be posted in a conspicuous place or places within the area and shall be advertised in a local newspaper circulating in the area, stating the terms of the resolution to be proposed at the meeting.

If such a decision shall be confirmed by a majority of those present and voting at such a meeting the Community Council shall, subject to the consent of Clackmannanshire Council, have power to dispose of any assets held by or in the name of the Community Council.

Any assets remaining after the satisfaction of proper debts and liabilities shall be applied towards charitable purposes for the benefit of the residents of the area as the Community Council may decide, and as may be approved by Clackmannanshire Council. Clackmannanshire Council shall upon request hold any assets in trust for one calendar year in case a new Community Council is formed in the area.

## **TWENTY     Alterations to the Constitution**

Any proposal to alter this Constitution must be delivered in writing to the [ Secretary] of the Community Council not later than twenty eight (28) days before the date of the meeting at which it is to be considered. Any alteration shall require the approval of two thirds majority of the members of the Community Council present and voting.

Where an alteration is approved then the Constitution shall be amended and each member of the Community Council shall be issued a copy of the amended Constitution. Such alterations must be consistent with the provisions of the Scheme for the Establishment of Community Councils and shall not come into force until approved in writing by Clackmannanshire Council.

## **TWENTY ONE     Acceptance of the Constitution, Standing Orders and rules**

The Community Council accepts the Constitution, Standing Orders and rules laid down subject to any subsequent alternations or additions as provided for by the Constitution.

Constitution accepted as the Constitution of [.....] Community Council.

Chairperson \_\_\_\_\_

Secretary \_\_\_\_\_

Date \_\_\_\_\_

And approved on behalf of Clackmannanshire Council by

.....

..... (signed)

.....(date)

ii. Draft revised model standing orders

[ ... ] Community Council

## Standing Orders

### **1 The first meeting after an election**

- 1.1 In an election year, the Returning Officer will call the first meeting of the community council within 28 days from the date of the election.
- 1.2 At this first meeting the election of a chairperson must be the first item of business at this meeting.
- 1.3 The Community Council may deal with any urgent suitable business, taking account of these standing orders.
- 1.4 Unless a Community Councillor (hereinafter referred to as a Councillor) resigns from any appointment, each of the appointments will stand until the next Annual General Meeting.
- 1.5 The business of the first meeting after establishment will include adoption of a Constitution and Standing Orders.

### **2 Ordinary meetings**

- 2.1 Ordinary meetings will usually be held in a public venue within the Community Council boundary, or other such place as the Community Council shall decide from time to time.

### **3 Special meetings**

- 3.1 A special meeting may be called at any time by a written request to the Secretary that must specify the business proposed.
- 3.2 The request to hold a special meeting must be signed by the Chairperson or by at least three councillors.
- 3.3 The agenda for a special meeting will be limited to items of business where a decision is needed before the item can be discussed at an ordinary meeting of the Community Council or to the item of business set out in the request for the meeting.
- 3.4 The special meeting will be held within 22 working days from when the Secretary receives the valid request.
- 3.5 The quorum of a special meeting is that set out in the constitution.
- 3.6 Standing order 3.4 may not be suspended.

### **4 Notices to Community Councillors**

- 4.1 At least seven clear days before the meeting, the Secretary will give notice of the meeting and its business to all councillors.
- 4.2 A councillor will be deemed to have received notice 48 hours after service of the notice.

### **5 Notice to the press and public**

- 5.1 Community Council meetings will be open to the public and the press. At least seven clear days before a community council meeting, the community council must publish the time and place of the intended meeting.

- 5.2 Copies of the agenda, minutes and accompanying reports will be available for the public to see.
- 6 Urgent business**
- 6.1 No business, other than that set out on the agenda, will be carried out unless the Chairperson decides that the item should be discussed as a matter of urgency.
- 7 The agenda**
- 7.1 Any councillor will have the right to have an item placed on the agenda for a meeting, as long as they give the Secretary notice in writing (setting out the nature of the item) at least seven clear days before the date of the relevant meeting.
- 8 Quorum**
- 8.1 One half of the number of councillors (where there is an odd number the largest number less than half) in post shall be the quorum. Information may be exchanged but no business will be carried out at a meeting of the Community Council unless a quorum of councillors is present.
- 9 Chairperson**
- 9.1 The Chairperson, if present, will chair Community Council meetings.
- 9.2 If the Chairperson is not present, the Vice-chairperson will chair the meeting. If neither the Chairperson nor the Vice-chairperson is at the meeting, the councillors present will decide who will chair the meeting by a show of hands.
- 10 Failure to go to meetings**
- 10.1 If a councillor fails to attend three consecutive Community Council meetings, the councillor shall be disqualified from the Community Council, unless the Community Council grant them leave of absence in writing.
- 10.2 If a councillor is not able to go to the meeting for whatever reason, he or she may give his or her apologies either by telling the Secretary (before the meeting) or through another councillor who will give the apology at the beginning of the meeting. Only these apologies will be recorded in the minutes.
- 11 Including the public in meetings**
- 11.1 Members of the public may go to Community Council meetings as observers. However, if there is any disruptive behaviour, the Community Council have the right to ask any member or members of the public to leave.
- 11.2 Standing Order 11.1 may not be suspended
- 12 Rights of community councillors**
- 12.1 Councillors will receive from the Community Council copies of all governing documents and meeting papers.

13 **Responsibilities of community councillors**

- 13.1 Councillors will observe the Code of Conduct adopted by the community council when participating in meetings and when transacting community council business and will observe [ ...] Community Council's guidance and operational procedures.
- 13.2 The Chairperson may, at a properly-convened meeting, enter a motion to sanction, up to and including suspension for a period time which he or she considers proportionate, a councillor who habitually acts in breach of the Code of Conduct.

14 **The order of business**

- 14.1 Business at ordinary meetings of the Community Council will usually take place in the following order.

- Recording the names of members present at the meeting.
- Recording apologies.
- Declaration of conflict of interest
- Minutes of the previous meeting or meetings of the Community Council.
- Business arising from Minutes
- Reports
- Motions (formal proposals for items to be discussed) from members.
- Correspondence
- Any other competent business
- Date, time and venue of next meeting

14.2 Annual General Meeting

The business at the annual general meetings of the Community Council will usually take place in the following order: -

- Recording of membership present and apologies received.
- Declaration of conflict of interest
- The minutes of the last annual general meeting of the community council for adoption.
- Chairperson's Annual Report (and questions from the floor).
- Secretary's Annual Report (and questions from the floor).
- Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).
- Demit of current office bearers & election of office bearers.
- Any other competent business
- Chairperson to close meeting.

Special Meeting

The business at special meetings of the Community Council will usually take place in the following order:-

- Recording of membership present and apologies received.
  - Declaration of conflict of interest
  - Business for debate, as described in the calling notice for the meeting.
  - Chairperson to close meeting.
- 14.3 The order of business may be rearranged by the Chairperson or if the Community Council agree on the motion of any councillor.
- 15 The powers and duties of the Chairperson**
- 15.1 It is the duty of the Chairperson to make sure that standing orders are followed and to make sure that all councillors receive a fair hearing.
- 15.2 The decision of the Chairperson on all questions on procedure, order, relevancy or following standing orders will usually be final.
- 16 The rules of debate**
- 16.1 People present at a meeting who do not have voting rights may not move or second an amendment or a motion.
- 16.2 People will address the meeting through the Chairperson.
- 16.3 If a councillor has entered a motion on the agenda of any meeting, the Community Council may still consider the motion even if the councillor is not present. However, before the Community Council can consider the motion and vote on it, it must be moved and seconded by councillors present at the meeting. If this fails to happen, the motion will be deemed to have failed and cannot be raised again except as a new motion at a future meeting of the Community Council.
- 16.4 Only one amendment may be debated at the one time. Notice of any second or subsequent amendment must be given before the end of the debate on the current amendment. If notice is not given at the right time, the amendments will not be accepted.
- 16.5 All motions, and any amendment(s), must be competently proposed and seconded. An amendment to a motion must be considered and voted on before the substantive motion is debated. Where two or more amendments to a motion are tabled, the amendments must be considered in the reverse order to that in which they were tabled.
- 16.6 A member who has spoken on a motion will not speak again during the debate on the motion unless the Chairperson gives them permission or:
- the motion has been amended since the member last spoke and he or she wants to comment on the amended motion;
  - by using the right of reply, either at the end of the debate as the mover of an original motion, or at the end of the debate as the mover of another amended motion
- 16.7 New matters should not be introduced into the debate
- 16.8 A member moving or seconding a motion or an amendment or using a right of reply may speak for no more than 10 minutes, unless they have the permission of the Chairperson. Other members taking part in the discussion will speak for no more than five minutes unless they have the permission of the Chairperson.
- 16.9 There is no right of reply for the mover of an amendment.



**17 Misbehaviour**

- 17.1 If anyone at any meeting behaves improperly or offensively, or is deliberately obstructing its business, the Chairperson may take any or all of the following courses of action.
- Ask the person to stop speaking during the rest of the debate on the matter under discussion.
  - Ask for a vote on the proposal that the person is not allowed to contribute to the rest of the meeting.
  - Move that the person should leave the meeting.
  - Postpone the meeting for a period of time that he or she considers to be appropriate.
- 17.2 If anyone in the course of transacting business in preparation for or to follow up a meeting communicates improperly or offensively, the Chairperson may take any or all of the following courses of action.
- Ask the person to stop the improper or offensive communication or withdraw entirely from communication until after the next scheduled meeting
  - Postpone for a period of time that he or she considers to be appropriate any business which, as a result of the improper or offensive communication it attracts, is deemed impossible to transact.
  - Move for a vote at a properly-convened meeting on a sanction that will allow the community council, without obstruction, to correspond in preparation for or to follow up a meeting.

**18 Voting**

- 18.1 Unless allowed by standing orders, every question coming to or arising at a Community Council meeting will be decided by a show of hands of a simple majority of the councillors who are present and eligible to vote. The minutes of the meeting will record the vote, including any abstentions.
- 18.2 A community councillor can ask for a roll-call vote, and the names of those members voting for or against the motion or amendment will be included as part of the minutes of the meeting.
- 18.3 A councillor may ask that the minutes of the meeting record a note of his or her vote for or against any motion.
- 18.4 A councillor may ask that the minutes of the meeting record a note of his or her disagreement with a decision of the meeting.
- 18.5 The Chairperson will have a substantive and 'casting vote'. He or she may use the casting vote if there is an equal number of votes for or against any motion or amendment.

**19 Points of order**

- 19.1 Any councillor (voting or non-voting) may speak on a point of order arising at any point in the meeting, but must clearly tell the meeting on what basis order has been, or is about to be, broken. The Chairperson will rule on the point of order and decide how it should be dealt with.

**20 Notices of motion intended for consideration at the next meeting**

- 20.1 Every motion must be relevant to matters within the Community Council's powers and duties or involve an issue that will affect the Community Council's area. The Secretary may refuse to accept any notice of motion which (due to any condition in these standing orders), should not be considered. When this happens, the Secretary will (within two working days of receiving the notice of motion) tell the member putting forward the motion of this decision and, if asked to do so, will set out the reasons in writing.
- 21 **Presenting petitions and hearing comments**
- 21.1 Anyone who wants the Community Council to hear their comments must apply in writing. The Community Council will only hear their comments if they have lodged their application with the Community Council at least eight clear working days before the meeting (and before the community council issue the notice calling the meeting). Applications will be included as part of the agenda for the meeting.
- 22 **Withdrawing previous decisions**
- 22.1 No motion that tries to alter or withdraw a Community Council decision (or has that effect) will be considered or passed for at least six months from the date of the original decision, unless:
- the Chairperson is satisfied that circumstances have changed in a relevant way; and
  - the notice or meeting papers of the meeting say that the decision may be withdrawn or altered ; or
  - a decision is needed by law.
- 23 **Minutes of meetings**
- 23.1 Minutes of community council meetings will be put together by the (minute) secretary, printed and, as far as practical, given to councillors no later than seven clear days before the next ordinary meeting of the Community Council. .
- 23.2 A councillor who was not present at the meeting that the minutes refer to may ask that the minutes of the current meeting record their disagreement towards a decision recorded in the minutes of the earlier meeting.
- 24 **Suspending standing orders**
- 24.1 Standing orders may be suspended at any meeting of the Community Council by a motion passed by a majority of at least two thirds of the votes of councillors present and eligible to vote at the meeting.
- 24.2 Standing order 24.1 cannot be suspended.
- 25 **Appointing committees**
- 25.1 The Community Council may at any time appoint sub-committees to help carry out its functions. The Community Council will set out the membership, powers and duties of these committees.
- 25.2 People the Community Council appoint to committees who are not councillors will be non-voting members at full Community Council meetings.

26 **Delegation arrangements**

- 26.1 The Community Council may put in place a scheme of delegation to allow sub-committees or members to carry out its objects in the event that the full Community Council cannot discuss or debate a matter raised in respect of its position as a statutory consultee.
- 26.2 The appropriate person/sub-committee may, in accordance with legislation and the Community Council's constitution, formulate any objections or representations and submit these on behalf of the Community Council and such objection/representation shall be treated as if having been made by the full Community Council.
- 26.3 The appropriate person or representative of the sub committee must report the details of the submissions to the next full meeting of the Community Council.

27 **Alteration of Standing Orders**

- 27.1 A proposal to alter these Standing Orders may be put to the local authority 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.
- 27.2 No change is effective until approved by the local authority in writing.

- iii. Draft revised model code of conduct

## **Model Code of Conduct for community councils**

### **Introduction**

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.

The rules of good conduct must be observed in all situations where you act as a community councillor, including representing the community council on official business.

You must respect the chair, your fellow community councillors and any members of the public present during meetings of [ ...] Community Council, its Committees or Sub-Committees or of any other organisations where you have been appointed by, and represent [ ...] Community Council. You must comply with rulings from the chair in the conduct of the business of these meetings.

The responsibilities of community councillors to adhere to this Code of Conduct are also set out in [ ...] Community Council's Standing Orders through which any breaches may be addressed.

### **Principles**

[ ...] Community Councillors, as elected representatives of the [ ...] community, 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 [ ...] 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 Councils 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 ascertain 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 the [ ...] community and [ ...] 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. 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 the [ ...] 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 the [ ...] community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate.

You may be appointed or nominated by [ ...] 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 the [ ...] 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 the [ ...] 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 [ ...] Community Council is conducted according to the Council's Scheme for the Establishment of Community Councils.

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 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 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 interests 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. 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 treat fellow members of [...] Community Council and those that you represent with respect, with courtesy and in a non-discriminatory manner at all

times both in person and in all communication. 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.

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