



**SCHEME FOR THE
ESTABLISHMENT
OF COMMUNITY COUNCILS
WITHIN ARGYLL & BUTE**

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1. **STATUTORY AUTHORITY**

In pursuance of the terms of Section 52 of the Local Government (Scotland) Act 1973, and Section 22 of the Local Government (Scotland) Act 1994, and after public notice and consultation, Argyll & Bute Council hereby propose the following scheme for the establishment of Community Councils for the Argyll & Bute Council area.

The Local Authority has a legislative duty to prepare, and periodically review, a scheme for the establishment of Community Councils in the area. Since the scheme was last reviewed in 1998, alterations have taken place to the boundaries of polling districts, with the result that a further review is required now, which provides an opportunity to address a number of concerns expressed by Community Councils in regard to the existing scheme.

2. **ROLE AND STATUS OF COMMUNITY COUNCILS**

Community Councils were first established in 1975 following the previous re-organisation of Local Government in Scotland. Community Councils are not intended to be another tier of Local Government. Their primary role is defined in statute:-

"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".

Community Councils are voluntary organisations established within a statutory framework who have an important role to play in acting as a voice for local communities, representing the views of local communities to the Council and other public bodies, and otherwise to further the interests of their community. Community Councils should, on a regular basis, review their representative nature and how effective they are in establishing public opinion within their area.

Community Councils do not have the power to levy local taxes, but are able to undertake local fund raising activities on their own behalf, as well as being eligible to receive financial support from the Council and apply for other grants which are appropriate to their activities. They also have the power to acquire property, both heritable and movable, and appoint staff where this is felt necessary to carry out their responsibilities.

Community Councils also act as a consultative forum for the Local Authority on planning and licensing matters and any other matters deemed appropriate to consult upon.

3. **BOUNDARIES FOR COMMUNITY COUNCIL AREAS**

The proposed boundaries for Community Council areas are shown in Appendix I attached.

4. **MEMBERSHIP AND COMPOSITION OF COMMUNITY COUNCILS**

i. **Number of Elected Members:**

- (a) Persons may not stand for election to a community Council if they are either an Argyll & Bute Council Officer at Chief Officer level, or are an elected member of that Council.
- (b) The number of elected Members to serve on a Community Council will range from a minimum of between 6 and 11 members, depending upon the electorate:-

Electorate	Number of Core Members
Up to 500	6
501 – 2000	8
2001 – 5000	9
Over 5000	11

- (c) Each Community Council may also, at its discretion, increase the number of Members on the basis of one additional member per thousand electorate (or part thereof), as set out in Appendix 1 attached. Prior to the elections in April 2005 existing Community Councils will be asked to determine whether, and in which sub-area(s), if applicable, such additional Member representation shall be allocated. Unless advised otherwise, elections will be based on the core membership number, as set out in (b) above.
- (d) The Scheme will include sub-areas for electoral purposes where a Community Council has more than one Polling District (see Appendix 1 attached). Furthermore, for the purposes of a more equitable representation of Elected Members throughout its area, a Community Council may also specify sub-areas within its Constitution. Where additional members are elected, in terms of (c) above, it is expected that Community Councils will take into account the principles of equitable representation.

ii. Co-opted Members

- (a) Community Councils are able to co-opt Members providing that the person to be co-opted is neither an Argyll & Bute Council officer at Chief Officer level, nor an Elected Member of that Council.
- (b) The number of Co-opted Members must not exceed one third of the actual number of elected members of the Community Council.
- (c) Co-opted Members should only serve on the Community Council for the duration of the project/purpose for which they were co-opted.
- (d) The maximum period of co-option in any event being up to the next full election of the Community Council.
- (e) Co-opted Members will have voting rights only in respect of matters directly related to the project/purpose for which they were co-opted.

iii. Nominated Members

- (a) Community Councils are able to invite local organisations to nominate Members, providing that the number of Nominated Members does not exceed one third of the actual number of Elected Members of the Community Council.
- (b) The maximum period of office for Nominated Members is one year. This does not exempt a person from re-nomination.
- (c) Nominated Members do not have voting rights.
- (d) Political parties will not be eligible for nomination.

iv. Eligibility for Membership of a Community Council

To be eligible for membership of a Community Council, Elected and Co-opted persons must be listed on the Register of Local Government electors, currently in force, for an address within the Community Council area and have reached the age of 18 on the day of their election/co-option.

5. ELECTIONS

The initial (2005) elections to Community Councils will be conducted by Argyll & Bute Council. These will be governed by the Scottish Local Government Election Rules 2002, modified as necessary at the discretion of the Returning Officer.

Subsequent elections will be the responsibility of Community Councils, subject to the following arrangements:

- i. The normal period of life of Community Councils will be four years. Ordinary elections will be held on the first Thursday in April at four yearly intervals from the date of the initial election. Elections to Community Councils subsequently established under this Scheme, will be held at four yearly intervals from the date of their initial election.
- ii. The appointment of a Returning Officer will be left to the discretion of individual Community Councils, but will be subject to the approval of Argyll & Bute Council.
- iii. The form of elections will be that of a secret ballot, but detailed arrangements will be left to individual Community Council's constitutions.
- iv. The conduct of elections will be the responsibility of the Returning Officer. In addition, it will be the responsibility of the Returning Officer to notify the results to Argyll & Bute Council.
- v. The notice required for Community Council elections will be a minimum of 35 calendar days prior to the date of the election.
- vi. Each nomination must contain a proposer, a seconder and three assentors.
- vii. Qualification for voting at Community Council elections is restricted to persons aged 18 years and over, on the day of the election, and whose name appears in the Register of Local Government electors, currently in force, for an address within the Community Council area.
- viii. A Casual Vacancy will exist:
 - (a) When an Elected Community Councillor ceases to reside within the Community area where he/she has been elected;
 - (b) When an Elected Community Councillor submits his/her resignation in writing;
 - (c) When an Elected Community Councillor dies;
 - (d) If a Member of the Community Council fails to attend any meetings of the Community Council throughout a period of six consecutive months, unless the failure was due to some reason approved by the Community Council before the end of the six months.

A casual vacancy for an Elected Member will be filled by election as soon as is agreed by the Community Council and is practicable. Any such vacancy occurring six months or less prior to the date of the next ordinary election, however, need not be filled.

6. MEETINGS

- i. The first meeting of a newly elected Community Council must be held within one month of the ordinary election.
- ii. At that first meeting, the Members must appoint from their own number, a Chairman, a Secretary, a Treasurer and such other Office Bearers that are felt necessary.

If there are no nominations for the office of Secretary and/or Treasurer, then a Community Council may co-opt these appointments, subject to the procedures for co-option in Section 4, sub-section (ii) of the Scheme at that or a following meeting.

- iii. It will be the responsibility of the Community Council to inform Argyll & Bute Council of the appointments, and any subsequent changes, of office-bearers.
- iv. A Community Council must meet a minimum of four times, including the Annual General Meeting, each year.
- v. All meetings must be held in public. However, certain matters may be taken in private providing that the reason is specified and voted upon at the public meeting prior to the item being taken privately. This decision must also appear in the subsequent minutes of the public meeting.
- vi. A minimum quorum of one third or three, whichever is the greater, of the total number of elected members is required to be present at each meeting.
- vii. An Annual General meeting must be held not later than 30th June each year.
- viii. A Special meeting must be convened on receipt of a request, specifying the business to be discussed, from 20 electors, whose names appear in the Register of Local Government electors, currently in force, for an address within the Community Council area, for electorates of less than 4,000 and 50 electors for those above 4,000.

Alternatively, a Special meeting may be convened on receipt of a request from 50% or 3, whichever is the greater, members of the Community Council.
- ix. The minimum notice and publicity, specifying the items of business to be discussed, which should be given for Community Council meetings is 12 clear days.

7. CONSTITUTION OF A COMMUNITY COUNCIL

At its formation, a Community Council must adopt a constitution. In the interests of consistency across Argyll and Bute, the Local Authority shall provide a Model Constitution which sets out the key elements that should be included in a Community Council's constitution, necessary for the conduct of its business. The Model Constitution will include reference to:

- (a) The name of the Community Council;
- (b) The purpose or objects of the Community Council;
- (c) The geographical area covered by the Community Council;
- (d) The size and composition of the Community Council;
- (e) The minimum number of meetings to be held by the Community Council in any one year;
- (f) The terms of office and arrangements for Community Council elections;
- (g) The elections and/or appointments of Office Bearers;
- (h) The power to appoint Committees within the Community Council, including their size, composition, function and quorum;
- (i) The finance and accounts of the Community Council;
- (j) Alterations to the constitution of the Community Council;
- (k) The dissolution of the Community Council

A Community Council may, however, within a period of four months, make changes to the Model Constitution as it sees fit. A copy of the amended Constitution, approved by a majority of the Elected Members present at a Community Council meeting convened specially to consider it, must be submitted within a further month to Argyll & Bute Council. Argyll & Bute Council will, however, have the right to alter or substitute any part of the amended Model Constitution.

A Community Council may at any future date thereafter propose changes to their adopted Constitution, subject to the approval of Argyll & Bute Council. Any proposed changes however, will not become effective until approved in writing by Argyll & Bute Council.

8. FINANCIAL SUPPORT AND FINANCIAL REGULATIONS

- i. Argyll & Bute Council may contribute annually towards the administrative expenses of Community Councils, the level of which will be based on a formula agreed by the Council and subject to the Council's overall financial position.
- ii. (a) A Community Council is required to have some form of bank or building society account through which all receipts and payments must pass. Proper financial records must be maintained and financial reports submitted to meetings on a regular basis.

- (b) A statement of receipts and payments and a balance sheet as at 31st March must be prepared annually within two months of that date by the Treasurer and presented to the Community Council prior to audit.
Within one month of presentation of the accounts to the Community Council, two copies of the statement along with all relevant books, documents etc., must be submitted to a "competent" person for audit and certification.
- (c) The audited accounts should be presented to the Annual General Meeting for approval and must then be made available for public scrutiny by the Community Council, before being submitted to Argyll & Bute Council within a further two months, and in any event, by 30th December each year.
- (d) Grant assistance to Community Councils will only be payable subject to the above conditions and on submission of audited accounts for the previous financial year within the time scale stated.
- (e) In the event of the dissolution of any Community Council, all property, heritable or movable, and funds vested in the Community Council at the date of its dissolution may be applied to any purpose that benefits the inhabitants of that Community Council area with the approval of Argyll & Bute Council, subject to the terms of any trust or title deed. However, preference will be given to any successor Community Council elected under the terms of this Scheme.

9. **EXCHANGE OF INFORMATION BETWEEN ARGYLL & BUTE COUNCIL AND INDIVIDUAL COMMUNITY COUNCILS**

- i. All Minutes of Community Council meetings must be made available to Councillors and to appropriate Argyll & Bute Council Departments 12 clear days prior to the date of the next meeting.
- ii. The Area Committee Agenda, Minutes of the previous Area Committee (for a Community Councils area) and the Council Agenda, will be made available to all Community Councils. However, any reports or additional background material required by a Community Council, will also be made available, on request, except when these reports or background material contain exempt information as defined in the appropriate paragraph of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973.
- iii. A separate Code of Practice, which seeks to promote good communications and the exchange of information between Community Councils and Argyll & Bute Council, will be made available to all Community Councils.

10. **AMENDMENT OF THE SCHEME**

This Scheme may be amended from time to time by a resolution to that effect being made by Argyll & Bute Council, subject to the terms of Section 53 of the Local Government (Scotland) Act 1973, as amended by the Local Government (Miscellaneous Provisions) (Scotland) Act 1981, and Section 22 of the Local Government (Scotland) Act 1994.