

Our ref: Community Council Consultation
April 2008

Dear Sir or Madam

CONSULTATION ON DRAFT MODEL SCHEME OF ESTABLISHMENT OF COMMUNITY COUNCILS AND DRAFT CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

As Chair of the Community Council Working Group (CCWG), I invite you on behalf of the Group to forward your views and comments on the enclosed draft documents.

These documents have been produced by the CCWG following the recommendations that arose from the review of community councils and responses to the discussion paper, "What can we do to help Community Councils Fulfil their Role?", which was undertaken in 2005/06.

The background to the production of these documents is explained in the attached Introduction and Context paper (**Annex A**).

This consultation exercise aims to provide the opportunity for all those who wish to express their opinion on these proposed documents to do so in a way that will inform and enhance them. While details of particular circumstances described in a response to this consultation may usefully inform the policy process, this consultation exercise cannot address individual concerns and comments, which should be directed to the relevant public body.

So that we can comply with the Freedom of Information (Scotland) Act 2002, please complete the attached Respondent Information Form (**Annex B**). This will ensure that only the information you agree to share will be published. Responses where confidentiality is not requested will be available at the Scottish Government Library later this year. A report on the consultation will also be placed on the Scottish Government website following an analysis of the consultation responses.

Responses should be e-mailed to CommunityCouncilConsultation@scotland.gsi.gov.uk or sent to:

Community Council Consultation
Scottish Government
Community Planning Team
3-J South
Victoria Quay

Victoria Quay, Edinburgh EH6 6QQ
www.scotland.gov.uk



Edinburgh
EH6 6QQ

Responses are required no later than **1 August 2008**.

Should you have any general enquiries regarding this consultation or require paper copies of electronic information contained within the consultation documents, please contact Anna Gilbert on 0131 244 2794.

Yours faithfully

Russell Bain
CCWG Chair

Introduction and Context

Role of Community Councils

1. Community Councils form the most local tier of statutory representation in Scotland. They were originally created by the Local Government (Scotland) Act 1973 and were intended to bridge the gap between local authorities (which were being reduced in number at that time from over 400 to 65) and local communities and to help make local authorities and other public bodies aware of the opinions, needs and preferences of the communities that they represent. The 1973 Act required local authorities to introduce community council schemes for their area and gave them a large degree of freedom to tailor their scheme to the particular circumstances of their area. There are currently around 1160 active community councils in Scotland and these only exist where volunteers are prepared to represent their community in this way. Some areas in Scotland are not currently covered by a community council.

2. The primary purpose of community councils is to ascertain and express the views of the community that they represent. However, in addition to their primary role, many community councils involve themselves in a wide range of other activities for the benefit of their community. The Scottish Government are aware of several community councils who, in discussion and agreement with their local authority, undertake expanded roles and responsibilities. Examples of some of these roles/responsibilities are as follows:

- Monitor and report any defects in public roads and associated drainage issues
- Monitor and report coastal erosion
- Monitor the condition of public buildings, footpaths, lighting etc
- Monitor and report anti-social behaviour
- Arrange minor repairs of certain local authority amenities
- Report unsafe buildings
- Administer the maintenance of all burial grounds
- Identify uses for vacant local authority properties
- Name any new roads in local authority area
- Identify road safety issues
- Control of Common Good funds
- Environmental issues i.e. parks, litter, street sweeping, Christmas decorations
- Community Hall management/maintenance

Background

3. In November 2005 the previous administration issued a discussion paper entitled "What can we do to help Community Councils Fulfil their Role?". The Paper was part of a wider information gathering exercise and played a key role in identifying specific obstacles faced by Community Councils, as well as examples of good practice.

4. The focus of the review was to look at what steps could be taken to support community councils in their role as representative bodies for their community area, and what could be done to improve their operational effectiveness. This included looking at the effectiveness of the legislation which provides for the establishment of community council schemes; the content and detail of current community council schemes; the rules governing community council elections; ensuring that community councils are genuinely representative of the communities that they represent; their interface with the local authority decision

making process; funding and support including the provision of training; whether there is a need for a code of conduct for community councillors; and the process for engaging in national issues.

5. Details of this review including the full analysis of the responses to the discussion paper along with the resultant recommendations can be found at: www.scotland.gov.uk/Topics/Government/local-government/CommunityCouncils/CurrentReview

6. After careful consideration of the recommendations made to them as a result of the review, Scottish Ministers from the previous administration decided to form a short life Working Group to take this work forward. This resulted in the formation of the Community Council Working Group (CCWG) in May 2007. The Group is Chaired by the Scottish Government and the membership consists of local authority and community council representation from 7 local authority areas (geographically and demographically spread over Scotland), plus representation from the Convention of Scottish Local Authorities (COSLA), the Association of Scottish Community Councils (ASCC) and the Society of Local Authority Lawyers and Administrators (SOLAR).

7. The agreed initial remit of the CCWG was to take forward the key recommendations arising from the 2005/06 review of community councils focusing on the following 3 outcomes:

- Produce a Model Community Council Scheme for Local Authorities;
- Produce a Code of Conduct for Community Councillors; and
- Produce Good Practice Guidance for both Community Councils and Local Authorities.

Full details of the CCWG and the work undertaken by them can be found at:

www.scotland.gov.uk/Topics/Government/local-government/CommunityCouncils/ComCounWrkGrp

8. It was agreed that the Good Practice Guidance being produced by the Group was not appropriate for consultation purposes, as this will continue to evolve with community councils. This piece of work continues to be taken forward and it is anticipated that the final document will be available alongside the finalised Model Community Council Scheme and Code of Conduct for Community Councillors.

Consultation Documents

Model Scheme of Establishment of Community Councils

9. Section 1 of the discussion paper “What can we do to help Community Councils Fulfil their Role?” sought views on the legislative framework for community councils. The responses to the review highlighted that there was general support for greater consistency across local authority areas but that flexibility to address local issues should be maintained. The responses in this section were summarised as follows:

- *There is some support for greater consistency between schemes particularly with regard to meetings, elections and funding arrangements*
- *There is significant support for non-legislative measures such as guidance and models which allow flexibility between areas to be retained*
- *The introduction of multi-member wards is a concern for many community councils*
- *The question of corporate legal status is divisive as to whether it would protect/deter community councillors*

10. As a result of the above the CCWG took forward the recommendation to;

“Draw up a Model Community Council Scheme for use by Local Authorities”.

11. It was agreed from the outset that the Model Scheme should be developed with a view to the finalised Model Scheme providing a basis for local authorities to adopt, should they wish to do so, to allow for parity and consistency throughout Scotland. It was also recognised that due to varying geographic and demographic circumstances, each individual local authority and community councils in their area, should have the ability to reflect, where appropriate, local circumstances.

Code of Conduct for Community Councillors

12. The Ethical Standards in Public Life etc (Scotland) Act 2000 introduced a new ethical framework for members of devolved public bodies and councillors in Scotland. Section 32 of the Act permits Ministers to impose a Code of Conduct on such Scottish public bodies as they determine. No such Code currently exists for Community Councillors although a number of local authorities have introduced a local code.

13. Section 5 of the discussion paper “What can we do to help Community Councils Fulfil their Role?” sought views on a Code of Conduct for Community Councillors. There was overall support for the introduction of a Code of Conduct for Community Councils but mixed views on the method of introduction and the enforcing body. The responses to this section were summarised as follows:

- *There was strong support for a code of conduct, although different views as to whether it should be statutory or based on a model framework*
- *There were some concerns that a code would be inappropriate for volunteers, difficult to enforce or a deterrent to potential community councillors*
- *There was a preference that breaches of a code be investigated at a local level rather than involve the Standards Commission*

14. As a result of the above the CCWG took forward the following recommendation;

“A Code of Conduct should be introduced for Community Councillors. The Scottish Executive should draw up a draft Code and consult on its terms and in doing so, seek views on whether or not it should be statutory or non-statutory and who whether the local authorities or community councils themselves would be best placed to enforce it.”

15. The Code of Conduct for Community Councillors produced by the CCWG 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. It was agreed that a Dispute Resolution clause, for inclusion in the Model Scheme, would be considered as proposed in the above recommendation, i.e. after seeking views as part of this consultation process.

Responding to the Consultation

16. The Scottish Government, on behalf of the CCWG, would welcome your views and comments on the questions incorporated in the consultation documents. We would be grateful if you could forward the responses no later than **Friday 1 August 2008** to:

Community Council Consultation
Scottish Government
Community Planning Team
3-J South
Victoria Quay
Edinburgh
EH6 6QQ

Responses can also be sent electronically by e-mail to:

CommunityCouncilConsultation@scotland.gsi.gov.uk

If you have any general enquiries regarding this consultation or require paper copies of electronic information contained within the consultation documents, please contact Anna Gilbert on 0131 244 2794.

So that we know whether or not you are happy for your response to be made public, please ensure that you complete the Respondent Information Form (**Annex B**) and return it along with your comments.

Name:
Postal Address:

Consultation Title: CONSULTATION ON DRAFT MODEL SCHEME OF ESTABLISHMENT OF COMMUNITY COUNCILS AND DRAFT CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

1. Are you responding as:

(a) An Individual (go to 1a)

(b) On behalf of a group or organisation (go to 1b)

1a. INDIVIDUALS

Do you agree to your response being made available to the public (in Scottish Government library and/or on Scottish Government website)?

YES (go to 2b below)

NO, not at all

Where confidentiality is not requested we will make your response available to the public on the following basis (please tick one of the following boxes)

Yes, make my response, name and address all available

Yes make my response available but not my name and address

Yes make my response and name available but not my address

1b. ON BEHALF OF GROUPS OR ORGANISATIONS

Your name and address WILL be made available to the public (in the Scottish Government library and/or on the Scottish Government website).

Are you content for your response to be made available also?

YES NO

2. SHARING RESPONSES/FUTURE ENGAGEMENT

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so.

Are you content for the Scottish Government to contact you again in the future in relation to your consultation response?

YES NO

Scottish Government's Working Group on Community Councils

Consultation Questionnaire on Model Scheme of Establishment of Community Councils

1. Introduction

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

The Model Scheme for Community Councils in Scotland is designed to enable the establishment of community councils across Scotland and to provide a common framework governing their creation and operation.

2. Statutory Purposes

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

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

Consultation Question 1

To what extent do you agree or disagree that the framework for creating, supporting and regulating community councils across Scotland is in need of modernisation and change?

<i>Strongly agree</i>	<i>Agree</i>	<i>Neither agree nor disagree</i>	<i>Disagree</i>	<i>Strongly disagree</i>	<i>Don't know</i>

Consultation Question 2

To what extent do you agree or disagree that there is a need to establish a common framework for the creation and support of community councils across Scotland?

<i>Strongly agree</i>	<i>Agree</i>	<i>Neither agree nor disagree</i>	<i>Disagree</i>	<i>Strongly disagree</i>	<i>Don't know</i>

The Local Government (Scotland) Act 1973 describes the general purpose of a community council as being:

“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 action in the interests of that community as appears to it to be expedient and practicable”.

Consultation Question 3

To what extent are you satisfied or dissatisfied with this existing legislative description of the statutory purpose of community councils?

<i>Very satisfied</i>	<i>Satisfied</i>	<i>Neither satisfied nor dissatisfied</i>	<i>Dissatisfied</i>	<i>Very dissatisfied</i>	<i>Don't know</i>

What scope for improvement can you suggest?

3. The Role and Responsibilities of Community Councils

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

It is essential that these views 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. Community councils have a statutory right to be consulted on planning applications. Licensing matters and any other matters may also be jointly agreed between community councils, local authorities and other public sector and private agencies.

Community councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objectives of their constitution.

Overall, community councils should engage with and establish positive working relationships with their local authority and other agencies. In carrying out their activities community councils must at all times adhere to the law; and the Community Councillors' Code of Conduct.

Each community council is required to adopt a Constitution, based upon the Model Constitution (Appendix I), which has been produced for national use, together with standing orders (Appendix II), 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.

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

- Inform the community of the work and decisions of the community council by posting agendas and minutes of meetings in public places, such as libraries and notice boards; and, subject to the provisions contained within the Data Protection Act 1998, provide contact details of community council members.
- Agendas and draft minutes of community councils' meetings must be produced within 7 days from the date of that meeting, to enable their circulation to the local authority, and relevant elected members, council staff and other parties.
- 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.

- 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. Maintain proper financial records and present financial reports at community council meetings.
- Liaise closely with their local authority on any change in membership (resignations, co-option, etc.) and circumstances.

The model scheme states that it is **essential** that views expressed by community councils 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”.

Consultation Question 4

In your opinion, what level of difficulty or ease is associated with the requirement for community councils to be “accurately representative of the community”?

<i>Extremely difficult</i>	<i>Difficult</i>	<i>Neither difficult nor easy</i>	<i>Easy</i>	<i>Extremely Easy</i>	<i>Don't know</i>

Please state why:

Consultation Question 5

To what extent are you satisfied or dissatisfied with the model constitution?

<i>Very satisfied</i>	<i>Satisfied</i>	<i>Neither satisfied nor dissatisfied</i>	<i>Dissatisfied</i>	<i>Very dissatisfied</i>	<i>Don't know</i>

In what ways, if any, would you like to see the model constitution amended?

Consultation Question 6

Co-opting individuals onto the community council is cited as a means of broadening both representation and expertise.

To what extent do you agree or disagree that filling a vacancy by co-option is an appropriate means of achieving this?

<i>Strongly agree</i>	<i>Agree</i>	<i>Neither agree nor disagree</i>	<i>Disagree</i>	<i>Strongly disagree</i>	<i>Don't know</i>

4. Community Council Areas within Local Authority Areas

The local authority has produced a list of named community council areas and a map or maps that define their boundaries.

Under current legislative provisions each local authority scheme contains a map showing the boundaries of the areas of community councils and the boundaries of any area for which the local authority consider a community council to be unnecessary. Where a local authority consider that a community council is unnecessary for any area, a statement for their reasons for arriving at this conclusion will have been given.

Consultation Question 7

In your opinion, how appropriate or inappropriate are the current boundaries for your local community council?

<i>Very appropriate</i>	<i>Appropriate</i>	<i>Neither appropriate or inappropriate</i>	<i>Inappropriate</i>	<i>Very inappropriate</i>	<i>Don't know</i>

Consultation Question 8

Do they fit with your understanding of the boundaries of your community?

<i>Yes</i>	<i>No</i>	<i>Don't know</i>

If 'no' please state why.

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The introduction of Single Transferable Vote (STV) system for local authority elections in May 2007 meant that each local authority area was divided into larger multi-member wards. It was proposed that consideration should be given to aligning community council boundaries with these multi-member ward boundaries.

At present some community councils straddle 3 multi-member wards which mean that they will have to deal with up to 12 local authority Councillors.

Consultation Question 9

To what extent do you agree or disagree that community council boundaries should nest within existing ward boundaries?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly Disagree	Don't know

5. Membership of Community Councils

There shall be a minimum of [x] elected community council members in a community council. Due to the diverse nature of local authority areas, where there may be areas of sparse population, relative to geographical disposition, such as island communities and areas of low population, each local authority may set its own formula for the definition of a maximum number of community council members in a community council area.

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

Elected members of the local authority and members of the Scottish, United Kingdom and European Parliaments are entitled to become *ex-officio* members of community councils, with no voting rights.

The Community Council Working Group agreed that due to the diverse nature of community councils, that minimum membership could vary, and that the minimum number of elected community council members would be dependent on the geography of the relevant local authority area. They did however agree that to ensure fair representation a minimum number of elected community council members should be set. It would be for each local authority area to set its own formula to decide on the minimum number of elected members, which should not be lower than the set minimum level.

Consultation Question 10

In your opinion, what should be the minimum number of elected community councillors in a community council?

Please state number and give reason(s) for your answer:

Consultation Question 11

In your opinion should local authorities continue to define a maximum and minimum number of community council members, or should agreed National Guidance be provided for this?

<i>Local Authority</i>	<i>National Guidance</i>	<i>Other</i>

If “other”, please state your preference and why this is.

6. Establishment of Community Councils under the Model Scheme

Upon the local authority’s revocation of its existing Community Council Scheme; and decision to make a new Scheme, it shall publish a Public Notice, which shall invite the public to make suggestions as to the areas and composition of the community councils. Thereafter, a consultation process shall be undertaken prior to its formal adoption by the local authority.

7. Community Council Elections

Eligibility

Candidates wishing to stand for election to a community council must reside in the local area and be named on the Electoral Register for that area. The same criteria shall apply to voters in a community council election.

16 and 17 year olds residing in the community council area and named on the Electoral Register for that area are also entitled to both stand for the community council and vote in any election

Any community council member who no longer resides within the community council area will have their membership terminated from that community council from the date their residency ceases.

Any individual who is elected to serve on a local authority, or the Scottish, UK or European parliament shall be ineligible to stand for election to a community council.

Consultation Question 12

Do you agree or disagree with the age of 16 being established as the minimum age to stand for election as a community councillor?

<i>Agree</i>	<i>Disagree</i>	<i>Don't know</i>

If you disagree, what do you believe the minimum age should be and why?

Nominations and Elections

The first elections to be held under the new Scheme shall be held on a date to be agreed between local authorities, in consultation with the Scottish Government.

Option 1 - Subsequent elections will always be held in the year following Local Government elections, during a national date-range to be agreed between local authorities, in consultation with the Scottish Government.

Option 2 - Subsequent elections will always be held in the year following Local Government elections in the months of September and October, on dates to be set by the local authority.

Option 3 – Subsequent elections will be held on a four-yearly-cycle, outwith Local Government election year, on dates to be determined by the local authority.

All elections will be administered by the local authority.

Consultation Question 13

Given the choice, which of the above 3 options would be your preference for election frequency?

<i>Option 1</i>	<i>Option 2</i>	<i>Option 3</i>	<i>None</i>

If 'none' can you suggest an alternative?

Returning Officer

The local authority will appoint an Independent Returning Officer for community council elections. The Independent Returning Officer must not be a current elected member of that community council nor intending to stand for election to the community council.

Nominations

Individuals seeking election to a community council should be nominated by a proposer and seconder, both of whom must be resident within the 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.

A nomination form should be completed, the style of which will be determined by the local authority. Nomination forms require to be submitted on the date set down in the Election timetable. No forms submitted after that date will be accepted.

Process

On the expiry of the period for lodging nominations:

1. Should the number of candidates validly nominated equal or exceed **HALF**, but is less than or equal to the total maximum permitted membership as specified for the community council area in Appendix X of this scheme, the said candidates will be declared to be elected and no ballot shall be held.
2. Should the number of candidates validly nominated exceed the total maximum permitted membership as specified for the community council area, arrangements for a Poll shall be implemented. At the Poll, each voter shall be entitled to vote for candidates up to the number of vacancies on the community council, but cast no more than one vote for each candidate.
3. Should the number of candidates elected, be below **HALF** of the total maximum permitted membership, as specified for the community council area, no community council will be established at that time. However, this does not prevent a request from 20 electors to the local authority to make arrangements for the establishment of a community council under the terms of Section 52 (7) of the Local Government (Scotland) Act 1973.

Method of Election

Elections will be based on whole local authority areas or devolved administrative areas, as deemed appropriate. Ideally elections will take place across whole local authority areas at one time. However large local authorities may need to take an incremental approach to elections across their area, over a specified time period. All community council elections will be held by secret postal ballot.

A recommendation arising from the Review was that Local Authorities who do not do so at present should consider the benefits derived from holding elections on the same day throughout their local authority area. It has been suggested that this would help raise the profile of community councils.

Option 1:

Community councils should be elected on a simple majority basis.

OR

Option 2:

Where the electorate of a community council area is greater than X, the Single Transferable Vote system will be utilised to elect community council members. Where the electorate of a community council area is less than X, election will be by simple majority. Where there are sub-divisions of electoral areas within a community council area, the method of election will be determined by the local authority.

The Single Transferable Vote system was introduced in Scotland in May 2007, an explanation of how this system works can be found electronically at <http://www.electoral-reform.org.uk/votingsystems/stvi.htm> . Alternatively, if you do not have electronic access, please contact us and we will arrange for details to be sent to you.

Consultation Question 14

In your opinion, which of the above 2 options do you think is the most appropriate method of election for community councils in Scotland?

<i>Option 1</i>	<i>Option 2</i>	<i>Neither</i>

If 'neither', do you have any suggestions on an alternative method?

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Consultation Question 15

It is proposed that the Single Transferable Vote (STV) should be encouraged to elect community council members.

To what extent do you support or oppose the use of STV for community council elections?

<i>Strongly support</i>	<i>Support</i>	<i>Neither support nor oppose</i>	<i>Oppose</i>	<i>Strongly oppose</i>	<i>Don't know</i>

If you oppose this proposal, please state why.

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Consultation Question 16

To what extent do you support or oppose the suggestions for elections described as follows?

Secret postal ballot:

<i>Strongly support</i>	<i>Support</i>	<i>Neither support nor oppose</i>	<i>Oppose</i>	<i>Strongly oppose</i>	<i>Don't know</i>

Common election day/period:

<i>Strongly support</i>	<i>Support</i>	<i>Neither support nor oppose</i>	<i>Oppose</i>	<i>Strongly oppose</i>	<i>Don't know</i>

Filling of casual places/vacancies between elections

Casual vacancies on a community council may arise in the following circumstances:

- When an elected community council member submits her/his resignation;
- When an elected community council member ceases to be resident within the community council area;
- When an elected community council member has her/his membership disqualified.

Should 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, should the circumstances deem it appropriate. However, should circumstances arise that leads to the number of elected community council members to fall below **HALF** of the maximum permitted membership, the local authority shall be informed and shall make arrangements for an interim election to be held.

Co-option to Community Councils

Co-opted members must be eligible for membership of the community council as detailed in Section 5 of the Community Council Scheme. They must be elected onto the community council by a two-thirds majority of the elected (general and interim) community council 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).

The number of co-opted members may not exceed a **QUARTER** of the elected (general and interim) community council membership.

Additional Membership

Associate Members

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 local authority to advise on issues of e.g. planning, or youth members from the community

Ex-Officio Members

Local Authority Councillors, MPs, MSPs and MEPs whose wards fall wholly or partly within the geographical area of the community council area shall be deemed ex-officio members of the community council. Ex-officio members have no voting rights on the community council.

Consultation Question 17

What in your opinion should be the maximum level of co-opted members within a community council?

<i>No maximum level</i>	<i>Not exceeding 75%</i>	<i>Not exceeding 50%</i>	<i>Not exceeding 25%</i>	<i>None</i>	<i>Other</i>

If other, please state what you believe the level should be and why:

Consultation Question 18

To what extent do you agree or disagree that local authorities should be able to prescribe the extent to which co-option is permissible?

<i>Strongly agree</i>	<i>Agree</i>	<i>Neither agree nor disagree</i>	<i>Disagree</i>	<i>Strongly disagree</i>	<i>Don't know</i>

Community councils are directed to make particular efforts to encourage young people and other under-represented groups to attend/participate in community council meetings.

Consultation Question 19

Please provide any specific examples of successful efforts to involve young people/under-represented groups in community council business? It would be helpful if you could provide us with the name of the community council and local authority area, where appropriate.

8. Equalities

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.

9. Disqualification of Membership

Disqualification of membership is automatic, should a community council member relocate and render 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, throughout a period of 6 months, the community council may terminate their membership. At the discretion of individual community councils, an approved leave of absence for community council members may be approved at any meeting of the community council.

Disqualification may also occur where a community council member is found to be in breach of the National Code of Conduct for Community Councillors.

The National Code of Conduct for Community Councillors is also subject to consultation and this document can also be found on the Consultation section of the Scottish Government website alongside this document.

10. Meetings

The first meeting of a community council following the election; and upon establishment of a community council, will be called by a Deputy Returning Officer approved by the local authority and will take place within 21 days of that date, or as soon as practicable thereafter. The frequency of meetings will be determined by each community council, subject to a minimum of one annual general meeting and 6 ordinary meetings being held each year. The annual meeting shall be held in the month of (to be determined) of each year.

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.

An outline of the conduct of business that community councils should adhere to when holding ordinary, special and annual general meetings is contained within the Model Standing Orders.

Consultation Question 20

It is proposed that community councils may terminate membership for non attendance of meetings, in a 6 month period, with or without apologies.

Do you agree or disagree that the proposed period of time for possible termination of membership is appropriate?

<i>Yes</i>	<i>No</i>	<i>Don't know</i>

If 'no' what period of time would you suggest and why?

Consultation Question 21

Do you have any comments on the proposed quorum for meetings or when the annual meeting should be held?

11. Liaison with the Local Authority

In order to help facilitate the effective functioning of community councils, the local authority 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 departmental issue, all correspondence between the local authority and the community councils should, in the first instance, be directed through this route.

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

Community councils shall provide copies of their agendas and minutes to the Council via the local authority's named official.

12. Resourcing a Community Council

The financial year of each community council shall be provided for in the constitution of each community council and shall be from **(to be determined by the local authority)** to **(to be determined by the local authority)** 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.

The Model Standard Cashbook/Annual Accounts of each community council shall be independently examined by at least two examiners appointed by the community council, who are not members of the community council. 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 local authority who may, at their 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.

Each community council shall have the power to raise its own financial resources for schemes, projects and all other purposes consistent with its functions.

Each community council shall be eligible to apply for grants for suitable projects through the local authority's grant system.

The local authority shall provide an administrative grant to community councils to assist with the operating costs of the community council. The grant shall be fixed at a minimum flat rate of £ **(to be determined)**

per community council with an additional minimal -p. **(to be determined)** per head of population.

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

The local authority'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 community council office bearers; the role of community councils; the functions of the local authority; and other relevant topics.

13. Liability of Community Council Members

In order to protect the individual and several liability of community council members, a national scheme of insurance liability cover has been established. The insurance liability cover becomes effective upon the local authority advising the insurance underwriter of the establishment of a community council.

14. Dissolution of a Community Council

The terms for dissolution of a community council are contained within the Model Constitution.

Notwithstanding these terms, should a community council fail to hold a meeting for a period of 3 consecutive prescribed meeting dates; or its membership falls below the prescribed minimum for a period of 3 consecutive prescribed meeting dates, despite during which time the community council takes action to address the situation, the local authority may take action to dissolve that community council.

Consultation Question 22

It is proposed that the local authority may take action to dissolve a community council, should it 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.

To what extent do you agree or disagree with this provision to dissolve a community council?

<i>Strongly agree</i>	<i>Agree</i>	<i>Neither agree nor disagree</i>	<i>Disagree</i>	<i>Strongly Disagree</i>	<i>Don't know</i>

Consultation Question 23

Other comments:

Please use the space below for any other comments you may have about the Model Scheme for Community Councils (continue on a separate sheet of paper if necessary).

Empty space for providing comments.

Thank you for taking the time to complete this questionnaire.

For analytical purposes we would be grateful if you could indicate from which local authority area you are responding.

Aberdeen City Council		Highland Council	
Aberdeenshire Council		Inverclyde Council	
Angus Council		Midlothian Council	
Argyll and Bute Council		Moray Council	
Clackmannanshire Council		North Ayrshire Council	
Dumfries and Galloway Council		North Lanarkshire Council	
Dundee City Council		Orkney Islands Council	
East Ayrshire Council		Perth and Kinross Council	
East Dunbartonshire Council		Renfrewshire Council	
East Lothian Council		Scottish Borders Council	
East Renfrewshire Council		Shetland Islands Council	
Edinburgh City Council		South Ayrshire Council	
Eilean Siar		South Lanarkshire Council	
Falkirk Council		Stirling Council	
Fife Council		West Dunbartonshire Council	
Glasgow City Council		West Lothian Council	

MODEL NATIONAL 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 local authority’s Scheme for the Establishment of 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 the local authority for the area, 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 the conduct of their business, the COMMUNITY COUNCIL and its membership shall have regard to their role and responsibilities as set out in paragraph 3 of the Scheme for Community Councils, approved by the local authority; and the Community Councils’ Code of Conduct.

5. **Membership**

The COMMUNITY COUNCIL'S membership is as governed by paragraph 5 of the Scheme; and as determined from time to time by Council.

6. **Method of Election**

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

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

Where, following any election, an individual, for whatever reason, ceases to be a member and a vacancy arises which does not result in the number of COMMUNITY COUNCIL members falling below the minimum number as specified in paragraph 5 of the Scheme, the COMMUNITY COUNCIL may, if it considers it to be desirable, agree to:-

- (a) an extraordinary general meeting be held in order that the vacancy (and any other outstanding vacancies) can be filled, on the basis that such vacancies would be publicised, nominations invited and an election held where the number of candidates exceeded the number of places available. Such interim elections will be administered by the local authority.
- (b) the filling of a vacancy by co-option with voting rights to a maximum of one third of the total membership of the community council as governed by paragraph 7 of the Scheme.
- (c) the vacancy to be left unfilled until a further vacancy arises or until the next set of regular elections.

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

The right to vote at any meeting of the COMMUNITY COUNCIL or any committee thereof, shall be held by all COMMUNITY COUNCIL members whether elected or co-opted, except those associate members co-opted for specific issues on a temporary basis, appointed to serve up to the date of the next ordinary election. With the exception of circumstances which may arise under the **Scheme for Community Councils**: Clause 7 – Community Council Elections [Co-option]; and **Standing Orders**: Clause 16 – Alterations to the Constitution and Clause 17 – Dissolution, all decisions of the COMMUNITY COUNCIL will be decided by a simple majority of those eligible to vote and present and voting.

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 chairperson 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 **(to be determined locally)** in the 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: Chairperson, 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 3 eligible voting members, whichever is the greater.
- (b) Once in each year in the month of **(to be determined locally)** 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 7 times throughout the year.
- (d) Dates, times and venues of regular meetings of the COMMUNITY COUNCIL shall be fixed at the first meeting of the COMMUNITY COUNCIL following ordinary elections and thereafter at its annual general meeting. Special meetings shall require at least 10 days public notice, either called by the Chairperson, 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 the local authority to call a meeting of the COMMUNITY COUNCIL.

- (e) Copies of all minutes of meetings of the COMMUNITY COUNCIL and of committees thereof shall be approved at the next prescribed meeting of the COMMUNITY COUNCIL, but the draft minute shall be circulated within 7 days from the date of that meeting, to COMMUNITY COUNCIL members and the local authority's liaison officer for COMMUNITY COUNCILS.
- (f) The COMMUNITY COUNCIL shall abide by its standing orders for the proper conduct of its meetings.
- (g) The COMMUNITY COUNCIL has a duty in 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.
- (h) 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 a part thereof, shall be held in private.

12. Public Participation in the Work of the Community Council

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

13. Information to the Local Authority

The local authority's 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 such suitable information, as may from time to time be agreed between the COMMUNITY COUNCIL and the local authority. When special meetings of the COMMUNITY COUNCIL are to be held, the local authority's

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 COUNCIL and for no other purpose. The monies provided by the local authority in the annual Administrative Grant for administrative and other approved purposes shall be used only as prescribed. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the community council), or in the absence of such terms, for the furtherance of the objectives of the COMMUNITY COUNCIL.
- (b) The treasurer shall undertake to utilise the Community Council Cashbook, to keep proper accounts of the finances of the community council.
- (c) Any two of 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 **(to be determined locally)** until **(to be determined locally)** the succeeding year. Examined accounts as received and approved by the COMMUNITY COUNCIL at the annual general meeting shall be submitted to the local authority at the end of each financial year.
- (e) A statement of accounts for the last financial year, independently examined by two examiners appointed by the COMMUNITY COUNCIL, who are not members of the COMMUNITY COUNCIL, shall be submitted to an annual general meeting of the COMMUNITY COUNCIL and shall be available for inspection at a convenient location.

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 offices.

16. Alterations to the Constitution

Any proposal by the COMMUNITY COUNCIL to alter this Constitution must be first considered by a meeting of the COMMUNITY COUNCIL and the terms of the proposed resolution to alter the Constitution shall be stated on the notice

calling the meeting which shall be issued not less than ten days prior to the meeting. Any proposed alterations may not prejudice the terms and objectives contained within the local Scheme of Community Councils.

If the resolution is supported by two-thirds of the total voting membership of the COMMUNITY COUNCIL and is approved in writing by the local authority or its appointed officer, the alteration shall be deemed to have been duly authorised.

17. Dissolution

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

In the event that the COMMUNITY COUNCIL is dissolved under the above procedure, and twenty or more electors subsequently wish the re-establishment of a COMMUNITY COUNCIL for the area, these electors shall submit a requisition to the local authority 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.

Where for any reason, the number of COMMUNITY COUNCIL members falls below the minimum specified in the Scheme, the local authority 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 immediately preceding paragraph hereof, shall be initiated.

18. Approval and adoption of the Constitution

This Constitution was adopted by
COMMUNITY COUNCIL, on

.....

Signed: Chairman

.....

Member

.....

Member

.....

Date

.....

and was approved on behalf of Council on

.....

Signed

.....

Date

.....

Missing:-

Clause on 'Dispute Resolution Process

MODEL STANDING ORDERS

1. Meetings (all held in public)

- (a) Ordinary meetings of the COMMUNITY COUNCIL shall be held in the months of [to be entered]. Special Meetings may be called at any time on the instructions of the Chairperson 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, which special meeting shall be held within 14 days of the receipt of the request made to the Secretary of the COMMUNITY COUNCIL. Annual general meetings are held annually.
- (b) The notice of ordinary and annual general meetings of the COMMUNITY COUNCIL, featuring the date, time and venue, shall be provided to each COMMUNITY COUNCIL member and the local authority's named official by the Secretary of the COMMUNITY COUNCIL, at least 10 days before the date fixed for the meeting.

2. Minutes

Minutes of the proceedings of a meeting of the COMMUNITY COUNCIL shall be drawn up within seven days from the date of that meeting, distributed in accordance with paragraph 3 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 3 voting members, whichever is the greater.'

4. Order of Business

Ordinary Meeting

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

- (a) Recording of membership present and apologies received.
- (b) The minutes of the last meeting of the COMMUNITY COUNCIL shall be submitted for approval.
- (c) Any other item of business, which the Chairperson has directed, should be considered.
- (d) Any other competent business.
- (e) Questions from the floor.
- (f) Chairperson 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, possibly for inclusion on a future agenda.

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

- (a) Recording of membership present and apologies received.
- (b) The minutes of the last annual general meeting of the COMMUNITY COUNCIL shall be submitted for adoption.
- (c) Chairperson'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) Chairperson 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) Chairperson to close meeting.

5. Order of Debate

- (a) The Chairperson shall decide all questions of order, relevancy and competency arising at meetings of the COMMUNITY COUNCIL and his/her ruling shall be final and shall not be open to discussion. In particular, the Chairperson shall determine the order, relevancy and competency of all questions from the public in attendance at meetings of the COMMUNITY COUNCIL raised at 4. (e) above. The Chairperson in determining the order, relevance and competency of business and questions shall have particular regard to the relevance of the issue to the community and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Chairperson shall have the power, in the event of disorder arising at any meeting, to adjourn the COMMUNITY COUNCIL meeting to a time he/she may then or afterwards fix.
- (b) Every motion or amendment shall be moved and seconded.
- (c) After a mover of a motion has been called on by the Chairperson to reply no other members shall speak to the question.
- (d) A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- (e) A motion or amendment which is contrary to a previous decision of the COMMUNITY COUNCIL shall not be competent within six months of that decision.

6. Voting

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

7. Alteration of Standing Orders

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

8. Committees

The COMMUNITY COUNCIL may appoint such committees at 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 at which three-quarters of the total number of COMMUNITY COUNCIL members are present and then only if the mover states the object of his motion and if two-thirds of the COMMUNITY COUNCIL members present consent to such suspension.

Scottish Government's Working Group on Community Councils

Code of Conduct for Community Councillors

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.

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

Failure to comply with this code may result in you being suspended or banned from serving as a Community Councillor. [The mechanisms for adjudicating on and applying sanctions will be set out in your local authority Scheme for Community Councils.] –

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 your local authority under the terms of the Local Government (Scotland) Act 1973.

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

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

Selflessness

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

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter 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 views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

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

You are free to have political and/or religious affiliations; 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 decisions and actions that you take on behalf of your community through the Community Council. You must ensure that the Community Council uses its resources prudently and in accordance with the law.

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to the relevant Scheme of Establishment of 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 local authority's 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 7 days of that meeting.

Any breach of the Community Council Scheme 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 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.

Consultation Questionnaire on a National Code of Conduct for Community Councillors

Standard National Code of Conduct

Following the 2005/06 review of community councils, it was recommended that a Code of Conduct should be introduced for Community Councillors.

It was clear from the discussions of the Community Council Working Group that the mechanisms surrounding the enforcement of a Code of Conduct was important, and that wider views from all stakeholders should be sought.

The Community Council Working Group have agreed the above draft Code of Conduct and views to inform on how best to enforce and administer a Code of Conduct for Community Councillors are welcomed.

Consultation Question 24

To what extent do you support or oppose proposals that there should be a standard National Code of Conduct for Community Councillors?

<i>Strongly support</i>	<i>Support</i>	<i>Neither support nor oppose</i>	<i>Oppose</i>	<i>Strongly oppose</i>	<i>Don't know</i>

Please give reasons for your answer:

Enforcement of the Code and Appeals Process

The Community Council Working Group agreed that consideration on how a national Code of Conduct should be enforced, including any appeals process, would be taken forward following the results of this consultation. This would enable the wider view of stakeholders to be fully considered.

Consultation Question 28

Who, in your opinion, should make the decision on whether a breach of a national Code of Conduct has occurred?

<i>Community Council</i>	<i>Local Authority</i>	<i>Other Community Council</i>	<i>Other Local Authority</i>	<i>Other</i>	<i>Don't know</i>

If "other" please state who and why:

Consultation Question 29

Who, in your opinion, should enforce sanctions, resultant from any decisions that a breach of a national Code of Conduct has occurred?

<i>Community Council</i>	<i>Local Authority</i>	<i>Other Community Council</i>	<i>Other Local Authority</i>	<i>Other</i>	<i>Don't know</i>

If "other" please state who and why:

Consultation Question 30

Who, in your opinion, is best placed to deal with appeals on sanctions resulting from the application of a national Code of Conduct?

<i>Community Council</i>	<i>Local Authority</i>	<i>Other Community Council</i>	<i>Other Local Authority</i>	<i>Other</i>	<i>Don't know</i>

If "other" please state who and why:

Consultation Question 31

Please use the following space for any other comments you would like to make regarding the proposed Code of Conduct:

Thank you for taking time to complete this questionnaire.