



ANGUS COUNCIL

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

1 January 2013

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1. Introduction

Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government (Scotland) Act 1994, which produced the current system of unitary local authorities, made provision for the continuation of Community Councils. This legislation provides the legal framework for Community Councils.

Community Councils in local authority areas are created through a Scheme of Establishment and each Scheme sets out the framework through which Community Councils are to operate.

This Scheme is based upon the model Scheme published by the Scottish Government in March 2009 for use by local authorities and incorporates a suite of documents which include:-

- Maps of Community Council Areas
- Elected Member Composition
- Scheme of Electoral Arrangements
- Model Community Council Constitution
- Model Community Council Standing Orders
- Code of Conduct for Community Councillors
- Community Council Nomination Paper

These documents are designed to support the operation of Community Councils across the Angus local government area.

2. Title and Definitions

This scheme is made by Angus Council under Part 1 of the Local Government etc. (Scotland) Act 1994 and may be referred to as “The Angus Community Council Scheme” 2012.

In this Scheme

- “1973 Act” means the Local Government (Scotland) Act 1973;
- “1994 Act” means the Local Government (Scotland) Act 1994;
- “Area” means the area of Community Council;
- “Council” means Angus Council a local authority constituted in terms of the Local Government etc. (Scotland) Act 1994 and having its principal offices at Angus House, Orchardbank Business Park, Forfar;
- “Council Area” means the area of the Council as described in the 1994 Act
- “Community Council” means a community council listed in the Maps the general area of which is described in Schedule 1 annexed and signed as relative hereto;
- “Electoral Register” means the register of local government electors compiled by the Electoral Registration Officer in terms of the Representation of the People Act 1983;
- “Constitution” means the model constitution set out in Appendix 1 to this Scheme;
- “Standing Orders” means the model standing orders set out in Appendix 2 annexed and signed as relative hereto;

- “Code of Conduct for Community Councillors” means the code set out in Appendix 3 annexed and signed as relative hereto;
- “Equalities legislation” means all legislation covering race, gender, disability, age, sexual orientation and religion and belief;
- “Maps” means the maps of the Council Area entitled “The Angus Community Council Scheme Maps” being the maps annexed and signed as relative hereto;
- “Member(s)” means a member or members of a Community Council;
- “Returning Officer” means the Head of Law and Administration of the Council appointed under section 6 of the 1973 Act and includes any person appointed by the Returning Officer to discharge all or any of that officer’s functions;
- “Schedule” means schedule appended to this Scheme; and
- “Scheme” means The Angus Community Council Scheme.

3. Statutory Purposes

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

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

4. The Role and Responsibilities of a Community Council

- (a) The general purpose of a Community Council is to act as a voice for its Area. This will involve it articulating the views and concerns of local people in its Area on a wide range of issues of public concern; and make representations to the Council, other public sector bodies and private agencies on matters within their sphere of interest.
- (b) It is essential that these views are demonstrated to be accurately representative of the community and, accordingly, the Community Council will have in place recognised consultative mechanisms to validate their views; and devise strategies to secure greater involvement by all sectors of the community. A Community Council has a statutory right to be consulted on planning applications. Licensing matters and any other matters may also be jointly agreed between the Community Councils, local authorities and other public sector and private agencies. Further details can be found in the following supporting publications; Policy Statement on the Council’s Relationship with Community Councils, Good Practice Agreement and Information Booklet for Community Councillors, produced by Angus Council, and available on request.
- (c) A Community Council may carry out other activities that are in the general interests of the communities it represents, provided these activities fall within its Constitution and the terms of the Council’s Scheme for the Establishment of Community Councils.

- (d) There should be mutual engagement in the establishment of working relationships with the Council and other agencies. In carrying out its activities a Community Council must at all times adhere to the law; this Scheme and the Code of Conduct for Community Councillors.
- (e) Each Community Council is required to adopt a Constitution and Standing Orders, to encourage and maintain consistency for all Community Councils; and to underpin that their proceedings are properly structured and regulated to ensure that items of business are relevant to the community, properly debated and decisions are reached in a democratic manner. The Community Council's Constitution is required to be approved by the Council. The constitution and standing orders of a Community Council shall follow the terms of the model Constitution and Standing Orders as contained in Appendices 1 and 2.
- (f) A Community Council has a duty under statute to represent the views of its local community. It is vital therefore, that it reflects the broad spectrum of opinion and interests of all sections of the community. In order to fulfil its responsibilities as effective and representative, Community Councils shall:-
 - (i) Inform the community of the work and decisions of the Community Council by posting agendas and minutes of meetings in public places, such as libraries and notice boards; and, subject to the provisions contained within the Data Protection Act 1998, provide contact details of Members.
 - (ii) Agendas and draft minutes of Community Councils' meetings must be produced within 21 days from the date of that meeting, to enable their circulation to the Council, and relevant elected members of the Council, Council staff and other interested parties.
 - (iii) Seek to broaden both representation and expertise by promoting the Associate Membership to Community Councils of persons for specific projects/issues.
 - (iv) Make particular efforts to encourage young people and other under-represented groups to attend/participate in Community Council meetings and to ensure equality of opportunity in the way the Community Council carries out its functions.
 - (v) Maintain proper financial records and present financial reports at Community Council meetings.
 - (vi) Inform the Council of any change in membership (resignations, co-option, Associate Membership etc.) and circumstances, as soon as is practicable.
- (g) Be non-party political in all its activities.

5. Community Council Areas

Angus is divided into 25 Community Council areas. The Community Council boundaries are named and defined in the Maps set out in Schedule 1 annexed

and signed as relative hereto.

6. Membership of a Community Council

- (a) The maximum number of members for each Community Council after the commencement date of this Scheme will be based on the total registered electorate it represents. Membership numbers will be reviewed every four years prior to scheduled elections. If required, membership numbers will be amended to reflect the actual registered electorate in each Area as at the date of publication of the last monthly rolling register update prior to the annual canvass. Any such amendment to membership numbers will be reported retrospectively to the Council after results of scheduled elections have been declared.

The minimum/maximum membership size for each Community Council is defined in the Member Composition set out in Schedule 2 annexed and signed as relative hereto.

For Community Councils already in existence it is accepted that current membership numbers may not comply with the membership formula set out in Schedule 2. Therefore any Community Council existing as at the commencement date of this Scheme and having a membership not complying with the formula may continue with their existing membership until such time as the membership meets the formula or the next scheduled elections whichever is the earlier.

For the avoidance of doubt any appointment of new members to fill casual vacancies prior to the next scheduled elections must be carried out in accordance with the membership formula contained in Schedule 2 of this Scheme.

- (b) Each Community Council may nominate up to 5 additional youth members as defined in the Elected Member Composition set out in Schedule 2 and annexed and signed as relative hereto over the age of 14 to sit on the Community Council to represent the views of younger people. These additional youth members are in addition to the maximum elected membership numbers as defined in the Elected Membership Composition set out in Schedule 2 and annexed and signed as relative hereto.

Youth members will have full voting rights, with the exception of voting on the co-option of new members and will be counted in terms of meeting a quorum. Youth members will be entitled but not obliged to serve from their nomination until the next scheduled elections.

Youth Members must live in the Community Council area they represent.

- (c) The minimum age to stand for election as a full Member is sixteen (16) years subject to the provisions of 7(a)(i).
- (d) Elected members of the Council and members of the Scottish, United Kingdom and European Parliaments are entitled to become ex-officio Members of Community Councils and attend Community Council meetings, with no voting rights.

7. Community Council Elections

(a) Eligibility

- (i) Candidates wishing to stand for election to a Community Council must reside within that Community Council Area and be named on the Electoral Register for that Area.
- (ii) Any Member who no longer resides within the Area will have his/her membership terminated from the Community Council on the date he or she ceases to be resident in the Area.
- (iii) Any individual who is elected to serve on the Council, or a person appointed to a committee of the Council in terms of Section 57 of the 1973 Act or a person who is elected to serve on the Scottish, UK or European parliament shall be ineligible to stand for election or co-option to a Community Council. Such persons upon taking office, become ex-officio members of the Community Councils contained in whole or in part of their electoral ward or constituency.
- (iv) Any individual who holds a politically restricted post in terms of the Local Government and Housing Act 1989, as amended by the Local Government (Scotland) Act 2004, and by the Local Government Officers (Political Restrictions) Regulations 1990 shall be ineligible to stand for election or co-option to a Community Council.
- (v) The term of office of any individual elected to serve on a Community Council will expire at midnight on the first Monday in October every fourth year commencing in 2010.

(b) Elections

Elections will be held every four years to elect members to all Community Council Areas commencing with the scheduled elections in October 2010. Members elected at these elections shall hold office for a period of four years up to midnight on the first Monday in October in the prescribed election year. Members appointed at scheduled elections shall be eligible for re-election at subsequent elections.

Members appointed outwith the scheduled election period shall hold office from the date of their election until midnight on the first Monday in October in the prescribed election year. Members appointed at scheduled elections shall be eligible for re-election at subsequent elections.

Community Council elections shall be held by the Returning Officer in accordance with the Scheme of Electoral Arrangements set out in Schedule 3 annexed and signed as relative hereto. The Returning Officer reserves the right to amend the Scheme of Electoral Arrangements at any time to ensure the integrity and transparency of the electoral process is maintained.

The local authority will administer all elections.

(c) Returning Officer

The Head of Law & Administration has been appointed as Returning Officer for all Community Council Elections as per the Council's Standing Orders.

The decision of the Returning Officer on all matters of election and nomination procedures shall be final.

(c) Nominations

(i) Individuals seeking election to a Community Council must be nominated by a proposer and seconder, both of whom must be on the Electoral Register for that Community Council area. Each elector may propose one nominee and second one nominee. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.

(ii) A nomination form must be completed, the style of which is contained in Appendix 4. Nomination forms require to be submitted on the date and time set out in the published Notice of Election for close of nominations. No forms submitted after close of nominations will be accepted.

(d) Process

(i) On the close of nominations

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

(2) If the number of candidates validly nominated exceeds the total maximum permitted membership as specified for the Area, arrangements for a poll shall be implemented. At the poll, each voter shall be entitled to vote for candidates up to the number of vacancies on the Community Council, but cast no more than one vote for each candidate.

(3) If the number of candidates validly nominated, is below HALF of the total maximum permitted membership, as specified for the Area, the Returning Officer may, at their discretion, issue calls for further nominations where it is deemed possible that a Community Council may be established if such action is taken.

If after a subsequent call for nominations, the number of candidates' remains below HALF of the total maximum permitted membership, as specified for the Area, no Community Council will be established at that time.

However, this does not prevent a request from 20 electors in the Community Council Area to make arrangements for the establishment of a Community Council under the terms of

Section 52 (7) of the 1973 Act being submitted to the Returning Officer.

(e) Method of Election

Members shall be elected on a simple majority basis.

(f) Filling of Casual Places/Vacancies between Elections

(i) Casual vacancies on a Community Council may arise in the following circumstances:

- (1) When a Member submits her/his resignation;
- (2) When a Member ceases to be resident within the Area;
- (3) The death of a Member;
- (4) When a Member is disqualified from being a Member (Section 9 refers).

(ii) The Community Council must inform the Council's Liaison Officer of any vacancy which arises between scheduled elections, as soon as is practicable.

(iii) If vacancies arise on a Community Council between elections, it shall be at the discretion of the Community Council whether to fill the vacancy. Filling a vacancy can be undertaken either through the process of co-option or by an interim election, if the circumstances deem it appropriate.

However, if circumstances arise that lead to the number of Members to fall below HALF of the maximum permitted membership in an Area, the Council shall be informed and shall make arrangements for an interim election to be held unless it is within 6 months of the scheduled four yearly elections. There will be no interim elections held during this period but the Community Council may continue to operate with the agreement of the Council.

(g) Co-option to a Community Council

(i) Co-opted members must be eligible for membership of the Community Council as detailed in Section 7(a) of this Scheme. They must be elected onto the Community Council by a two-thirds majority of the (general and interim) members present. Such co-opted Members shall have full voting rights and will serve until the next round of elections (general and interim). Notice of any proposed co-option procedure is required to be intimated to all of the Members at least 14 days prior to the meeting when the matter will be decided.

- (ii) The limit to the number of co-opted members permitted will be the maximum membership of the Community Council as defined in the Elected Member Composition set out in Schedule 2 and annexed and signed as relative hereto.

(h) Additional Membership

(i) Associate Members

Associate members may be appointed by a Community Council where there may be a need for individuals with particular skills or knowledge. These individuals do not have voting rights. Associate members may serve for a fixed period as determined by the Community Council or for the term of office of the Community Council which has appointed them. Associate members may include officials from the Council to advise on issues such as planning or licensing; youth members from the community (in addition to any prescribed Youth Members) or representation from other constituted local voluntary organisations. Such persons will not be counted in terms of meeting a quorum, or towards the total membership of the Community Council.

Associate members need not reside within the area of the Community Council.

(ii) Ex-Officio Members

Local Authority Councillors, MPs, MSPs, and MEPs whose wards or constituencies fall wholly or partly within the geographical area of the Community Council area shall be deemed ex-officio members of the Community Council. Ex-officio members shall have no voting rights on the Community Council. Such persons will not be counted in terms of meeting a quorum, or towards the total membership of the Community Council.

8. Equalities

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

9. Disqualification of Membership

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

10. Meetings

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

11. Liaison with the Council

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

12. Resourcing a Community Council

- (a) The financial year of each Community Council shall be provided for in the Constitution of each Community Council and shall be from April to March in each succeeding year to allow for the proper submission of an audited statement of accounts to the annual general meeting on a specified date.

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

The Council will review the level of the annual administrative grant and other support to Community Councils from time to time.

- (g) The Council's liaison officer shall facilitate advice and assistance to Community Councils and arrange for the establishment of a training programme for Community Councils on: the duties and responsibilities of Members; the role of Community Councils; the functions of the Council; and other relevant topics.

13. Liability of Community Council Members

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

14. Dissolution of a Community Council

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

15. Effect

This Scheme shall have effect as from the 1st January 2013 or such date as the Council may determine, and shall thereafter apply to the local authority area of Angus. Any existing Schemes shall be deemed to have ceased to apply as of the day preceding the date of the Scheme coming into effect.

16. Amendment of the Scheme

The Council will review this Scheme from time to time but at a minimum no less than once during each local authority cycle. This will not preclude, where necessary, amendments to Scheme in the intervening years. Any amendment to the Scheme will require the approval of the Council and will proceed in accordance with the provisions contained in Section 53 of the 1973 Act.

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