

ANGUS COUNCIL
SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

October 2010

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TITLE AND DEFINITIONS

1. This scheme is made by Angus Council under Part 1 of the Local Government etc. (Scotland) Act 1994 and may be referred to as “The Angus Community Council Scheme”.

2. In this Scheme

“1973 Act” means the Local Government (Scotland) Act 1973

“1994 Act” means the Local Government (Scotland) Act 1994

“Area” means the area of Community Council

“Code of Conduct for Community Councillors” means the code set out in Appendix 3 annexed and signed as relative hereto

“Constitution” means the model constitution set out in Appendix 1 to this Scheme

“Council Area” means the area of the Council as described in the 1994 Act

“Council” means Angus Council a local authority constituted in terms of the Local Government etc. (Scotland) Act 1994 and having its principal offices at Angus House, Orchardbank Business Park, Forfar

“Community Council” means a community council listed in the Maps the general area of which is described in the first Schedule 1 annexed and signed as relative hereto

“Equalities legislation” means all legislation covering race, gender, disability, age, sexual orientation and religion and belief

“Maps” means the maps of the Council Area entitled “The Angus Community Council Scheme Maps” being the maps annexed and signed as relative hereto

“Member(s)” means a member or members of a Community Council

“Returning Officer” means the Head of Law and Administration of the Council appointed under section 6 of the 1973 Act and includes any person appointed by the Returning Officer to discharge all or any of that officer’s functions

“Schedule” means schedule appended to this Scheme

“Scheme” means The Angus Community Council Scheme

“Standing Orders” means the model standing orders set out in Appendix 2 annexed and signed as relative hereto

3. Statutory Purposes

The Statutory purposes of a Community Council established under the Angus Community Council Scheme are set out in Section 51(2) of the 1973 Act, as follows:-

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

4. The Role and Responsibilities of a Community Council

- (a) The general purpose of a Community Council is to act as a voice for its Area. This will involve it articulating the views and concerns of local people in its Area on a wide range of issues of public concern; and make representations to the Council, other public sector bodies and private agencies on matters within their sphere of interest.
- (b) It is essential that these views are demonstrated to be accurately representative of the community and, accordingly, the Community Council will have in place recognised consultative mechanisms to validate their views; and devise strategies to secure greater involvement by all sectors of the community. A Community Council has a statutory right to be consulted on planning applications. Licensing matters and any other matters may also be jointly agreed between the Community Councils, local authorities and other public sector and private agencies. Further details can be found in the following supporting publications; Policy Statement on the Council's Relationship with Community Councils, Good Practice Agreement and Information Booklet for Community Councillors, produced by Angus Council, and available on request.
- (c) A Community Council may carry out other activities that are in the general interests of the communities it represents, provided these activities fall within its constitution and the terms of the Council's Scheme for the Establishment of Community Councils.
- (d) There should be mutual engagement in the establishment of working relationships with the Council and other agencies. In carrying out its activities a Community Council must at all times adhere to the law; this Scheme and the Code of Conduct for Community Councillors.
- (e) Each Community Council is required to adopt a Constitution and Standing Orders, to encourage and maintain consistency for all Community Councils; and to underpin that their proceedings are properly structured and regulated to ensure that items of business are relevant to the community, properly debated and decisions are reached in a democratic manner. The Community Council's constitution is required to be approved by the Council. The constitution and standing orders of a Community Council shall follow the terms of the model Constitution and Standing Orders.

- (f) A Community Council has a duty under statute to represent the views of its local community. It is vital therefore, that it reflects the broad spectrum of opinion and interests of all sections of the community. In order to fulfil its responsibilities as effective and representative, community councils shall:-
- (i) Inform the community of the work and decisions of the community council by posting agendas and minutes of meetings in public places, such as libraries and notice boards; and, subject to the provisions contained within the Data Protection Act 1998, provide contact details of Members.
 - (ii) Agendas and draft minutes of Community Councils' meetings must be produced within 21 days from the date of that meeting, to enable their circulation to the Council, and relevant elected members of the Council, Council staff and other parties.
 - (iii) Seek to broaden both representation and expertise by co-opting individuals onto the Community Council; and promote the co-option of associate membership for specific projects/issues.
 - (iv) Make particular efforts to encourage young people and other under-represented groups to attend/participate in Community Council meetings and to ensure equality of opportunity in the way the community council carries out its functions.
 - (v) Maintain proper financial records and present financial reports at Community Council meetings.
 - (vi) Liaise closely with their local authority on any change in membership (resignations, co-option, etc.) and circumstances, as soon as is practicable.

5 Community Council Areas

The Community Council boundaries are named and defined in the Maps set out in Schedule 1 annexed and signed as relative hereto.

6. Membership of a Community Council

- (a) There shall be a minimum membership number of half of the maximum membership for each Community Council. The number of Members for each Community Council are as specified in the Maps.
- (b) The minimum age to stand for election as a Member is sixteen (16) years
- (c) Elected members of the Council and members of the Scottish, United Kingdom and European Parliaments are entitled to attend Community Council meetings, with no voting rights.

7. Community Council Elections

(a) Eligibility

- (i) Candidates wishing to stand for election to a Community Council must reside within that community council area and be named on the Electoral Register for that area.
- (ii) 16 and 17 year olds residing in the Area and named on the Electoral Register for that area are also entitled to both stand for election to a Community Council and vote in any Community Council election.
- (iii) Any Member who no longer resides within the Area will have his/her membership terminated from the Community Council on the date he or she ceases to be resident in the Area.
- (iv) Any individual who is elected to serve on the Council, or a person appointed to a committee of the Council in terms of Section 57 of the 1973 Act or a person who is elected to serve on the Scottish, UK or European parliament shall be ineligible to stand for election or co-option to a Community Council.
- (v) The term of office of any individual elected to serve on a Community Council will expire on the first Monday in October every fourth year commencing in 2010.

(b) Elections

Community Council elections shall be held by the Returning Officer in accordance with Schedule 2 annexed and signed as relative hereto,

(c) Nominations

- (i) Individuals seeking election to a Community Council must be nominated by a proposer and seconder, both of whom must be on the Electoral Register for that Community Council area. Each elector may propose one nominee and second one nominee. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.
- (ii) A nomination form must be completed, the style of which will be determined by the Returning Officer. Nomination forms require to be submitted on the date set down in the published notice of election. No forms submitted after close of nominations will be accepted.

(d) Process

- (i) On the close of nominations
 - (1) If the number of candidates validly nominated equal or exceed HALF, but is less than or equal to the total maximum permitted membership as specified for the Area, the said candidates will be declared to be elected and no ballot shall be held.

- (2) If the number of candidates validly nominated exceeds the total maximum permitted membership as specified for the Area, arrangements for a poll shall be implemented. At the poll, each voter shall be entitled to vote for candidates up to the number of vacancies on the Community Council, but cast no more than one vote for each candidate.
- (3) If the number of candidates elected, is below HALF of the total maximum permitted membership, as specified for the Area, no Community Council will be established at that time. However, this does not prevent a request from 20 electors to the Council to make arrangements for the establishment of a Community Council under the terms of Section 52 (7) of the 1973 Act.

(e) Method of Election

Members shall be elected on a simple majority basis.

(f) Filling of Casual Places/Vacancies between Elections

- (i) Casual vacancies on a Community Council may arise in the following circumstances:
 - (1) When a Member submits her/his resignation;
 - (2) When a Member ceases to be resident within the Area;
 - (3) When a Member is disqualified from being a Member.
- (ii) If vacancies arise on a Community Council between elections, it shall be at the discretion of the Community Council whether to fill the vacancy. Filling a vacancy can be undertaken either through the process of co-option or by an interim election, if the circumstances deem it appropriate. However, if circumstances arise that lead to the number of Members to fall below HALF of the maximum permitted membership in an Area, the Council shall be informed and shall make arrangements for an interim election to be held.

(g) Co-option to a Community Council

- (i) Co-opted members must be eligible for membership of the Community Council as detailed in Section 7(a) of this Scheme. They must be elected onto the Community Council by a two-thirds majority of the (general and interim) members present. Such co-opted Members shall have full voting rights, with the exception of voting on co-option of new members, and will serve until the next round of elections (general and interim). Notice of any proposed co-option procedure is required to be intimated to all of the Members at least 14 days prior to the meeting when the matter will be decided.
- (ii) The number of co-opted Members may not exceed a third of the elected (general and interim) community council membership.

(h) **Additional Membership**

- (i) Associate members may be appointed by a Community Council where there may be a need for individuals with particular skills or knowledge. These individuals do not have voting rights. Associate members may serve for a fixed period as determined by the Community Council or for the term of office of the Community Council which has appointed them. Associate members may include officials from the Council to advise on issues of e.g. planning, or youth members from the community.

8. Equalities

Recognition should be given to the contribution of everyone participating in the work of a Community Council. Whilst carrying out any community council activities Members must not discriminate unlawfully and must comply with Equalities Legislation to ensure that equality of opportunity be given to every participant including other Community Councillors, other elected members of the Council and members of the public and to have their knowledge, opinion, skill and experience taken into account.

9. Disqualification of Membership

- (a) Disqualification of membership is automatic, if a Community Council Member relocates and renders invalid their residency qualification for membership. If any member of a Community Council fails to attend any Community Council meeting, with or without submitting apologies, for a period of 6 months, the Community Council may terminate his or her membership. At the discretion of individual Community Councils, an approved leave of absence for Members may be approved at any meeting of a Community Council.

10. Meetings

- (a) The first meeting of a Community Council following an election; and upon establishment of a Community Council, will be called by the Returning Officer and will take place within 21 days of that date, or as soon as practicable thereafter. The Returning Officer or his or her nominated representative shall take the chair at the first meeting. The first item of business shall be to appoint a chairperson of the Community Council. The person elected as chairperson shall preside over the remainder of the meeting.
- (b) The frequency of meetings will be determined by each Community Council, subject to a minimum of 1 annual general meeting and 5 ordinary meetings being held each year. The month of the annual meeting shall be determined by the Community Council.
- (c) The quorum for Community Council meetings shall be at least one third of the current voting membership of a Community council, or 3 voting members, whichever is the greater.
- (d) An outline of the conduct of business that Community Councils must adhere to when holding ordinary, special and annual general meetings is

contained within the model Standing Orders, Constitution and Financial Regulations.

11. Liaison with the Council

- (a) In order to help facilitate the effective functioning of Community Councils, the Council has identified an official to act as a liaison officer with each Community Council. Unless there is a specific agreement or an issue is a specific departmental issue, all correspondence between the Council and a Community Council must, in the first instance, be directed through this liaison officer.
- (b) Community Councils may make representations to the Council and other public and private agencies, on matters for which it is responsible and which it considers to be of public interest. Representations must be made, in the case of statutory objections, such as planning or licensing matters, to the appropriate Council official. On issues where a department is consulting with a Community Council, representations should be made to the appropriate departmental officer.
- (c) Community Councils shall provide copies of their agendas and minutes to the Council via the Council's named official.

12. Resourcing a Community Council

- (a) The financial year of each Community Council shall be provided for in the Constitution of each Community Council and shall be from April to March in each succeeding year to allow for the proper submission of an audited statement of accounts to the annual general meeting on a specified date.
- (b) The Standard Cashbook/Annual Accounts of each Community Council shall be independently examined by an examiner appointed by the Community Council, who is not a Member. A copy of the independently examined statement of accounts/balance sheet shall be forwarded as soon as the statement is prepared, to a named official of the Council who may, at its discretion and in consultation with the Council's Chief Financial Officer, request the Community Council to produce such records, vouchers and account books as may be required.
- (c) Each Community Council shall have the power to raise its own financial resources for schemes, projects and all other purposes consistent with its functions.
- (d) Each Community Council shall be eligible to apply for grants for suitable projects through the Council's grant system.
- (e) The Council shall provide an administrative grant to each Community Council to assist with the operating costs of the Community Council.
- (f) The Council shall determine any additional support services/resourcing, such as: photocopying and distribution of Community Council minutes and agendas; and free lets of halls for Community Council meetings, to suit local requirements.
- (g) The Council's liaison officer shall facilitate advice and assistance to

Community Councils and arrange for the establishment of a training programme for Community Councils on: the duties and responsibilities of Members; the role of Community Councils; the functions of the Council; and other relevant topics.

13. Liability of Community Council Members

- (a) The Council may arrange insurance in respect of Councillors, property and equipment and public liability. Such insurance may be arranged through Angus Council or under separate arrangement.

14. Dissolution of a Community Council

- (a) The terms for dissolution of a Community Council are contained within the Constitution.
- (b) Notwithstanding these terms, should a Community Council fail to hold a meeting for a period of 3 consecutive prescribed meeting dates; or its membership falls below the prescribed minimum for a period of 3 consecutive prescribed meeting dates, despite during which time the Community Council takes action to address the situation, the Council may take action to dissolve that Community Council.

15. Effect

This Scheme shall have effect as from the 4th October 2010 or such date as the Council may determine, and shall thereafter apply to the local authority area of Angus. Any existing Schemes shall be deemed to have ceased to apply as of the day preceding the date of the Scheme coming into effect.