



Angus Council
Scheme of Establishment for
Community Councils

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Section 1 Background

- 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, made provision for the continuation of community councils. This legislation provides the legal framework for community councils.
- 1.2 Community councils in each local authority area are created through a scheme of establishment and each scheme sets out the framework through which community councils are to operate.
- 1.3 This scheme is based upon the model scheme published by the Scottish Government in March 2009 for use by local authorities and incorporates a suite of documents which include:
 - Maps of community council areas
 - Community council membership numbers
 - Model community council constitution
 - Model community council standing orders
 - Code of conduct for community councillors

These documents are designed to support the operation of community councils across the Angus local government area.

Section 2 Effect

- 2.1 Angus Council, in accordance with the terms of Section 22 of the Local Government (Scotland) Act 1994, has adopted the following Scheme of Establishment for Community Councils in the Angus local government area.
- 2.2 This current version of the scheme was reviewed in [insert date] under the terms of the Local Government (Scotland) Act 1973. It was agreed by a Meeting of the Council on [insert date] and will come into effect on 1 August 2022 or such date as the council may determine.
- 2.3 Any existing schemes shall be deemed to have ceased to apply as of the day preceding the date of this scheme coming into effect.

Section 3 Statutory Purposes

- 3.1 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:

“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 take such action in the interest of that community as appears to it to be expedient and practicable”

Section 4 The Role and Responsibilities of Community Councils

- 4.1 The role and responsibilities of a Community Council in Angus shall be to proactively identify and assess issues of importance to its local community. Taking into account views expressed by the public and any other relevant evidence, it should either take such action as it considers to be suitable or convey its finding and conclusions to the relevant authority for consideration.
- 4.2 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.
- 4.3 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, Angus Council and other public sector and private agencies.
- 4.4 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 of establishment of community councils.
- 4.5 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.
- 4.6 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 reached in a democratic manner.
- 4.7 The constitution and standing orders of a community council shall follow the terms of the model constitution and standing orders as contained in Appendices 1 and 2.
- 4.8 A community councils' constitution requires to be approved by the council.
- 4.9 A community council should be non-party political in all its activities.
- 4.10 A community council has a statutory duty 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 a community council by posting agendas and minutes of meetings in public places, such as libraries and notice boards; and subject to the provisions contained with the Data Protection Act 2018, provide details of community council members.
- ii. Agendas and draft minutes of a community council meeting must be produced with 21 days from the date of that meeting, to enable their circulation to the council, and relevant elected members of the council, council officers and other interested parties.
- iii. Seek to broaden both representation and expertise by promoting the associate membership to community councils of persons 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 a community council carries out its functions.
- v. Maintain proper financial records and present financial reports at community council meetings.
- vi. Inform the council of any change in membership (resignations, co-option, associate membership etc.) and circumstances, as soon as is practicable.

4.11 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

Section 5 Community Council Areas

5.1 The Angus Council local authority area is divided into 25 named community council areas. Maps that define their boundaries are shown in **Appendix 1**.

Section 6 Membership of Community Councils

6.1 The minimum/maximum membership for each community council is set out in the community council membership numbers in **Appendix 2**.

6.2 The maximum number of members for each community council is based on the total registered electorate that it represents. Membership numbers will be reviewed and updated, where necessary every four years prior to scheduled elections or prior to any proposed amendments to this scheme.

- 6.3 The minimum age to stand for election to a community council is 16, subject to the provisions of 7.1 below.
- 6.4 Each Community Council may nominate up to five additional youth members (age 14 and over) as set out in **Appendix 2** to represent the views of young people in the community. Youth members will have full voting rights and will be counted in terms of meeting a quorum. Youth members will be entitled but not obliged to serve from the date of their nomination until the next scheduled elections. Youth members must live in the community council area they wish to represent.
- 6.5 Elected members of the council and members of the Scottish and United Kingdom Parliaments are entitled to become ex-officio members of community councils and attend community council meetings, with no voting rights.

Section 7 Community Council Elections

7.1 Eligibility

- i. Only individuals aged 16 and over and resident in the community council area and named in the Electoral Register for that area may stand for election to a community council or vote in a community council election.
- ii. Any community councillor who no longer resides within the area they represent will have their membership terminated from the community council on the date they cease to be resident in the area.
- iii. Any individual who is elected to serve on Angus Council, or a person appointed to a committee of Angus Council in terms of Section 57 of the Local Government (Scotland) Act 1973 or a person who is elected to serve on the Scottish or UK parliaments shall be ineligible to stand for election or co-option to a community council. Such persons upon taking office, become ex-officio members of the community councils contained in whole or in part of their electoral ward or constituency.
- iv. Any individual who holds a politically restricted post in terms of the Local Government and Housing Act 1989, as amended by the Local Governance (Scotland) Act 2004, and by the Local Government Officers (Political Restrictions) Regulations 1990 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 at midnight on the first Monday in October every fourth year commencing in 2022.

7.2 Elections

- i. The first elections to be held under this scheme shall be held during October 2022 on a date to be fixed by the returning officer.
- ii. Subsequent elections will be held on a four yearly cycle thereafter, on dates to be determined by the returning officer.
- iii. Members elected shall hold office for a period of four years up to midnight on the first Monday in October in the prescribed election year.
- iv. Members appointed outwith the scheduled election period shall hold office from the date of their election until midnight on the first Monday in October in the prescribed election year.
- v. Angus Council will administer all elections.
- vi. All community councillors shall stand down at each *full* election but shall be eligible for re-election.
- vii. Community Council elections shall be held by the returning officer in accordance with the scheme of electoral arrangements published prior to scheduled elections. The returning officer may amend the scheme of electoral arrangements at any time to ensure that the integrity and transparency of the electoral process is maintained.

7.3 Returning Officer

The Director – Legal and Democratic Services has been appointed as returning officer for all community council elections as per the council's standing orders.

The decision of the returning officer on all electoral matters of shall be final.

7.4 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.
- ii. Candidates eligible to stand for election in terms of paragraph 6.1 of this scheme must complete a nomination form prescribed by the returning officer.
- iii. Nomination forms must be submitted to the returning officer by the date and time set out in the Notice of Election. Nomination forms

submitted after that date and time will not be accepted, subject to the provisions set out in Section 7.5(iii) below.

7.5 Electoral Process

At the close of nominations:

- i. If the number of candidates validly nominated equals or exceeds **HALF** but is less than or equal to the total maximum permitted membership as specified for the community council area, the said candidates will be declared elected from that date and no ballot shall be held.
- ii. If the number of validly nominated candidates exceed the total maximum membership as specified for the community council area, arrangements for a poll shall be implemented. Each registered elector in the area 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.
- iii. If the number of candidates validly nominated, is below **HALF** of the maximum permitted membership, as specified for the community council area, the returning officer may, at their discretion, issue calls for further nominations where it is deemed possible that a community council may be established if such action is taken.
- iv. If after a subsequent call for nominations, the number of candidates' remains below **HALF** of the total maximum permitted membership, as specified for the community council area, no community council will be established at that time.
- v. However, this does not prevent a request from 20 registered electors in the community council area submitting a request to the returning officer to make arrangements for the establishment of a community council under the terms of Section 52 (7) of the Local Government (Scotland) Act 1973.

7.6 Method of Election

- i. Community councillors shall be elected on a simple majority basis.
- ii. The returning officer shall determine the method of voting which may be in person, by post or by electronic means.
- iii. Community council elections shall be held in accordance with the Scheme of Electoral arrangements published by the returning officer prior to scheduled elections. The returning officer reserves the right to

amend this scheme at any time to maintain the integrity and transparent of the electoral process.

7.7 Filling of casual vacancies between elections

- i. Casual vacancies on a community council may arise in the following circumstances:
 - when a community councillor submits their resignation.
 - when a community councillor ceases to be resident within the community council area.
 - the death of a community councillor.
 - when a member is disqualified from holding office (Section 9 refers).
- ii. The community council must inform the council's liaison officer of any vacancy which arises between scheduled elections, as soon as is practicable.
- iii. If vacancies arise on a community council between elections, it shall be at the discretion of the community council whether to fill the vacancy. Vacancies shall be filled using the co-option process (Section 7.8 below) or by an interim election subject to the provisions of 7.7(iv).
- iv. If circumstances arise that lead to the number of community councillors falling below **HALF** of the maximum permitted membership in an area, the council shall be informed, and the returning officer shall make arrangements for an interim election to be held unless it is within six months of the scheduled four yearly elections. There will be no interim elections held during this period, but the community council may continue to operate with the agreement of the council.

7.8 Co-option to a community council

- i. Notice of any proposed co-option of a community councillor shall be intimated to all community council members at least 14 days prior to the meeting when the matter will be decided.
- ii. Co-opted members must be eligible for membership of the community council in terms of Section 7.1 of this scheme.
- iii. Members must be co-opted on to a community council by a majority of no less than two thirds of the elected (general and interim) community councillors present and voting.

- iv. Co-opted members shall have full voting rights and will serve until the next round of elections (general and interim).
- v. Community councils may co-opt to their maximum permitted membership as defined in **Appendix 2**.

7.9 Additional Membership

Associate Members

- i. Associate members maybe appointed by a community council where there may be a need for individuals with particular skills or knowledge.
- ii. Associate members may serve for a fixed period as determined by the community council or for the term of office the community council which has appointed them.
- iii. Associate members may include officials from the council to advise on issues such as planning or licensing; local voluntary organisations; youth groups; community groups etc.
- iv. Associate members have no voting rights.
- v. Associate members will not be counted in terms of meeting a quorum or towards the total membership of the community council.
- vi. Associate members need not reside within the area of the community council.

Ex-Officio Members

- i. Local authority councillors, MPs, or MSP's whose ward or constituency falls wholly or partly within the geographical area of the community council area shall be deemed ex-officio members of the community council.
- ii. Ex-officio members have no voting rights.
- iii. Ex-officio members will not be counted in terms of meeting a quorum or towards the total membership of the community council.

Section 8 Equalities

- 8.1 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, elected members of the

council and members of the public and to have their knowledge, opinion, skill, and experience considered.

Section 9 Disqualification of Membership

- 9.1 Disqualification of membership is automatic, if a community councillor relocates and renders invalid their residency qualification for membership.
- 9.2 If any community councillor fails to attend any community council meeting, with or without submitting apologies, for a period of 6 months, the community council may terminate their membership.
- 9.3 At the discretion of individual community councils, an approved leave of absence for members may be approved at any meeting of the community council.

Section 10 Meetings

- 10.1 The inaugural (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 the election, or as soon as practicable thereafter.
- 10.2 The returning officer or their nominated representative shall chair the first meeting. The first item of business shall be to appoint the chair of the community council. The person elected as chair shall preside over the remainder of the meeting which will include the appointment of office-bearers, the adoption of the community council constitution and standing orders any outstanding matters from the outgoing community council.
- 10.3 The frequency of the meetings will be determined by each community council, subject to a minimum of one annual general meeting and five ordinary meetings being held each year. The month of the annual general meeting shall be determined by the community council.
- 10.4 The quorum for community council meetings shall be at least one third of the current voting membership of a community council or three voting members whichever is the greater.
- 10.5 An outline for conduct of business that community councils must adhere to when holding ordinary, special, and annual general meetings is contained within the model standing orders found in **Appendix 4**.

Section 11 Liaison with the Council

- 11.1 In order to help facilitate the effective functioning of community councils, the council has identified an official to act as a liaison officer with community councils. Unless there is a specific agreement or an issue is a specific service issue, all correspondence between the council and a

community council must in the first instance, be directed through this liaison officer.

- 11.2 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 officer. On issues where a service is consulting with a community council; representations should be made to the appropriate council officer.
- 11.3 Community councils shall provide copies of their agendas and minutes to the council within the prescribed timescales via the council liaison officer.

Section 12 Resourcing a Community Council

- 12.1 The financial year of each community council shall be provided for in the constitution of each community council and shall be from 1st April to 31st March in each succeeding year.
- 12.2 An audited statement of accounts shall be presented to the community council's annual general meeting.
- 12.3 The annual accounts of each community council shall be independently examined by an examiner appointed by the community council, who is not a member.
- 12.4 A copy of the independently examined statement of accounts, shall be forwarded as soon as the statement is prepared to the council liaison officer,
- 12.5 The council liaison officer in consultation with the council's chief financial officer may request the community council to produce such records, vouchers and account books as may be required.
- 12.6 Each community council shall have the power to raise its own financial resources for schemes, projects, and all other purposes consistent with its functions.
- 12.7 Each community council shall be eligible to apply for grants for suitable projects through the council's grant system.
- 12.8 The council shall provide an annual operational grant to each community council to assist with the operating costs of the community council.
- 12.9 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.
- 12.10 The council will review the level of the annual operational grant and other support to community councils from time to time.

12.11 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 any other relevant topics.

Section 13 Liability of Community Council Member

13.1 It is strongly recommended that the community council arrange insurance in respect of their councillors, property and equipment and public liability. Such insurance may be arranged through Angus Council or under separate arrangement.

Section 14 Dissolution of a Community Council

14.1 The terms for dissolution of a community council are contained within the constitution.

14.2 Notwithstanding these terms, should a community council fail to hold a meeting for a period of three consecutive prescribed meeting dates; or its membership falls below the prescribed minimum for a period of three 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.

Section 15 Amendment of the Scheme

15.1 Angus Council will review this scheme from time to time but at a minimum no less than once during each local authority cycle.

15.2 This will not preclude, where necessary, amendments to the scheme in the intervening period. Any amendment to the scheme will require approval of the council and will proceed in accordance with the provisions contained in Section 53 of the Local Government (Scotland) Act 1973.

COMMUNITY COUNCIL MEMBERSHIP NUMBERS

MEMBERSHIP FORMULA

Electorate:	Maximum number of members (Elected and Co-opted)	Minimum membership required to establish community council
1,000 or less	8	4
1,001 to 2,000	9	5
2,001 to 3,000	10	5
3,001 to 4,000	11	6
4,001 to 5,000	12	6
5,001 to 6,000	13	7
6,001 to 7,000	14	7
7,001 to 8,000	15	8
8,001 to 9,000	16	8
9,001 to 10,000	17	9
10,001 to 12,000	18	9
12,001 to 15,000	19	10
15,000 and over	20	10

Each Community Council may also appoint up to 5 Youth Members in addition to maximum permitted membership as per the table below:

ELECTORATE	MAXIMUM NUMBER OF YOUTH MEMBERS PERMITTED
1,000 or less	3
1,001 to 2,000	3
2,001 to 3,000	3
3,001 to 4,000	3
4,001 to 5,000	3

ELECTORATE	MAXIMUM NUMBER OF YOUTH MEMBERS PERMITTED
5,001 to 6,000	4
6,001 to 7,000	4
7,001 to 8,000	4
8,001 to 9,000	4
9,001 to 10,000	4
10,001 to 12,000	5
12,001 to 15,000	5
15,000 and over	5

Name of Community Council	Registered Electorate as at November 2021	Maximum Permitted Membership (Elected and Co-opted)*	Additional Youth Membership permitted
Aberlemno	569	8	3
Royal Burgh of Arbroath & District	20,491	20	5
Auchterhouse	606	8	3
City of Brechin & District	5,763	13	4
Carnoustie	10,146	18	5
Ferryden & Craig	1,452	9	3
Royal Burgh of Forfar	11,526	18	5
Friockheim	1,516	9	3
Glamis	771	8	3
Hillside, Dun & Logie Pert	1,755	9	3

Name of Community Council	Registered Electorate as at November 2021	Maximum Permitted Membership (Elected and Co- opted)*	Additional Youth Membership permitted
Inverarity	336	8	3
Inveresk	1,736	9	3
Kirriemuir	5,150	13	4
Kirriemuir Landward East	1,139	9	3
Kirriemuir Landward West	1,392	9	3
Letham & District	2,263	10	3
Lunanhead & District	591	8	3
Monifieth	7,426	14	4
Monikie & Newbigging	1,014	9	3
Montrose	8,847	16	4
Muirhead, Birkhill & Liff	2,978	10	3
Murroes & Wellbank	1,990	9	3
Newtyle & Eassie	961	8	3
Strathmartine	373	8	3
Tealing	684	8	3
TOTALS	91,475	268	85

**This is Appendix 3 referred to in the foregoing Angus Council Scheme of
Establishment for Community Councils**

MODEL CONSTITUTION FOR COMMUNITY COUNCILS

1. Name

The name of the community council shall be:

.....

(referred to as “the community council” in this document).

2. Area of the community council

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

3. Objectives

The objectives of the community council shall be:

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

4. Role and responsibilities

In the discharge of their functions and conduct of their business, the community council and its membership shall have regard to their role and responsibilities as

set out in Section 4 of the scheme for community councils approved by Angus Council and the code of conduct for community councillors.

5. Membership

The community council's membership is as governed by Section 6 of the scheme.

6. Method of election

Election procedures shall be governed by the method of election laid down in Section 7 of the scheme.

7. Casual vacancies on the community council

- a. Where a vacancy arises which does not result in the number of community council members falling below the minimum number as specified in **Appendix 2** of the scheme, the community council may, if it considers it to be desirable, agree to:
 - i. The filling of a vacancy by co-option with voting rights to the maximum total membership of the community council as governed by Appendix 2 of the scheme.
 - ii. The vacancy to be left unfilled until a further vacancy arises or until the next set of regular elections.
- b. Where a vacancy arises, which does result in the number of Community Council members falling below the minimum number as specified in the Scheme (Appendix 2), Angus Council shall be informed.

8. Voting rights of members of the community council

- a. The right to vote at any meeting of the community council or any committee thereof, shall be held by all community council members whether elected or co-opted, except associate members co-opted for specific issues on a temporary basis, appointed to serve up to the date of the next ordinary election.
- b. With the exception of circumstances which may arise under section 7.8 of the scheme (co-option to a community council); and clauses 16 and 17 of this constitution (alterations to the constitution and dissolution), all decisions of the community council will be decided by a simple majority of those eligible to vote and present and voting.

- c. In the event of a vote of the community council members that results in a majority not being met, in the first instance, there shall be a recount. If the recount also results in an equality of votes, the chair shall have a casting vote.

9. Election of office-bearers

- a. At the first meeting of the community council after elections in the year when elections are held and at the annual general meeting in any year when elections are not held, the community council shall appoint a chair, secretary, treasurer and such other office-bearers as it shall from time to time decide.
- b. All office-bearers shall be elected for one year, but shall be eligible for re-election, without limitation of time.
- c. Without the express approval of the local authority, no one member shall hold more than one of the following offices at any one time: chair, secretary or treasurer.

10. Committees of the community council

The community council may appoint representatives to committees of the community council; and shall determine their composition, terms of reference, duration, duties and powers.

11. Meetings of the community council

- a. The quorum for community council meetings shall be at least one third of the current eligible voting membership, or three eligible voting members, whichever is the greater.
- b. Once in each year the community council shall convene an annual general meeting for the purpose of receiving and considering the annual report of the community council, the appointment of office-bearers, and the submission of the independently examined annual statement of accounts.
- c. Including the annual general meeting, the community council shall meet not less than 6 times throughout the year.
- d. Dates, times and venues of regular meetings of the community council shall be fixed at the very first meeting of the community council following ordinary elections and thereafter at its annual general meeting.

- e. Special meetings shall require at least 10 days public notice, either called by the chair, or on the request of not less than one-half of the total number of community council members. Provision is also made for an officer of Angus Council to call a meeting of the community council.
- f. Copies of all minutes of meetings of the community council, and of committees thereof shall be approved at the next prescribed meeting of the community council, but the draft minute shall be circulated within 21 days from the date of that meeting, to community council members and the Angus Council community council liaison officer.
- g. The community council shall abide by its standing orders for the proper conduct of its meetings.
- h. The community council has a duty to be responsive to the community it represents. Should the community council receive a common written request (petition), signed by at least 20 persons resident within the community council area to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting, within 14 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings called by the community council.
- i. The community council can meet to discuss matters in private where it considers it appropriate to do so. The decision to meet in private will be agreed in advance and decided by a majority vote. Notice of such a meeting will be given to the public in the usual way. However, the notice will record that the meeting, or part thereof, shall be held in private. The following matters should be dealt with in private:
 - i. Information relating to a particular employee, former employee or applicant to be become an employee of, or a particular office holder, former office holder or applicant to become an office holder under the community council
 - ii. Information relating to the financial or business affairs of any particular person (other than the community council).
 - iii. Any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:
 - Any legal proceedings by or against the community council **or**
 - the determination of any legal matter affecting the community council

(whether in either case, proceedings have been commenced or are in contemplation).

- Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

12. Public participation in the work of the community council

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

13. Information to the local authority

- a. The Angus Council community council liaison officer shall be sent an annual calendar of the community council's prescribed meeting dates, times and venues, which should be agreed at the community council's annual general meeting; minutes of all meetings, the annual report, the annual financial statement and any other suitable information, as may from time to time be agreed between the community council and Angus Council.
- b. When special meetings of the community council are to be held, the Angus Council community council liaison officer should be advised of the date, time, venue and subject(s) of debate of such meetings, at least 10 days in advance of the meeting date.

14. Control of finance

- a. All monies raised by or on behalf of the community council or provided by the local authority and other sources shall be applied to further the objectives of the community councils and for no other purpose. The monies provided by Angus Council in the annual operational grant for administrative and other approved purposes shall be used only as prescribed. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the

objectives of the community council), or in the absence of such terms, for the furtherance of the objectives of the community council.

- b. The treasurer shall undertake to utilise the community council cashbook to keep proper accounts of the finances of the community council and shall report on a regular basis as to the income and expenditure of the community council.
- c. Any two of the three authorised signatories, who must be office-bearers of the community council, may sign cheques on behalf of the community council. Authorised signatories may not be co-habitees.
- d. The financial year of the community council shall be from 1 April to 31 March the succeeding year. The community council treasurer shall prepare a statement of income and expenditure for the period of the financial year immediately preceding. The accounts shall be independently audited by an auditor appointed by the community council who is not a member of the community council and shall be submitted to the annual general meeting of the community council not later than 31 December immediately following.
- e. The audited accounts shall be available for inspection by the public and public notice shall be given of the availability of the accounts for inspection at a convenient location.
- f. A copy of the audited accounts shall be sent as soon as practicable to the Angus Council community council liaison office but no later than 31 July in that year.

15. Title to property

Property and other assets belonging to the community council shall be vested in the chair, secretary and treasurer of the community council and their successors in these respective roles.

16. Alterations to the constitution

- a. Any proposal by the community council to alter this constitution must be first considered by a meeting of the community council and the terms of the proposed resolution to alter the constitution shall be stated on the notice calling the meeting which shall be issued not less than 10 days prior to the meeting. Any proposed alterations may not prejudice the terms and objectives contained with the Angus Council Scheme of Establishment for Community Councils.

- b. If the resolution is supported by two-thirds of the total voting membership of the community council and is approved in writing by Angus Council or its appointed officer, the alteration shall be deemed to have been duly authorised.

17. Dissolution

- a. If the community council by a two-thirds majority of the total voting membership decides at any time that on the grounds of expense or otherwise it is necessary or advisable to dissolve, it shall agree a date for a public meeting to be held to discuss the proposed resolution to dissolve.
- b. It is a requirement that not less than 10 days prior to the date of such meeting a public notice be given by means of notification in the local newspaper.
- c. If the resolution is supported by a majority of those persons present and qualified to vote and is approved by Angus Council, the community council shall be deemed to be dissolved and all assets remaining, subject to the approval of Angus Council, after satisfaction of any proper debts or liabilities shall transfer to Angus Council who shall hold same in trust for a future community council representing the area.
- d. In the event that the community council is dissolved under the above procedure, and 20 or more electors subsequently wish the re-establishment of a community council for the area, these electors shall submit a requisition to Angus Council in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which the returning officer shall arrange for elections to be held in accordance with the scheme.
- e. Where for any reason, the number of community council members falls below the minimum specified in the scheme, Angus Council may, by suspending the constitution of the community council, cause the community council to be dissolved and in this event, the procedures for the establishment of a new community council being those identified in the immediate paragraph thereof, shall be initiated.

18. Approval and adoption of the constitution

This constitution was adopted by
Community Council, on(insert date)

Signed:

..... Chair
..... Date
..... Member
..... Date
..... Member
..... Date

And was approved on behalf of Angus Council on

Signed:
PRINT:
Position:
Dated:

**This is Appendix 4 referred to in the foregoing Angus Council Scheme of
Establishment for Community Councils**

MODEL STANDING ORDERS

1. Meetings (all held in public)

- a. Ordinary meetings of the community council shall be held in the months of
.....
- b. Special meetings may be called at any time on the instruction of the chair of the community council; on the request of not less than one-half of the total number of community council members; and the receipt of a common written request (petition), signed by at least 20 persons, resident within the community council area, to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting.
- c. A special meeting shall be held within 14 days of the receipt of the request made to the secretary of the community council. Annual general meetings are held annually.
- d. The notice of ordinary and annual general meetings of the community council, featuring the date, time and venue, shall be provided to each community council member and the Angus Council community council liaison officer by the secretary of the community council, at least 10 days before the date fixed for the meeting.

2. Minutes

Minutes of proceedings of a meeting of the community council shall be drawn up within 21 days from the date of that meeting, distributed in accordance with Section 4.10 of the scheme of community councils and shall, following their approval, be signed at the next meeting of the community council by the person presiding thereat and retained for future reference.

3. Quorum

A quorum shall consist of one-third of the current membership of the community council, or three voting members, whichever is the greater.

4. Order of business

Ordinary meeting

- a. The order of business at every ordinary meeting of the community council shall be as follows:

- b. Recording of membership present and apologies received.
- c. The minutes of the last meeting of the community council shall be submitted for approval.
- d. Any other item of business, which the chairperson has directed, should be considered.
- e. Any other competent business.
- f. Questions from the floor.
- g. Chair to declare date of next meeting and close meeting.

Annual general meeting

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

The order of business for at every annual general meeting of the community council shall be as follows:

- a. Recording of membership present and apologies received.
- b. The minutes of the last annual general meeting of the community council shall be submitted for adoption.
- c. Chair's annual report (and questions from the floor).
- d. Secretary's annual report (and questions from the floor).
- e. Treasurer's submission of balance sheet and annual accounts duly independently examined and certified correct (and questions from the floor).
- f. Demit of current office bearers/election of office bearers.
- g. Chair to declare date of next annual general meeting and close meeting.

Special meeting

The order of business at every special meeting of the community council shall be as follows:

- a. Recording of membership present and apologies received.
- b. Business for debate, as described in the calling notice for the special meeting
- c. Chair to close the meeting

5. Order of debate

- a. The chair shall decide all questions of order, relevancy and competency arising at meetings of the community council and their ruling shall be final and shall not be open to discussion.
- b. In particular, the chair shall determine the order, relevancy and competency of all questions from the public in attendance at meetings of the community council raised at above. The chair in determining the order, relevance and competency of business and questions shall have particular regard to the relevance of the issue to the community and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner.
- c. The chairperson shall have the power, in the event of disorder arising at any meeting, to adjourn the community council meeting to a time they may then or afterwards fix.
- d. Every motion or amendment shall be moved and seconded.
- e. After a mover of a motion has been called on by the chairperson to reply no other members shall speak to the question.
- f. A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- g. A motion or amendment which is contrary to a previous decision of the community council shall not be competent within six months of that decision.

6. Voting

- a. Voting shall be taken by a show of hands of those present and eligible to vote, with the exception that, at an annual general meeting, the election of office bearers may be held by secret ballot.
- b. The chair of a meeting of the community council shall have a casting vote as well as a deliberative vote.

7. Alterations of standing orders

These standing orders may be proposed to Angus Council to be altered or added to at any time by the community council provided that the notice of motion to that effect is given at the meeting of the community council previous to that at which the motion is discussed. Angus Council shall have the final discretion on any proposed change.

8. Committees

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

9. Suspension of standing orders

These standing orders shall not be suspended except at a meeting which three-quarters of the total number of community council members are present and then only if the mover states the object of his/her motion and if two-thirds of the community council members present consent to such suspension.

**This is Appendix 5 referred to in the foregoing Angus Council Scheme of
Establishment for Community Councils**

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

This code is based largely on the code of conduct for local authority councillors and relevant public bodies.

Community councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this code of conduct. The code of conduct and its principles shall apply to all community councillors and those representing the community council. These principles are as follows:

- Service to the community (public service)
- Selflessness
- Integrity
- Objectivity
- Accountability and stewardship
- Openness
- Honesty
- Leadership
- Respect

When appointed to a community council, members formally agree to abide by the code of conduct.

Failure to comply with this code may result in you being suspended or banned from serving as a community councillor.

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 community council scheme as set out by Angus Council under the terms of the Local Government (Scotland) Act 1973.
- You have a duty to establish and reflect, through the community council, the views of the community as a whole, on any issue, irrespective of personal opinion.
- You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views i.e., suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Selflessness

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

Integrity

- You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter for 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 view of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.
- You may be appointed or nomination by your community council to service as a member of another representative body. You should ensure that this code of conduct is observed when carrying out the duties of the other body.
- You are free to have political and/or religious affiliations; however, you must ensure that you represent the interests of your community and community council and not the interests of a particular political party or other group.

Accountability and stewardship

- You are accountable for the decision and actions that you take on behalf of your community through the community council. You must ensure that the community council uses its resources prudently and in accordance with the law.
- Community councillors will individually and collectively ensure that the business of the community council is conducted according to the relevant scheme of establishment for community councils and this code of conduct.

- 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 Angus Council scheme for 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 within 21 days of each meeting.
- Any breach of the scheme as set out by Angus Council 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 view 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 community council.

Leadership

- You have a duty to promote and support the principles of this code of conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the community council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.
- You should act to assist the community council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the community council is aware of them.

Respect

- You must respect fellow members of your community council and those that you represent treating them with courtesy, respect and in a non-discriminatory manner at all times. These principles 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.