

**EAST RENFREWSHIRE COUNCIL  
SCHEME FOR THE ESTABLISHMENT  
OF COMMUNITY COUNCILS  
(amended 2015)**

**1 Introduction**

- 1.1 The Local Government (Scotland) Acts of 1973 and 1994 require each local authority in Scotland to set out a scheme for community councils in their area.
- 1.2 Under the terms of these Acts, East Renfrewshire Council approved its Scheme for Community Councils in 1998. East Renfrewshire Council reviewed and amended the scheme in 2009 and again in 2015, in consultation with all community councils concerned and having given public notice of proposed amendments.
- 1.3 As a result of this process, East Renfrewshire Council, under the terms of Section 53 of the Local Government (Scotland) Act 1973 relating to amendment of schemes for community councils, and having considered representations made by the community councils concerned and the public to the proposed amendments, hereby makes the following Scheme for the Establishment of Community Councils (amended 2015). This scheme supersedes and replaces all elements of any previous scheme.

**2 Statutory Purposes**

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

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

**3 The Role and Responsibilities of Community Councils**

- 3.1 The general purpose of community councils is to act as a voice for their local area. This will involve them articulating the views and concerns of local people in their area on a wide range of issues of public concern and making representations to East Renfrewshire Council, other public sector bodies and private agencies on matters within their sphere of interest.
- 3.2 It is essential that these views be demonstrated to be accurately representative of the community. Accordingly, community councils will have in place, in consultation with East Renfrewshire Council, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sectors of the community.

- 3.3 Community councils have a statutory right to be consulted on planning applications and certain liquor licensing matters. Other matters may also be jointly agreed between community councils, East Renfrewshire Council and other public sector and private agencies.
- 3.4 Community councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objectives of their constitution and the terms of this Scheme.
- 3.5 There should be mutual engagement in the establishment of community councils' working relationships with East Renfrewshire Council and other agencies.
- 3.6 Each community council is required in the first instance to adopt the Model Constitution at Appendix I to this Scheme, together with Model Standing Orders (Appendix II), to encourage and maintain consistency for all community councils and to facilitate their proceedings being properly structured and regulated, to ensure that items of business relevant to the community are properly debated and decisions reached in a democratic manner. Thereafter variation to Constitutions and Standing Orders will only be approved if they improve the operation of a community council without impacting upon its transparency or accountability. East Renfrewshire Council is required to approve or reject any amendments to a community council's Constitution and Standing Orders and the decision of the Council shall be final.
- 3.7 In carrying out their activities, community councils and their members must at all times adhere to the law, the terms of this Scheme, the terms of their Constitution and the Code of Conduct for Community Council Members (a copy of which is set out at Appendix III to this scheme).
- 3.8 Community councils have a duty under statute to represent the views of their local community. It is vital, therefore, that they reflect the broad spectrum of opinion and interests of all sections of the community. In order to fulfil their responsibilities as effective and representative bodies, community councils shall:
- 3.8.1 Inform the community of the work and decisions of the community council by posting agendas and approved minutes of meetings in public places such as libraries and notice boards, and online, and (subject to the provisions of the Data Protection Act 1998) providing contact details of community council members. Agendas shall be published in line with this clause not later than 5 days in advance of the meeting to which they relate.
- 3.8.2 Not later than 5 days prior to a community council meeting, circulate the agenda for that meeting and the draft minutes of the previous meeting to community council members, the Council, ex-officio members and other parties having an interest in the matters discussed.

- 3.8.3 Provide the approved minutes of community council and any committee meetings to the Liaison Officer appointed by East Renfrewshire Council under clause 10.1 below within 14 days of their approval; circulate them to community council members, relevant elected members and other parties having an interest in the matters discussed. Approved minutes will be published online by the Liaison Officer.
- 3.8.4 Seek to broaden both representation and expertise by co-opting members in line with section 8 below, and by promoting the Associate Membership of the community council of persons for specific projects/issues.
- 3.8.5 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.
- 3.8.6 Maintain proper financial records and present financial reports at community council meetings.
- 3.8.7 Inform East Renfrewshire Council of any change in membership (resignations, co-options, Associate Membership, etc.) or circumstances, as soon as is practicable.

#### **4 Community Council Areas within East Renfrewshire**

- 4.1 Community Councils shall have a maximum population of 20,000. In the first instance, East Renfrewshire shall be divided into the following 11 community council areas:
- Barrhead Community Council
  - Broom, Kirkhill and Mearnskirk Community Council
  - Busby Community Council
  - Clarkston Community Council
  - Crookfur, Greenfarm and Mearns Village Community Council
  - Eaglesham and Waterfoot Community Council
  - Giffnock Community Council
  - Neilston Community Council
  - Netherlee and Stamperland Community Council
  - Thornliebank Community Council
  - Uplawmoor Community Council

4.2 Maps showing the boundaries of each community council area are attached as Appendix IV.

4.3 In the event that the population of a community council area exceeds 20,000, East Renfrewshire Council shall propose an alternative division of East Renfrewshire in terms of which the population of no community council area will exceed 20,000. The Council shall give public notice of their proposals, inviting those community councils whose areas would be amended and the populations of those areas to make representations to the Council on the proposed alternative division. The Council shall consider any representations made and may either:

4.3.1 divide East Renfrewshire as proposed; or

4.3.2 propose a different division in light of the representations received, in which case public notice of that different division must be given, with a further invitation to make representations under this clause 4.3.

4.4 Community council areas with populations of greater than 10,000 shall be further divided into neighbourhoods. In the first instance, the following community councils shall be further divided into the following neighbourhoods:

<b>Community Council</b>	<b>Neighbourhoods</b>
Barrhead	Boylestone & West Arthurlie
	Dunterlie & Grahamston Park
	Arthurlie & Springhill
	Auchenback
Broom, Kirkhill and Mearnskirk	Broom
	Kirkhill
	Mearnskirk
Crookfur, Greenfarm and Mearns Village	Mearns Village & Westacres
	Crookfur
	Greenfarm
Giffnock	Orchard Park
	Merrylea and Braidbar
	Giffnock South

- 4.5 Maps showing the boundaries of those neighbourhoods are attached as Appendix V.
- 4.6 In the event that the population of a community council not named in clause 4.4 above exceeds 10,000, East Renfrewshire Council shall propose a division of the community council area into neighbourhoods. East Renfrewshire Council may also propose a re-division of any community council area already divided into neighbourhoods where it believes the existing neighbourhoods no longer represent the best division of the community council area. The Council shall give public notice of their proposals, inviting both the community council in question and the population of that community council's area to make representations to the Council on the proposed division (or re-division, as the case may be). The Council shall consider any representations made and may either:
- 4.6.1 divide the community council area as proposed; or
  - 4.6.2 propose a different division (or re-division, as the case may be) in light of the representations received, in which case public notice of that different division (or re-division) must be given, with a further invitation to make representations under this clause 4.6.

## **5 Membership of Community Councils**

- 5.1 The maximum number of members permitted for each community council shall be set using the formula: 10 members, plus one extra member for every 1000 residents of that community council area, subject to a combined maximum of 20.
- 5.2 Where a community council area is divided into neighbourhoods, the number of seats in each neighbourhood will be determined by that area's proportionate share of the community council area's population.
- 5.3 Individuals shall only be eligible for election or co-option to a community council if they:
- 5.3.1 reside in the area of the relevant community council;
  - 5.3.2 are named on the unedited Electoral Register for East Renfrewshire as being resident within that community council area;
  - 5.3.3 are at least 16 years of age at the time of the relevant election or co-option; and
  - 5.3.4 are not, at the time of the relevant election or co-option, disqualified from being a member of a community council under clause 12.12.5 of this Scheme.
- 5.4 Where a community council is divided into neighbourhoods, individuals shall, in addition to meeting the criteria noted at clause 5.3, only be eligible for election to the neighbourhood in which they reside and in respect of which they are named on the Electoral Register.

- 5.5 Any community council member who ceases to reside within the relevant community council area (or, where the community council is divided into neighbourhoods, the relevant neighbourhood for which they were elected), shall be deemed to have resigned from that community council. Any community council member who ceases to be named on the Electoral Register for the relevant community council area (or neighbourhood area, as the case may be) for a period of two consecutive months, shall be deemed to have resigned from that community council.
- 5.6 If any member of a community council fails throughout a period of 6 consecutive months to attend any community council meeting, they will be deemed to have resigned from that community council. At the discretion of individual community councils, a period of leave of absence for community council members may be granted at any meeting of the community council. Members on a leave of absence shall continue to be included in the total number of community council members for the purposes of this scheme.
- 5.7 Any community council member who is removed from a community council under clause 12.12.4 below shall immediately cease to be a member of that community council, whether or not they are otherwise disqualified from being a member of a community council.
- 5.8 Any community council member who is suspended under clauses 12.5.3 or 12.12.3 below shall continue to be included in the total number of community council members for the purposes of this scheme, but shall otherwise not be entitled to vote at any community council meeting that takes place during the period of their suspension.
- 5.9 Any member of a community council who is elected to serve on East Renfrewshire Council, or elected to the Scottish, United Kingdom or European Parliament, shall be deemed to have resigned from the community council as at the point they assume that other office. Individuals elected to any of those institutions shall also be ineligible to be elected or co-opted as a member of a community council for so long as they remain an elected member of the relevant institution.
- 5.10 Elected members of East Renfrewshire Council whose wards fall wholly or partly within the geographical area of a community council shall be ex-officio members of the relevant community council. Any member of the Scottish, United Kingdom or European Parliament whose constituency falls either wholly or partly within the geographical area of a community council is entitled to become an ex-officio member of the relevant community council, and may exercise that entitlement by providing written notice to the Chair of the relevant community council. Ex-officio members are not required to attend meetings and are not subject to clause 5.6, shall have no voting rights on the community council, shall not count towards meeting a quorum, and shall not be included in the number of community council members for the purposes of the total maximum number of members permitted under clause 5.1 above.

- 5.11 A community council may appoint associate members where the community council believes there may be a need for individuals with particular skills or knowledge. Associate members may be, but are not required to be, representatives of other constituted local voluntary organisations. Associate members do not require to be resident in the relevant community council area. Associate members shall serve for a fixed period as determined by the community council, which shall be not longer than the term of office of the community council. Associate members shall not have voting rights and shall not count towards meeting a quorum, nor shall they be included in the number of community council members for the purposes of the total maximum number of members permitted under clause 5.1 above. No person who is suspended from, or disqualified from sitting on, any community council in the East Renfrewshire area in accordance with section 12 of this Scheme may be appointed as an associate member of a community council. Associate members shall sign the Declaration of Acceptance of Office (Associate Members) set out at Appendix VIII at the meeting at which their associate membership is approved.
- 5.12 Vacancies may arise within community councils between elections, either by virtue of one of the circumstances in clauses 5.5, 5.6 or 5.7 above, or because a member submits his or her resignation. Where a vacancy arises, the community council may:-
- 5.12.1 fill the vacancy by co-option, as long as that would not result in the number of co-opted members equalling or exceeding the total number of elected members of the community council, in accordance with clause 8.2.4 below; or
- 5.12.2 leave the vacancy unfilled until the next election.
- 5.13 Should circumstances arise that lead to the number of elected community council members falling below HALF of the total maximum number of seats on that community council, East Renfrewshire Council shall be informed and shall arrange for an interim election to be held in respect of all vacant seats, following the procedure set out in section 6 as modified so as to be only in respect of those seats.

## **6 Community Council Elections**

### **6.1 Eligibility**

- 6.1.1 Candidates may only be nominated for election to a community council if they meet the eligibility criteria set out at clauses 5.3.1, 5.3.2 and 5.4 above, and will at the time of the relevant election be neither less than 16 years of age nor disqualified from being a member of a community council under clause 12.12.5 below.

### **6.2 Date of Elections**

- 6.2.1 The first elections to be held under this Scheme shall be held on a date to be determined by East Renfrewshire Council.

6.2.2 Subsequent elections shall be held on a four-yearly cycle and shall take place in October, with the exact date of each election to be determined by East Renfrewshire Council. A notice of election will be published by the Independent Returning Officer.

### 6.3 Administration of Elections

6.3.1 East Renfrewshire Council will administer all elections. Elections will be conducted by the Independent Returning Officer appointed by the Council under section 41 of the Representation of the People Act 1983 (who may be the Returning Officer of the Council) or some other person nominated by the Independent Returning Officer to conduct elections on their behalf.

### 6.4 Nominations

6.4.1 Individuals seeking election to a community council require to be nominated by a proposer and seconder, both of whom must be named on the unedited Electoral Register for East Renfrewshire and shown as resident within the relevant community council area (and, where the community council is divided into neighbourhoods, for the area of the relevant neighbourhood). Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.

6.4.2 A nomination form must be completed, in the form set out at Appendix VI, and submitted to East Renfrewshire Council within the nomination period. The nominee must submit a statement of no more than 250 words prior to the close of the nomination period. The statement must not mention any other individual or community council; it should set out the reasons why they wish to serve on the community council, their relevant experience, how they propose to improve their community and their priorities if elected. Statements cannot exceed 250 words and will be made publicly available. A nomination is not valid without a statement meeting these criteria.

6.4.3 The nomination period shall begin 10 weeks prior to the day determined by East Renfrewshire Council under clause 6.2.1 or 6.2.2 above, and last for 4 weeks. No nomination forms submitted after the close of the nomination period will be accepted. As soon as is practicable following the close of the nomination period, a statement of persons nominated and the public election statements submitted with each nomination form, will be published.

### 6.5 Elections

6.5.1 On the day appointed by East Renfrewshire Council under clause 6.2.1 or 6.2.2 above:

- 6.5.1.1 Should the number of candidates validly nominated for a community council area, or neighbourhood area where the relevant community council area is divided into neighbourhoods, exceed the total maximum number of seats for that community council area or neighbourhood area, a poll shall be held in respect of that community council area or neighbourhood area (as the case may be).
- 6.5.1.2 Should the number of candidates validly nominated for a community council area, or for each neighbourhood area within a community council area, not exceed the total maximum number of seats for the relevant area, and the total number of candidates validly nominated for the community council area be not less than **HALF** the total maximum number of seats on the community council, the said candidates will be declared to be elected with immediate effect and no poll shall be held.
- 6.5.1.3 Should the number of candidates validly nominated for a community council area be below **HALF** the total maximum number of seats on that community council, no community council will be established at that time. However, that does not preclude East Renfrewshire Council from issuing a second call for nominations for such a community council area within 6 months of the closing date for the registration of the first call for nominations.
- 6.5.1.4 Individuals who have been declared elected are required to sign the Declaration of Acceptance of Office at Appendix VII and agree to be bound by it before they are entitled to conduct or vote on any business of the community council.

## 6.6 Polls

- 6.6.1 Those eligible to vote in a poll in respect of a particular community council area or neighbourhood area shall be those who meet the eligibility criteria set out at clauses 5.3.1 to 5.3.3, and where relevant 5.4, above.
- 6.6.2 Subject to clause 6.6.4 below, each eligible voter shall be entitled to cast as many votes as there are seats on the relevant community council, subject to being able to vote no more than once for any one candidate.
- 6.6.3 Where a community council area is divided into neighbourhoods, each eligible voter shall be entitled to vote only for candidates standing for seats within the neighbourhood area in which the eligible voter resides, may only cast as many

votes as there are seats for the relevant neighbourhood area, and may vote no more than once for any one candidate.

6.6.4 Candidates for each community council shall be ranked in order of the number of votes cast in their favour. Beginning with the candidate who received the most votes, each candidate in turn shall be declared to be elected until the total maximum number of seats on that community council has been filled. Where a community council is divided into neighbourhoods, an equivalent process shall be followed in respect of each neighbourhood.

6.6.5 In the event that two or more candidates receive an identical number of votes, and their ranking is such that not all of those candidates may be elected, those candidates shall cut cards to decide which of them shall be elected.

## **7 Establishment and meetings of community councils**

7.1 A community council shall be established at its first quorate meeting following an election. That meeting will be called by the Returning Officer and will take place within 21 days of the date of the election or as soon as practicable thereafter. The business of that meeting will include adoption of the Model Constitution and Model Standing Orders and the appointment of office bearers, and will be chaired by the Returning Officer or their representative until the conclusion of this business.

7.2 The frequency of meetings will be determined by each community council, subject to a minimum of one annual general meeting and 6 ordinary meetings being held each year. The annual general meeting shall be held in April or May of each year.

7.3 The quorum for community council meetings shall be one third of the voting membership of a community council.

7.4 An outline for the content of business that community councils should adhere to when holding ordinary meetings, annual general meetings and special meetings is contained within the Model Standing Orders set out at Appendix II.

## **8 Co-option to Community Councils**

8.1 The community council may co-opt individuals to become members of the community council by a majority of the elected community council members present and voting. Notice of any proposed co-option must be intimated to all of the community council's members at least 14 days prior to the meeting when the matter will be raised and decided.

8.2 Individuals may only be co-opted if:

8.2.1 they consent to being co-opted;

- 8.2.2 they have agreed in writing that they will at all times comply with and uphold the terms of this Scheme, the constitution of the community council and the Code of Conduct for Community Council Members by signing the Declaration of Acceptance of Office at the meeting where their co-option is approved;
- 8.2.3 no later than one week prior to the meeting at which their co-option is to be voted on, they have provided to the Secretary of the community council (who will then circulate it to members in advance of the meeting) a statement of no more than 250 words, and not mentioning any other individual, setting out the reasons why they wish to be co-opted, their relevant experience, how they propose to improve their community and their priorities if co-opted, which statement will be made publicly available;
- 8.2.4 their co-option would not result in the number of co-opted members equalling or exceeding the total number of elected members on a community council, nor in the total number of members on the community council exceeding the total maximum number permitted under clause 5.1 above;
- 8.2.5 they are eligible for membership of the community council in accordance with clause 5.3;
- 8.2.6 they have not previously ceased to be a member of the community council by virtue of clause 5.7;
- 8.2.7 they are not ineligible for co-option by virtue of clause 8.4;and
- 8.2.8 either:
- 8.2.8.1 they reside in an area of the community council that is not represented (or is under-represented) on the community council; or
  - 8.2.8.2 the individual in question is or may be representative of individuals or groups who are otherwise not represented (or are under-represented) on the community council, having regard among other things to the individual's gender, age, ethnicity and/or any disability the individual may have.
- 8.3 Co-opted members shall have full voting rights, with the exception of voting on the co-option of others.
- 8.4 Co-opted members will serve until the dissolution of the community council and shall thereafter be ineligible for co-option to the relevant community council. For the avoidance of doubt, co-opted members and former co-opted members shall remain eligible for both nomination and election to the relevant community council. A co-opted member who resigns from a community council may be co-opted again during the same term of the community council in which they resigned, but not thereafter.

## **9 Equalities**

- 9.1 Recognition should be given to the contribution of everyone participating in the work of community councils. Community councils must comply with equalities legislation and ensure that equality of opportunity be given to every participant (including, elected, co-opted, ex-officio and associate members) to have their knowledge, opinion, skill and experience taken into account.

## **10 Liaison with East Renfrewshire Council**

- 10.1 In order to facilitate the effective functioning of community councils, East Renfrewshire Council will identify an official to act as a Liaison Officer with community councils.
- 10.2 A community council may make representations to East Renfrewshire Council and other public and private agencies on matters for which those agencies are responsible and which the community council considers to be of local interest. Representations should be made, in the case of statutory objections such as planning or liquor licensing matters, to the appropriate local authority official. On issues where a local authority department is consulting with community councils, representations should be made to the appropriate departmental officer.

## **11 Resourcing**

- 11.1 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 independently examined statements of accounts to the community council's annual general meeting, which shall be held in April or May each year.
- 11.2 The annual accounts of each community council shall be examined by an independent examiner appointed by the community council, who is not a member of that community council. It is the responsibility of the office bearers of the community council to ensure that any examiner is competent to undertake the task. A copy of the independently examined statement of accounts and balance sheet shall be approved at the community council's annual general meeting, following which it shall as soon as is reasonably practicable be forwarded to the East Renfrewshire Council Liaison Officer along with original receipts and vouchers for expenditure in respect of the administrative allowance. Failure to do so will result in the withholding of administrative allowances that may otherwise have been provided under clause 11.6 below.
- 11.3 The Liaison Officer may, at their discretion and in consultation with the Council's Chief Financial Officer, require the community council to produce such records, vouchers and account books, as may be required.
- 11.4 Each community council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions.

- 11.5 Each community council shall be eligible to apply for grants for suitable projects through East Renfrewshire Council's grant schemes.
- 11.6 East Renfrewshire Council may provide an annual administrative allowance to community councils to assist with the operating costs of the community council. East Renfrewshire Council may provide additional grants or other methods of funding to support or encourage the community council in carrying out other activities, and where a grant is provided in respect of such activities it may be spent only on such activities. East Renfrewshire Council may provide supplementary guidance regarding the annual administrative allowance.
- 11.7 East Renfrewshire Council may provide such additional support services or resourcing as community councils may require, such as: photocopying of community council minutes and agendas, and free lets of East Renfrewshire Council premises for community council meetings. East Renfrewshire Council will review the level of annual administrative allowance and other support to community councils following each local government electoral cycle.
- 11.8 East Renfrewshire Council, in most cases via the Liaison Officer, shall provide general induction training, advice and assistance to community councils and arrange for the establishment of a training programme for community councils on the duties and responsibilities of community council office bearers, the role of community councils, the functions of East Renfrewshire Council and other relevant topics. Training is not mandatory, but failure to take up an offer of such training may be a material consideration if a member of a community council later breaches the Code of Conduct for Community Council Members.

## **12 Community Council Member Obligations**

- 12.1 Both elected and co-opted members of community councils must comply with and abide by the terms of this scheme, the constitution of their community council (as may be amended from time to time) and the Code of Conduct for Community Council Members. Associate members must also comply with those terms to the extent that they are applicable to them.
- 12.2 Any person may complain to the community council about the conduct of the community council, or any member or group of members thereof. All complaints shall be dealt with by the community council in the first instance, unless:
- 12.2.1 the complaint concerns the conduct of the community council as a whole, or the conduct of half or more of the community council members;
- 12.2.2 three or more complaints have previously been received about a particular community council member, or from a particular individual, during a single community council term; or
- 12.2.3 the complaint concerns the response of the community council to a previous complaint.
- 12.3 Complaints falling within one of the categories in clauses 12.2.1 to 12.2.3 shall be referred to a Conduct Review Panel established under clause 12.7.

12.4 The community council need not consider the substance of a complaint, nor refer a complaint to the Conduct Review Panel, if the community council decides (by a simple majority of those voting and present at a meeting) that the complaint is vexatious, or that the subject-matter of the complaint is substantially identical to that of a previous complaint that has been or is being dealt with by either the community council or the Conduct Review Panel.

12.5 All other complaints shall be considered by the relevant community council, which shall decide on a simple majority of voting members whether the subject of a complaint has, on the balance of probabilities, failed to comply with the obligations set out at clause 12.1. Any member who is the subject of a complaint, or who is the complainer, shall not be entitled to vote. If satisfied that those obligations have not been complied with, the community council must either:

12.5.1 censure the member(s) in question;

12.5.2 issue a formal written warning to the member(s) in question;

12.5.3 suspend the member(s) from the community council for up to 3 months; or

12.5.4 where it considers that the sanctions set out in 12.5.1 to 12.5.3 would be inappropriate or insufficient, refer the complaint to the Conduct Review Panel for consideration and determination.

12.6 At the request of either the complainer or the subject of the complaint, arrangements shall be made for members of the community council to vote on the complaint by way of a secret ballot.

12.7 A Conduct Review Panel (a "Panel") shall be established to deal with any complaints referred under clauses 12.3 or 12.5.4.

12.8 A Panel shall consist of 3 elected members of East Renfrewshire Council plus 2 members of community councils within the East Renfrewshire Council area to which the complaint does not relate. The Panel will have a quorum of 3. Only panel members present for all meetings in relation to a complaint can vote on the decision on that complaint.

12.9 If a complaint is made in respect of a decision of a community council to impose one of the sanctions set out at clauses 12.5.1 to 12.5.4 in respect of a previous complaint, including by the subject of that previous complaint, implementation of that sanction shall be suspended pending the Panel's determination of the new complaint.

12.10 A Panel shall meet to decide a complaint within 12 weeks of the complaint being referred to it. In the event it cannot be decided within 12 weeks, both parties will be notified of the revised timescales.

12.11 A Panel may refer a complaint for consideration by an independent person or body to be determined by the Panel, which person or body shall have the same obligations and powers in respect of the complaint as the Panel.

12.12 Otherwise, a Panel shall decide on a simple majority whether the subject of the complaint has, on the balance of probabilities, failed to comply with the obligations set out at clause 12.1. If satisfied that those obligations have not been complied with, the Panel must:

12.12.1 impose one of the sanctions set out at clauses 12.5.1 to 12.5.3;

12.12.2 where the complaint concerns a community council's decision to impose one of those sanctions, confirm the community council's decision;

12.12.3 suspend the member(s) in question from the relevant community council for up to one year;

12.12.4 remove the member(s) in question from the relevant community council, either with or without a period of disqualification under 12.12.5;

12.12.5 disqualify an individual from sitting on any community council within the East Renfrewshire Council area for such period as the Panel shall decide, up to a maximum of the remainder of the relevant community council's term or 2 years, whichever is greater;

12.12.6 require the subject of the complaint to participate in mediation with the complainer (without prejudice to the Panel's ability to impose one of the other remedies set out in this clause 12.12 if that mediation is unsuccessful); or

12.12.7 in circumstances where it appears that the whole community council, or a significant proportion of its members, have engaged in gross misconduct, recommend that East Renfrewshire Council suspend or dissolve the community council under clause 13.4.

12.13 Where a complaint referred to the Panel under clauses 12.2.3 and 12.3 concerns a community council's decision under clause 12.4, the Panel shall decide by a simple majority whether to confirm the community council's decision. If it does not confirm the community council's decision, it shall either: direct the community council to consider the original complaint in accordance with clauses 12.2 to 12.6 (excluding 12.4); or consider the original complaint itself in accordance with clauses 12.10 to 12.12

12.14 The Council reserves the right to carry out any investigation that it considers necessary into the conduct of a community council or individual members of a community council.

### **13 Dissolution of a Community Council**

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

13.2 Notwithstanding those terms, should a community council fail to hold a meeting for a period of 3 consecutive prescribed meeting dates, or the number of elected community council members falls below half of the total maximum number of seats on that community council, East Renfrewshire Council may resolve by a simple majority to dissolve that community council.

- 13.3 A community council shall be dissolved at the close of the nomination period for an election to that community council.
- 13.4 Where for any reason East Renfrewshire Council is satisfied that a sufficient number of members of a community council are not complying with the terms of this scheme, its constitution or the Code of Conduct for Community Council Members, East Renfrewshire Council may resolve by a simple majority to suspend the community council for such a period as the resolution shall specify, or to dissolve it. Such suspension or dissolution shall have immediate effect, and shall be notified to the community council in writing as soon as is reasonably practicable.
- 13.5 In the event that a community council is dissolved for whatever reason, all assets of the community council remaining after the satisfaction of any and all proper debts or liabilities shall, subject to the approval of East Renfrewshire Council, transfer to East Renfrewshire Council who shall hold the same in trust for a future community council representing that area.
- 13.6 In the event that a community council is dissolved under one of the above clauses, or under a dissolution procedure provided for in its constitution, and twenty or more electors from that community council area subsequently submit a requisition to East Renfrewshire Council seeking the establishment of a community council for the area in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, East Renfrewshire Council shall make arrangements for elections to be held in accordance with this scheme as soon as reasonably practicable.

#### **14 Modification of Scheme**

- 14.1 Having regard to changing circumstances and to any representations made to them, East Renfrewshire Council shall from time to time review this Scheme and, where they consider that the Scheme ought to be amended (for example, to revise the boundaries of a community council area), they shall give public notice of the proposal to amend the Scheme, and invite representations on the proposed amendment(s) from any affected community councils and the public.
- 14.2 East Renfrewshire Council shall, having considered any representations made, either amend the Scheme as proposed, withdraw the proposal or revise the proposal to take account of any representation(s) made.
- 14.3 Where the proposal has been revised in light of representations made, East Renfrewshire Council shall provide further public notice of the revised proposal and invite further representations thereon. It shall then follow the procedure set out at clause 14.2.
- 14.4 A decision of East Renfrewshire Council to review the Scheme under clause 14.1, or to amend the Scheme under clause 14.2, must be passed by at least two-thirds of the members voting at a specially convened meeting of the Council.

## **MODEL CONSTITUTION FOR COMMUNITY COUNCILS**

### **1 Name**

- 1.1 The name of the COMMUNITY COUNCIL shall be ..... (referred to as “the COMMUNITY COUNCIL” in this document).

### **2 Area of the Community Council**

- 2.1 The area of the COMMUNITY COUNCIL shall be as shown on the map attached to the East Renfrewshire Council Scheme for the Establishment of Community Councils (amended 2015) (the “Scheme”).

### **3 Objectives**

- 3.1 The objectives of the COMMUNITY COUNCIL shall be:
- 3.1.1 to ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of the people;
  - 3.1.2 to express the views of the community to East Renfrewshire Council and to other public authorities and organisations;
  - 3.1.3 to take such action in the interests of the community as appears to it to be desirable and practicable;
  - 3.1.4 to promote the well-being of the community and to foster community spirit;
  - 3.1.5 to be a means whereby the people of the area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.

### **4 Role and Responsibilities**

- 4.1 In the discharge of their functions and the conduct of their business, the COMMUNITY COUNCIL and its membership shall have regard to their role and responsibilities as set out in section 3 of the Scheme, the terms of this Constitution and the Code of Conduct for Community Council Members.
- 4.2 Members of the COMMUNITY COUNCIL shall comply with and abide by their obligations under the Scheme, this Constitution and the Code of Conduct for Community Council Members, and their compliance shall be enforced via the procedure set out at section 12 of the Scheme.

## **5 Membership**

- 5.1 The COMMUNITY COUNCIL'S membership is as governed by section 5 of the Scheme and as determined from time to time by East Renfrewshire Council.

## **6 Method of Election**

- 6.1 Election procedures shall be governed by the method of election laid down in section 6 of the Scheme.

## **7 Vacancies on the Community Council**

- 7.1 Where a vacancy arises, the COMMUNITY COUNCIL may:-
- 7.1.1 fill the vacancy by co-option, as long as that would not result in the number of co-opted members equalling or exceeding the total number of elected members of the COMMUNITY COUNCIL, in accordance with clause 8.2.4 of the Scheme; or
  - 7.1.2 leave the vacancy unfilled until the next election.
- 7.2 Should circumstances arise that lead to the number of elected community council members falling below HALF of the total maximum number of seats on that community council, East Renfrewshire Council shall be informed and shall arrange for an interim election to be held in respect of all vacant seats, following the procedure set out in section 6 as modified so as to be only in respect of those seats.

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

- 8.1 The right to vote at any meeting of the COMMUNITY COUNCIL or any committee thereof, shall be held by all COMMUNITY COUNCIL MEMBERS whether elected or co-opted (subject to clause 6.5.1.4 of the Scheme), but not by Associate Members appointed for specific issues on a temporary basis, or *ex-officio* members. With the exception of circumstances which may arise under sections 16 and 17 of this constitution, all decisions of the COMMUNITY COUNCIL will be decided by a simple majority of those eligible to vote and present and voting.
- 8.2 In the event of a vote of the members of the COMMUNITY COUNCIL resulting in a tie, the Chair shall have a casting vote.

## **9 Election of Office-Bearers**

- 9.1 At the first meeting of the COMMUNITY COUNCIL after an election, and at the Annual General Meeting in April each year, the COMMUNITY COUNCIL shall appoint a Chair, Secretary, Treasurer and other such office-bearers as it shall from time to time decide.

- 9.2 All office-bearers shall be elected for one year terms, other than at the first meeting of the COMMUNITY COUNCIL after an election, when they shall be elected to serve until the first AGM, and at the AGM prior to an election when they shall be elected to serve until the dissolution of the COMMUNITY COUNCIL in advance of that election. Subject to clause 9.3, office-bearers shall be eligible for re-election without limitation of time.
- 9.3 A member may not be appointed as Chair more than twice during a term of the COMMUNITY COUNCIL, nor be re-appointed other than at the first AGM following an election, or at the AGM prior to an election. Without the express approval of East Renfrewshire Council, no one member shall hold more than one of the following offices at any one time: Chair, Secretary and Treasurer.
- 9.4 Office bearers may be removed and a replacement approved at any meeting of the COMMUNITY COUNCIL by a simple majority vote of the members present and voting.

## **10 Committees of the Community Council**

- 10.1 The COMMUNITY COUNCIL may establish and appoint representatives to committees of the COMMUNITY COUNCIL and shall determine their composition, terms of reference, duration, duties and powers.

## **11 Meetings of the Community Council**

- 11.1 The quorum for COMMUNITY COUNCIL meetings shall be one third of the current eligible voting membership.
- 11.2 In April or May each year the COMMUNITY COUNCIL shall convene an annual general meeting for the purpose of receiving and considering the Chair's annual report on the COMMUNITY COUNCIL, the submission and approval of the independently examined annual statement of accounts, the appointment of office bearers and the appointment of an independent examiner of the COMMUNITY COUNCIL'S accounts.
- 11.3 Including the annual general meeting, the COMMUNITY COUNCIL shall meet not less than 7 times throughout the year.
- 11.4 Dates, times and venues of regular meetings of the COMMUNITY COUNCIL shall be fixed at the first meeting of the COMMUNITY COUNCIL following an ordinary election and thereafter at its annual general meeting. A special meeting of the COMMUNITY COUNCIL may be called at any time by decision of the COMMUNITY COUNCIL. A special meeting shall also be called by the Secretary on being required to do so by the Chair, on receiving a written request specifying the business to be transacted at the meeting and signed by at least one half of the total number of COMMUNITY COUNCIL members, or on receiving a common written request (petition) signed by at least 20 persons resident within the COMMUNITY COUNCIL area. Public notice of special meetings shall be given (including notice being published online) at least 10 days prior to

the date of the meeting. An officer of East Renfrewshire Council may call a special meeting of the COMMUNITY COUNCIL at any time.

- 11.5 The agenda for each meeting shall be posted in public places such as libraries and notice boards, and online, not later than 5 days in advance of the relevant meeting.
- 11.6 The COMMUNITY COUNCIL shall, not later than 5 days before any meeting, circulate the agenda for that meeting and the draft minutes of the previous meeting to community council members, the Council, relevant elected members and other parties having an interest in the matters discussed.
- 11.7 The COMMUNITY COUNCIL shall provide the approved minutes of community council and any committee meetings to the Liaison Officer appointed by East Renfrewshire Council under clause 10.1 of the Scheme within 14 days of their approval, and circulate them to community council members, relevant elected members and other parties having an interest in the matters discussed.
- 11.8 The COMMUNITY COUNCIL shall abide by its Standing Orders for the proper conduct of its meetings.
- 11.9 The COMMUNITY COUNCIL has a duty to be responsive to the community it represents. Should the COMMUNITY COUNCIL receive a written request (petition), signed by at least 20 persons resident within the COMMUNITY COUNCIL area, to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting within 14 days of receipt of such a request and advertise it in accordance with the provisions of this constitution for special meetings called by the COMMUNITY COUNCIL.

## **12 Public Participation in the Work of the Community Council**

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

## **13 Information to East Renfrewshire Council**

- 13.1 East Renfrewshire Council's Liaison Officer shall be sent an annual calendar of the COMMUNITY COUNCIL'S prescribed meeting dates, times and venues (which should be agreed at the COMMUNITY COUNCIL'S annual general meeting), minutes of all meetings (including draft minutes), the annual report, the annual financial statement and any other

such suitable information, as may from time to time be agreed between the COMMUNITY COUNCIL and East Renfrewshire Council. When special meetings of the COMMUNITY COUNCIL are to be held, East Renfrewshire Council's Liaison Officer should be advised of the date, time, venue and subject(s) of debate of such meetings, at least 10 days in advance of the meeting date.

#### **14 Control of Finance**

- 14.1 All monies raised by or on behalf of the COMMUNITY COUNCIL or received from East Renfrewshire Council or other sources shall be applied to further the objectives of the COMMUNITY COUNCIL and for no other purpose. The monies provided by East Renfrewshire Council in the annual administrative allowance for administrative and other approved purposes shall be used only as prescribed. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the COMMUNITY COUNCIL), or in the absence of such terms, for the furtherance of the objectives of the COMMUNITY COUNCIL.
- 14.2 The Treasurer shall undertake to keep proper accounts of the finances of the COMMUNITY COUNCIL.
- 14.3 Any two of three authorised signatories, who would normally be office-bearers of the COMMUNITY COUNCIL, may sign cheques on behalf of the COMMUNITY COUNCIL. Authorised signatories may not be co-habitees or be related in any way or have any business relationship with each other.
- 14.4 A statement of accounts for the preceding financial year shall be prepared by the Treasurer and independently examined by an independent examiner appointed by the COMMUNITY COUNCIL, who must not be members of the COMMUNITY COUNCIL, and shall be submitted to an annual general meeting of the COMMUNITY COUNCIL and made available for inspection at a convenient location.
- 14.5 The financial year of the COMMUNITY COUNCIL shall be from April to March. Examined accounts as received and approved by the COMMUNITY COUNCIL at the annual general meeting shall be submitted to East Renfrewshire Council following approval at the COMMUNITY COUNCIL'S annual general meeting.

#### **15 Title to Property**

- 15.1 Property and other assets belonging to the COMMUNITY COUNCIL shall be vested in the Chair, Secretary and Treasurer of the COMMUNITY COUNCIL and their successors in these respective offices.

**16 Alterations to the Constitution**

16.1 Any proposal by the COMMUNITY COUNCIL to alter this Constitution must first be considered by a meeting of the COMMUNITY COUNCIL. The terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued to all members not less than ten days prior to the meeting. Any proposed alterations may not contradict, prejudice or undermine the terms and objectives contained within the Scheme and must not negatively impact on the transparency and accountability of the COMMUNITY COUNCIL.

16.2 If the proposal is supported by two-thirds of the total voting membership of the COMMUNITY COUNCIL, and is approved in writing by East Renfrewshire Council, the alteration shall be deemed to have been duly authorised and shall come into effect as of the date of East Renfrewshire Council's approval.

**17 Dissolution**

17.1 If the COMMUNITY COUNCIL by a two-thirds majority of the total voting membership decides at any time that it is necessary or advisable to dissolve, it shall propose a resolution to dissolve and shall agree a date for a public meeting to be held to discuss the proposed resolution. It is a requirement that not less than ten days prior to the date of such meeting a public notice of the proposed resolution shall be given within the area of the COMMUNITY COUNCIL. If the resolution is approved by a simple majority of those members present and voting, the COMMUNITY COUNCIL must notify East Renfrewshire Council no later than the next business day following the decision to approve the resolution to dissolve. The COMMUNITY COUNCIL shall be deemed to be dissolved as of the date on which East Renfrewshire Council confirms receipt of that notification. All assets remaining after the satisfaction of any and all proper debts or liabilities shall, subject to the approval of East Renfrewshire Council, transfer to East Renfrewshire Council who shall hold the same in Trust for a future community council representing that area.

**18 Adoption of the Constitution**

This Constitution was adopted by .....  
COMMUNITY COUNCIL, on .....

..... Signed: Chair  
..... Member  
..... Member  
..... Date

## MODEL STANDING ORDERS

### 1. Meetings (all held in public)

- (a) Ordinary meetings of the COMMUNITY COUNCIL shall be held in the months of ..... to be entered. A special meeting of the COMMUNITY COUNCIL may be called at any time by decision of the COMMUNITY COUNCIL. Special Meetings may be called at any time by the Secretary on the instructions of the Chair of the COMMUNITY COUNCIL, or if requested to do so in writing by not less than one-half of the total number of COMMUNITY COUNCIL members, or upon the receipt of a common written request (petition), signed by at least 20 persons resident within the COMMUNITY COUNCIL area, to convene a special meeting for a particular matter or matters to be debated. A special meeting shall be held within 14 days of the request being received by the Secretary of the COMMUNITY COUNCIL. Annual general meetings are held annually in April or May of each year.
- (b) Notice of ordinary and annual general meetings of the COMMUNITY COUNCIL, featuring the date, time and venue, shall be provided by the Secretary of the COMMUNITY COUNCIL to each COMMUNITY COUNCIL member and to East Renfrewshire Council's Liaison Officer, at least 10 days before the date fixed for the meeting.

### 2. Minutes

Minutes of the proceedings of a meeting of the COMMUNITY COUNCIL shall be drawn up within fourteen days from the date of that meeting, circulated in accordance with clause 3.8.2 of the East Renfrewshire Council Scheme for the Establishment of Community Councils (amended 2015) (the "Scheme") and shall, following their approval, be signed at the next meeting of the COMMUNITY COUNCIL by the person presiding thereat. The approved and signed minutes shall be retained for future reference, and shall be circulated in accordance with clause 3.8.3 of the Scheme.

### 3. Quorum

A quorum shall be one-third of the current eligible voting membership of the COMMUNITY COUNCIL.

### 4. Order of Business

- (i) First meeting following an election

The order of business at the first meeting following an election shall include the following:

- a) Recording of members present and apologies received.
- b) Report on signatures of the Declaration of Acceptance of Office.
- c) Election of office bearers.
- d) Adoption of Model Constitution and Model Standing Orders.
- e) Appointment of independent examiners of accounts.

- (ii) Ordinary Meeting

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

- (a) Recording of members present and apologies received.

- (b) The minutes of the last meeting of the COMMUNITY COUNCIL shall be submitted for approval.
- (c) Any other item of business, which the Chair has directed should be considered.
- (d) Any other competent business.
- (e) Questions from the floor.
- (f) Chair to declare date of next meeting and close meeting.

(ii) Annual General Meeting

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

- (a) Recording of members present and apologies received.
- (b) The minutes of the last annual general meeting of the COMMUNITY COUNCIL shall be submitted for adoption.
- (c) Chair's Annual Report (and questions from the floor).
- (d) Secretary's Annual Report (and questions from the floor).
- (e) Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).
- (f) Demit of current office bearers / election of office bearers.
- (g) Demit of current independent examiner of accounts and appointment.
- (h) Chair to declare date of next annual general meeting and close meeting.

It will not be uncommon for the COMMUNITY COUNCIL to arrange for an ordinary meeting of the COMMUNITY COUNCIL to begin at the close of the annual general meeting, to enable any outstanding reporting on business matters to be heard; and for COMMUNITY COUNCIL members and members of the public to have an opportunity to bring matters to the attention of the COMMUNITY COUNCIL, possibly for inclusion on a future agenda.

(iii) Special Meeting

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

- (a) Recording of members present and apologies received.
- (b) Business for debate, as described in the calling notice for the special meeting.
- (c) Chair to close meeting.

**5. Order of Debate**

- (a) The Chair shall decide all questions of order, relevancy and competency arising at meetings of the COMMUNITY COUNCIL and his or her ruling shall be final and shall not be open to discussion. In particular, the Chair shall determine the order, relevancy and competency of all questions from the public which may be raised at meetings of the COMMUNITY COUNCIL in accordance with section 4 above. The Chair, in determining the order, relevance and competency of business and questions, shall have particular regard to the relevance of the issue to the community and to the need to ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Chair shall have the power, in the event of disorder arising at any meeting, to

adjourn the COMMUNITY COUNCIL meeting to a time he or she may then, or afterwards, fix.

- (b) Every motion or amendment must be moved and seconded in order to be competent.
- (c) After a mover of a motion has been called on by the Chair to reply, no other members shall speak to the question.
- (d) A motion or amendment once made and seconded may not be withdrawn without the consent of the mover and seconder thereof.
- (e) A motion or amendment which is contrary to a previous decision of the COMMUNITY COUNCIL shall not be competent within six months of that decision.

#### **6. Voting**

- (a) Voting shall be taken by a show of hands of those present and eligible to vote on the relevant question, with the exceptions that secret ballots may be held (i) in respect of the election of office bearers or (ii) where requested in respect of a complaint under clause 12.5 of the Scheme.
- (b) The Chair of a meeting of the COMMUNITY COUNCIL shall have a casting vote as well as a deliberative vote.

#### **7. Alteration of Standing Orders**

A proposal to alter these Standing Orders may be submitted to East Renfrewshire 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 prior to the meeting at which the motion is discussed. East Renfrewshire Council shall have final discretion on any proposed change.

#### **8. Committees**

The COMMUNITY COUNCIL may establish and appoint representatives to such committees as it may from time to time decide and shall determine their composition, terms of reference, duration, duties and powers.

#### **9. Suspension of Standing Orders**

These Standing Orders shall not be suspended except at a meeting at which three-quarters of the total number of COMMUNITY COUNCIL members are present and then only if the mover states the object of his motion and if two-thirds of the COMMUNITY COUNCIL members in attendance consent to such suspension.