

EAST RENFREWSHIRE COUNCIL24 June 2015Report by Deputy Chief ExecutiveREVIEW OF COMMUNITY COUNCIL SCHEME OF ESTABLISHMENT:
STAGE 3 CONSULTATION FINDINGS AND NEXT STEPS**PURPOSE OF REPORT**

1. The purpose of this report is to set out the findings from the Stage 3 consultation of the Review of the Scheme of Establishment for Community Councils and make recommendations for the next stage of the review process.

RECOMMENDATIONS

2. It is recommended that the Council:
- (i) Note the findings of the Stage 3 consultation as outlined in this paper and in Annex 1.
 - (ii) Amend the Scheme as set out in Annex 2 of this report, incorporating the final changes as noted in paragraph 15 of this report
 - (iii) Agree the amended Scheme will take effect on 12 August 2015
 - (iv) Agree to delegate the responsibility to the Chief Executive to set the date on which the first elections are to be held per clause 6.2.1 of the amended Scheme.

BACKGROUND & CONTEXT

3. There are three Schemes of Establishment referred to in this report:
- a) The current Scheme (which has been in place since 2009)
 - b) The Stage 2 consultation draft version of the proposed amended Scheme (which was the subject of consultation during October-January 2015)
 - c) The final proposed amended Scheme that is now put forward for approval following the full 3-stage consultation.
4. The Council agreed to review the current Scheme on 23 October 2013. The Review is a three stage process set out in legislation. In total there were 29 weeks of consultation with a wide range of opportunities for stakeholders to have their say. Stage 1 (seeking feedback on whether and how the Scheme could usefully be amended) ran from February to April 2014 and Stage 2 (public notice of the Council's proposals to amend the Scheme) from 6 October 2014 until 12 January 2015. The Stage 3 consultation (public notice of the proposals as further amended to take account of representations made at Stage 2) was a shorter, 5 week consultation process, over the period Tuesday 7 April to Tuesday 12 May. The scope of this final stage was limited to the ten material proposed changes to the version of the Scheme that was the basis of consultation during Stage 2. At all stages, East Renfrewshire Council exceeded the statutory timescale recommended for each stage of the review.

CONSULTATION VIEWS TO DATE

Stage 1

5. At each consultation stage a diverse range of views and opinions were expressed. Stage 1 was a very broad based and robust process and the findings informed the foundation and principles of the proposed amended Scheme. As a result the proposed amended Scheme is based on the National Model Scheme but includes elements that local people considered to be important. Almost 1,000 people participated in Stage 1 which included social research with the wider community in relation to how Community Councils (CCs) are set up, operate and represent residents, an event for CC members and an independent review of the operation and support for CCs, which involved current and former CC members, elected members and Council and Partner staff.

6. The issues important to people that emerged at this stage included: making CCs more accessible, reviewing boundaries, strengthening governance processes, increasing local community representation, establishing firmer procedures to address issues and providing more support to CCs.

Stage 2

7. The Stage 2 consultation included an evening event aimed at CC members and a survey on Citizen Space, the Council's consultation website, which presented open questions and encouraged detailed views on the Scheme, with paper copies made available through local libraries. The survey posed questions regarding what aspects of the proposed draft amended Scheme would work well and asked for comments on additional elements that should be included in each section, to allow for comments on aspects that were not viewed positively.

8. The number of respondents to the Stage 2 consultation was lower compared to Stage 1, as expected, given the focus of the consultation on the specific details of the proposed Scheme. CCs and their members chose to respond to the consultation in a range of different ways with:

- 57 responses submitted via Citizen Space, which included 12 CC members (including one which was on behalf of a whole CC) and 45 residents.
- 26 CC members attended the evening event and while all were encouraged to take the time to respond on Citizen Space as well, it is likely that many considered that their views had been submitted through participation at this event.
- 15 additional email responses were received, which included 7 responses on behalf of whole CCs. These were: Clarkston; Giffnock; Neilston; Busby; Uplawmoor; Netherlee and Stamperland and Thornliebank.

9. At Stage 2, the aspects of the proposed Scheme generating the greatest number of comments across Citizen Space, the event and responses on behalf of whole CCs are as follows:

- Proposals to reserve one third of seats for co-option;
- Operation and set up of the Conduct Review Panel;
- Concerns about the independence and micro-management of CCs;
- Proposals for annual office bearer rotation;
- Requirement for a 250 word statement to accompany election nomination forms;
- Arrangements for grant provision.

10. Following analysis of the Stage 2 consultation, and in order to take account of the representations made, ten material changes were proposed to be made to the Stage 2 consultation draft scheme, which would be the subject of consultation during a third and final stage of consultation. It is important to note that only these ten proposed changes were within the scope of the Stage 3 consultation and this was made clear in all public notices.

Stage 3

11. As stated in paragraph 10, views were invited only on the ten material changes proposed in Annex 1. A very small number of responses were received during this stage of consultation – four email responses on behalf of Busby, Neilston, Newton Mearns and Clarkston CCs, two responses submitted via Citizen Space and 2 email/letter responses from individual CC members.

12. A short analysis of the views received is included in Annex 1. In summary, there is only one objection held by more than one CC, which is the proposal to limit any Chair of a CC to no more than 2 non-consecutive one-year terms during the term of a CC (this was increased from the proposed 1 term maximum following the Stage 2 consultation). There remains an element of discontent with this proposal based on Stage 3 responses. Of the four community councils who have submitted a response on behalf of the whole CC, one is against the proposal, one expresses concerns about the ability of CCs to fill the role of Chair, while the others remain silent on the issue. While the proposal for the maximum Chair term has generated discussion during the Stage 2 and 3 processes, in the context of the wider stakeholder group of community council members, it is a small number who have expressed discontent. It is proposed to retain the proposal in the amended Scheme presented for approval. Necessary supports to encourage new candidates for the position of Chair within CCs will be made available.

13. A small number of comments were received regarding the proposal for nominees to CCs to submit a statement of up to 250 words in support of their nomination, however this was not a proposed material change and outwith the scope of the Stage 3 consultation.

14. One of the changes proposed at Stage 3 was to simplify the arrangements around co-option and many of those who responded have welcomed these changes. Discussions during the consultation period showed that the wording of the relevant clauses within the draft Scheme could more clearly reflect the proposed requirement that the number of co-opted CC members not equal or exceed the number of elected CC members, and the proposed triggers for holding interim elections.

PROPOSED MINOR CHANGES FOLLOWING STAGE 3

15. It is proposed that a small number of minor changes be made to the Scheme following the Stage 3 consultation to improve the clarity of the Scheme in relation to co-option and interim elections, as outlined in paragraph 14. This ensures that it clearly reflects the proposals made at Stages 2 and 3. This results in revisions to clauses 5.12, 5.13 and 8.2.4 of the Scheme, as well as the equivalent clauses within the Model Constitution (7.1.1 and 7.2).

NEXT STEPS

16. Having completed three statutory stages of consultation, equalling a total of 29 weeks, and engaging over 1,000 ordinary residents, current and former CC members, elected members and Council and Partner staff, East Renfrewshire Council is asked to agree on an amended Scheme of Establishment for Community Councils for implementation.

17. It should be noted that the election process under the amended Scheme can only be implemented following the actual amendment of the Scheme, which it is proposed take effect on 12 August. Therefore it is proposed that the Council delegate the responsibility to the Chief Executive to set the date of the first elections under the Scheme as amended, with the Chief Executive being able to do so as soon as the amendment takes effect on 12 August. The intended date for the commencement of elections is 22 October, and if that were confirmed by the Chief Executive on 12 August then the nomination period would open on 13 August (10 weeks prior to the specified election date, per clause 6.4.3 of the amended Scheme). The existing community councils would then be dissolved when the nomination period closes 4 weeks later, per clause 13.3 of the amended Scheme. New community councils would then be established and operate under the amended Scheme following the election, as long as a sufficient number of nominations are received per clause 6.5. An indicative timeline for an electoral process is shown in Annex 3.

CONCLUSIONS

18. The Council agreed to review the current Scheme on 23 October 2013, and considers that it ought to be amended to ensure that East Renfrewshire has a Scheme that: is fit for purpose; encourages wider representation and participation in Community Councils' activities; is aligned to emerging legislation; has more robust governance processes; enables conduct related issues to be managed more effectively whilst protecting the independence of Community Councils and their right to disagree with the Council and partners on local issues.

19. The consultation processes for Stages 1, 2 and 3 have been thorough. The Scheme document in Annex 2 has been amended in line with the Council's proposals in light of the consultation processes set out above. This will enable CCs and the Council to strengthen working relationships, increase local community representation, establish firmer procedures to address issues, develop robust governance processes and ensure more support is provided to CCs, in line with the review criteria set out at the start of the process.

RECOMMENDATIONS

20. It is recommended that the Council:

- (i) Note the findings of the Stage 3 consultation as outlined in this paper and in Annex 1.
- (ii) Amend the Scheme as set out in Annex 2 of this report, incorporating the final changes as noted in paragraph 15 of this report
- (iii) Agree the amended Scheme will take effect on 12 August 2015
- (iv) Agree to delegate the responsibility to the Chief Executive to set the date on which the first elections are to be held per clause 6.2.1 of the amended Scheme.

REPORT AUTHOR

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BACKGROUND PAPERS & RELEVANT LINKS:

- Review Of Community Council Scheme Of Establishment: Stage 1 Update, 25 June 2014; Stage 2 Engagement Process & Stage 3 Implementation Phase, Special Council, 25 March 2015; Review of Community Council Scheme of Establishment: Revised Draft Scheme and Stage 2 Consultation, Special Council, 24 September 2014;

- Citizen Space links for consultation pages regarding:
 - Stage 1 <http://getinvolved.eastrenfrewshire.gov.uk/planning-and-engagement/ccreview>; and
 - Stage 2 <http://getinvolved.eastrenfrewshire.gov.uk/planning-and-engagement/ccreview2>;
 - Stage 3 http://getinvolved.eastrenfrewshire.gov.uk/planning-and-engagement/scheme-of-establishment-review-stage-3/consult_view

KEY WORDS

A report setting out recommendations from the engagement undertaken during Stage 3 of the current Scheme Review.

- Community Councils.
- Community Engagement.
- Scheme of Establishment.
- Code of Conduct.

LIST OF ANNEXES

Annex 1: Overview of Stage 3 Analysis and Feedback

Annex 2: Proposed Amended Scheme of Establishment for Implementation

Annex 3: Indicative Election Timeline

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**East Renfrewshire Review of Scheme of Establishment
Stage 3
Consultation Responses Overview**

The response to this final stage of consultation was low. There were 8 responses received – 6 email responses (3 of these were from community councils on behalf of their membership, 2 from individual community council members and one from an elected member on behalf of a community council), with two submissions on Citizen Space. The submissions covered a wide array of subjects relating to the scheme, however only the points that relate directly to the scope of the consultation have been included in the below table – anything else is out with the scope of the Stage 3 consultation.

Overall, there are no proposed changes for which there are more comments against than there are in support of the change.

The change proposed at Stage 3 of the process, which has received most support, is the proposal to remove the requirement to retain one third of seats for co-option. There is only one objection held by more than one CC, which is the proposal to limit any Chair of a CC to no more than 2 non-consecutive one-year terms during the term of a CC (this was increased from the proposed 1 term maximum following the Stage 2 consultation). 1 respondent agreed to this change and 1 disagreed, but it should be noted that there were also 2 submissions that disagreed with any time limit being imposed in the first place.

Summary Table

	Summary of main change	Relevant Section/Clause of the Scheme	Comments For	Comments against
1	It is proposed that community councils adopt the Model Constitution in the first instance. After that community councils will have the flexibility to propose a change to the community council constitution and this will not be restricted to a specified time frame.	Clause 3.6 on page 2.	3	1
2	The requirements around draft and approved minutes have been clarified and simplified and the Council's role in publishing approved minutes has been made clear.	Clause 3.8 on pages 2 and 3.	2	1
3	The Scheme now states the population criteria for splitting community council areas and introducing neighbourhoods to allow for future population changes within community council areas as well as outlining the consultation process on any such changes.	Section 4 on pages 3 and 4.	1	1
4	The Scheme clauses in relation to co-option have been clarified and simplified and the previous proposal to retain one third of community council seats for co-option has been removed. This section now also makes clear when an interim election will be called.	Section 5 on pages 5 and 6.	4	-
5	The requirements upon community councils to manage their accounts have been relaxed and the number of independent examiners required to audit their accounts has been reduced from 'at least two' to one.	Clause 11.2, page 12.	2	1

6	The powers of the Conduct Review Panel to address misuse of the Scheme and Code of Conduct have been clarified and there is now more scope for CCs to administer the Code of Conduct (including the introduction of Clause 12.4 to allow community councils to consider whether a complaint is vexatious).	Section 12 (including new clauses 12.4 and 12.13), pages 13-16.	2	1
7	Point of Clarification of the Scheme – clause 14 in the Stage 2 version of the Scheme set out arrangements for clarifying any ambiguous terms in the Scheme. This has been removed as the intention is that the amended Scheme is a complete document that can be interpreted and understood without the need for clarification.	This clause has been removed at Stage 3.	1	1
8	The limit on members serving as Chairs of community councils set out in the Model Constitution will be increased from 1 one-year term to 2 non-consecutive one-year terms.	Clause 9.3, page 20 within the Model Constitution.	2	1
9	Addition of Clause 9.4 around removing office bearers and approving a replacement at any meeting by majority vote.	Clause 9.4, page 20 within the Model Constitution.	2	1
10	Amendment to Clause 5.5 around changing the period of time when a CC member is deemed to have resigned from the CC from 6 months to 2 months.	Clause 5.5, page 5 has been amended.	1	1

**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:

Community Council	Neighbourhoods
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.

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APPENDIX I**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



APPENDIX II**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.



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APPENDIX III

CODE OF CONDUCT FOR COMMUNITY COUNCIL MEMBERS

This Code of Conduct for Community Council Members is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

Community council members, as representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles shall apply to all community council members and those representing the community council. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Service to the Community

As a community council member you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Scheme for the Establishment of Community Councils, as set out by East Renfrewshire Council under the terms of the Local Government (Scotland) Act 1973 (the "Scheme").

You have a duty to establish and reflect, through the community council, the views of the community as a whole, on any issue, irrespective of personal opinion.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a community council member to gain financial, material, political or other personal benefit for yourself, family or friends.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter to be considered by the community council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the community council.

Objectivity

In all your decisions and opinions as a community council member, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your community council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and community council and not the interests of a particular political party or other group.

Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the community council. You must ensure that the community council uses its resources prudently and in accordance with the law.

Community council members will individually and collectively ensure that the business of the community council is conducted according to the Scheme and this Code of Conduct.

Community council members will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the community council as set out in the Scheme. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of community council business and for no other purpose.

Minutes of meetings recording all actions and decisions made should be produced and circulated to all members of the community council as soon as possible after each meeting.

Any breach of the Scheme may be reported to East Renfrewshire Council to determine what action, if necessary, should be taken.

Openness

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the media, members of the public, or others not directly involved in your community council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the community council.

Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your community council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the community council.

Leadership

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the community council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the community council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the community council is aware of them.

Respect

You must respect fellow members of your community council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, you have dealings with in your capacity as a community council member.

Recognition should be given to the contribution of everyone participating in the work of the community council. You must comply with Equal Opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.

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

You must not misuse the Code for personal gain, political advantage or for the purposes of making complaints.

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APPENDIX IV

BOUNDARIES OF COMMUNITY COUNCIL AREAS

MAPS TO BE INSERTED AT POINT OF PUBLICATION

APPENDIX V

BOUNDARIES OF NEIGHBOURHOODS WITHIN SPECIFIED COMMUNITY COUNCIL AREAS

INSERT MAPSPopulation

APPENDIX VI

COMMUNITY COUNCIL ELECTION NOMINATION FORM

..... **COMMUNITY COUNCIL**

..... **NEIGHBOURHOOD***

Proposer

Name:

Address:

..... Post Code

I, being the person named above, hereby nominate:

Nominee

Name:

Address:

..... Post Code

as a Candidate in the Community Council election. I confirm that I am resident in the relevant Community Council / neighbourhood* area, am at least 16 years of age and am named on the current Electoral Register.

Signature of Proposer:Date

Seconder

Name:

Address:

..... Post Code

I, being the person named above, hereby second this Nomination. I confirm that I am resident in the relevant Community Council / neighbourhood* area, am at least 16 years of age and am named on the current Electoral Register.

Signature of Seconder:Date.....

Declaration of Candidate

I consent to being nominated as a Candidate. I confirm that I am resident in the Community Council / neighbourhood* area named above, am at least 16 years of age and am named on the current Electoral Register.

I confirm that I would not be prevented from taking office by virtue of being suspended or disqualified from serving as a community council member.

I acknowledge that, if elected, I will be required to sign a Declaration of Acceptance of Office confirming that at all times I will comply with and abide by the **East Renfrewshire Council Scheme for the Establishment of Community Councils (amended 2015)**, the Constitution of the Community Council and the Code of Conduct for Community Council Members.

Signature of Candidate:

If known by another name please state here:.....

Date:

Public election statement

In no more than 250 words, and without mentioning any other individual or other community council, the candidate must set out their reasons for standing for election to the community council, their relevant experience, how they propose to improve their community and their priorities if elected. This statement will be made publicly available. This form will not be valid unless a statement meeting these criteria is provided.

**NOMINATION FORMS MUST BE RETURNED TO THE COMMUNITY COUNCIL ELECTION OFFICE AT
COUNCIL HEADQUARTERS, EASTWOOD PARK, GIFFNOCK, G46 6UG
BY 12 NOON ON *CLOSING DATE FOR NOMINATIONS***

*delete as applicable

APPENDIX VII

Declaration of Acceptance of Office

.....

Community Council

I, having been elected to the office of community council member for the Community Council hereby **DECLARE** that I accept the office and that I will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

I undertake to meet the requirements of the East Renfrewshire Council Scheme for the Establishment of Community Councils (amended 2015), the constitution of the Community Council and the Code of Conduct for Community Council Members, copies of which I have been supplied with.

NAME

SIGNATURE

DATE

APPENDIX VIII

Declaration of Acceptance of Office (Associate Members)

.....

Community Council

I, having been elected to the office of associate community council member for the Community Council hereby **DECLARE** that I accept the office and that I will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

I undertake to meet the requirements of the East Renfrewshire Council Scheme for the Establishment of Community Councils (amended 2015), the constitution of the Community Council and the Code of Conduct for Community Council Members as they apply to associate members, copies of which I have been supplied with.

NAME

SIGNATURE

DATE

Indicative Timeline

COMMUNITY COUNCILS - INDICATIVE ELECTORAL TIMELINE - 2015

This is an example of a potential process and timeline should an amended scheme be approved. Dates are subject to change.

Stage 1

24 June	Council approves the amendment of the Scheme for the Establishment of Community Councils (amended 2015).
12 August	Scheme comes into effect
13 August	Public Notices displayed and nomination forms available (in accordance with 6.2.1 of the amended Scheme)
11 September	Close of 4-week nomination period.

In the case of: Uncontested Elections

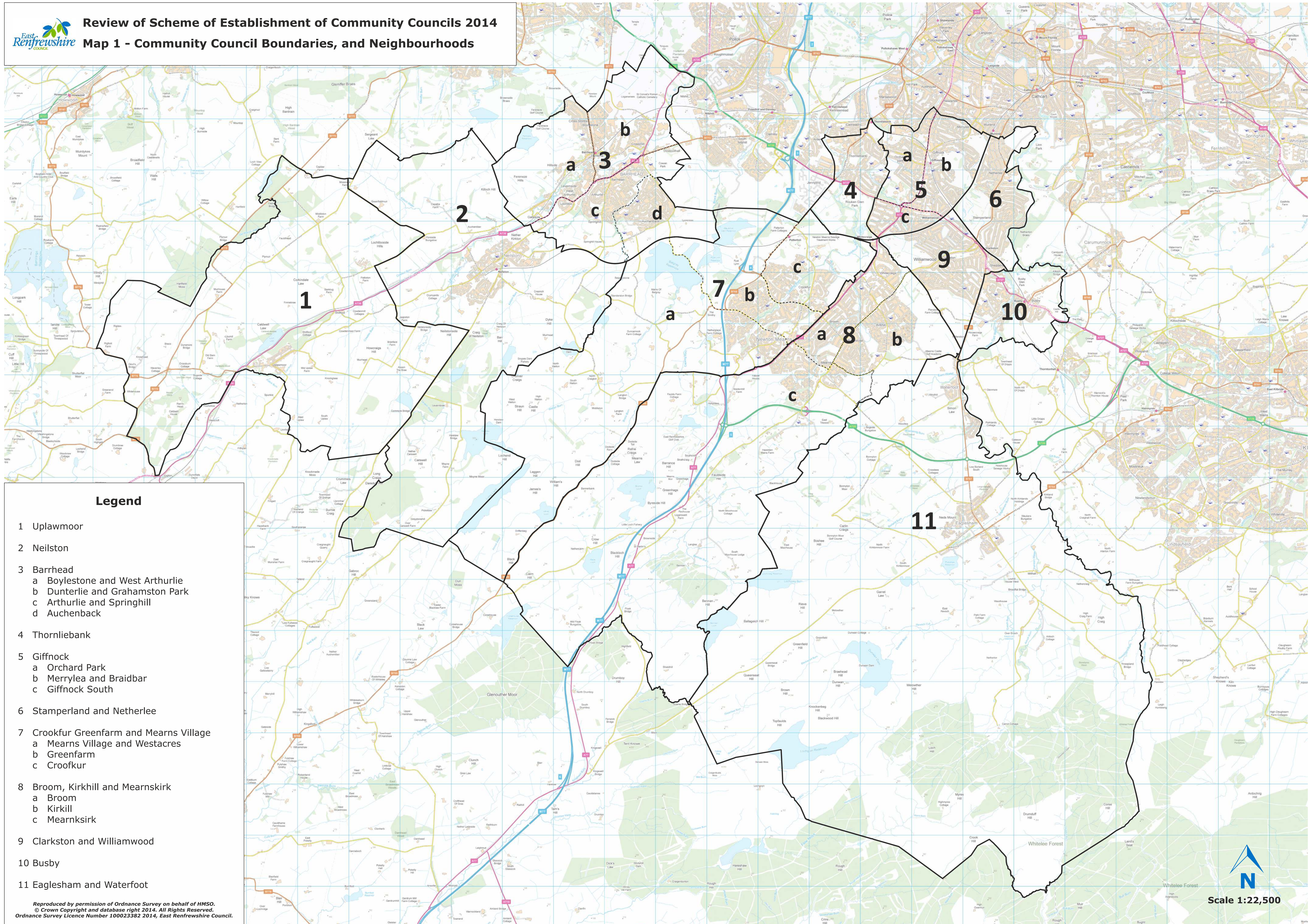
28 September to 15 October	Declaration of Results meetings. (on regular dates of Community Council meetings)
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In the case of: Contested Elections

25 September	Postal Vote Application Forms available for casting a Ballot up to 10 working days prior to each of the individual Polling Days.
22 October to 16 November	Polling Days and Declaration of Results meetings. (Declarations on regular dates of Community Council meetings).

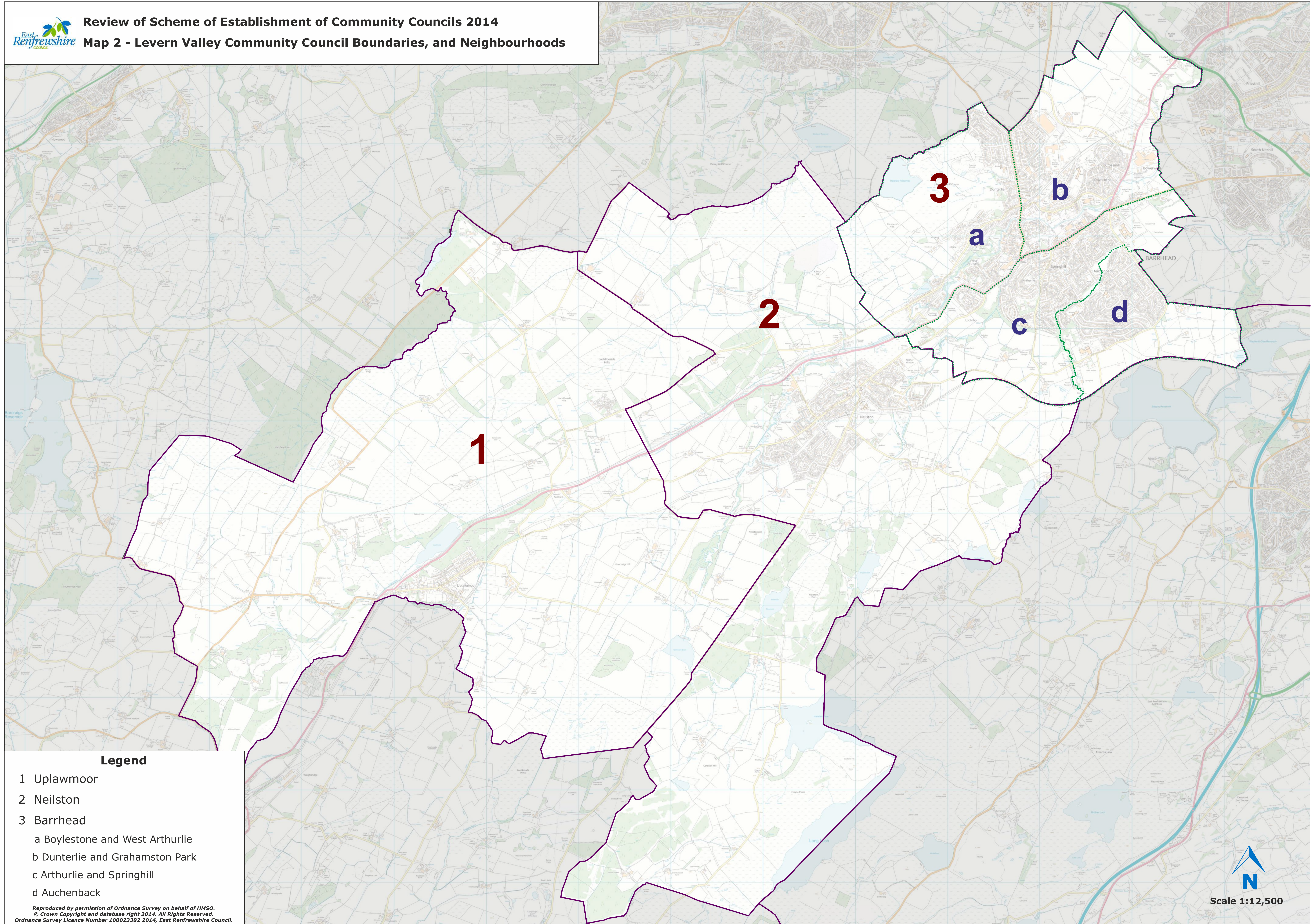
(At the point of establishment following election (contested or uncontested) Community Councils will operate under the full amended Scheme.)

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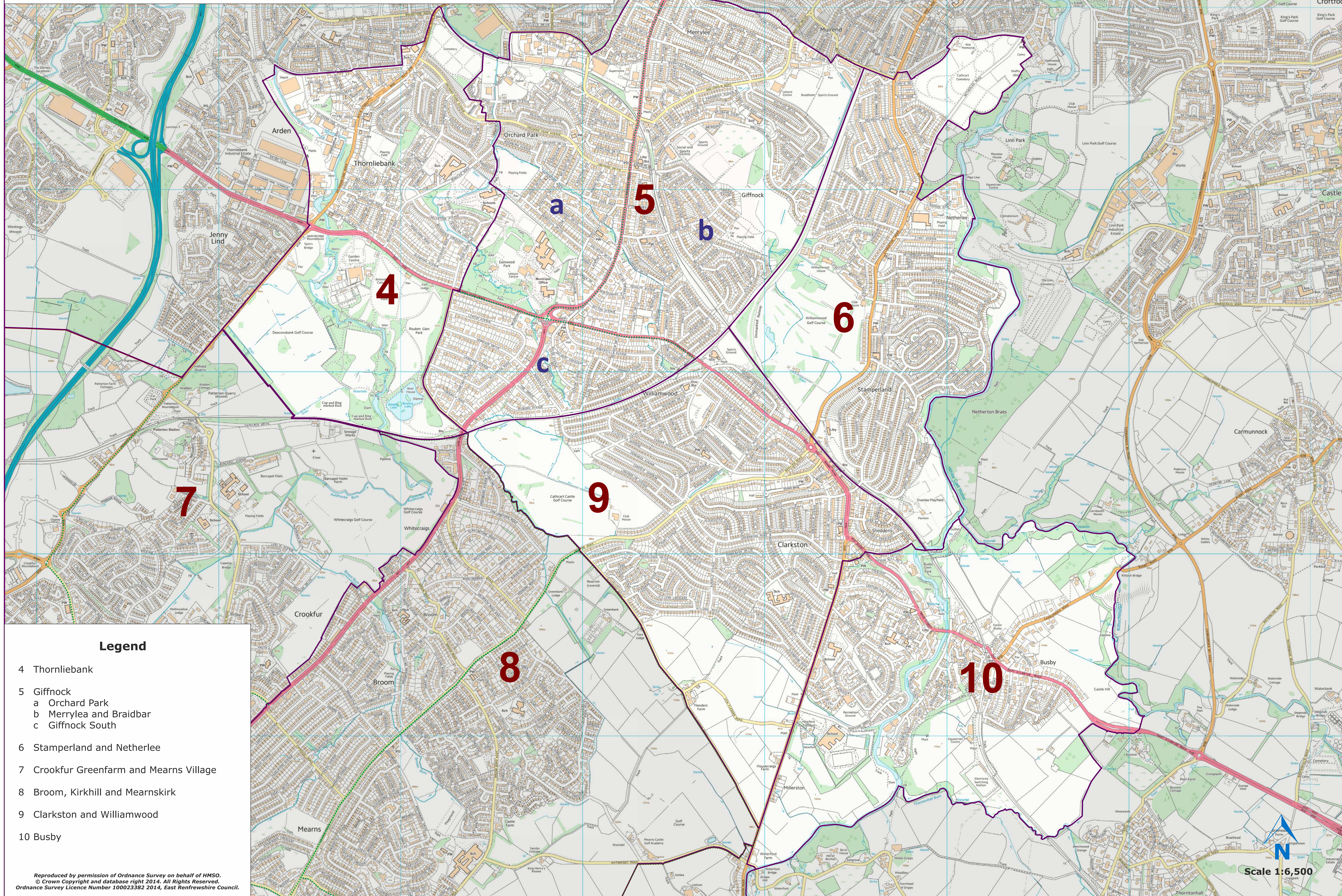
- 1 Uplawmoor
- 2 Neilston
- 3 Barrhead
 - a Boylestone and West Arthurlie
 - b Dunterlie and Grahamston Park
 - c Arthurlie and Springhill
 - d Auchenback
- 4 Thornliebank
- 5 Giffnock
 - a Orchard Park
 - b Merrylea and Braidbar
 - c Giffnock South
- 6 Stamperland and Netherlee
- 7 Crookfur Greenfarm and Mearns Village
 - a Mearns Village and Westacres
 - b Greenfarm
 - c Crookfur
- 8 Broom, Kirkhill and Mearnskirk
 - a Broom
 - b Kirkhill
 - c Mearnskirk
- 9 Clarkston and Williamwood
- 10 Busby
- 11 Eaglesham and Waterfoot



Legend

- 1 Uplawmoor
- 2 Neilston
- 3 Barrhead
 - a Boylestone and West Arthurlie
 - b Dunterlie and Grahamston Park
 - c Arthurlie and Springhill
 - d Auchenback





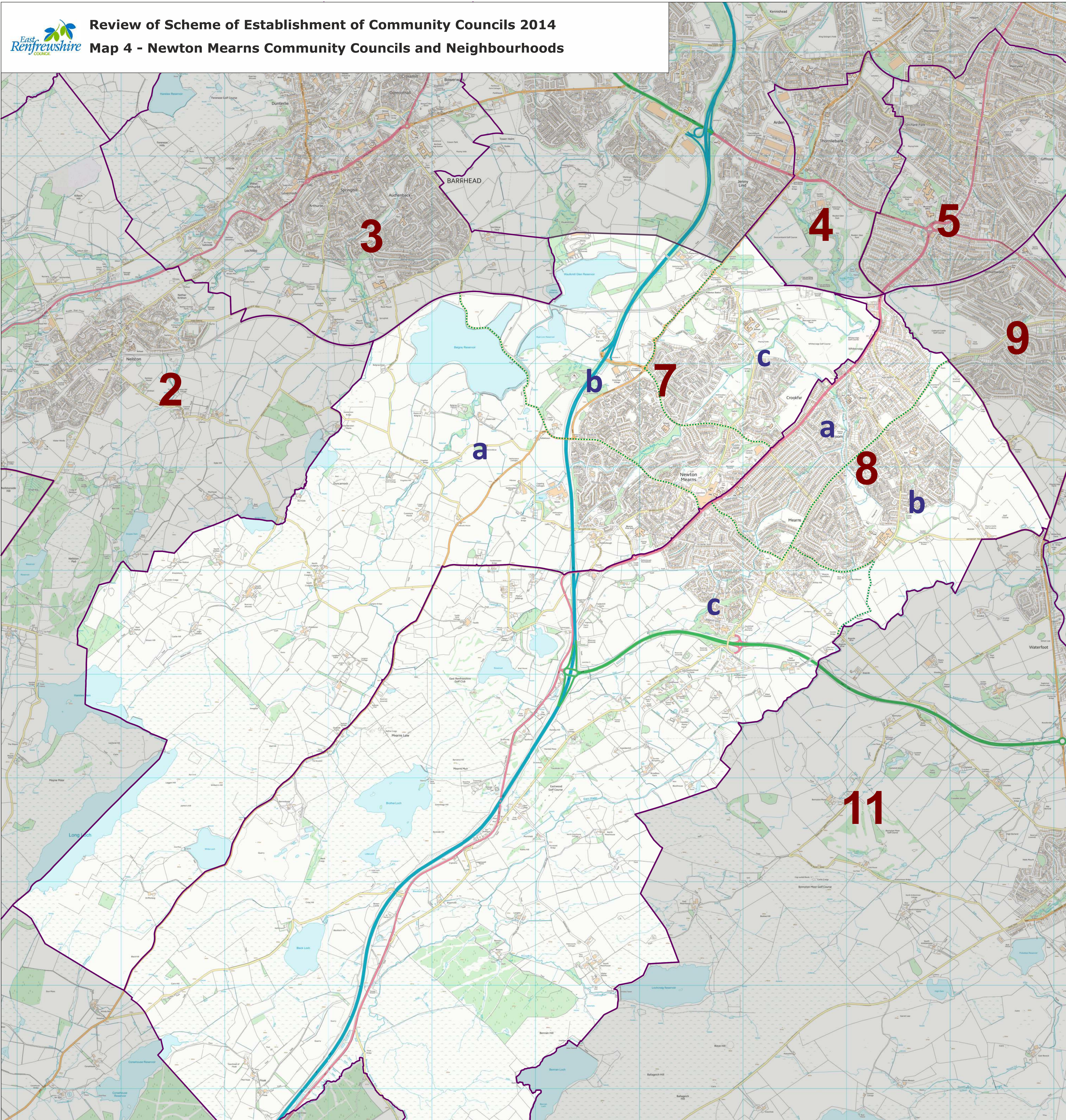
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- 4 Thornliebank
- 5 Giffnock
 - a Orchard Park
 - b Merrylea and Braidbar
 - c Giffnock South
- 6 Stamperland and Netherlee
- 7 Crookfur Greenfarm and Mearns Village
- 8 Broom, Kirkhill and Mearnskirk
- 9 Clarkston and Williamwood
- 10 Busby



Review of Scheme of Establishment of Community Councils 2014

Map 4 - Newton Mearns Community Councils and Neighbourhoods



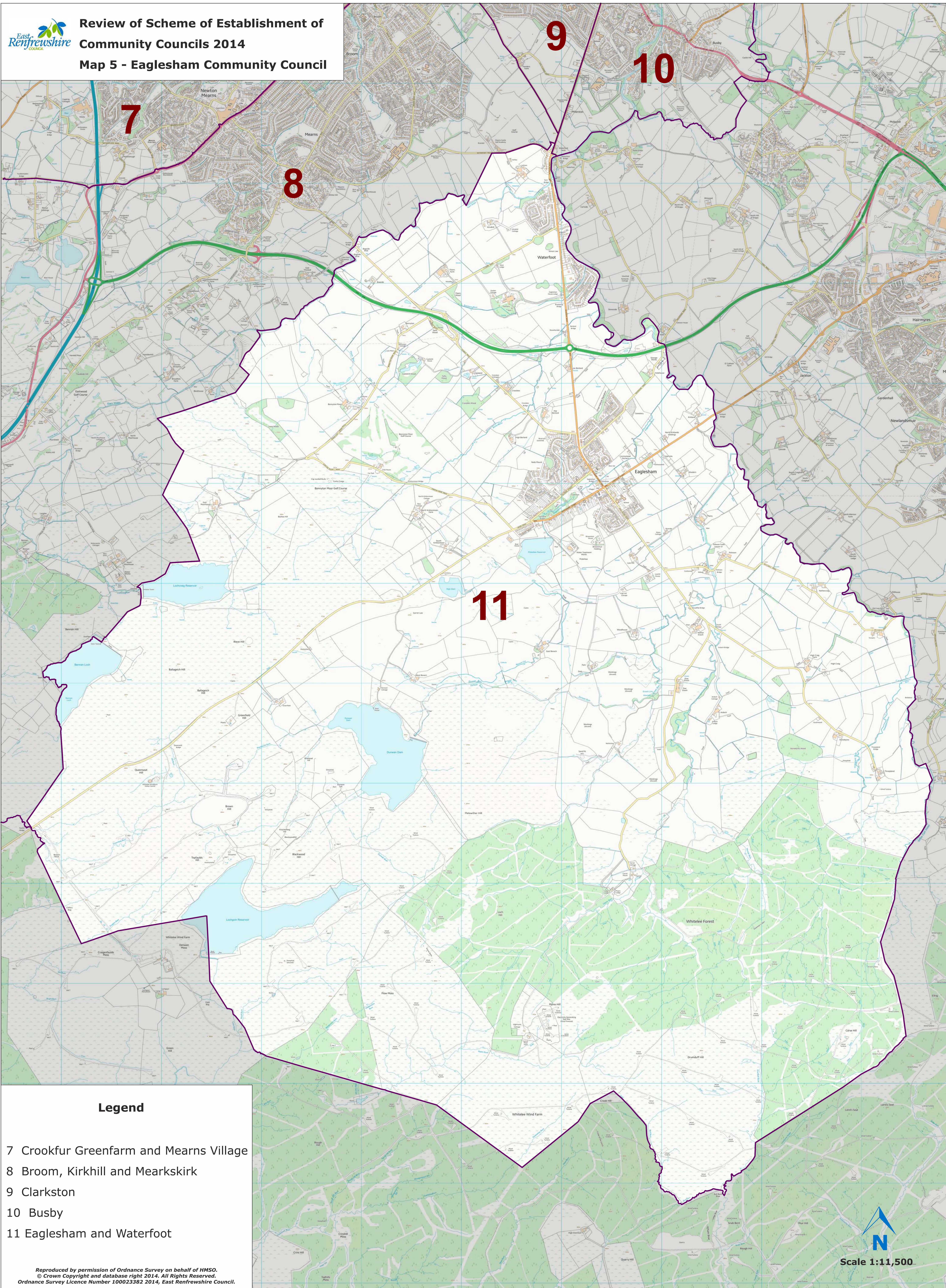
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- 2 Neilston
- 3 Barrhead
- 4 Thornliebank
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- 7 Crookfur Greenfarm and Mearns Village
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 - a Broom
 - b Kirkhill
 - c Mearnskirk
- 9 Clarkston and Williamwood
- 11 Eaglesham and Waterfoot





**Review of Scheme of Establishment of
Community Councils 2014
Map 5 - Eaglesham Community Council**



Legend

- 7 Crookfur Greenfarm and Mearns Village
- 8 Broom, Kirkhill and Mearkskirk
- 9 Clarkston
- 10 Busby
- 11 Eaglesham and Waterfoot