

Scheme for Establishment of Community Councils

Including

Handbook for Community Councillors

The Scheme for Establishment of Community Councils 2020

The following is The Scheme for Establishment of Community Councils as approved for implementation by the Leadership Panel of South Ayrshire Council on Tuesday 15th September 2020.

This Scheme for Establishment of Community Councils 2020 (hereafter the 'Scheme') describes how Community Councils in South Ayrshire are formed; the conditions under which they operate, and the minimum standards to be met for recognition as a Community Council.

Any breach of the Scheme under the terms of the Local Government (Scotland) Act 1973 may be reported to South Ayrshire Council, which may in turn advise Community Councils of what action, if any, might be taken.

Review and Amendment of the Scheme

The Council, having regard to changing circumstances and to any representations made to it, shall from time to time review the Scheme and, where it considers that the Scheme ought to be amended, shall proceed in accordance with the procedure specified in Section 53 of the Local Government (Scotland) Act 1973, as amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981.

In the event of an emergency resulting in a risk either to public safety or to public health, South Ayrshire Council may suspend or amend the governance requirements for Community Councils In order to facilitate the continued operation of Community Council activities. Scottish Government Guidance will be followed

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INTRODUCTION

- A** Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994, produced the current system of unitary local authorities and made provision for the continuation of Community Councils. Under the legislation, every local community within an identified Community Council boundary area in Scotland is entitled to Petition their local authority to establish a Community Council.
- B** The general purpose of Community Councils established under the Scheme is 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”*
- C** Community Councils are voluntary bodies which exist within a statutory framework and which have been granted statutory rights of consultation. They can complement the role of the local authority but do not form any part of local government.
- D** Recognised Community Councils, unlike other community organisations, are Statutory Consultees, and included in the consultation process for all planning applications. They have the right to receive copies of applications, and will be recognised as competent bodies to make representations regarding applications.
- E** Community Councils are statutory consultees in terms of section 21 of the Licensing (Scotland) Act 2005 and are consulted on all applications for provisional/premises licences and major variations to premises licences. They are also consulted on the development of the Licensing Policy Statement and any supplementary Licensing Policy Statement.
- F** Community Councils may also undertake other functions within the terms of their Constitution. It is the responsibility of a Community Council to satisfy South Ayrshire Council that it has taken positive steps to ascertain the views of the wider community within their area, before making representations on any matter, on behalf of the community, which for the most part is comprised of local residents.
- G** It is essential that these views are shown to be accurately representative of the community i.e. evidenced consultation; agendas and minutes from special meetings; questionnaire responses. The legitimate consultative mechanisms will be recognised by South Ayrshire Council as validation of the wider community’s views and their engagement.
- H** It should be remembered that a Community Council can only act collectively. The law does not permit individual Community Councillors any special place to act independently.
- I** South Ayrshire Council recognises the voluntary status of Community Councils, and respects the individuality of the communities they represent. The active involvement of Community Councils will bring benefits both to South Ayrshire Council and local

communities. Community Councils should support and complement the role of South Ayrshire Elected Members in ensuring that local opinion is taken into account in matters of policy or operation. Community Councillors should develop their relations with South Ayrshire Council into one of partnership.

Rights and Responsibilities

1 A Community Council which conforms fully to the Scheme has rights:

- a. to be consulted, and to make representations about planning (See Guidance Clause 1.4C)
- b. to be recognised as a competent body to comment on licensing applications (See Guidance Clause 1.4D)
- c. to be recognised as an appropriate body to apply for South Ayrshire Council funding subject to availability; and
- d. to seek information and assistance from South Ayrshire Council.

2 A Community Council's responsibilities include:

- a. to conform with the requirements of this Governance, which includes the Appendices;
- b. to be wholly representative of all sectors of the community within their area;
- c. to demonstrate the views expressed to South Ayrshire Council are representative of the community they serve;
- d. to conduct a minimum number of meetings each year i.e. 6 plus the AGM within the Community Council's financial year;
- e. to produce and distribute minutes of every meeting of the Community Council in prominent places within the Community, including provision of a copy to South Ayrshire Council;
- f. to annually prepare and publish an audited financial statement and inventory;
- g. to hold elections for membership to the Community Council in liaison with South Ayrshire Council;
- h. to advertise throughout its area, in advance, all of its meetings;
- i. to identify effective consultation methods which enable effective engagement with the community on issues of significant public interest, and be able to provide evidence of these methods to South Ayrshire Council;
- j. to conduct all meetings and business in accordance with this Governance;
- k. to ensure the practice of equal opportunities can be evidenced if required;
- l. to ensure that every member conforms to their responsibilities as laid down in this Governance including General Data Protection Regulation (GDPR); and
- m. to immediately advise South Ayrshire Council if its membership falls to less than half of its total membership.

3 South Ayrshire Council's obligations

- a. to review the Scheme periodically, including consultation with Community Councils and the public;
- b. to support Community Councils to conform to the requirements of this Scheme;
- c. to provide structured support to Community Councils and their members as outlined in this scheme;
- d. to arrange Inaugural, By and Full elections for new Community Councils;
- e. to provide publicity for common election dates for Community Councils;
- f. to provide such financial and administrative assistance as is possible, subject to the various constraints placed on South Ayrshire Council; and
- g. to consult with and/or notify Community Councils e.g. on planning applications & licensing applications.

ESTABLISHMENT OF COMMUNITY COUNCILS

1. **BOUNDARY AREAS**

- 1.1 South Ayrshire Council has produced a list of Approved Community Council Areas (See Scheme Appendix 1 map for South Ayrshire). The area of the Community Council will be as designated on said map. Maps which outline these boundaries can be requested by contacting South Ayrshire Council on communitycouncils@south-ayrshire.gov.uk
- 1.2 The Community Council formula for membership and administration allowance is developed at the discretion of each Scottish Local Authority. Within South Ayrshire Council our adopted formula reflects the practice of other council areas, by reference to population density and number of electors in the Community Council area. Consequently, new membership numbers of South Ayrshire Community Councils and the formula used can be found within Scheme Appendix One.

2. **MEMBERSHIP**

- 2.1 Each Council shall comprise of Members elected in terms of this Scheme.
- 2.2 Community Councillors are elected and assume office on 1st April following a Full or By-election.
- 2.3 South Ayrshire Council Elected Members, Members of the Scottish Parliament, Members of Parliament, Scottish Youth Parliament and Members of the European Parliament, for the area (or part of the area) covered by a Community Council shall have *ex officio* membership.

3. **ELECTIONS**

- 3.1 Elections shall be held every four years, for all Community Councils.
- 3.2 Where the number of valid nominations received is less than half of the number of vacancies, the Community Council will not be able to be formed.
- 3.3 A Community Council may be formed/reformed by Petition in terms of this Scheme. (See Scheme Clause 3.12 through 3.17)

- 3.4 Community Council elections will be held every four years with by-elections being held in years two, three and four. In the first year South Ayrshire Council will publish in the local press and on its website the Notice of Election. In subsequent years, during by-elections, South Ayrshire Council may choose to advertise only in the locality where the by-election will take place.
- 3.5 Members of a Community Council will represent that Council area as a whole and will be elected by a confidential ballot. For the purposes of the election process, South Ayrshire Council have the ability to remove sub-warding within affected Community Council areas if required. The poll will be an all-postal ballot and will be organised by the Returning Officer and his/her staff. The election timetable will be arranged so that each newly elected Community Councillor will be appointed from 1st April.
- 3.6 The Returning Officer for Community Council elections shall be the Service Lead – Thriving Communities, People Directorate, South Ayrshire Council. They may appoint Deputies to discharge all or any of their duties.
- 3.7 The decision of the Returning Officer is final and cannot be challenged on election petition.
- 3.8 Forms of nomination will be available at such locations as determined by the Returning Officer and published in the Notice of Election. Completed nomination forms shall be delivered to the place appointed by the Returning Officer and specified on the Nomination Form.

Eligibility of Candidate

- 3.9 To be eligible for nomination to stand for election to a specific Community Council, a candidate must:
- i. reside within the Community Council boundary area; and
 - ii. have reached the minimum age of 16; and
 - iii. be included on the Electoral Register (alternative measures for identification and residency status of candidates may be undertaken in certain circumstances); and
 - iv. not be a person who would be disqualified from being nominated in a Local Government Election in terms Subsections 1(B), (Ba), (C), (2), (3) and (3B) of Section 31 of the Local Government (Scotland) Act 1973 as amended. (These relate to sequestration and bankruptcy and to criminal convictions where a sentence of imprisonment without the option of fine has been passed).
- 3.10 Every candidate must consent to his/her nomination in writing. Consent to nomination will be included in the Nomination Form.

Political Parties

- 3.11 Community Councils are non-political organisations and shall not demonstrate any political allegiance in their duties for Communities. A political party shall neither nominate nor sponsor a candidate in a Community Council election.

New Community Councils - Where No Community Council Exists

- 3.12 The forming of a new Community Council shall be initiated in an approved area on receipt of a Petition bearing the names of not less than 20 local residents (Electors) whose names appear on the Electoral Register, are aged 16 or over and live within the boundaries of the Community Council area. This is in accordance with section 52(7) of the Local Government (Scotland) Act 1973.
- 3.13 South Ayrshire Council shall, within not more than six weeks from the date of receipt of confirmation of a Valid Petition, organise wider consultation and engagement procedures to initiate the election process.
- 3.14 In the first instance, a steering committee and/or appropriate structure may be formed from amongst the 20 local residents, and be supported by a relevant officer to familiarise themselves with the Governance for Community Councils i.e. the Scheme for Establishment of Community Councils.
- 3.15 Each Community Council is required to adopt the Constitution which has been approved by South Ayrshire Council. Following adoption of the Constitution, on behalf of the proposed Community Council, South Ayrshire Council can proceed with the establishment process.
- 3.16 A steering committee and/or appropriate structure which is recognised by South Ayrshire Council may be eligible to be supported by appropriate start-up costs i.e. meeting and venue hire costs incurred during the establishment process for a Community Council. Appropriate start-up costs will be determined and managed by South Ayrshire Council.

Where a Community Council already exists

- 3.17 Where a Petition is received to start a new Community Council in an area where an existing Community Council operates, the proposal will be referred initially to the existing Community Council for comment before South Ayrshire Council determines whether action should be taken in terms of Section 53 of the Local Government (Scotland) Act 1973. (See Guidance Document 7)

4 COMPOSITION AND MEMBERSHIP CRITERIA

Composition

- 4.1 A Community Council shall consist of elected Community Councillors (local residents), Co-optee and Ex-Officio members (Elected Members). A Community Council may also appoint Specialist Co-optees where a need arises for individuals with particular skills, knowledge or experience.
- 4.2 The number of Community Councillors shall be stated in the Community Council Constitution. The core number of Community Councillors is 9 and the maximum number of Community Councillors for an established Community Council is 18 (See Scheme Appendix 1 for the formula).
- 4.3 The absolute minimum number of members for a Community Council to remain established is one half of its stated constituted membership e.g. the quorum. In the event of the membership total being an odd number this will be rounded up to the next whole figure. However, South Ayrshire Council should be advised immediately if the Community Council membership falls to half or less of its voting membership.
- 4.4 The Community Council's Constitution shall also acknowledge the right of, Co-optee members, Ex-Officio and Specialist Co-optee members as designated by this Scheme. Ex-Officio and Specialist Co-optee members are not counted as any part of reaching a quorum or the minimum or maximum numbers for members i.e. only elected Community Councillors and Co-optees are counted.
- I. Co-opted members **do** count for the purpose of the quorum.
 - II. As specialist Co-optees do not require to reside in the area or sub area of the Community Council they **do not** count towards the quorum
- 4.5 To qualify to be nominated and elected to serve on a Community Council, prospective Community Councillors require to meet the criteria stated. (See Scheme Clause 3.9)
- 4.6 Only the above members are included in the constituted membership i.e. the quorum, of the Community Council. All these members have full voting rights, and it is expected that Community Councillors shall be residents from across the whole Community Council area, to ensure widespread representation of all residents.

- 4.7 Any individual who is elected to serve on South Ayrshire Council; the Scottish, Westminster, European or Scottish Youth Parliaments; shall be **ineligible** to stand for election to a Community Council or remain an elected Community Councillor
- 4.8 Any previously eligible elected Community Councillors who move to reside outwith the Community Council boundary area shall become **ineligible** to remain as a member of the Community Council. Under these circumstances the Community Council shall actively seek to fill the vacancy.
- 4.9 Community Councillors have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in the '*Community Councils Code of Conduct*' and this governance document.

Co-opted Community Councillor

- 4.10 A person may be Co-opted onto a Community Council to fill vacancies that arise between Full and By Elections.
- 4.11 Community Councils who do not have their full complement of members should advertise for members of the public to fill these vacancies. Interested individuals should complete appropriate nomination form.
- 4.12 Before advertising any Co-optee vacancies the Community Council must have first agreed and minuted its decision to do so. This decision should then be notified to the Council to enable it to confirm the number of vacancies, the nature by which they arose e.g. resignation, non-attendance at meetings, and the current status of the remaining membership i.e. checking the Community Council Membership Database.
- 4.13 When advertising vacancies Community Councils must make all reasonable efforts to ensure that public notices have been placed in at least three, but ideally more, public venues across the whole Community Council area. In the event of vacancies occurring within three months before the date of the next election a Community Council may leave the vacancy unfilled until that election.
- 4.14 If however, the membership should fall to half or less of the voting membership, then South Ayrshire Council shall be informed immediately, to enable it to provide support and undertake appropriate action to fill the vacancies as a way of ensuring the Community Council is sustained.
- 4.15 If a member of the public completes the appropriate form, it should be passed to South Ayrshire Council for the appropriate checks to be carried out. Thereafter the Community Council will consider the application at the next Community Council meeting. If the Community Council agrees by a majority to invite the person to fill the vacancy the nomination of the person must be proposed, seconded and minuted.

- 4.16 A member of the public filling a vacancy must meet criteria. (See Scheme Clause 3.9)
- 4.17 A Community Councillor being Co-opted in this manner:
- i. may hold office until the next 31 March and then stand for full membership if they so wish.
 - ii. counts towards the quorum.
 - iii. has voting rights.
 - iv. may hold office, except for Chairperson or Treasurer.
 - v. may not serve as a Co-optee for longer than eleven months; and
 - vi. may not be co-opted again to fill a vacancy for the next year.
- 4.18 In the event of there being more nominations than the number of vacancies, a draw by lot must take place. The appointed officer, or in his/her absence someone other than a full member of the Community Council, should place all the names (written on individual papers, each which should be folded up separately) in an open container and draw out names until the number of vacancies existing have all been filled.
- 4.19 Co-optees who fill vacancies should have their names (only) advertised within the community for a period of at least 21 days.
- (See Guidance Clause 2.3)

Specialist Co-optees

- 4.20 Members of the public may be Co-opted onto a Community Council for a specific project. Specialist Co-optees appointments then have to be received and approved by the Community Council, and decisions recorded in the relevant minute. The appointment of a specialist Co-optee must be advertised in the same manner as above.
- 4.21 Specialist Co-optees do not require to reside within the Community Council area. They, therefore do not count towards the calculation of the quorum. They have no voting rights and are not permitted to hold office.
- 4.22 As determined by the Community Council; Specialist Co-optees may serve for a maximum period of the same term of office as the office bearers i.e. 12 months, although all Specialist Co-optees should be reviewed at the AGM. Specialist Co-optee status is similar to that of all other Ex-Officio members, although they may attend meetings of external bodies to observe on the Community Council's behalf and report back, but only following a minuted agreement for them to do so.

Ex-Officio Members

- 4.23 Duly elected members of South Ayrshire Council; Scottish, Westminster or European Parliaments, and constituency members of the Scottish Youth Parliament become Ex-Officio members of Community Councils that fall within their constituencies or regions.
- 4.24 All Ex-Officio members have **no voting rights**; are **not eligible** to take 'office' in the Community Council; **cannot** propose or second any nominations for 'office' positions; or act as a representative on the Community Council's behalf. However, all Ex-Officio views on matters concerning the Community Council should be actively sought.

5 ELECTIONS PROCESS – INAUGURAL FULL & BY-ELECTIONS

- 5.1 Full Community Council membership elections shall be held every four years with the election process taking place Jan to March. South Ayrshire Council shall conduct and administer Community Council elections including Full, Inaugural and By-Elections (by-elections take place on years two, three and four).
- 5.2 Where the number of valid candidates received and verified is less than or equal to the number of advertised vacancies for the Community Council, then no contested election shall be held.
- 5.3 Where the number of valid candidates nominated to be Community Councillors is greater than the number of advertised vacancies, a contested election shall be prepared and held by South Ayrshire Council. Those elected will assume position at the next scheduled meeting.
- 5.4 The minimum return of nominations equalling 50% of the constituted (maximum) membership must be reached for the initial establishment or re-establishment of the Community Council to proceed i.e. anything less than a 50% return rate will not support a Community Council being formed.
- 5.5 When advertising elections, Community Councils must make all reasonable efforts to advertise across their entire boundary area; with the aim of securing both a geographic and demographic spread of members to enhance the Community Council's overall representational membership.

6. TERMS OF OFFICE OF COMMUNITY COUNCILLORS

- 6.1 Each Community Council shall hold '*Full*' elections whereby all Community Councillors demit office and stand for re-election across their boundary area every 4 years in January-March. Publicity for these elections will be provided by South Ayrshire Council, supported by the Community Council.
- 6.2 Community Councillors elected during '*Full*' elections are eligible to hold their position for the 4 year period until the next '*Full*' election; so long as they continue to conform to the requirements of this Scheme. Community Councillors elected during a by-election year (2, 3 & 4) shall hold their position for 3, 2 & 1 year respectively.
- 6.3 Community Councillors appointed as office bearers shall hold office for a period of 1 year, and at the next AGM they shall be eligible for re-election to hold office.
- 6.4 Where a Community Councillor resigns, they shall not be eligible to stand for re-election to the same Community Council for a minimum period of 6 months from the date of the meeting which minuted the resignation. However, if the date of the Community Council's next '*Full/By*' election is shorter than this minimum period of 6 months then they shall be entitled to submit a nomination;
- 6.5 They shall qualify to stand for election to another Community Council, subject to eligibility, when it next holds its '*Full/By*' election.
- 6.6 An individual can act in only one capacity, as a Community Councillor; a Co-opted member; an Ex-Officio member or a Specialist Co-optee. Members resign one membership upon taking up another.

7. ELIGIBILITY OF ELECTORS (VOTING IN THE CASE OF A CONTESTED ELECTION)

- 7.1 All persons who are resident in the Community Council boundary area; are 16 years of age or over, and whose names appear on South Ayrshire Council's Electoral Register for the same Community Council boundary area shall be entitled to vote for candidates in Community Council elections (alternative measures for identification and residency status of candidates may be undertaken upon request/approval of the individual in certain circumstances).

8. MEMBERS

- 8.1 For the duration of your term as a Community Councillor, you must continue to meet the criteria. (See Scheme Clause 3.9)
- 8.2 Disqualification of membership - refer to Censure Information and other reason to cease membership. (See Scheme Clause 16)

Declaration of Members' Interests

- 8.3 All elected Community Councillors, Co-opted members and Ex-Officio members shall declare all interests and/or make it known if their interests have been made available elsewhere and whether these are accessible to the Community Council i.e. do previous declarations and/or registers of interest exist in the public domain.
- 8.4 All members shall declare in advance any financial or any other interest however minor that they may have in relevant matters coming before the Community Council e.g. planning; licensing; financial etc. The member shall withdraw from the meeting during consideration of this item of business and shall take no part in the discussions or decision thereon. All declarations are to be formally minuted.

9 OPERATIONS OF COMMUNITY COUNCILS

First meeting after election

- 9.1 The first meeting of each Community Council following the four yearly Full/By-Election shall be convened by a representative of South Ayrshire Council (usually the Appointed Officer) or an Elected Member. Office Bearers will be elected at this meeting.

Ordinary Community Council Meetings

- 9.2 All meetings of Community Councils are open to members of the public and wherever possible should be held in an appropriate South Ayrshire Council community venue (where applicable and be fully accessible) contained within the Community Council boundary area. Each Community Council shall meet at least seven times (6 plus an AGM) during the financial year of the Community Council (i.e. between the 1st of April and the following 31st March). Members of the public may only speak with the consent of the Chairperson. **No more than 2 ordinary meetings in any one year may be held virtually.**
- 9.3 The Secretary should co-ordinate the circulation of an agenda, and the draft minutes from the previous meeting, at least seven days before the date of the next meeting to all members of the Community Council i.e. Community Councillors; Co-opted members; Ex-

Officio members. Only the Agenda should be shared electronically wherever possible e.g. email, websites, social media.

- 9.4 The agenda (and draft minutes), if requested, must be presented to South Ayrshire Council at least seven days before the next meeting. Otherwise, all full and approved copies of minutes and associated papers should be forwarded electronically to South Ayrshire Council within 14 days from the date of the meeting which approved them as a true record.
- 9.5 Community Council Meetings may be affected by National or Local lockdowns. On these occasions Scottish Government Guidelines should be followed. In such circumstances detailed guidance on how to proceed will be sent out to Community Councils.

Quorum at Meetings

- 9.6 Every meeting of the Community Council shall have a quorum of voting members present before the meeting can proceed. The quorum for each meeting shall be 50% of the stated voting membership (rounded up to the next whole number). If a quorum cannot be achieved within 15 minutes of the advertised meeting start time, then the meeting and all items of business will be subject to the same conditions. (See Scheme Clause 9.9 v)

Minutes of Meetings

- 9.7 The Community Council is the originator of the minutes, and the Secretary shall have responsibility for the production of a true and accurate record of the business of every meeting in the form of a minute. The minute should record as a minimum:
- i. the date, time and venue of the meeting;
 - ii. the names and status of those members and other persons attending the meeting;
 - iii. record declarations of interest of Community Council members;
 - iv. the names and status of those members unable to attend but who have submitted apologies;
 - v. approval of the previous minutes including the date of the minute and who proposed and seconded;
 - vi. reports e.g. Ex-Officio; Police; invited guests; planning/licensing; Treasurer; Locality Planning group etc;
 - vii. all decisions taken; actions approved; timescales involved and who has responsibility for the action; and
 - viii. the date, time, and venue of the next meeting.

When circulating minutes the Secretary will:

- ix. send an approved minute within 14 days from the date of the meeting which approved them to South Ayrshire Council as a matter of course, and make same available to the public for inspection via websites (if used); libraries; and any other appropriate public space;

- x. provide copies of all approved minutes to South Ayrshire Council during the year (SAC is simply a recipient of the minutes for monitoring purposes);
- xi. in instances of private discussions being held in whole or in part within a Community Council meeting, Community Councils must take recognition of the limitations within the GDPR regulations and acknowledge that an approved redacted minute may be made accessible to the public if available; South Ayrshire Council reserves the right of access to a full and redacted copy of all minutes;
- xii. provide copies of, or electronic links to, the Community Council's approved minutes and financial accounts to members of the public and/or third parties as or when requested (Community Councils should be the first port of call for requests from the public). It would be reasonable, in the first instance if requested, for a justification/reason to be provided to the Community Council or South Ayrshire Council where such requests are being made. **NOTE:** Certain information may require to be redacted before circulation i.e. personal data.

The Annual General Meeting

9.8 Any Office Bearer reports to be presented at the AGM (or any other Community Council meetings), should be delivered by the appropriate and current Office Bearer – whenever possible. If this is not possible then an appropriate alternative should be agreed by the Community Council members e.g. Vice-Chairperson standing in for the Chairperson.

9.9 In addition to ordinary meetings of the Community Council; an Annual General Meeting (AGM) shall be held in April/May of each year to:

- i. Record membership attendance and apologies received;
- ii. Approve the presented minutes of the last Annual General Meeting (AGM);
- iii. Approve Chairperson's annual report (written or minuted at the AGM);
- iv. Approve Treasurer's submission of Independently Examined Statement of Accounts;
- v. *Note implementation/continuation of the Scheme for Establishment of Community Councils;
- vi. Current office bearers step down;
- vii. Election of office bearers;
- viii. *Confirm that the Constitution is signed and dated by the Chairperson and 2 other members of the Community Council;
- ix. Note appointment of Community Councillors to Outside Bodies e.g. Locality Planning Groups;
- x. Note the appointment of an Independent Examiner of accounts for the next year;
- xi. Note the appointment of Specialist Co-optees;
- xii. Review the Inventory and Additional Resources;
- xiii. Chairperson to declare that a date in April/May of following year will host the next AGM;
- xiv. Chairperson closes meeting.

(*not all of the above items may be necessary to include as agenda items)

Special Meetings

- 9.10 A Special Meeting, no more than 4 per annum, may be called by a simple majority of the total voting membership present and eligible to vote (any such decision should be clearly minuted) in the following circumstances; although these are not exhaustive:
- i. Community Councils can call a Public Meeting other than the Annual General Meeting, at which members of the public are given the right to speak, and every reasonable opportunity to be heard;

Or
 - ii. In the event of the Chairperson's annual report and/or the Treasurer's independently examined statement of accounts not being approved at the AGM by the Community Council or thereafter by South Ayrshire Council;

Or
 - iii. In the event that a motion of censure or vote of no confidence is raised against the Community Council, or members thereof, by no less than two thirds of constituted members themselves or by at least 20 Community Council electors of the area;

Or
 - iv. Receipt of a Petition by South Ayrshire Council (written request) signed by 20 Community Council electors of the area all signatories will be subject to validation. (See Scheme Clause 3.9) The Petition shall specify the matter and reasons for calling such a meeting;

Or
 - v. If a quorum cannot be achieved within 15 minutes of the advertised meeting start time, then the meeting and all items of business can either be deferred to the next scheduled meeting date; unless items of business are urgent then another Special Meeting could be arranged; or those members in attendance can hear reports as information only and defer any decisions and/or actions until the next quorate meeting (See Scheme Clause 9.6);

Or
 - vi. In cases where the Community Council deems it necessary to hold a meeting, or parts of a meeting, in private (See Constitution Clause 14k);

Or
 - vii. In cases deemed to be an emergency, a Community Council meeting may be held after giving less than the usual seven day notice;

Or
 - viii. In receipt of a request for a private meeting outwith of scheduled meetings, from South Ayrshire Council.

Note: A formal motion is a proposal, and it is usual practice that the proposal should be followed by a seconder. The wording of the motion should be accurate, agreed and recorded in the minutes, and can be passed unanimously, or be subject to a vote. In the

case of Annual General Meetings (AGM) and Special Meetings, the wording of the motion is set out on the agenda calling the meeting. The results of any vote must be detailed in the minutes and, if they so request, the names of those opposing the motion listed.

Public participation in the work of the Community Council

- 9.11 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. (See Standing Orders Clauses 4b & c)

Advertising of all Meetings

- 9.12 All meeting notices will indicate the date, time and venue of Community Council meetings and will be published at least seven days prior to the meeting taking place. (except in cases deemed to be an emergency meeting being called under the Special Meetings)
- 9.13 The Community Council as a collective membership should share the responsibility to post and/or circulate public notices, and not hold any individual member solely responsible for this task, unless it has been a previously minuted individual's agreed action.
- 9.14 All meetings will be widely advertised so that all the electorate has the opportunity to be informed of the meeting.
- i. In cases of proposed amendments to the Governance of the Community Council e.g. the Constitution, or Special Meetings called under clause 9.10 of the Scheme, the meeting notice should include the proposed amendment or motion for the agenda calling the meeting.
 - ii. At least three, but ideally more public places, which serve the Community Council's area should be identified where notices will always be placed to advertise meetings.
 - iii. Additional means may include websites, social media and emails
- 9.15 These public places should be notified to South Ayrshire Council upon request.

10 DELEGATION OF AUTHORITY TO SUB-COMMITTEES

- 10.1 The Community Council may from time to time form sub-committees of at least two Community Councillors to consider specific matters e.g. to consider planning applications. It is the responsibility of the Community Council to set a clear remit and to specify the limits of delegation and ensure adequate accountability of any committee.
- 10.2 The details of the remit and delegated powers of any committee should be agreed by a simple majority of Community Councillors and recorded in the Community Council minutes as soon as is practicable. Any Community Councillor claiming to represent the views of a Community Council must be able to demonstrate that they have this authority (i.e. minuted decision by the Community Council's collective membership), and that any committee/individual is acting within the limits of its delegation.

11 FINANCES

Responsibilities and Duties

- 11.1 Although the Treasurer has responsibility for the day-to-day monitoring of finances, each Community Council retains collective responsibility to maintain proper financial records and to expect regular financial reports at scheduled Community Council meetings.
- 11.2 In addition, it is a requirement for Community Councils to submit a satisfactory and independently examined annual statement of accounts for the correct financial year to South Ayrshire Council (i.e. the financial year of the Community Council shall be from 1 April until 31 March of the following year)

Administration Allowance

- 11.3 Each Community Council can be considered eligible to receive an annual Administration Allowance from South Ayrshire Council, which will take account of the population size included in the Community Council's boundary. To ensure eligibility, each Community Council must comply with the terms of this Governance e.g. in relation to membership; meetings; minutes etc.
- 11.4 Administration Allowances shall be for Community Council administration and/or promotion purposes only, and shall not be expended on any other purpose. All decisions in relation to the expenditure of the Administration Allowance should be minuted.
- 11.5 Payment of the allowance will be made in accordance with a procedure determined by South Ayrshire Council. Community Councils should complete the Grant Application Form,

and self-evaluation (RAG Analysis) (See Scheme Appendix 5) and must provide a copy of a recent bank statement to ensure that the Councils records are up to date.

- i. Grant Application Form
- ii. Up to date Bank Statement
- iii. Must have carried out a minimum of 6 Quorate meetings and have supplied to South Ayrshire Council minutes for all meetings held.
- iv. A copy of the Community Councils Independently audited accounts
- v. Completed and returned the self-evaluation (RAG Analysis)

11.6 After an inaugural allowance (at inception of a new Community Council), all subsequent allowances will be made subject to Community Councils continuing to comply with the terms of this Governance.

Other Grants

11.7 Community Councils who identify projects or other purposes consistent with its functions are free to apply for grants from external funding bodies, and other South Ayrshire Council Departments (when funds are available). Any payments from South Ayrshire Council Departments will be made in accordance with the procedure determined by the Council.

Independent Examination

11.8 Each Community Council shall appoint a competent Independent Examiner annually (at the AGM) to examine the Community Council's accounts who may charge a reasonable fee for their services. 'Competent' need not be considered restricted to a qualified accountant and/or bookkeeper, but could be an individual who has the ability to itemise and balance income and expenditure figures accurately. The level of income held by your Community Council would define the qualification required.

11.9 The Independent Examiner of the Community Council's accounts shall not be a relative of a member either by birth or marriage, nor in a relationship with or live in the same address.

11.10 The accounts are required to be forwarded immediately, following their approval at the Community Council's Annual General Meeting in April/May of each year, to be received by South Ayrshire Council no later than 30 September each year. It is the collective responsibility of the Community Councillors to ensure the submission of accounts.

11.11 South Ayrshire Council may, at its discretion and in consultation with the South Ayrshire Council's Chief Internal Auditor, in circumstances of unclear and/or substantial financial transactions, require the Community Council to produce records such as vouchers; receipts; account books for example to undertake a full audit of the accounts.

Inventory and Additional Resources

- 11.12 The Treasurer shall prepare and maintain an inventory of all assets owned by the Community Council. The inventory should include the following detail as a minimum: make, model and serial number; purchase date; perceived value; location; disposal date; reason for disposal. The inventory must also be made available upon request to South Ayrshire Council. All decisions to purchase or dispose of assets should be always be minuted.
- 11.13 Community Councillors should be deemed ineligible to receive payment for any activities or work initiated by, relating to, or which benefits their Community Council. The only payments (with the exception of Honorariums relating to minute taking and secretarial duties) which Community Councillors should be eligible to receive from their Community Council are travel and reasonable out of pocket expenses which have previously been agreed by the collective membership. However, it is acknowledged that Community Councillors, operating as individual citizens, may receive imbursement for particular skills, knowledge or experience which may benefit other Community Councils.

(See Guidance Appendix 1)

12 OTHER SUPPORT FOR COMMUNITY COUNCILS

- 12.1 South Ayrshire Council will provide each Community Council with a minimum of 13 “lets of premises” per year for the purpose of conducting their meetings. These “lets” will be provided in South Ayrshire Council properties wherever practicable, within the boundary of the Community Council area. Where South Ayrshire Council does not own suitable properties in a Community Council area, reasonable expenses for the hiring of a hall or other meeting place will be re-imbursed to Community Councils by South Ayrshire Council.
- 12.2 South Ayrshire Council will make, where requested, its in-house printing and photocopying facilities available, at Council services internal rates, to all Community Councils.

Insurance

- 12.3 Community Councils are responsible for any loss, injury or damage to property or persons arising from its activities or from any equipment or services it provides.
- 12.4 South Ayrshire Council has therefore agreed to pay the annual premium for core Insurance with respect to Community Councils. This core policy can be altered by the Community Council to include cover for fetes etc – but any additional costs to core cover is at the expense of the CC itself.
- 12.5 This type of cover provides indemnity in respect of incidents arising for activities such as fetes, gala days, firework displays (as long as the Insurance Company is advised and is satisfied with the safety arrangements and any other conditions that it may impose).
- 12.6 Where Community Councils own property or equipment it is advisable that Community Councils have their own appropriate insurance cover.
- 12.7 It is the responsibility of each Community Council to ensure that their contact details are up to date with the Insurance provider. It is also their responsibility to inform the Insurance provider of any activity that may be out with the regular scope of the policy. Community Councils must renew their policy and send proof of payment to South Ayrshire Council for reimbursement of the base expense. Costs above this which relate to additional activities should be met by the individual Community Council.

Other Assistance

- 12.8 South Ayrshire Council will endeavour to provide further assistance through, Training (as identified by South Ayrshire Council and Community Councils), Link Officer Support, Conferences and online information facilities. Further information on this support together with an outline of the revised role of the Link Officer can be found in the Community Council guidance document. (See Guidance Appendix 12)
- 12.9 South Ayrshire Council shall establish a Forum for Community Councils which may also be used as a reference group on pertinent issues when required.

13 EXCHANGE OF INFORMATION

- 13.1 South Ayrshire Council will continue to liaise with Community Councils and public agencies to promote the exchange of information between these bodies. Furthermore, it is South Ayrshire Council's wish to make available the following measures where it can:

Providing support to Community Councils which may:

- i. circulate information which may be common to Community Councils;

- ii. provide information for Community Councils and members of the public;
- iii. advise external organisations how to contact Community Councils;
- iv. act as sign-post to other South Ayrshire Council Departments & Arm's Length External Organisations (ALEOs);
- v. respond to enquiries from external organisations and Council Departments regarding Community Councils;
- vi. advise on any requests for additional support and resources for Community Councils;
- vii. facilitate advice, assistance, modular training programme and/or capacity building to Community Councils on the duties and responsibilities of office bearers; the role of Community Councils; the functions of South Ayrshire Council and other relevant topics.

13.2 Community Councils, as the representative voice of their communities, should be readily contactable by the general public. All Community Councils should establish a generic email which can be circulated freely in the public domain. In addition, it would be best practice to have more than one means for the general public to contact a Community Council.

Planning & Licencing:

13.3 Alongside the above South Ayrshire Council have a statutory duty to consult on Licencing and Planning and any others introduced through legislation from time to time.

13.4 South Ayrshire Council will notify Community Councils of all new premises licence applications and applications for variations (all relating to alcohol) made within its area. Applications for occasional licences will only be advertised on the Council's website at www.south-ayrshire.gov.uk/licensing. Some licensing applications are publicised by notice at the site. It is the responsibility of individual members of the public to observe these notices, and raise an objection.

13.5 South Ayrshire Council has a statutory obligation to consult with Community Councils regarding planning applications, and to make representations about planning. To facilitate this, a weekly list of planning applications is circulated to Community Councils which is also published on the Council's web-site:
<http://www.south-ayrshire.gov.uk/planning/register.aspx>

13.6 The list contains basic information regarding the applicant, agent, site address, and a brief description of the proposed development

Other Public Agencies:

13.7 Facilitate, wherever practicable, other public agencies to communicate with Community Councils, before taking decisions which may affect their areas, and with a view to ascertaining the views of the local community.

14 **OBLIGATIONS**

Review of Community Councils and the Scheme for Establishment

- 14.1 There is no statutory timeframe for the Scheme for Establishment of Community Councils to be subject to review; the Local Government (Scotland) Act 1973 Part IV Community Councils – Section 53 states that “*every local authority shall from time to time review Schemes*”.
- 14.2 There could be a number of factors which may trigger a review e.g. a number of requests from Community Councils and/or members of the public; emerging knowledge of a Scheme requiring improvement following practical experience of implementation; or changes to geographic and/or demographic circumstances; particular regard may be paid to boundaries of individual Community Councils, where the Council observes significant permanent changes to the population.
- 14.3 All, or a combination of, these factors could be viewed as “*changing circumstances*”, as stated in Section 53 of the Local Government (Scotland) Act 1973.
- 14.4 South Ayrshire Council undertakes to oversee the workings of Community Councils, on an ongoing basis, to ensure that they are operating efficiently and in an appropriate manner, and in accordance with the Scheme. The methodology for this to be undertaken is for all Community Councils to complete an Annual Self-Assessment i.e. Red, Amber, Green (RAG) Analysis, at the earliest opportunity following an AGM (to be completed by the last day of June each year). This is a Good Practice Item which Community Councils must submit to South Ayrshire Council to conform to GREEN status on the RAG Analysis.

15 **COMPLIANCE**

Suspension of a Community Council

- 15.1 Where for any reason, and after due consideration and appropriate notice by a relevant officer from South Ayrshire Council it is deemed that a Community Council is unable to and/or is not conforming to the Scheme, an initial decision on suspending the Community Council can be taken by the relevant officer.

Note: Suspension need not be viewed as punitive action; it is intended as providing a Community Council a period of time to reflect and assess current Governance

arrangements and/or operational circumstances with a view to identifying a way forward to fully conform to the Scheme.

- 15.2 An initial decision on suspension can be appealed in writing to the Head of Legal, HR and Regulatory Services within 14 days of the decision being notified to the Community Council (the initial notification and any appeal should be in writing, in the form of a dated formal email and/or letter).
- 15.3 Any decision taken on an appeal by the Head of **Legal, HR and Regulatory Services** should be made available within 28 days of the dated receipt of said appeal. An appeal which is upheld can conclude with the Community Council's previous status being re-instated.
- 15.4 Following an appeal not upheld, or not submitted within the 14 day timeline of an initial decision, the Community Council will revert to the status of a steering committee and/or appropriate structure whose main task will be to consider such matters, and take such action, as is necessary to ensure the Community Council can conform with the Scheme. Appropriate support costs, e.g. meeting venues, may be eligible for consideration of financial assistance from South Ayrshire Council.
- 15.5 Following a steering committee and/or appropriate structure satisfying a relevant officer from South Ayrshire Council the Service Lead – Thriving Communities that the Community Council will in the future be able to conform to the Scheme, then re-instatement to full status may be granted by written notice from the Head of Legal, HR and Regulatory Services to the Council.
- 15.6 In the event that a steering committee and/or appropriate structure is unable to, and/or is unlikely to be able to conform with the Scheme within a period of three months from the date of an initial suspension, then the Service Lead – Thriving Communities may request that the Head of Legal, HR and Regulatory Services may wish to consider recommending to South Ayrshire Council Public Process Panel to formally dissolve the Community Council.
- 15.7 Although, if a steering committee and/or appropriate structure is demonstrating sufficient progress towards conforming with the Scheme, to the satisfaction of relevant officers from; then the period of suspension may be extended by an additional 3 months.

Dissolution of a Community Council

- 15.8 Dissolution of a Community Council will only take place following a formal and final decision by South Ayrshire Council Audit & Governance Panel on the recommendation of the Head of Legal, HR and Regulatory Services. Such a recommendation may be made in the following circumstances:
- 15.9 **Note:** Representations and/or decisions in reference to dissolution of a Community Council should be considered as a last resort and ideally to be avoided. All efforts should be taken in accordance with the Scheme to ensure that all Community Council members are included in exploring options which may avoid a Community Council being dissolved.
- 15.10 Following a suspension made in terms of Scheme clause 15.1 above, and where after a reasonable time (See Scheme clause 15.6) a Community Council remains unable to conform with the Scheme a recommendation to dissolve the Community Council may be made.
- 15.11 Prior to such a recommendation being made to South Ayrshire Council Audit & Governance Panel the Community Council will be advised in writing, and given 14 days from the date of the notification to make written representation to the Chief Executive of South Ayrshire Council, as to why such a recommendation should not be made.
- 15.12 Where no such representation is received within 14 days, or where having considered such representation, the Chief Executive confirms said recommendation, a report recommending dissolution of the Community Council shall be submitted to South Ayrshire Audit & Governance Panel.
- 15.13 South Ayrshire Council Audit & Governance Panel shall consider the above report and may decide to dissolve the Community Council. In the event of such a decision the Community Council will be deemed to have been dissolved with immediate effect.
- 15.14 The dissolution will be intimated by South Ayrshire Council, by giving appropriate public notice including on the South Ayrshire Council Community Council web page.
- 15.15 Alternatively, where South Ayrshire Council has reasonable grounds to believe that a Community Council has been 'abandoned', and is no longer functioning, then the Service

Lead – Thriving Communities will notify the Deputy Chief Executive & Director - People who in turn may advise (depending on the individual circumstances) South Ayrshire Council Audit & Governance Panel and intimate this by appropriate notice.

- 15.16 Furthermore, and where for any reason, the number of Community Council members falls below the minimum number of members for a Community Council to remain established i.e. less than 50% of the constituted membership. South Ayrshire Council Service Lead – Thriving Communities can suspend the Constitution of the Community Council and may recommend to the Head of Legal, HR and Regulatory Services, the subsequent dissolution of the Community Council (following all reasonable efforts by South Ayrshire Council not leading to a satisfactory and sustainable increase of membership.)
- 15.17 In the event of the dissolution of a Community Council, all of its assets shall transfer to South Ayrshire Council, which shall hold these in trust for a period of one year in the event that a future Community Council becomes established in that area. Following this period all assets will be subsumed into South Ayrshire Council.
- 15.18 Transfer and acceptance of all assets will be subject to due process and the approval of South Ayrshire Council Depute Chief Executive & Director - People; and only after the Council is completely satisfied that there are no outstanding debts or liabilities attached.

Voluntary Basis by Resolution of the Community Council

- 15.19 If the Community Council by a two-thirds majority of the constituted membership who are eligible to vote and present at the meeting, resolves at any time that it is necessary or advisable to dissolve the Community Council, it shall agree a date for a Special Meeting to discuss the resolution.
- 15.20 It is a requirement that at least seven days notice is given prior to the date of such a Special Meeting. With public notices located in appropriate local venues and/or websites, or other social media.
- 15.21 If the resolution for dissolution is supported by a two thirds majority of the total voting membership who are present at the Special Meeting, and the decision is subsequently notified to South Ayrshire Council, the Community Council shall be deemed to be dissolved with immediate effect.
- 15.22 The provisions relating to assets included in Scheme Clause 15.17 above may also apply in this instance.
- 15.23 In the event that the Community Council is dissolved under the above procedure, and twenty or more electors subsequently wish to re-establish a Community Council for the area, these electors shall submit a Petition to South Ayrshire Council in accordance with Section 52(7) of the Local Government (Scotland) Act 1973.
- 15.24 On receipt of a Petition, South Ayrshire Council shall arrange for elections to be held in accordance with the Scheme for Establishment of Community Councils (See Scheme Clause 3.12 to 3.15)

16. **CENSURE - TAKE A VOTE OF NO CONFIDENCE**

16.1 Clause 16 of the Scheme for Establishment of Community Councils (2020) is for addressing matters of concern and/or complaints ***which may arise internally*** from within individual Community Councils.

All complaints relating to individual Community Councillors should be directed for the attention of the appropriate office bearer/s or member/s of the relevant Community Council in the first instance. Note: Community Councillors should at all times adhere to the principles set out in the Code of Conduct for Community Councillors. (See Scheme Appendix 3)

16.2 All Community Councils should keep a clear audit trail of any complaints from within its members to ensure transparency of process whilst retaining the appropriate level of confidentiality e.g. a complaint against another member may be shared with that member only in the first instance, to provide them with time to reflect on the content of the complaint and to prepare an appropriate response, before the complaint is shared with the collective membership for discussion.

16.3 All complaints should be made formally in writing (either by surface mail or email), to the Chair, making clear:

- i. the nature of the complaint;
- ii. the grounds which support it; and
- iii. including evidence which substantiates the grounds.

Following clauses 16.1 through 16.3 being accounted for, any remaining issues can be subsequently dealt with in accordance with the remaining clauses within this section.

In the event of the complaint being made about the Chair the letter should be sent to the secretary who will pass it on to the Vice Chair/Next in line.

While paying cognisance of GDPR compliancy at all times.

16.4 The Community Council can invoke Scheme Clause 9.10 vi and Constitution Clause 14k which enable a Community Council to hold a meeting, or parts of a meeting, in private where it considers it appropriate to do so e.g. to discuss internal complaints and/or Governance matters.

16.5 Furthermore, a Community Council may Censure - take a vote of No Confidence of Community Councillors should they:

- i. Be unable to demonstrate that they could work with and respect fellow members of the Community Council, and any third party, regardless of their position, in their capacity as a Community Councillor (See Code of Conduct clause 9); or

- ii. Be proven beyond reasonable doubt to have deliberately contravened the Community Council's Constitution; been in deliberate breach of the Code of Conduct; deliberately caused the Community Council to come into disrepute; deliberately conducting themselves in general breach of this Scheme; or
- iii. Been disqualified under the Representation of the People Act 1983 (which covers **corrupt or illegal** electoral practices and offences relating to donations). The disqualification for an **illegal** practice begins from the date a person has been reported guilty or convicted and lasts for 3 years. The disqualification for a corrupt practice begins from the date a person has been reported guilty or convicted and lasts for 5 years.

- 16.6 A leave of absence may be granted/requested by individual members should personal matters and/or certain circumstances arise e.g. upon receipt of a complaint. (See Scheme Clause 16.19 to 16.21 & 17.7)
- 16.7 With additional regard to Scheme Clause 16.5 i a majority of no less than two thirds of the constituted membership who are present must be reached before any initial suspension or sanction of censure / vote of no confidence can be proposed and carried by the Community Council.
- 16.8 With further regard to Scheme Clause 16.5 iii; consideration should be given to the source of any disclosures i.e. whether self-declaration or third party; in any event, a majority vote of no confidence of no less than two thirds of the constituted membership who are present must be reached before any sanction of censure of a Community Councillor can be proposed and carried by the Community Council.
- 16.9 All Community Councillors who are present are eligible to cast a vote. All voting can be conducted by secret ballot if a simple majority is reached in the first instance from amongst those present and eligible to vote.
- 16.10 The Secretary of the Community Council shall put in writing to the individual, by special delivery, the outcome from the meeting; to be received by the individual no later than 14 days from the date of the meeting which made the proposal.
- 16.11 The individual can appeal in writing within 14 days of receipt of the special delivery letter to a specially appointed trained Panel of 3 Office Bearers from other Community Councils. The letter of appeal should be sent via the Service Lead – Thriving Communities, People Directorate in the first instance to ensure receipt within the 14 day timeline.
- South Ayrshire Council will invite office bearers from across all Community Council areas to delegate a representative who would be willing to sit on the panel. If required, delegates from areas which sit a reasonable distance from the affected Community Council will be approached to stand on the panel as required.
- 16.12 This letter of appeal should state the grounds on which the proposal reached by the Community Council to censure is being challenged; if this stage of appeal is reached, the final decision to uphold the proposal or overturn it rests solely with the specially appointed trained Panel of 3 Office Bearers, and any decision will be notified in writing to the appellant

and affected Community Council within 28 days of the Panel meeting to discuss the letter of appeal and making a decision.

- 16.13 Responsibility for inviting, appointing and training the Panel will rest with South Ayrshire Council.
- 16.14 Any period of censure taken against a Community Councillor will last for a maximum of 12 months from the date on the written notice. This period can be shortened at the discretion of the Community Council which raised the original proposal.
- 16.15 After the period of censure / vote of no confidence; if any vacancies remain; and if the previous individual of censure / no confidence wishes to stand for election onto the Community Council; then the process for election as prescribed by South Ayrshire Council can be undertaken.
- 16.16 **Note:** South Ayrshire Council does not censure or vote for Community Council members; and it should be clearly understood that these are matters for the existing membership and/or local community where appropriate, to discuss within an appropriate platform e.g. Special Meeting. Service Lead – Thriving Communities, People Directorate can offer guidance in relation to the content of the overall Governance for Community Councils i.e. the Scheme, which describes the standards of conduct and behaviour that Community Council members should display, and that the local community and wider agencies should observe from a Community Council.

Other Reasons to demit office

- 16.17 A Community Councillor's membership of a Community Council will cease if they move to reside outwith of the Community Council boundary area, although they may be invited to continue as a Specialist Co-optee where Community Councillors agree by a simple majority; before any invitation is extended, the 'test' for appointment of a Specialist Co-optee should be invoked. (See Scheme clause 4.20 to 4.22)
- 16.18 A Community Councillor who fails to attend any scheduled Community Council meeting (excluding meetings called under Scheme Clause 9.10 vi - viii), without submitting apologies, throughout a period of 3 consecutive meetings; or
- 16.19 With regard to the above; existing members should be written to, to establish, in the first instance the status of their membership; this letter should include a closing date for response and an outline of the options available for the Community Council to take e.g. following receipt of a response, a Community Council may decide to grant a leave of absence in advance or retrospectively for an individual member.
- 16.20 This leave of absence can extend up to a maximum of 6 months or until the next AGM, whichever period is sooner. However, if no response is received by the closing date, then the Community Council may take an option to undertake a process to fill a vacancy (See Clauses 4.10 through to 4.19).

16.21 A leave of absence may also be granted/requested by individual members should personal matters and/or certain circumstances arise.

17 ACTIVITIES OF A PARTY POLITICAL OR POLITICAL NATURE

17.1 Community Councillors – at no time during Community Council meeting should have discussions of a party political or political nature.

17.2 Candidates for election to Community Councils must ensure that they do not engage in activities that are considered by South Ayrshire Council to be of a party political or political nature at any time during the Community Council election process.

17.3 When acting in their role as Community Councillors, Community Council members must ensure that they do not engage in activities that are considered by South Ayrshire Council to be of a party political or political nature at any time during Local; Scottish; or Westminster elections. If reporting the results of such elections through Community Council's media i.e. headed stationary; posters; flyers; and websites equal parity must be afforded to successful candidates.

17.4 A Community Council shall be non-political and non-party political in all its activities. It shall therefore not be permissible for Community Councils to engage in activities such as the sponsoring, endorsing or supporting of candidates or Elected Members during Local, Scottish, or Westminster elections; and pre-election periods (Purdah) of South Ayrshire Council respectively.

17.5 **When acting in a private capacity**, it is permissible for individuals to undertake such activities but they must ensure, that in doing so, there is no association with the Community Council of which they are a member.

17.6 Political organisations shall not be permitted to request the appointment of an Specialist Co-optee to the Community Council.

17.7 Community Council members are free, **when acting in a private capacity**, to undertake political activities. However, to ensure there is no risk of ambiguity and confusion on the part of the general public, Community Council members, who are also prospective political candidates, may wish to consider requesting a leave of absence from the Community Council (See Scheme Clause 16.20 - 16.21).

17.8 To be clear, a request for a leave of absence based upon the above circumstances arising, is a suggested course of action for consideration by the Community Council members in the first instance. The formal position is that a Community Councillor who may be standing for election is not obligated to undertake a leave of absence from the Community Council.

Hustings Events

17.9 If Community Councils decide to organise and host Hustings events; they should abide by their non-party political status and shall ensure that they are seen by the entire community which they represent, as being non-party political during any such event.

17.10 Meetings of Community Councils are open to the public and therefore any prospective political candidates would be able to attend in their capacity as a member of the public. **However, they should not be invited to address the meeting** unless it would be as part of an appropriately organised Hustings event, with all candidates having been invited and given equal opportunity to address the meeting.

17.11 To be clear in relation to hosting a Hustings, Community Councils should ensure that they invite **all** prospective political candidates standing in the area, or alternatively do not extend an invitation to any of them i.e. **all or none**.

17.12 Additional advice (of particular significance during a local authority election period) is that in order for Community Councils to be seen to maintain their political neutrality, that if they include any electronic links to political parties by email and/or social media, this should be in the same vein as extending invitations to prospective candidates to attend a Hustings event i.e. include electronic links to **all political parties or none of them**.

18. GENERAL PUBLIC: COMPLAINTS PROCEDURE FOR COMMUNITY COUNCILS

18.1 Community Councils should adhere to the Governance, including the Code of Conduct, for Community Councils. However, from time to time, complaints from the general public may be made about Community Councils and individually against Community Councillors.

18.2 If you are dissatisfied or have concerns about the standard of service, actions or lack of action provided by your Community Council or one or more of its members, these can be reported through the Complaints Procedure for Community Councils.

19. EQUAL OPPORTUNITIES

- 19.1 It shall be the duty of every Community Council to ensure that its general responsibilities and activities are carried out fully in accordance with current Equalities legislation e.g. in accordance with South Ayrshire Council Policy and Practice. (See Guidance Clause 5.11)

20. DATA PROTECTION - GDPR

- 20.1 South Ayrshire Council handle your information following the GDPR guidelines. A copy of the South Ayrshire Council privacy notice for Community Councils, and an example privacy notice for Community Councils to adopt can be provided.
- 20.2 Community Councils should familiarise themselves with GDPR regulations to ensure that they comply with regulations when handling information regarding members etc.

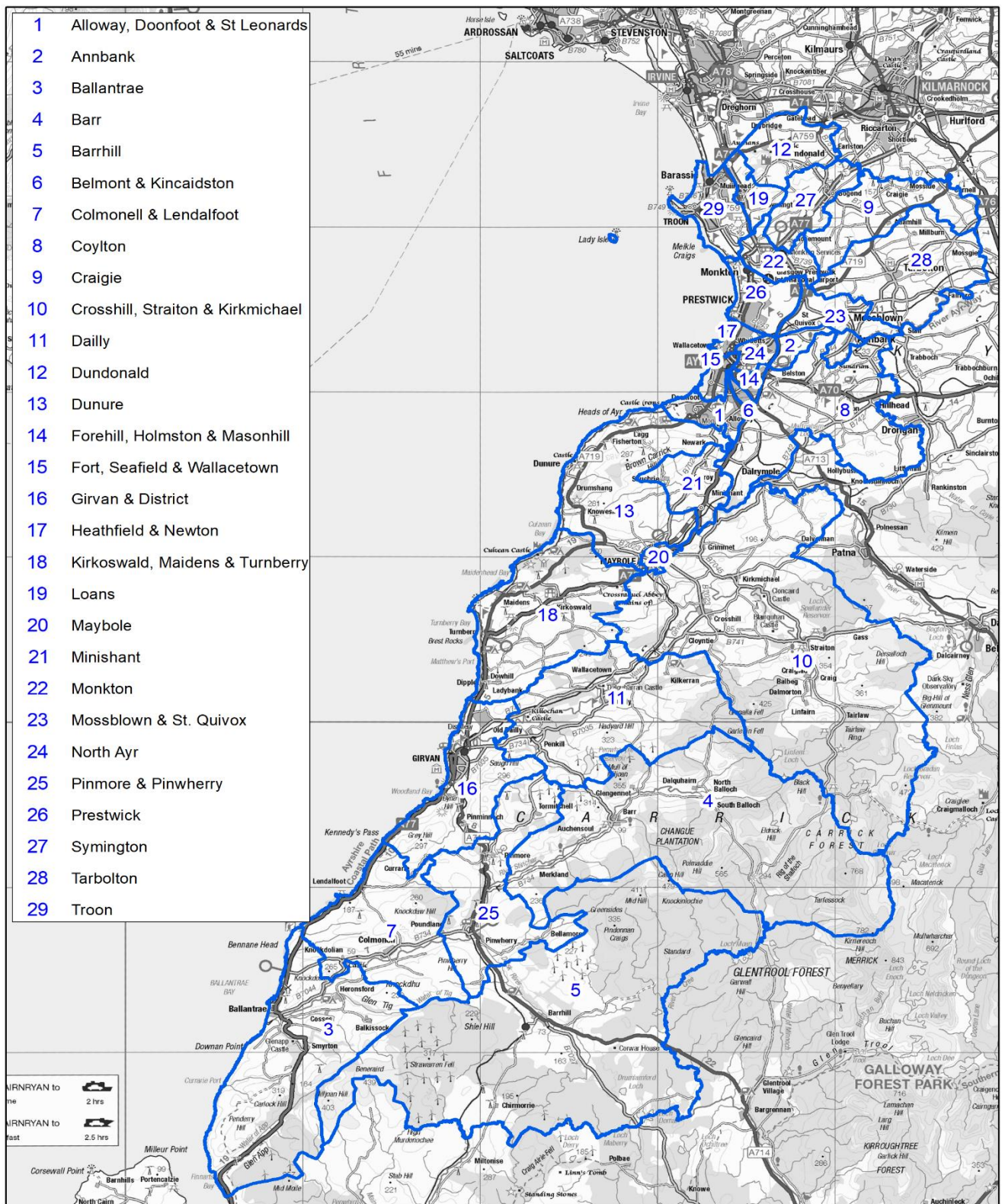
21. GUIDANCE AND INDUCTION

- 21.1 This Scheme can be read in conjunction with the Guidance and Induction for Community Councils which each provide additional information to assist Community Councils with interpretation of the Scheme. The Guidance and Induction documents are subject to ongoing internal review by the Council. Community Councils are issued with hard copies, but they can also be accessed via the South Ayrshire Council Community Council web page www.south-ayrshire.gov.uk/community-councils

22. ALTERATIONS TO THE CONSTITUTION

- 22.1 Any proposal by the Community Council to amend its Constitution must be first considered and minuted at a meeting of the Community Council, before representation is made to South Ayrshire Council.
- 22.2 Any proposal to alter its Constitution must be delivered in writing to the Secretary of the Community Council not less than twenty eight days prior to the date of the meeting at which it is first to be considered. The terms of the proposed resolution to alter the Constitution shall be highlighted and stated on the notice calling the meeting.
- 22.3 If the resolution is supported by two-thirds of the elected membership of the Community Council and is approved (ratified), in writing, by South Ayrshire Council or its appointed officer, the alteration shall be deemed to have been duly authorised.
- 22.4 All proposed or actual alterations will require to conform to the Scheme.
- 22.5 The authorised amendment to the Constitution shall be stated on the 7 day notice calling the next meeting.

APPENDIX 1



Community Councils



Scale 1:285700



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**SOUTH AYRSHIRE COUNCIL
NAME, DESCRIPTION AND MEMBERSHIP OF COMMUNITY COUNCIL**

Name of Community Council	No of Members	South Ayrshire Council Electoral Ward(s)	Number of Electors
Alloway, Doonfoot and St Leonards	16	5	7901
Alloway	7		
Doonfoot	6		
St Leonards	3		
Annbank	9	6	776
Ballantrae	10	8	514
Barr	10	8	245
Barrhill	10	8	254
Belmont and Kincaidston	13	4	4074
Kincaidston	4		
Belmont North	4		
Belmont South	5		
Colmonell and Lendalfoot	10	8	300
Coylton	10	7	2929
Craigie	10	6	284
Crosshill, Straiton and Kirkmichael	10	7	1410
Dailly	10	8	897
Dundonald	11	6	2229
Dunure	10	7	714
Forehill, Holmston and Masonhill	14	4	5966
Castlehill/Masonhill/New Holmston	7		
Holmston and Forehill	7		
Fort, Seafield and Wallacetown	15	5	6154
Fort	5		
Seafield	7		
Wallacetown	3		
Girvan and District	14	8	5308
Kirkoswald, Maidens and Turnberry	10	8	963
Loans	9	6	666
Maybole	12	7	3479
Minishant	10	7	439
Monkton	10	6	967
Mossblown & St Quivox	11	6	2060
Newton and Heathfield	14	3	5973
Newton	3		
Heathfield	11		
North Ayr	15	3	6894
Whitletts and Lochside	6		
Dalmling	5		
Craigie	4		
Pinwherry and Pinmore	10	8	212
Prestwick	18	2	12289

Name of Community Council Sub-Ward	No of Members	South Ayrshire Council Electoral Ward(s)	Number of Electors
Symington	10	6	1336
Tarbolton	10	6	1755
Troon	18	1	12449

Community Council Formula for Membership

Under the Community Council Scheme, membership of a Community Council is:

- Core membership of 9
- One additional member per thousand of electors, up to a maximum of 18 where the population density is over the South Ayrshire average of 92.2/sq km
- Where a population density is under the South Ayrshire average of 92.2/sq km, a Community Council will have one additional member
- Maximum membership of 18

The above formula was agreed under phase one of the review consultation of Community Councils 2019, and ratified at South Ayrshire Council's Leadership Panel on 17th September 2019.



South Ayrshire Council

Constitution for Community Councils

[Name of individual Community Council]

**This Appendix forms part of the core Governance
Arrangements for Community Councils in South Ayrshire**

1. Name

The name of the Community Council shall be [insert name] Community Council, which will subsequently be referred to as “the Community Council” in this Constitution.

2. Area of the Community Council

South Ayrshire Council has produced a list of approved Community Council areas for South Ayrshire, and a map which outlines their boundaries can be requested by contacting South Ayrshire Council at Communitycouncils@south-ayrshire.gov.uk . The area of the Community Council will be as designated on said map.

3. Objectives

The objectives of the Community Council shall be to:

- (a) Seek to develop a Local Vision e.g. a mission statement;
- (b) Gather and articulate the views of the community which it represents;
- (c) Express fairly the views, diversity of opinions and outlooks of the community to South Ayrshire Council; and other public/private organisations;
- (d) Act as a voice for their local area on any matters affecting their community’s lives, welfare and environment;
- (e) Liaise with other community groups within their local area;
- (f) Take any such action in the interests of the community as appears to be practicable;
- (g) Promote the well-being of the community and to foster community spirit.

4. Role and Responsibilities

The role and responsibilities of the Community Council and its membership are governed by South Ayrshire Council’s Scheme for Establishment of Community Councils (2020);

5. Membership

- (a) The stated constituted membership of the Community Council is [*insert #*], and is governed by the Scheme.
- (b) The core number of Community Councillors is 9. The absolute maximum number of Community Councillors for an established Community Council is 18. The following quorums will apply to membership;
 - (i) 9 requires a quorum of 5
 - (ii) 12 requires a quorum of 6
 - (iii) 15 requires a quorum of 8
 - (iv) 18 requires a quorum of 9
- (c) If a quorum cannot be achieved within 15 minutes of the advertised meeting start time, then the meeting and all items of formal business will be deferred to the next scheduled meeting date;

- (d) It should be noted that the minimum number of Community Councillors is 9, and this is the minimum number of vacancies that will be subject to a call for nominations when establishing a Community Council. If 50% of the minimum number is achieved i.e. submission of 5 validated nominations, then South Ayrshire Council may progress initial establishment (or re-establishment) of a Community Council.
- (e) All Ex-Officio members within the boundary area of the Community Council are members of the Community Council and their views on matters concerning the Community Council should be actively sought. However, it should be noted that Ex-Officio members have no voting rights; are not eligible to take 'office' in the Community Council; cannot propose or second any nominations for 'office' positions; or act as a representative on the Community Council's behalf.

6. Equality and Diversity

It shall be the duty of every Community Council to ensure that its general responsibilities and activities are carried out fully in accordance with current Equalities legislation e.g. in accord with South Ayrshire Council policies and practices.

7. GDPR 2018

It is the duty of every Community Council to comply with the General Data Protection Act (GDPR) 2018.

8. Method of Election

Election procedures are governed by Scheme Clause 5.

9. Vacancies on the Community Council

- (a) Where a vacancy arises the Community Councillors can agree to fill the vacancy in accordance with Scheme Clause 4.10 relating to Co-option. South Ayrshire Council requires to be notified if the membership falls below half.
- (b) When advertising vacancies Community Councils must make all reasonable efforts to ensure that public notices have been placed in at least three, but ideally more, public venues across the whole Community Council area. In the event of vacancies occurring within three months before the date of the next election a Community Council may leave the vacancy unfilled until that election
- (c) The ratification of appointments of Co-optee members following appropriate advertisement to fill the vacancy/vacancies rests wholly with the existing constituted membership; although the validation of nomination forms rests with South Ayrshire Council.

10. Co-option and Nomination to the Community Council

- (a) There will be two different categories of Co-optee –
 - (i) those filling a casual vacancy till the next ordinary election or by-election will be **temporary Co-optee**, and,
 - (ii) those co-opted for their specific expertise, for a specific length of time, will be a specialist Co-optee.
- (b) There will be different methods of recruitment and qualification which apply to each type of Co-optee:
 - (i) Temporary Co-optees must be resident within the boundary of the Community Council, or sub-wards, and must be recruited by advertisement in specified locations, and serve only up to the next election or by-election. In any event they may not serve as a temporary Co-optee for longer than eleven months.
 - (ii) Specialist Co-optees do not necessarily have to be resident in the area, but must be recruited for a specific project for a specified length of time. The Community Council will advertise and publicise the recruitment of specialist co-options to residents within its area, stating the reasons and duration of the co-option.

11. 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 Councillors, but not by Ex-Officio members or Specialist Co-optees.
- (b) Although all Community Councillors hold the right to vote; a recommended approach to decision-making is working together to support Community Council's to make decisions based upon reaching a consensus.
- (c) Notwithstanding, and with the exception of instances relating to clauses of this Constitution, all decisions of the Community Council, which may require a vote, will be decided by a simple majority of those present and eligible to vote, with exception to clause (a) above relating to Specialist Co-optees. **There is no provision for proxy votes.**
- (d) In the event of a vote of the Community Councillors that results in a majority not being achieved, the chairperson shall have a casting vote in addition to their deliberative vote, whether or not exercised.

12. Election of Office-Bearers

- (a) In April/May of each year, as part of the Annual General Meeting, the Community Council shall elect a Chairperson, Secretary and Treasurer; and other such office-bearers as it may decide necessary e.g. Vice-chair, Minute Secretary.
- (b) The right to hold office in the Community Council or any committee thereof shall be held by all Community Councillors, but not by Specialist Co-optees or Ex-Officio members.
- (c) All office-bearers shall be elected for a maximum period of one year or until the date of the next Annual General Meeting and/or 'Full/By' election; whichever period of time is completed first.
- (d) Office-bearers and/or bank account signatories may not be directly related by birth, marriage, civil contract or co-habitation etc.
- (e) Every effort should be made to appoint one person to each position, however, it is permissible for one person to hold more than one office if necessary (e.g. Secretary/Treasurer).
- (f) At the first meeting of the Community Council after elections in the year when Elections are held and at the AGM in the year when elections are not held, Community Councils may appoint a Planning and a Licencing Contact.

13. Sub-Groups of the Community Council

The Community Council may appoint Community Councillors to sub-groups of the Community Council and shall determine their composition, terms of reference, duration, duties and powers.

14. Meetings of the Community Council

- (a) The Community Council shall abide by the Scheme, Code of Conduct and Standing Orders to ensure the proper conduct of its meetings.
- (b) The quorum for Community Council meetings shall be as stated in Clause 5 a) & b) of the Constitution. No more than 2 ordinary meetings in any one year may be held virtually
- (c) In April/May of each year the Community Council shall convene an Annual General Meeting (AGM).
- (d) Including the Annual General Meeting (AGM), the Community Council shall meet not less than 7 times (six Ordinary Meetings and one AGM) throughout the year.
- (e) Dates, times and venues of regular meetings of the Community Council should be identified at the first meeting of the Community Council following the Annual General Meeting (AGM) and/or elections. Meeting arrangements can be subject to review by

the Community Council periodically thereafter but no later than at the following year's AGM.

- (f) South Ayrshire Council has the discretion to call a meeting of the Community Council at any time.
- (g) Copies of all minutes of meetings of the Community Council and of sub-groups thereof shall be approved at the next meeting of the Community Council subject to the special circumstances outlined at Clause 9.6 xi and 9.7 xi of the Scheme.
- (h) A draft minute shall be circulated at least 7 days prior to its next meeting, to all members, and any other appropriate parties as agreed by the Community Council. South Ayrshire Council can receive these upon request. An approved minute will be forwarded to South Ayrshire Council within 14 days of the date of the meeting; all minutes should be provided to South Ayrshire Council.
- (i) Should the Community Council receive a written request (Petition), signed by at least 20 residents 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 4 weeks of receipt of such a request.
- (j) Special Meetings shall require at least 7 days public notice, and the wording of the motion calling the meeting should be set out on the agenda.
- (k) All meetings of the Community Council are open to members of the public. However the Community Council shall retain the right to discuss items of business in private where it considers it appropriate to do so e.g. internal Governance matters, complaints, etc.

15. Public participation in the work of the Community Council

- (a) 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 publicising meetings of the Community Council and/or its committees shall be posted within the Community Council area for a minimum period of seven days before the date of any such meeting e.g. public venues; notice boards; websites etc.

16. Information to South Ayrshire Council

- (a) South Ayrshire Council shall be sent, minutes of all meetings; the annual chairperson's report; the Independently Examined Statement of Accounts and any other information, as may reasonably be required by South Ayrshire Council.
- (b) When Special Meetings of the Community Council are to be held, South Ayrshire Council should be advised of the date, time, venue and subject(s) of debate at such meetings 7 days in advance of the meeting date.

- (c) In relation to the Special Meeting at 16 (b) above: South Ayrshire Council may appoint an officer to act as the principal point of contact for matters relating to the Community Council if required.

17. Control of Finance

- (a) Each Community Council is to maintain proper financial records and present regular financial reports at scheduled Community Council meetings. The Treasurer shall keep proper accounts of the finances of the Community Council.
- (b) All monies provided by South Ayrshire Council and other sources or raised by alternative means on behalf of the Community Council shall only be applied to further the objectives and fulfil the responsibilities of the Community Council.
- (c) The monies provided by South Ayrshire Council in the annual Administration Allowance shall be for Community Council administration and/or promotion purposes only, and shall not be expended on any other purpose.
- (d) Monies raised from other sources for non-administration purposes may be used in accordance with the donor's terms so long as they do not conflict with the objectives of the Community Council. In the absence of any such terms, monies used will be to further the objectives and fulfil the responsibilities of the Community Council.
- (e) A minimum number of three authorised signatories should be appointed to authorise financial transactions i.e. signing of cheques, on behalf of the voting members of the Community Council.
- (f) Any two of the three authorised signatories, who need not be office-bearers of the Community Council, may sign cheques on behalf of the Community Council; the Treasurer should assume one of the three authorised signatory roles. Authorised signatories may not be related by birth, marriage, civil contract or co-habitation
- (g) A statement of accounts for the last financial year, examined by a competent independent examiner appointed by the Community Council, shall be submitted to the April/May Annual General Meeting of the Community Council and shall be available for inspection.
- (h) The independent examiner will not be a member of the Community Council. This includes Ex-Officio and Specialist Co-optees.
- (i) The financial year of the Community Council shall be from 1 April in any year until 31 March in the succeeding year.
- (j) An independently examined statement of accounts as received and approved by the Community Council should be submitted to South Ayrshire Council following the Community Council's Annual General Meeting to be received no later than 30 September each year.

18. Assets

An inventory of all assets e.g. equipment and materials, shall be produced and maintained by the Treasurer. Assets belonging to the Community Council shall be vested in the whole membership of the Community Council.

19. Alterations to the Constitution

- (a) Any proposal by the Community Council to amend this Constitution must be first considered and minuted at a meeting of the Community Council, before representation is made to South Ayrshire Council.
- (b) Any proposed amendments may not conflict with the Scheme for Establishment of Community Councils (2020) and the objectives contained within the Constitution.
- (c) Any proposal to alter this Constitution must be delivered in writing to the Secretary of the Community Council not less than twenty eight days prior to the date of the meeting at which it is first to be considered 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 fourteen days prior to the meeting. Should an individual require assistance in providing a written proposal, the Community Council is obliged to provide support to the individual to accomplish this. All proposed or actual alterations will require to conform to the Scheme. If the resolution is supported by two-thirds of the elected membership of the Community Council and is approved, in writing, by South Ayrshire Council or its appointed officer, the alteration shall be deemed to have been duly authorised from the date of the letter or such other date as may be agreed.
- (d) The authorised amendment to the Constitution shall be stated on the 7 day notice calling the next meeting.

20. Suspension and Dissolution

- (a) Where for any reason it is deemed by South Ayrshire Council that a Community Council is not conforming to the Scheme, then South Ayrshire Council, subject to the terms of Clause 15.8 of the Scheme, can formally suspend the Community Council by giving appropriate notice.
- (b) Dissolution may occur either on a decision of South Ayrshire Council Audit & Governance Panel, or on a voluntary basis by resolution of the Community Council. Such a resolution by the Community Council would require support by two thirds majority of the total voting membership present (See Scheme Clauses 15.19).

21. Adoption of the Constitution

(a) Constitution adopted and signed on behalf of the Community Council on:

- Date
.....
- Chairperson (*signature*)
.....
- Member (*signature*)
.....
- Member (*signature*)
.....

(b) Confirmed on behalf of South Ayrshire Council (SAC) by:

- SAC Officer (*signature*)
.....
- Print name
.....
- Date
.....



South Ayrshire Council

Code of Conduct for Community Councillors

This Appendix forms part of the core Governance
Arrangements for Community Councils in South Ayrshire

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

The Code of Conduct for Community Councillors is largely based on the Code of Conduct for South Ayrshire Council 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 agreed and minuted as representing the Community Council. These principles are as follows:

1. ***Service to the Community (Public Service)***
2. ***Selflessness***
3. ***Integrity***
4. ***Objectivity***
5. ***Accountability and Stewardship***
6. ***Openness***
7. ***Honesty***
8. ***Leadership***
9. ***Respect***

1. Service to the Community

As a Community Councillor you have a responsibility to act in the interests of the local community, which you have been elected or nominated to represent.

You also have a responsibility to act in accordance with the remit of South Ayrshire Council's Scheme for Establishment of Community Councils (2020) (the 'Scheme'), as set out by South Ayrshire Council under the terms of the Local Government (Scotland) Act 1973.

You have a responsibility 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. You should not attend meetings or events in your capacity as a Community Councillor under the influence of any substance which may impair your judgement or conduct.

Various mechanisms to enable the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should be made available where appropriate.

2. Selflessness

You have a responsibility to take decisions solely in terms of the interests 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.

3. 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 such private and/or personal interest in a matter to be considered by the Community Council, you have a responsibility 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 and Treasurer of the Community Council.

4. Objectivity

In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, by 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.

5. 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 South Ayrshire Council's Scheme.

Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in South Ayrshire Council's Scheme.

Community Councillors 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.

Draft minutes of meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting and no later than seven days prior to the next meeting.

6. Openness

You have a responsibility 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.

7. Honesty

You have a responsibility 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 interest of the community and the Community Council.

8. Leadership

You have a responsibility 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 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.

9. 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. This should extend to any person, regardless of their position, you have dealings with in your capacity as a Community Councillor.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. You must comply with Equal Opportunities legislation and ensure that

equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.



South Ayrshire Council

Standing Orders for Community Councils

**This Appendix forms part of the core Governance
Arrangements for Community Councils in South Ayrshire Council**

1. **Meetings**

- (a) All meetings of Community Councils are open to members of the public subject to Clause 9.2 of the Scheme.
- (b) The frequency of meetings will be determined by each Community Council, subject to a minimum of one Annual General Meeting (AGM) and 6 ordinary meetings being held each year. (no more than 2 ordinary meetings in any one year can be held virtually)
- (c) Annual General Meetings (AGMs) are held each year in April/May.
- (d) Ordinary meetings of the Community Council should ideally be held on the same day in each of the months where a meeting is scheduled e.g. first Monday; third Wednesday etc.
- (e) 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 South Ayrshire Council by the Secretary of the Community Council, at least 7 days before the date of the meeting.
- (f) Special Meetings may be called at any time under Clause 9.10 of the Scheme for Establishment of Community Councils (2020).
- (g) South Ayrshire Council has the discretion to call a meeting of the Community Council (See Constitution Clause 14 (f)).

2. **Minutes**

Minutes of the proceedings of a meeting of the Community Council shall be drawn up timeously and be distributed in accordance with Clause 9.7 of the Scheme for Establishment of Community Councils (2020) and be submitted for approval to the next meeting of the Community Council.

3. **Order of Business**

(i) Ordinary Meeting

Order of business at Ordinary meetings of the Community Council should include: -

- i. Recording of membership present and apologies received.
- ii. The minutes of the last meeting are submitted for approval.
- iii. Any matters arising are addressed.
- iv. Correspondence.
- v. Reports e.g. Treasurer; Elected Members; Police; Weekly Planning List; Licensing; Locality Partnerships, Link Officer Report etc.
- vi. Consideration of other agreed items of business; as directed by the Chairperson.
- vii. Any other competent business.
- viii. Questions from the floor.
- ix. Chairperson to declare date of next meeting and close meeting.

(Police report can be taken at the top of the meeting to allow early dismissal)

(ii) 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 (AGM), 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 AGM minutes should be presented to the next ordinary meeting of the Community Council following the AGM for the purposes of establishing accuracy and noting their availability to the public. Although they remain in draft form until approved at the following year's AGM.

The order of business at Annual General Meetings (AGM) of the Community Council shall be as follows:

- i. Record membership attendance and apologies received;
- ii. Approve the presented minutes of the last Annual General Meeting (AGM);
- iii. Approve Chairperson's annual report (written or minuted at the AGM);
- iv. Approve Treasurer's submission of Independently Examined Statement of Accounts;
- v. *Note implementation/continuation of the Scheme for Establishment of Community Councils;
- vi. Current office bearers step down;
- vii. Election of office bearers;
- viii. *Confirm that the Constitution is signed and dated by the Chairperson and 2 other members of the Community Council;
- ix. Note appointment of Community Councillors to Outside Bodies e.g. Locality Planning Group;
- x. Note the appointment of an Independent Examiner of accounts for the next year;
- xi. Note the appointment of Specialist Co-optee Members;
- xii. Review the Inventory and Additional Resources (See Constitution Clause 18);
- xiii. Chairperson to declare that a date in April/May of following year will host the next AGM;
- xiv. Chairperson closes meeting.

*(*not all of the above items may be necessary agenda items)*

(iii) Special Meeting

The order of business at Special Meetings of the Community Council shall be as follows: -

- i. Recording of membership present and apologies received.
- ii. The nature of the calling notice for the Special Meeting.
- iii. The business for debate, as described in the calling notice for the Special Meeting.
- iv. Chairperson to close meeting.

4. Order of Debate

- (a) In instances of the Chairperson's absence, the meeting should proceed through the Vice-Chairperson or other interim Chairperson as agreed by the members present.
- (b) The Chairperson shall decide the order of all questions, relevancy and competency arising at meetings of the Community Council and their ruling shall be final and shall not be open to discussion.
- (c) The Chairperson shall also determine the order, relevancy and competency of all questions from the public in attendance at meetings of the Community Council.

- (d) The Chairperson in determining the order, relevance and competency of business and questions shall have particular regard to the importance 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.
- (e) The Chairperson shall have the power, in the event of disorder arising at any meeting, to adjourn the Community Council meeting to the next scheduled meeting or another fixed time and/or date.
- (f) Every motion or amendment shall be proposed and seconded.
- (g) After a proposer of a motion has been called on by the Chairperson to reply, no other members shall speak to the motion or amendment.
- (h) A motion or amendment once made and seconded shall not be withdrawn without the consent of the proposer and seconder thereof.
- (i) A motion or amendment which is contrary to a previous decision of the Community Council shall not be competent within 6 months of that decision; unless an error or new information becomes available which requires further consideration. Any subsequent decision taken by the Community Council, which is contrary to a previous decision, can be implemented with agreement in writing from South Ayrshire Council.

5. Voting

- (a) Voting shall be taken by a show of hands of those present and eligible to vote i.e. the elected membership of the Community Council.
- (b) An exception can be taken to a show of hands at Community Council meetings; in that voting may be held by confidential ballot e.g. the election of office bearers at the Annual General Meeting (AGM).
- (c) The Chairperson of a meeting of the Community Council shall have a casting vote as well as a deliberative vote.
- (d) In instances of the Chairperson's absence their casting vote is transferred to the Vice-Chairperson or other interim Chairperson, as previously agreed by the members present.

6. Alteration to Standing Orders

- (a) A proposal to alter or add to these Standing Orders may be proposed to South Ayrshire Council at any time by the Community Council, provided that notice of a motion to that effect is given at the meeting of the Community Council previous to that at which the motion is discussed.
- (b) South Ayrshire Council shall have final discretion on any proposed change to these Standing Orders.

7. Sub-Groups

The Community Council may appoint sub-groups as it may from time to time decide and shall determine their composition, terms of reference, duration, duties and powers.

8. Suspension of Standing Orders

- (a) These Standing Orders shall not be suspended except at a meeting at which two-thirds of the stated constituted membership number of Community Council members

are present and then only if the proposer states the object of their motion and if two-thirds of the Community Council members present consent to such suspension.

- (b) South Ayrshire Council shall have final discretion on any proposed suspension of these Standing Orders.

South Ayrshire Council

Annual Self-Assessment (RAG Analysis) for Community Councils

CONSIDERED GOVERNANCE STATUS

- **RED** – 1 or more CORE ADMINISTRATION items remain outstanding.
- **AMBER** – All (6) CORE ADMINISTRATION items met; and Any 1 GOOD PRACTICE item being met.
- **GREEN** – All (6) CORE ADMINISTRATION items met; and evidence of 6 GOOD PRACTICE items being met; which must include the Annual Self-Assessment (RAG Analysis).
- **RAG Analysis should be completed by last day of September each year. AMBER status is satisfactory; GREEN status Community Councils will be held up as MODELS of GOOD PRACTICE.**

This Appendix is for Information purposes only and does not form part of the core Governance Arrangements for South Ayrshire Community Councils

Name of Community Council

Year of Self Assessment

Date of meeting which discussed self assessment

Considered RAG Status

Green

Amber

Red

Completed by (name - block Capital)

(signature)

(position)

(date self assessment completed)

CORE ADMINISTRATION	MONITORING QUESTION	YES	NO	COMMENTS / EVIDENCE / CONCERNS
1. Constitution	is there a signed Constitution held on file and by South Ayrshire Council?			
2. Minutes	are all Community Council minutes from the last 2 years held on file by South Ayrshire Council?			
3. Annual General Meeting	has an AGM been held in April/May of the most recent year?			
4. Finances	have the most recently approved accounts been submitted to South Ayrshire Council?			
5. Treasurer Reports	are regular financial reports presented at scheduled meetings?			
6. Chairperson's Report	is a Chairperson's Report available from the most recent AGM?			

GOOD PRACTICE	MONITORING QUESTION	YES	NO	COMMENTS / EVIDENCE / CONCERNS
1. Annual Self-Assessment (RAG Analysis)	has the most recent self-assessment been submitted by the last day of September			
2. Locality Planning Group Reports (LPG)	do LPG's representative's reports appear as regular/rolling agenda items?			
3. Elected Members' Reports	do Elected Members' reports appear as regular/rolling agenda items?			
4. Police Reports	do Police reports appear as regular/rolling agenda items?			
5. Planning	is Planning included or acknowledged as a regular/rolling agenda item?			
6. Licensing	is Licensing included or acknowledged as a regular/rolling agenda item?			
7. Email	does the community council have a generic email?			
8. Website	does the community council have a website?			
9. Facebook	does the community council have a Facebook group, or equivalent?			
10. Twitter	does the community council have a Twitter Account, or equivalent?			
11. Training & Development Opportunities	is there uptake of any training offered?			
12. Wider Participation	does the community council liaise with other community groups?			
13. Consultations	have any consultations been conducted within the previous 12 months?			
14. Local Vision	does the community council have a Local Vision or Mission Statement?			

FOR OFFICIAL USE: Performance, Policy and Community Planning (People Directorate) confirmation of RAG status:

Green **Amber** **Red**

Relevant Officer: _____

Date: _____



South Ayrshire Council

General Public: Complaints Procedure for Community Councils

This Appendix is for Information purposes only and does not form part of the core Governance Arrangements for South Ayrshire Community Councils

GENERAL PUBLIC COMPLAINTS PROCEDURE FOR COMMUNITY COUNCILS

NOTE: The importance of transparency of process whilst retaining the appropriate level of confidentiality must be noted and practiced by all Community Council members upon receipt of any complaint e.g. a complaint against the collective membership of a Community Council may be considered appropriate to share with all members simultaneously, whereas a complaint against an individual member may be shared with that member only in the first instance, to provide them with time to reflect on the content of the complaint and to prepare an appropriate response, before the complaint is shared with the collective membership for discussion (See Clauses 9.1 & 9.2 of this Complaints Procedure).

In any event, Community Councils may consider whether it would be appropriate to invoke Constitution Clause 14k when in receipt of a complaint and undertaking an appropriate procedure.

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1. Introduction
2. What is a complaint?
3. Who can complain?
4. What can I complain about?
5. What can't I complain about?
6. How do I complain?
7. What do I tell the Community Council when complaining?
8. How long do I have to make a complaint?
9. What happens when I have complained?
10. What happens if I'm still unhappy?

Quick guide to the General Public Complaints Procedure for Community Councils

Complaints Procedure

- You can complain in writing or in person to the Secretary of the Community Council or any of its Office Bearers.
- There is a two stage Complaints Procedure – **Resolution** and **Investigation Stages**.
Community Councils should always try to deal with your complaint as quickly as possible, but if it is clear that the matter will require a detailed investigation you will be notified on progress.

Stage 1 – Resolution

- Community Councils should always try to resolve your complaint as soon as possible (within four weeks of their meeting schedule).
- If you are unhappy with a resolution response, you can request in writing that the Community Council considers your complaint as a Stage 2 Investigation.

Stage 2 – Investigation

- A specially appointed trained Panel of Community Councillors may consider investigating your complaint at this stage if you are unhappy with the stage 1 response. Certain types of complaints which are complex or require detailed investigation may progress straight to Stage 2.
- The Panel will acknowledge your request for investigation of your complaint within four weeks of it being established. It will give you its decision within 30 working days, unless particular circumstances do not make this possible.

Further Advice

If, after receiving the specially appointed Panel's response following the Stage 2 Investigation, you are still unhappy with the decision or the way your complaint has been handled; you can ask Performance, Policy and Community Planning, People Directorate for advice.

The General Public Complaints Procedure for Community Councils

1 Introduction

- 1.1 Community Councils should aim to represent all people in the area without prejudice: they are non-party political and non-sectarian. They must call for nominations publicly and hold elections when becoming established and/or filling vacancies.
- 1.2 Any person resident in the Community Council boundary area, aged 16 years or over, and included on the Electoral Register can be nominated to join their local Community Council (Alternative Measures for identification and residency status of candidates may be undertaken in certain circumstances).
- 1.3 Community Councils are regularly consulted by the local authority and public bodies on a wide range of issues which affect their area, such as planning and licensing.
- 1.4 All Community Council meetings are open to the public. See more at: <https://www.south-ayrshire.gov.uk/community-councils/>
- 1.5 Community Councils should adhere to the Code of Conduct included in the Scheme for Establishment of Community Councils (2020). However, from time to time, complaints may be made by the general public about Community Councils and/or individually against Community Councillors.
- 1.6 If you are dissatisfied or have concerns about the standard of service, actions or lack of action provided by your Community Council or one or more of its members, these can be reported through the General Public Complaints Procedure for Community Councils.
- 1.7 Please note that South Ayrshire Council has a separate Complaints Policy to record and manage complaints by members of the public against South Ayrshire Council and Council Officers, and this should not be confused with the General Public Complaints Procedure for Community Councils.

2 What is a Complaint?

- 2.1 A complaint against a Community Council is an expression of dissatisfaction or concern by members of the public. This may be about the conduct; standard of service; actions or lack of action by a Community Council and/or its members.

3 Who can complain?

- 3.1 Any member of the public who may be affected by a Community Council can make a complaint. Sometimes you may be unable or reluctant to make a complaint on your own. Complaints may be brought by third parties as long as evidence of personal consent from the complainant can be provided upon

request. **Anonymous complaints will generally not be accepted**, although legal guidance may be sought depending on the nature of allegations made.

- 3.2 If you are under 16 and wish to complain, you may wish to contact South Ayrshire Council in the first instance or if you would prefer; you can ask a trusted adult such as a parent; older brother or sister, or a guardian to contact us on your behalf.
- 3.3 If you believe yourself to be a vulnerable adult, you may likewise wish to contact South Ayrshire Council directly or if you would prefer, you can ask someone you trust to contact us on your behalf.
- 3.4 An Officer of the South Ayrshire Council can be provided to offer guidance on how you may wish to make your complaint if you would prefer.

4 What can I complain about?

- 4.1 You can complain about things such as:
- Neglect by or contrary attitude of a Community Councillor when dealing with a Community Council issue which affects the local community;
 - Breaches to the Scheme for Establishment of Community Councils (2020) by Community Councils and/or their members;
 - Financial irregularities and fraud of public funds held by the Community Council;
 - Breaches of confidentiality, including data breaches;
 - Misusing social media, email or letters for the purpose of personal, political and/or financial gain;
 - Bringing the Community Council into disrepute e.g. misrepresenting the views and interests of the local community.
- 4.2 This list is not exhaustive and complaints may involve more than one thing.

5 What can't I complain about?

- 5.1 There are some things that Community Councils can't deal with. These include:
- Any decisions South Ayrshire Council has made;
 - A request for compensation on a decision the Community Council has made.

6 How do I complain?

- 6.1 All complaints relating to Community Councils and/or individual Community Councillors should be directed for the attention of the appropriate office bearer/s or member/s of the relevant Community Council in the first instance.
- 6.2 All complaints should be made formally in writing (either by surface mail or email), making clear:
- i. the nature of the complaint;
 - ii. the grounds which support it; and
 - iii. including evidence which substantiates the grounds.
- 6.3 However, it may be appropriate for complaints to be resolved if they are made quickly and directly to the Community Council concerned. You may consider speaking to a member of the Community Council so they can try to resolve any problems on the spot.
- 6.4 If your complaint is about more than one issue or you feel that it is not appropriate for the Community Council to deal with the complaint, you can contact the Community Council Officer at South Ayrshire Council, who can provide advice and guidance, and who may forward your complaint to the relevant Community Council on your behalf.

7 What do I tell the Community Council when complaining?

- 7.1 It may be considered easier for complaints to be resolved more quickly if they are not anonymous, although it is acknowledged that in some cases e.g. fear of reprisals, individuals may not wish to provide and/or share their personal details. Therefore the provision of such details to Community Councils should be considered optional.
- 7.2 However, South Ayrshire Council reserve the right to request personal contact details if contacted to deal with a complaint to enable a transparent dialogue – any personal contact details provided to South Ayrshire Council when a complaint is received will not be shared with any Community Councils and/or third parties.
- Your Name and Address/Telephone Number (and email if available);
 - As much detail about the complaint as possible i.e. making clear the nature of the complaint and the grounds which support it, including any available evidence;
 - Any circumstances leading up to, or surrounding what has gone wrong;
 - How you want the Community Council to address and/or resolve the matter.

8 How long do I have to make a complaint?

- 8.1 You should make your complaint within a reasonable period of time e.g. within four weeks of the event you want to complain about.
- 8.2 You may wish to consider the meeting cycle of the Community Council to ensure the complaint is included as correspondence at the earliest opportunity, i.e. check recess periods for the Community Council, especially during the summer and during December and January.
- 8.3 It is anticipated that most complaints would be submitted immediately or within a matter of days from the date of the incident.
- 8.4 In particular circumstances, a complaint may be accepted by the Community Council or South Ayrshire Council after the suggested period of time. If you feel that the suggested period of time should not apply to your complaint, then this should be included in the formal written complaint.

9 What happens when I have complained?

- 9.1 All Community Councils should keep a clear audit trail of any complaints received to ensure transparency of process whilst retaining the appropriate level of confidentiality e.g. a complaint against the collective membership of a Community Council may be considered appropriate to share with all members simultaneously, whereas a complaint against an individual member may be shared with that member only in the first instance, to provide them with time to reflect on the content of the complaint and to prepare an appropriate response, before the complaint is shared with the collective membership for discussion.
- 9.2 In both examples provided in Clause 9.1 above, the Community Council can invoke Scheme Clause 9.10 vi- viii and Constitution Clause 14 (k) which enable a Community Council to hold a meeting, or parts of a meeting, in private where it considers it appropriate to do so e.g. to discuss complaints and/or Governance matters.
- 9.3 The Complaints Procedure for Community Councils should provide two opportunities to resolve complaints:
- Stage 1 – Resolution
 - Stage 2 – Investigation
- 9.4 ***Stage 1 – Resolution***
- 9.4.1 Most complaints may be able to be resolved quickly by the Community Council without it proceeding to a Stage 1. This could mean providing a written apology and explanation if something has clearly gone wrong i.e. in instances where the grounds and evidence, which substantiates the grounds, are not disputed by the recipient of the complaint. In such

circumstances, appropriate steps should be taken to prevent such a problem re-occurring.

- 9.4.2 In the event that a complaint can't be resolved quickly, a Community Council should give its response to a Stage 1 complaint within two weeks or less of the date of the meeting at which it was discussed, unless there are particular circumstances which may not make this possible. If the latter arises, then the Community Council should notify the complainant that their complaint remains subject to ongoing consideration.
- 9.4.3 If the Community Council can't resolve a complaint at Stage 1, it should be automatically moved to Stage 2 Investigation; by the Community Council reaching a consensus or at least a decision by simple majority. If this is the decision of the Community Council, it should write to you within two weeks or less of the date of the meeting which acknowledged and discussed a complaint to advise the complainant that further investigation of the complaint may be required.
- 9.4.4 In circumstances where a Community Council moves a complaint from Stage 1 Resolution to Stage 2 Investigation then the Community Council will inform South Ayrshire Council within two weeks of the date of the meeting which made the decision. South Ayrshire Council will be provided with all details of the complaint, and may take any action deemed to be appropriate e.g. seek appropriate opinion, guidance or advice.

9.5 **Stage 2 – Investigation**

- 9.5.1 Stage two deals with two types of complaint:
- Those that have not been resolved at Stage 1 Resolution; and
 - Those that are complex and require detailed investigation from the outset.
- 9.5.2 Stage 2 Investigations may go to a Panel of Community Councillors similar to that outlined in Clauses 16:11 to 16:12 of the Scheme i.e. a specially appointed trained Panel of 3 Office Bearers from Community Councils from Sectors separate to, but bordering, that sector containing the Community Council / Community Councillors subject to a complaint. Scheme Clauses 16.11 and 16.12 also outline the steps for appeal by the recipient of a complaint.
- 9.5.3 A Community Council may consider offering and/or accepting a request for a leave of absence for a member (as recipient of the complaint) at this point until a full investigation has taken place (See Scheme Clause 16.6).
- 9.5.4 Alternatively, South Ayrshire Council may consider suspending a Community Council should a complaint be against the collective membership, and if the grounds and submitted evidence can't be proven beyond reasonable doubt as being unsubstantiated at this point in the process, (suspension of a Community Council will be in accordance with Scheme Clause 15).

9.5.5 It should be clearly understood that a leave of absence or suspension is not an acceptance of the grounds and submitted evidence being upheld; it is an opportunity for all parties to gather materials regarding the circumstances of a complaint in an impartial and fair manner.

9.5.6 When conducting a Stage 2 Investigation, the specially appointed trained Panel, with appropriate support from South Ayrshire Council, will:

- Send an acknowledgement to all parties of the request for further investigation of the complaint within two weeks of it being set up;
- Where appropriate, discuss a complaint with the complainant to understand their dissatisfaction and what outcome they are looking for;
- Give the complainant, and all other relevant parties, a full response to the complaint within 30 working days or sooner, from the date of the Panel meeting which arrives at a conclusion, unless there are particular circumstances which may not make this possible. If the latter arises then the Community Council should notify the complainant that their complaint remains subject to ongoing consideration.

10 What happens if I'm still unhappy?

10.1 If, after receiving the specially appointed trained Panel's response following the Stage 2 Investigation, a complainant is still unhappy with the decision or the way their complaint has been handled; they can ask Performance, Policy and Community Planning, People Directorate for advice.

For clarification – any advice provided does not act as an additional stage to the Complaints Procedure and should not form a review or revision of any conclusion drawn up by the specially appointed trained Panel.

10.2 South Ayrshire Council will not normally look at events that happened, or that a potential complainant becomes aware of, from more than a year ago, unless there are exceptional circumstances which may make it necessary (although this will be at the sole discretion of South Ayrshire Council).