
SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN FIFE

ADOPTED BY THE FIFE COUNCIL
AT THEIR MEETING ON 3RD MARCH 2011



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1.0 **Purpose**

- 1.1 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. Community Councils are encouraged to promote community participation and a sense of community spirit within its community.
- 1.2 In addition to the general purpose of a Community Council, a Community Council may carry out such other functions as approved where appropriate by Fife Council or any other body who may provide resources to carry out the function, including the safeguarding and improvement of the amenities and environment in their area.

2.0 **Boundaries Of Community Councils**

- 2.1 The boundaries of the areas of Community Councils and their populations and the number of members to be appointed to Community Councils are detailed in Schedule 1 to this Scheme together with the plan annexed.
- 2.2 Any request to create new Community Councils by (1) the sub-division of an existing Community Council area or (2) the merging of 2 Community Council areas or (3) changing the boundaries of existing Community Councils must be made in writing to the Head of Democratic Services, who will arrange for the request to be submitted to the appropriate Fife Council Committee. Such requests should demonstrate local support for the proposal, including the agreement of the existing Community Council(s).

3.0 **Establishment of Community Councils**

- 3.1 The regular Community Council elections will provide an opportunity for the establishment of all Community Councils in Fife.
- 3.2 If, for any area a Community Council is not established at an ordinary election, then on the application of 20 electors from the appropriate area, a Community Council shall be established by election carried out under the rules for Community Council Elections.

4.0 **Qualification of Electors**

- 4.1 A person shall be entitled to vote at a Community Council election if he/she has reached the age of 16 on the date of the poll and is resident in the area of the Community Council and is registered as a local government elector there.
- 4.2 A person is not entitled to vote as an elector in more than one Community Council election.

5.0 **Qualification for Nomination, Election and Holding Office as a Member of a Community Council**

5.1 A person shall be qualified to be nominated as a candidate for election as a member of a Community Council if he/she has reached the age of 16 years and -

(a) on the day on which he/she is nominated as a candidate he/she is registered in the register of local government electors in respect of an address in the area of the Community Council; and he/she is resident in the area of the Community Council; and

(b) on the day on which he/she is nominated he/she is not an elected member of Fife Council.

5.2 A person holding office as an elected member of a community council will not act in the office of a community councillor unless he/she has signed a declaration accepting the office and undertaking to fulfil the duties of it according to the best of his/her judgement and ability, in accordance with the Scheme and undertaking to meet the standards of conduct outlined in Schedule 3.

If such a declaration is not made and delivered to the Head of Democratic Services within two months of being elected or appointed, the office of that person shall become vacant.

6.0 **Elections**

6.1 Elections under this scheme shall be held in accordance with rules for Community Council Elections made by Fife Council. Any rules made by Fife Council shall only be made following consultation with the Community Councils in Fife.

6.2 The ordinary elections for Community Councils shall take place in 2014 and every four years thereafter.

6.3 Where the number of nominations received is less than half of the number of vacancies that exist, the Community Council shall not be established at that time.

7.0 **Composition of Community Councils**

7.1 A Community Council shall consist of: -

(a) Elected Members - persons elected under this scheme, which shall include persons elected or appointed between ordinary elections to fill vacancies. Elected Members of the Community Council shall be entitled to speak and vote on any item of business considered by the Community Council.

(b) the elected members of Fife Council whose area of representation includes any part of the area of the Community Council shall be ex officio members of the Community Council. Such ex officio members shall not be entitled to hold office in terms of paragraph 10.1 of this Scheme and shall not be entitled to vote on any item of business considered by the Community Council;

- (c) co-opted members - persons who are not members of the Community Council, but have been appointed by the Community Council for any specific purpose by reason of their interest in the community or the area of the Community Council, or their expertise in a specific subject, and whose views would be of assistance to such Council or could be employed for the promotion or advancement of any scheme or project falling within the objects of such Council. The persons appointed for such a purpose shall not exceed one fourth of the elected members of the Council. Any person so appointed shall be appointed for such period as the Community Council may determine but not beyond the next elections to the Community Council. Co-opted members shall be entitled to speak on any item but not vote on any item of business considered by the Community Council.
- (c) nominated members - a Community Council may make provision to invite organisations operating within its area to nominate members to serve on the Community Council. Where a Community Council makes such provision then at no time shall the number of nominated members exceed one fourth of the elected members of the Council. Nominated members shall not be entitled to vote on any item of business considered by the Community Council.

7.2 In addition to members appointed under paragraph 7.1 above, the Royal Burgh of St. Andrews Community Council shall include three persons appointed by the Student Representative Council, such persons being students at the University of St. Andrews and having been elected to the Student Representative Council.

8.0 **Casual Vacancy**

8.1 In the event of a casual vacancy or vacancies occurring in the elected membership between ordinary elections, a Community Council shall be entitled to fill these vacancies with any person qualified as a candidate for election as a member of the Community Council who will be deemed to hold office as an elected member with voting rights.

8.2 In filling a vacancy with any person under this paragraph, a Community Council must, in the first instance, offer the vacancy to the unsuccessful candidate who polled the most number of votes at the most recent elections for community councils. If he/she does not wish to fill the vacancy or is no longer eligible for the Community Council or steps taken to contact him/her have in the opinion of the community council been unsuccessful, then the vacancy should be offered to the unsuccessful candidate who polled the next highest number of votes and so on until either the vacancy is filled or the list of unsuccessful candidates is exhausted. If a Community Council is unable to appoint from the list of unsuccessful candidates, a vacancy should be filled by any other reasonable method it chooses e.g. hold a public meeting at which candidates have a chance to state their case before a ballot of Community Council members.

8.3 A casual vacancy shall be deemed to have arisen on the occurrence of any of the following events:-

- (a) death of an elected member;
- (b) resignation of an elected member intimated to the Secretary of the Council in writing;
- (c) resignation of an elected member by declaration at a meeting of a Community Council so long as that resignation is not withdrawn in writing by the commencement of the next scheduled meeting of that Community Council;
- (d) unreasonable non-attendance by an elected member at meetings for a period of six months;
- (e) an elected member ceasing to be qualified as a candidate for election as a member of a Community Council;
- (f) the number of nominations received is sufficient to establish the Community Council in terms of paragraph 6.3 of this Scheme but less than the number of members to be appointed in terms of Schedule 1.

9.0 **Meetings**

- 9.1 (a) A Community Council shall hold in every year such meetings as it believes necessary and in an election year shall hold a meeting within one calendar month from the date of the election.
- (b) Meetings shall be held at such hours, on such days and at such places as the Community Council may decide, having regard to the availability of members of the Community Council and the ease of access of the place to members of the general public.
- (c) Public notification shall be given of the place, time, date and agenda of all community council meetings.

Notwithstanding the foregoing, a Community Council will meet not less than quarterly, one of which meetings will be an Annual General Meeting which shall consider and approve the examined financial statement for submission to Fife Council.

Special Meetings

9.2 A special meeting may be called:-

- (a) on the requisition of the Chair of the Council;
- (b) on requisition of at least one fourth of the elected members of the Council;
or
- (c) a requisition of twenty electors for the area of the Community Council.

The meeting shall be held within 21 days of receipt by the Secretary of the Community Council of a requisition stating the reason for the requisition. It will only be necessary to call such a meeting if the subject matter of the requisition cannot be dealt with at the next ordinary meeting of the Community Council.

Quorum

- 9.3 No business shall be transacted at a meeting of the Community Council unless the greater of at least 40% of the actual number of elected members or three of such members of the Community Council are present.

Public Access to Meetings

- 9.4 Subject to the provisions below, all meetings of the Community Council shall be open to the general public. The Community Council shall encourage public participation in its meetings and should include provision on the agenda for input from members of the public present. However, the public may, by resolution, be excluded from a meeting of the Community Council during consideration of an item of business whenever it is likely that if members of the public were present there would be disclosure to them of:-

- (a) information relating to any particular applicant for, or recipient or former recipient of, any financial assistance provided by the Community Council;
- (b) information relating to the financial or business affairs of any particular person (other than the Community Council);
- (c) any terms proposed or to be proposed by or to the Community Council in the course of negotiations for a contract for the acquisition or disposal of property or the supply of goods or services relating to that Community Council;
- (d) any instructions to counsel and any opinion of counsel (whether or not in connection with any proceedings) and any advice received, information obtained or action to be taken in connection with:-
 - (i) any legal proceedings by or against the Community Council; or
 - (ii) the determination of any matter affecting the Community Council, (whether, in either case, proceedings have been commenced or are in contemplation).
- (e) information relating to individuals nominated for civic awards (e.g. Citizen of the Year) prior to the announcement of the recipient. For the avoidance of doubt this does not apply to discussions relating to the filling of a vacancy arising from the resignation of an elected member of the Council.

Any decisions taken in private, together with the reason for taking the decision in private, shall be recorded in the minute and reported to the next meeting of the Community Council.

Standing Orders

- 9.5 Subject to the provisions of this Scheme, a Community Council may make standing orders for the regulation of its proceedings and business and may vary or revoke any such orders.

Committees

- 9.6 A Community Council may form committees to consider specified matters and may arrange for the discharge of any of its functions by such a committee. When a committee is established, details of the membership and terms of reference shall be included in the minutes of the Community Council. If a committee is appointed to discharge any of the functions of a Community Council, a majority of the members of the committee shall be elected members of the Community Council. Meetings of such committees shall be open to the general public as observers. Where a Committee is formed which has no decision making powers but rather will make recommendations to the Community Council, it will not be necessary to hold those meetings in public. Minutes of the proceedings of any committee shall be presented to the next meeting of the Community Council.

Minutes

- 9.7 Minutes of the proceedings of a meeting of a Community Council, including proceedings to which the public are excluded under 9.4, shall be drawn up and signed at the next ordinary meeting of the Community Council by the person presiding at that meeting. Thereafter minutes shall be available for inspection by any person who wishes to see a copy.

Declaration of Interest

- 9.8 Whether before or during any meeting of a Community Council a member of that Council becomes aware that he/she or any person connected with him/her has an interest in or relating to any matter to be or being considered, he/she shall declare such interest. A member who has declared a financial interest, or a non-financial interest which he/she considers would cause a member of the public, knowing all the relevant facts and acting reasonably, to form the view that he or she might be influenced by that interest, shall withdraw from the meeting during such consideration and shall not speak or vote on any question relating to the matter. Such declarations of interest shall be recorded in the minutes of the meeting.

10.0 **Appointment of Office Bearers**

- 10.1 At its first meeting which shall be convened for a date within one calendar month after the election of members every Community Council:-
- (a) shall elect one of its elected members to be Chair of the Council;
 - (b) may elect one or more of its elected members to be Vice-Chair;
 - (c) shall elect one of its elected members to be Secretary to the Council;
 - (d) shall elect one of its elected members to be Treasurer to the Council.

The above named office bearers will be appointed for a minimum period of 1 year, but may be appointed for the term of office.

A member of a Community Council may hold at the same time any two of the posts of Chair, Vice Chair, Secretary or Treasurer with the exception that a member cannot be both Chair and Vice Chair at the same time.

The Chair, Vice-Chair, Secretary and Treasurer shall continue in office until but not including the inaugural meeting of the Community Council following an election, unless a motion is passed in terms of paragraph 11.0 below of the Scheme. The inaugural meeting shall at its outset be chaired by a Local Authority Councillor for the area or any other person appointed to do so by Fife Council.

11.0 Removal of Office Bearers

11.1 In the event that an Office-Bearer of the Community Council is not performing his or her duties to the satisfaction of the Community Council, a motion to remove that Office Bearer from his or her post can be considered at a meeting of the Community Council, provided that notice has been given on the agenda for the meeting and the Office Bearer concerned has been given reasonable opportunity of being heard.

11.2 If a motion in terms of paragraph 11.1 above is passed by a two thirds majority of the current number of elected members on the Community Council, then the office bearer concerned will be deemed to have been removed from that post and the post will require to be filled as the next item of business at that meeting.

11.3 Any Community Councillor who becomes or acts as an election agent for a prospective candidate for local government or parliamentary elections covering part or all of the area of the Community Council, should not hold office in the Community Council during the period of the candidature. That period will commence on the day on which a candidate is nominated and shall continue until the day of the election. The Community Council should appoint a temporary replacement from within its elected members for the duration of that period.

12.0 Constitution

12.1 This Scheme will act as the Constitution for all Community Councils in Fife unless a Community Council decides to adopt its own constitution in terms of paragraphs 12.2 and 12.3 below.

12.2 Any Community Council can adopt its own constitution if it so wishes. If a Community Council wishes to adopt its own constitution, it must forward the constitution for the approval of Fife Council.

12.3 Constitutions approved by Community Councils must not conflict with the terms of this Scheme. Any constitution approved by an individual Community Council will remain in force until Fife Council approves a revision of this Scheme or the Community Council approves an amended Constitution.

12.4 Community Councils shall at all times act in accordance with law and in accordance with the terms of its constitution.

13.0 **Finance and Accounts**

13.1 The Fife Council shall in each financial year set aside funds of an amount determined by it towards the general running costs of community councils.

13.2 This sum shall consist of these elements:-

- (a) an amount to cover insurance which will be paid directly to the insurance company by Fife Council which will include public liability, employers' liability, loss and theft of money, personal accident, libel and slander and limited all risks cover for equipment.
- (b) a fixed basic grant for all community councils, which shall be used in the first instance to cover the main administrative costs;
- (c) a per capita allowance per head of population of the area of the Community Council (population figures will be updated annually in line with General Register of Scotland population estimates); and
- (d) reimbursement of any fee paid in association with the requirement for Community Councils to notify in terms of Data Protection.

13.3 The level of each of these elements will be agreed by Fife Council.

13.4 Community Councils shall be advised each year of its maximum grant allocated, based on the elements above.

13.5 Prior to disbursement of grant from Fife Council, Community Councils will submit the previous year's examined accounts and a request for a required sum up to the maximum allocation.

13.6 The grant will be paid to the Community Council via BACS. Community Councils not requesting their maximum allocation initially shall be able to request additional amounts up to this annual maximum should they require it. The full allocation of grant must be claimed by the end of December of that year.

13.7 In determining the amount payable to a community council, Fife Council shall take into account any surplus funds held by the community council where:

- (i) the surplus funds are from the grant previously given by Fife Council and not from the community council's own fund raising efforts, and
- (ii) the surplus funds are not being held by the community council for a specific future project which would require to be detailed in the annual accounts; and
- (iii) the Community Council's expenditure in the previous financial year was less than 80% of that year's annual grant; or
- (iv) the cumulative balance of the surplus funds being carried forward exceeds three times the annual grant.

- 13.8 All monies raised by or on behalf of a Community Council shall be applied to further the purposes of that Community Council (as defined in paragraphs 1.1 and 1.2 above) and for no other purpose.
- 13.9 Each community council shall keep books and/or records of income and expenditure in accordance with the Financial Guidelines provided by Fife Council. The Treasurer shall be responsible for keeping proper accounts of the finances of the Community Council. The accounts shall be examined at least once a year by an independent examiner appointed by the Community Council. A Community Council must resolve to appoint an independent person for the purpose of examining the Community Council's accounts.
- 13.10 Each Community Council will open a bank account in the name of the Community Council with a Bank or Building Society as the Community Council shall from time to time decide. The Community Council shall authorise in writing at least three of its members of the Community Council, one of whom shall be the Treasurer, to sign cheques on behalf of the Community Council. All cheques must be signed by not less than two of the three or more authorised signatories.
- 13.11 In carrying out its duties, a Community Council shall not incur expenditure in excess of the sum provided by way of grant unless funds to meet this additional expenditure have been raised by the Community Council itself to cover this.
- 13.12 Local Community Groups will be eligible to apply to Community Councils for grants insofar as they meet with the objects of the Community Council and funds permit.
- 13.13 The financial year of the Community Councils shall coincide with that of Fife Council (i.e. 1st April to 31st March).
- 13.14 Fife Council reserves the right to withdraw funding in the event of a Community Council failing to comply with the provisions of this Scheme or any legal obligations which it is required to meet.
- 14.0 **Consultation**
- 14.1 Fife Council recognises Community Councils as bodies which should be consulted and informed over matters of mutual interest and will make appropriate arrangements for information being supplied to Community Councils to enable them to ascertain, co-ordinate and express to Fife Council and other bodies the views of the communities they represent. Such arrangements will be incorporated in a good practice agreement detailing expectations regarding consultation and support by the Fife Council. The agreement will include a protocol regarding the attendance of Fife Councillors at Community Council meetings. The agreement shall be monitored and reviewed from time to time in consultation with Community Councils.
- 14.2 Fife Council recognises its statutory duty to consult on planning matters and has set up appropriate mechanisms to allow this to happen in accordance with Schedule 2.

15.0 **Heritable Property**

- 15.1 A Community Council may with the consent of Fife Council, which consent shall not be unreasonably withheld, acquire and hold heritable property, the title to which shall be taken in the name of the Chair, Vice-Chair(s), Treasurer and Secretary for the time being as trustees for such Community Council and their respective successors in office.

16.0 **Contracts**

A Community Council shall not enter any agreement or contract with any party which extends for a period in excess of six months without the prior written consent of Fife Council. Fife Council shall not unreasonably withhold such consent and in considering an application by a Community Council for such consent shall have regard among other things to the proposed period of the agreement or contract, the parties to the proposed agreement or contract, the financial and other obligations on any of the parties to the proposed agreement or contract and the suitability of the subject matter of the proposed agreement or contract in relation to the purpose of the Community Council.

17.0 **Equalities**

- 17.1 In fulfilling its purpose or carrying out any function a Community Council shall in doing so recognise that people may face discrimination on the grounds of their sex or marital status, on racial grounds, on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political beliefs and shall not discriminate in any of these ways in any way.

18.0 **Environment**

A Community Council shall have regard to the impact on the environment of all its activities and shall ensure as far as possible that any projects which it promotes or funds contribute to sustainable development. Community Councils shall promote good environmental practices, such as recycling, within the community.

19.0 **Comments and Complaints**

- 19.1 A Community Council shall encourage comments and suggestions on the exercise of its role under this Scheme.
- 19.2 If a complaint is made against a Community Council or individual Community Councillor, the procedure outlined in Schedule 4 shall apply.

20.0 **Dissolution of Community Councils**

- 20.1 If a Community Council decides that it is advisable to dissolve the Community Council, it shall call a public meeting of which not less than 21 days notice shall be given, stating the terms of the resolution to be proposed. If such a decision is confirmed by two thirds majority of those present the Community Council shall, after payment of all debts and liabilities, transfer the assets to Fife Council to be held in trust for a future Community Council if established or to such other organisation as Fife Council may determine.

20.2 In the event that the membership of the Community Council falls below 50% of the maximum permitted membership under this Scheme for a continuous period of 6 months despite efforts to fill casual vacancies, the Community Council shall be dissolved and a formal interim election held to re-establish the Community Council.

20.3 In the event that a Community Council is found to be in breach of the Scheme or a complaint against the Community Council is upheld in accordance with the provisions in Schedule 4, a recommendation may be made to Fife Council that the Community Council be dissolved.

21.0 **Review**

21.1 Having regard to changing circumstances and to any representations made to it, Fife Council shall from time to time review this Scheme and any proposed amendment to the Scheme shall be subject to consultation in accordance with Section 53 of the Local Government (Scotland) Act 1973.

SCHEDULE 1

Number on Plan	Community Council (including details of sub-divisions if any, showing split of elected membership)	Elected Membership (with effect from 2015)	Population (GROS estimates as at 2013)
1.	Kincardine	12	3015
2.	Culross	8	461
3A.	High Valleyfield	10	1764
3B.	Low Valleyfield	10	146
4.	Blairhall	8	1023
5.	Oakley & Comrie	12	3176
6.	Torryburn & Newmills	10	1070
7.	Crombie	8	435
8.	Crossford	11	2451
9.	Cairneyhill	11	2440
10.	Carnock and Gowkhall	10	1042
11.	Saline and Steelend	10	1739
12.	Kelty	15	6718
13.	Benarty	14	5650
14.	Lochgelly	16	7037
15.	Lumphinnans	8	908
16.	Cowdenbeath	19	10056
17.	Hill of Beath	8	760
18.	Halbeath & Duloch	16	7707
19.	Kingseat	8	784
20.	Townhill (Dunfermline)	10	1299
21A.	Milesmark and Baldrige (Dunfermline)	15	6441
21B.	Wellwood (Dunfermline)	8	624
22.	Headwell (Dunfermline)	12	3568
23.	Bellyeoman (Dunfermline)	13	4041
24.	Central Dunfermline	15	6460
25.	Touch and Garvock (Dunfermline)	14	5106
26.	Abbeyview (Dunfermline)	16	7179
27.	South Dunfermline (formerly Pitcorthie)	17	8249
28.	Izatt Avenue Area and Netherton (Dunfermline)	10	1823
29.	Charlestown, Limekilns and Pattiesmuir	13*	1644
30.	Rosyth	20	13743
31.	North Queensferry	10	1078
32.	Inverkeithing	14	5298
33.	Crossgates and Mossgreen	11	2689
34.	Dalgety Bay and Hillend	19	10150
35.	Aberdour	13*	1841
36.	Auchtertool	8	492
37.	Burntisland	15	6616
38.	Royal Burgh of Kinghorn	12	3024
39.	Kirkcaldy West	20	10988
40.	Templehall	20	11025
41.	Kirkcaldy North	14	5477
42.	Bennochty and Hayfield	19	10224
43.	Kirkcaldy East	18	9500
44.	Dysart	11	2299
45.	Thornton	11	2344

Number on Plan	Community Council (including details of sub-divisions if any, showing split of elected membership)	Elected Membership (with effect from 2015)	Population (GROS estimates as at 2013)
46.	Cardenden	14	5973
46A.	Kinglassie	10	1913
47.	Glenwood (Glenrothes)	16	7063
48.	South Parks and Rimbleton (Glenrothes)	14	5002
49.	Pitteuchar, Finglassie and Stenton (Glenrothes)	16	7999
50.	Auchmuty/Woodside (Glenrothes)	15	6793
51.	North Glenrothes	20	11129
52.	Leslie	12	3164
53.	Markinch	12	3384
54.	Star of Markinch	8	479
55.	Milton and Coaltown of Balgonie	10	1476
56.	Coaltown of Wemyss	8	580
57.	West Wemyss	8	289
58.	East Wemyss and McDuff	11	2042
59.	Buckhaven	13	4985
60.	Methilhill	10	1729
61.	Methil	17	8674
62.	Leven	17	8983
63.	Windygates	11	2034
64.	Kennoway	13	4959
65.	Largo Area	14*	2983
66.	Largoward and District	8	366
67.	Colinsburgh and Kilconquhar	8	699
68.	Elie and Royal Burgh of Earlsferry	8	766
69.	St Monans, Abercrombie and District	10	1309
70.	Royal Burgh of Pittenweem and District	10	1520
71.	Royal Burgh of Kilrenny and Anstruther, and of Cellardyke	15*	3854
72.	Carnbee and Arncroach	8	411
73.	Royal Burgh of Crail and District	10	1829
74.	Kingsbarns	8	392
75.	Boarhills and Dunino	8	351
76.	Royal Burgh of St. Andrews	20	16621
77.	Strathkinness	10	1013
78.	Cameron	8	756
79.A	Ceres & District	10	1554
79.B	Kemback, Pitscottie & Blebo	8	544
80.	Springfield	10	1275
81.	Royal Burgh of Ladybank and District	10	1690
82.	Giffordtown and District	8	203
83.	Cults	8	507
84.	Kettle	10	1395
85.	Freuchie	10	1347
86.	Royal Burgh of Falkland and Newton of Falkland - Falkland and surrounding area (8) Newton of Falkland (2)	10	1446

Number on Plan	Community Council (including details of sub-divisions if any, showing split of elected membership)	Elected Membership (with effect from 2015)	Population (GROS estimates as at 2013)
87.	Auchtermuchty and Strathmiglo - Auchtermuchty (3) Strathmiglo (3) Gateside (3) Dunshalt (3)	12*	3972
88.	Collessie	8	142
89.	Newburgh	11	2215
90.	Abdie and Dunbog	8	420
91.	Creich and Flisk - Flisk (2) Brunton (2) Luthrie (2) Carphin/Parbroath (2)	8	229
92.	Moonzie	8	47
93.	Monimail	8	392
94.	Royal Burgh of Cupar and District	18	9945
95.	Dairsie	8	691
96.	Guardbridge and District	8	679
97.	Balmullo	10	1659
98.	Leuchars	12	3139
99.	Tayport Ferryport-on-Craig	13	4367
100.	Newport, Wormit and Forgan	13	4493
101.	Balmerino, Kilmany and Logie	10	1362

Guidelines for Elected Membership - determined in accordance with population, allowing for exceptions to suit local circumstances (such exceptions are indicated thus*):-

<u>Elected Membership</u>	<u>Population</u>
8	1,000 or less
10	1,001 - 2,000
11	2,001 - 3,000
12	3,001 - 4,000
13	4,001 - 5,000
14	5,001 - 6,000
15	6,001 - 7,000
16	7,001 - 8,000
17	8,001 - 9,000
18	9,001 - 10,000
19	10,001 - 11,000
20	11,000 or more

CONSULTATION WITH COMMUNITY COUNCILS ON PLANNING APPLICATIONS

- All Community Councils are sent a weekly list of all planning applications.
- Where the Community Council is a statutory consultee, i.e. where the development could affect the amenity in the area of the Community Council, they will be consulted directly. Where they are not deemed to be a statutory consultee, they can request formal consultation within 7 working days of the issuing date of the weekly list.
- Following a formal request, a minimum 14 day consultation period is initiated, beginning on the date of issue of the application details.
- Copies of the relevant plans and forms can be accessed by Community Councils via the FifeDirect web page. The 'Planning Applications Online' system also provides the opportunity for Community Councils to register a geographical area of interest and receive notification by email of all applications submitted within that area.
- The case officer is identified on the weekly list to assist the Community Council, e.g. for further discussion or information.
- Community Councils are also informed whether the planning application will be considered by the Area Planning Committee or whether it is an application which could be determined under powers delegated to officials.
- Informal consultation and discussion also takes place if requested by the Community Council or if considered necessary by Economy, Planning & Employability.
- Community Councils may be asked by the applicant to participate in pre-application consultation before the submission of a planning application for national or major development. The pre-application consultation will comprise a minimum period of 12 weeks community engagement which must include at least one public event.
- A Community Council which covers an area within or immediately adjoining a site of a major or national application in Fife will be advised that a proposal of application notice has been submitted. This notice and the subsequent application will also appear in the Weekly List of Applications.
- It is the role of Community Councils to consult the wider community on planning issues which affect them to the extent to which it is feasible within the resources of the Community Council.

The above consultation procedure is the minimum level of service provided. In some instances specific consultation arrangements may be agreed with individual Community Councils to suit their particular requirements.

STANDARDS OF CONDUCT

The following key principles should be followed by all Community Councillors.

Duty

Community Councillors have a duty to uphold the law and act in accordance with the law and the public trust placed in them. They have a duty to act in the interests of the Community Council as a whole and all the communities served by it and a duty to be accessible to all the people of the area for which they have been elected to serve, and to represent their interests conscientiously.

Selflessness

Community Councillors have a duty to take decisions solely in terms of the public interest. They must not act in order to gain financial or other material benefit for themselves, family or friends.

Integrity

Community Councillors must not place themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties.

Objectivity

Community Councillors must make decisions solely on merit when carrying out public business.

Accountability and Stewardship

Community Councillors are accountable for their decisions and actions to the public. They have a duty to consider issues on their merits, taking account of the views of others, and they must ensure that the Community Council uses its resources prudently and in accordance with the law.

Openness

Community Councillors have a duty to be as open as possible about their decisions and actions, giving reasons for their decisions and restricting information only when the wider public interest clearly demands.

Honesty

Community Councillors have a duty to act honestly. They must declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Community Councillors have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of the Community Council and its Community Councillors in conducting public business.

Respect

Community Councillors must respect the members of the community they serve and all other Community Councillors and the role they play, treating them with courtesy at all times.

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN FIFE

COMPLAINTS PROCEDURE

1. INTRODUCTION

This schedule gives guidance on how complaints about Community Councils or individual Community Councillors or disputes between members of the Community Council will be dealt with.

It does not apply to:-

- complaints being dealt with by insurers
- complaints that are the subject of legal proceedings or statutory procedures

2. WHAT IS A COMPLAINT

A complaint is an expression of dissatisfaction about a Community Council or individual Community Councillor which requires action to remedy, for example:-

- Failure to conform to the Scheme for the Establishment of Community Councils in Fife or to exercise their purpose under the Scheme
- Failure to provide information or giving incorrect information
- Behaviour of, or conduct of individual Community Councillors acting in his/her role as a Community Councillor
- The absence of policies or procedures
- Alleged discrimination, for example on the grounds of race, gender, disability, age, sexual or religious orientation.

If any doubt remains as to whether the complainant's dissatisfaction qualifies as a complaint, the complainant's wishes should be respected if he/she insists on making a complaint, then he/she should be allowed to do so and have their complaint investigated fairly in all respects.

All complaints should be responded to in writing (e-mail or letter), however at all stages communication with the complainant should be by their preferred method – e-mail, letter or telephone. The Community Council or Community Councillor who is the subject of a complaint will be invited to make representations at all stages of the process.

All timescales are in working days, however it may be that complaints may take a longer period to resolve and timescales may be extended subject to the complainant being advised.

3. STAGE 1 – MAKING A COMPLAINT - LOCAL RESOLUTION

A complaint expressing dissatisfaction about a Community Council or an individual Community Councillor should be made to the secretary, or other office bearer of a Community Council.

Complaints should normally be submitted in writing but may be made by speaking to the secretary or other office bearer who will record the complaint in writing and agree the content with the complainant who will require to countersign the complaint.

If complaints are raised with any of the local Fife Councillors or an officer of Fife Council then the local Fife Councillor or officer should immediately pass the complaint to the secretary or other office bearer of the Community Council.

The secretary or another office bearer of the Community Council will try to resolve any complaint quickly and informally where possible and if it is not possible for immediate resolution the secretary or office bearer shall:-

- send a written acknowledgement of the complaint within 5 days. If the complaint is made verbally the acknowledgement will outline the complaint as agreed with and countersigned by the complainant.
- carry out a further investigation of the complaint and report to the Community Council within 35 days
- inform the complainer about the outcome in writing within 42 days from the date the complaint was received by the Community Council and give advice on Stage 2 in the event that the complainant is not satisfied with the outcome.
- in the event the timescales cannot be met, write to update the complainant regularly until the outcome of the complaint is available .
- send copies of formal correspondence to the Head of Democratic Services, Fife Council for information.

4. STAGE 2 –REVIEW BY FIFE COUNCIL

If a complainant is still not happy with the response of the Community Council to the complaint it can be referred to the Head of Democratic Services, Fife Council for review. A request for review must be made within 20 days of receiving the response to the original complaint.

- The request for a Review will be received by the Head of Democratic Services and will be acknowledged in writing within 5 days.
- The Head of Democratic Services will carry out a review of the complaint and response seeking to negotiate an acceptable resolution and the outcome will be confirmed to the complainer and the Community Council within 35 days from the receipt of the request for review, and will advise what further action, if any, may be taken in the event either the complainant or Community Council remain unhappy.

- The Head of Democratic Services will have discretion as regards the further action which may be taken (e.g. in the event that complaints are considered vexatious or no further redress would be appropriate).

5. STAGE 3 – APPEAL TO PANEL

If the complaint remains unresolved (including the Community Council not being happy with the decision arising from the stage 2 review) the matter may be referred by the complainant, the Community Council or the individual Community Councillor to a three person panel comprising two Fife councillors with an interest in Community Council matters, and one Community Councillor from another area of Fife.

The Head of Democratic Services shall make the appropriate arrangements for the panel to meet within 28 days of this referral. Such an appeal must be made within 20 days of being advised of the outcome of Stage 2.

The outcome of the appeal will be intimated to all parties within 14 days from the date of the appeal being heard.

6. REMEDY & REDRESS

When at any stage a complaint is found to be upheld the response will seek to provide an appropriate resolution. This may include:-

- an explanation and an apology
- a proposal to seek an appropriate resolution
- advice on any changes to be made as a result of the complaint to avoid problems recurring in the future

The independent panel at Stage 3 may impose sanctions as a result of the complaint and these sanctions may include:-

- Censure but otherwise taking no action against an individual member or a Community Council.
- Suspension for a period not exceeding 6 months of entitlement of a member of a Community Council to act in such capacity and/or disqualification of a member of a Community Council for a period not exceeding 5 years from being or being nominated for election as or being elected such a member.

In the case of a Community Council a recommendation may be made to Fife Council that:-

- any sums payable to the Community Council be withheld.
- that the Community Council be dissolved in which case paragraph 20 of the scheme shall apply.

7. COMPLAINTS RELATING TO FINANCE OR CRIMINAL ACTIVITY

Any complaints received alleging financial impropriety should be given careful consideration as to how to proceed and, if appropriate, the Executive Director, Finance and Corporate Services, Fife Council should be consulted.

Any complaints making allegations of criminal activity should involve consideration as to whether or not to involve the police.

GLOSSARY OF TERMS

The Scheme	<u>Scheme for the Establishment of Community Councils in Fife</u> - This document provides a minimum framework governing the establishment and operation of Community Councils in Fife.
Elected Member (Para. 7.1 (a))	A person elected to a Community Council at an ordinary or interim election, or outwith a formal election process to fill a casual vacancy. Elected members have full voting rights.
Co-opted Members (Para. 7.1 (c))	Co-opted members are generally appointed for their expertise or interest in a specific matter the Community Council has to consider. They need not be eligible to stand as a member of the Community Council but although entitled to speak on any matter they may <u>not</u> vote on any item of business considered by the Community Council. The total number of co-opted members on the Community Council must not exceed one quarter of the total elected membership.
Nominated Members (Para. 7.1 (d))	A nominated member will represent a specific organisation operating within the area on the invitation of the Community Council. Nominated members are <u>not</u> entitled to vote and the total number of nominated members may not exceed one quarter of the total elected members of the Council.
Quorum (Para. 9.3)	The minimum number of members who must be present to enable the Community Council to make decisions. This is currently 40% of the actual number of elected members or 3, whichever is the greater.
Ordinary Election (Para. 6.0)	An election organised by the local authority to appoint members to all Community Councils within Fife, arranged on a 4-yearly basis.
Interim Elections	An election organised by the local authority between ordinary elections usually to enable the establishment of a Community Council not previously established at the ordinary elections.
Declaration of Acceptance (Para. 5.2)	Every Community Councillor requires to complete and sign a declaration accepting the office of Community Councillor and undertaking to fulfil the duties to the best of their ability and to meet the standards of conduct in Schedule 3 to the Scheme.
Standing Orders/	

Standing Orders

(Para. 9.5)

The rules which determine how the meetings and business of the Community Council shall be conducted.

Committees

(Para. 9.6)

Committees may be formed either to discharge a specific function of the Community Council (such as dealing with consultations on planning applications) or to consider a topic on a one-off basis. Depending on the remit, the committee may or may not have delegated authority to make decisions. The Community Council minutes must detail the membership and remit, including the extent of their authority, of any established sub-committees. Minutes of the proceedings of any sub-committee shall be presented to the next meeting of the Community Council, either for noting or approval dependent upon the delegation to the committee. Where the committee is making decisions the meetings will require to be held in public.

Constitution

(Para. 12.0)

A written document setting out the aims and purposes of an organisation and how it is governed.

Heritable Property

(Para. 15.0)

Assets, such as land or buildings, which are fixed and cannot be moved.