

EAST RENFREWSHIRE COUNCIL24 September 2014Report by Deputy Chief ExecutiveREVIEW OF COMMUNITY COUNCIL SCHEME OF ESTABLISHMENT:  
REVISED DRAFT SCHEME AND STAGE 2 CONSULTATION**PURPOSE OF REPORT**

1. The purpose of this paper is to: propose a draft Revised Scheme of Establishment for Community Councils based on the stage 1 consultation findings and seek approval to initiate the Stage 2 engagement process of the current Review of Community Council Scheme of Establishment.

**RECOMMENDATIONS**

2. It is recommended that the Council:
- (i) Note the community feedback received during Stage 1 and how it has influenced the draft Scheme.
  - (ii) Approve the revised draft Scheme, associated documentation and boundary maps as the basis for Stage 2 consultation.
  - (iii) Approve the commencement of the Stage 2 consultation.

**BACKGROUND & CONTEXT**

3. The Council agreed to review the current Scheme on 23 October 2013. By reviewing the Scheme, we want to ensure that East Renfrewshire has a Scheme that:

- Is fit for purpose;
- Encourages a wide range of local people to join and participate in their Community Council;
- Fits with the current and upcoming legislation e.g. Community Empowerment and Renewal Bill;
- Ensures Community Councils operate in line with the principles of good governance whilst being proportionate;
- Encourages Community Councils to be genuinely diverse and representative;
- Has a Code of Conduct which is flexible and enforceable where necessary and;
- Promotes constructive dialogue and good conduct whilst protecting Community Councils' independence and their right to disagree with the Council and partners on local issues.

4. This is a three stage process set out in legislation. Stage 1 ran from 17 February to 30 April 2014 and the findings were reported to the Special Council meeting on 25 June 2014.

## PROGRESS TO DATE

5. The range of engagement activities undertaken during Stage 1 were very broad based and inclusive, taking account of a wide range of views and experience in the community including:

- Social research with the wider community in relation to how Community Councils are configured, operate and represent residents. This was undertaken between February and April 2014 involving a door-to-door survey of 918 individuals and 11 focus groups with 54 individuals. The sample achieved was representative of the population - target quotas were set by Community Council area, tenure, ethnicity, age and gender.
- The independent review of the operation and support for Community Councils was undertaken between March and April 2014. This involved current and former CC members, elected members, Council and partners. This was based on interviews, survey, letters and a workshop focussing on operation and support mechanisms.
- Feedback from the engagement event with Community Council members (attended by 27 Community Council members, with representation from 9 out of the 10 Community Councils).
- Responses submitted through Citizen Space, the Council's online engagement resource.

6. The engagement undertaken during Stage 1 of the Review has generated a wealth of feedback and information to inform a revised Scheme, associated documents and revised Community Council boundary maps. These are attached in Annexe 1 and 2 of this paper and the Special Council is asked to approve these as the basis for consultation during Stage 2.

7. The key findings from stage 1 consultation included:

- The Council should improve the way it supports and engages with Community Councils. The Council should develop and adopt a positive culture of community engagement that seeks to develop partnerships with Community Councils. The Council should provide training and some of this should be mandatory for Community Council members.
- East Renfrewshire has some of the largest Community Councils in Scotland. Most of the current Community Council boundaries are appropriate subject to minor revisions; however consideration should be given to splitting and/or introducing ward-like subdivisions within the largest Community Councils.
- Community Councils need to be more diverse and more closely match the make-up of their community. Community Councils need to improve how they engage with their own local community.
- There should be an enforceable code of conduct for members of Community Councils. Community Councils should have the powers to deal with any alleged misconduct themselves in the first instance and issues should only be referred to the Council if the Community Council is unable to resolve an issue or it is of sufficiently serious nature.
- Any arrangement for dealing with serious misconduct in Community Councils should be proportionate, fair and transparent.

8. The research findings were carefully considered and matched to the corresponding components of a Scheme. The scheme has been drafted to ensure it is legally robust. A number of issues identified in Stage 1 necessarily sit out with the Scheme of Establishment, which is a technical legal document, however the Council is keen to address these wider issues as part of the implementation of any new Scheme of Establishment.

9. The key components of the draft Revised Scheme are:

- Transparent rules for the size of Community Councils
  - Council areas with a population of 10,000 or under will remain the same subject to any minor adjustments that have been identified;
  - Community Council areas with population between 10,001 and 20,000 will remain the same, however the area will be sub-divided into neighbourhoods to ensure representation from across the geographic community;
  - Community Council areas with a population 20,001 and over will be split.
- This criteria means that it proposed that Newton Mearns be split into two new Community Councils, both of which would be among the largest Community Councils in East Renfrewshire. These two Community Councils, together with Barrhead and Giffnock will have specific neighbourhood areas within them to encourage representation from across their community. If Barrhead's population grows above 20,000 in future the scheme will require it to be split.
- The draft Revised Scheme encourages more direct elections to Community Councils and explicitly positions co-option as a tool to address under-representation of key groups within the Community.
- The scheme introduces a mandatory and enforceable Code of Conduct.
- Enforcement of the draft Revised Scheme is based on the principle of Community Councils dealing with issues of misconduct themselves in the first instance with issues only being referred to the Council if the Community Council is unable to reach a resolution themselves or if the issue is sufficiently serious.
- The draft Revised Scheme introduces criteria for more equality of representation among member of Community Councils by rotating the role of chairperson in order to try to help reduce the risk of "power cliques" forming within Community Councils, which a number of current and former Community Council members cited as an issue of concern.
- Overall the revised Scheme increases the number of Community Councils from 10 to 11 and increases the potential membership of community councils from 162 to 182.

## **RESOURCE IMPLICATIONS**

10. The draft revised Scheme is more robust than the existing version. The lack of clear processes and enforceability in the current version of the scheme has led to a cascading time and resource drain on Community Council members, Council officers, elected members, senior officials. With the implementation of mandatory training and a well understood and enforceable Code of Conduct, it is hoped there will be a reduced need for any Council intervention. However if any issues do arise there will be much clearer parameters in the new Scheme which will minimise ambiguity, make for clearer decision

making and support quicker resolution of issues of misconduct. The revised Scheme will enable the operation and support of Community Councils to be managed more effectively.

### **NEXT STEPS**

11. The next steps for the Review of Community Council Scheme of Establishment are as follows:
  - (i) Initiate the Stage 2 consultation process on the proposed draft Scheme of Establishment for Community Councils based on key findings from Stage 1;
  - (ii) A Special Council meeting in February to approve and make further amendments to the draft Scheme for consultation during Stage 3 implementation phase if required. An indicative process and timeline for Stage 2 and 3 is attached in Annex 2.

### **CONCLUSIONS**

12. The Stage 1 engagement activities supplied a variety of rich information from a wide section of the community, which provided clear and consistent messages for the development of the revised draft Scheme. The key findings from Stage 1 provide a real opportunity to improve the operation and performance of Community Councils and encourage wider representation, as well as strengthening relationships between the Council and Community Councils. The benefits of the new Scheme would include providing much clearer parameters for the operation and support of Community Councils as well as the interaction with Council; improved representation of the wider community; and significantly reduce the risk of improper conduct. Stage 2 of the review process will involve further consultation around the draft Scheme.

### **RECOMMENDATIONS**

3. It is recommended that the Council:
  - (i) Note the community feedback received during Stage 1 and how it has influenced the draft Scheme.
  - (ii) Approve the revised draft Scheme, associated documentation and boundary maps as the basis for Stage 2 consultation.
  - (iii) Approve the commencement of the Stage 2 consultation.

### **REPORT AUTHORS**

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### **BACKGROUND PAPERS**

Review of Community Council Scheme of Establishment, Special Council, 23 October 2013



**KEY WORDS** A report setting out recommendations from a range of engagement undertaken during Stage 1 of the current Scheme Review and the initiation of Stage 2.

- Community Councils
  - Community Engagement
  - Representation
  - Boundaries
  - Code of Conduct
  - Support Mechanisms
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**ANNEX 1:**

Draft revised Scheme of Establishment

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**EAST RENFREWSHIRE COUNCIL  
SCHEME FOR THE ESTABLISHMENT  
OF COMMUNITY COUNCILS  
(amended 2014)**

**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 2014, 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 2014). 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, the community council 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. Licensing matters and any 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 objects 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 to adopt a Constitution, based upon 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. Variation to Constitutions will only be approved if they improve the operation of the Community Council without impacting the transparency or accountability of the Community Council. East Renfrewshire Council is required to approve or reject any amendments to a Community Council's constitution and its decision is final.
- 3.7 Within two months of the resolution of East Renfrewshire Council to adopt this scheme under section 53(3) of the Local Government (Scotland) Act 1973, each community council must adopt and submit to East Renfrewshire Council for approval a new constitution in line with the Model Constitution at Appendix I, with any desired modifications the community council wishes to make to that Model Constitution. A community council that does not comply with that requirement within that two month period shall, at the expiry of that two month period, be deemed to have adopted the Model Constitution in an unamended form (save for the inclusion of the name of the community council where required).
- 3.8 In carrying out their activities, community council members must at all times adhere to the law, the terms of this Scheme, the terms of their Constitution and the Community council members' Code of Conduct (a copy of which is set out at Appendix III to this scheme).
- 3.9 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, community councils shall:
- 3.9.1 Inform the community of the work and decisions of the community council by posting agendas and minutes of meetings in public places such as libraries and notice boards, and 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.
  - 3.9.2 Circulate the agenda and draft minutes to community council members, the Council, relevant elected members and other interested parties, and publish them online.
  - 3.9.3 Provide the approved minutes of community council and any committee meetings to East Renfrewshire Council within 14 days of their approval, circulate them to

community council members, relevant elected members and other interested parties, and publish them online..

- 3.9.4 Seek to broaden both representation and expertise by co-opting members in line with section [9] below, and by promoting the Associate Membership of the community council of persons for specific projects/issues.
- 3.9.5 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.
- 3.9.6 Maintain proper financial records and present financial reports at community council meetings.
- 3.9.7 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 Local Authority Areas**

4.1 East Renfrewshire shall be divided into the following 11 community councils:

- 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 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

4.4 Maps showing the boundaries of those neighbourhoods are attached as Appendix [V].

## 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 Two-thirds of the maximum number of seats on each community council shall be available to be filled by the election of members in accordance with section [6] below (referred to throughout this Scheme as “electable seats”). The remaining third of seats shall be available to be filled by co-option in accordance with section [9] below. Where two-thirds of the maximum number of seats does not equate to a whole number, the number of electable seats shall be rounded up to the nearest whole number, and the number of seats available to be filled by co-option shall be rounded down accordingly.

5.3 Where a community council area is divided into neighbourhoods, the number of electable seats in each neighbourhood will be determined by that area’s proportionate share of the population.



- 5.4 Individuals shall only be eligible for election or co-option to a community council if they:
- 5.4.1 reside in the area of the relevant community council;
  - 5.4.2 are named on an unedited Electoral Register for East Renfrewshire as being resident within that Community Council area and/or neighbourhood if appropriate;
  - 5.4.3 are at least 16 years of age at the time of the relevant election or co-option; and
  - 5.4.4 are not, at the time of the relevant election or co-option, disqualified from being a member of a community council under clause [12.11.1] of this Scheme.
- 5.5 Where a community council is divided into neighbourhoods, individuals shall, in addition to meeting the criteria noted at clause [5.4], only be eligible for election to the neighbourhood in which they reside and in respect of which they are named on the Electoral Register.
- 5.6 East Renfrewshire Council may compile a supplementary electoral register in relation to 16 and 17 year-olds and new residents.
- 5.7 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), or 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 6 months, shall be deemed to have resigned from that community council.
- 5.8 If any member of a community council fails to attend any community council meeting, with or without submitting apologies, throughout a period of 6 months, the community council may terminate their membership. 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.
- 5.9 Any community council member who is removed from a community council under clause [12.11.4] 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.
- 5.10 Any community council member who is suspended under section [12] 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 attend or vote at any community council meeting that takes place during the period of their suspension.
- 5.11 Any member of a community council who is elected to serve on East Renfrewshire Council, or elected to the Scottish, UK or European Parliaments, 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. Such persons, upon

taking office, become *ex-officio* members of the community councils contained in whole or in part of their electoral constituency.

- 5.12 Elected members of East Renfrewshire Council and members of the Scottish, United Kingdom and European Parliaments whose wards or constituencies fall wholly or partly within the geographical area of a community council area shall be deemed *ex-officio* members of the relevant community council. *Ex-officio* members shall have no voting rights on the community council, and shall not count towards meeting a quorum, nor 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.
- 5.13 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 representatives of other constituted local voluntary organisations. 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 that has appointed them. Associate members shall not have voting rights, and shall not count towards meeting a quorum, nor 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. Associate Members cannot be suspended or disqualified members of the Community Council.
- 5.14 Where a casual vacancy arises on a community council between elections, either by virtue of one of the circumstances noted above or because a member submits his or her resignation, the community council shall, in consultation with East Renfrewshire Council, make appropriate arrangements to fill the vacancy either by an interim election (following the process set out in section [6] of this Scheme, adapted to be in respect of the vacant seat only) or by co-option under section [8] of this Scheme. However, a vacancy may not be filled by co-option if that would result in the number of co-opted members equalling or exceeding one half of the total number of elected and co-opted members on a community council. Should circumstances arise that lead to the number of elected community council members falling below **HALF** of the total maximum number of electable 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 paragraph [5.4] above, and are neither suspended nor disqualified from being a member of a community council under clauses [12.11.4] and [12.11.5] 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 September, with the exact date of each election to be appointed by East Renfrewshire Council at least 15 weeks in advance of the relevant date. Should that 4-yearly community council election cycle result in elections falling in the same year as elections to East Renfrewshire Council or to the Scottish Parliament, the electoral proceedings may be held in the first available year in which such elections will not take place, with subsequent elections then taking place 4 years later (subject again to avoiding any coincidence with elections to East Renfrewshire Council or to the Scottish Parliament).

### 6.3 Administration of Elections

6.3.1 East Renfrewshire Council will administer all elections, and will appoint an Independent Returning Officer. The Independent Returning Officer must not be a current elected member of any community council nor intending to stand for election to any community council.

### 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 an unedited Electoral Register for East Renfrewshire as being resident within that 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 before the close of the nomination period. The statement must not mention any other individual or community council; it must 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 appointed by East Renfrewshire Council under clause [6.2.2] above and shall last for 6 weeks. No nomination forms submitted after the close of that period will be accepted.

6.4.4 East Renfrewshire Council shall, within two business days of the close of the nomination period, publish a list of nominees and make all nomination forms received

available for public inspection. Nominations will not be published and nomination forms shall not be available for public inspection prior to the close of the nomination period.

## 6.5 Elections

6.5.1 On the day appointed by East Renfrewshire Council under clause [6.2.2] above:

6.5.1.1 Should the number of candidates validly nominated for a community council area exceed the total maximum number of electable seats for that community council or any designated neighbourhood area within it, East Renfrewshire Council shall arrange for a poll to take place as soon as reasonably practicable.

6.5.1.2 Should the number of candidates validly nominated for a community council area equal or exceed **HALF** of number of electable seats on the community council, but be less than or equal to the total maximum number of electable seats on that community council or within a designated neighbourhood area, 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** of the total maximum number of electable seats on that community council (taking account of the maximum number of seats in any individually designated neighbourhood area), 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 Code of Conduct at Appendix III and agree to be bound by it before they can become members of the community council. Elected individuals shall not have voting rights, and shall not count towards meeting a quorum, nor be included in the number of community council members until they have signed the Code of Conduct, agreed to be bound by it and passed it to the Council.

## 6.6 Polls

6.6.1 Those eligible to vote in a poll in respect of a particular community council shall be those who meet the eligibility criteria set out at clauses [5.4.1 to 5.4.3] above.

6.6.2 Each eligible voter shall be entitled to cast one vote only. 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 in which the eligible voter resides.

6.6.3 Polls shall be conducted on a simple majority basis. 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 electable 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.

6.6.4 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, they shall draw lots to decide which of them shall be elected.

#### 6.7 Elections to neighbourhoods

6.7.1 Where a community council is divided into neighbourhoods, candidates may only be nominated for election to a neighbourhood if they meet the criteria set out at paragraph [5.5] above. The election of members to neighbourhoods shall take place in accordance with this section 6, subject to the references in clauses 6.5.1.1 and 6.5.1.2 to a community council area being read as references to a neighbourhood, and to references to the total maximum number of electable seats on the community council being read as references to the total maximum number of electable seats in respect of that neighbourhood.

### 7 Establishment and meetings of community councils

7.1 A community council shall be established at its first quorate meeting following the date of election. That meeting will be called by the Independent Returning Officer appointed by East Renfrewshire Council under clause [6.3.1], 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 a Constitution and Standing Orders, appointment of office bearers.

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, or 3 voting members, whichever is the greater.

7.4 An outline for the content of business that community councils should adhere to when holding ordinary, special and annual general meetings is contained within the Model Standing Orders set out at Appendix [II], any proposed alterations to which must be submitted to East Renfrewshire Council for approval.

## 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 Community Councillor's Code of Conduct by signing the Code of Conduct at the meeting where their co-option is considered;
  - 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 Chair 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 community council exceeding the maximum number of seats available for co-option as determined under clause [5.2] (unless they are being co-opted to fill a casual vacancy under clause [5.14], in which case their co-option must not result in the number of co-opted members equalling or exceeding one half of the total number of elected and co-opted members on a community council);
  - 8.2.5 they are eligible for membership of the community council in accordance with clause [5.4];
  - 8.2.6 they have not previously ceased to be a member of the community council by virtue of clause [5.9];
  - 8.2.7 they are not prohibited from being co-opted 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.

8.4 Co-opted members will serve until the dissolution of the community council, and shall thereafter be ineligible for co-option to the community council in question.

## **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 it is responsible and which it considers to be of local interest. Representations should be made, in the case of statutory objections, such as planning or 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 independently examined by at least two independent examiners appointed by the community council, who are not members of that community council. It is the responsibility of the office bearers of the Community Council to ensure that any examiners are 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. Failure to do so will result in the withholding of any subsequent grant award.

- 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 system.
- 11.6 East Renfrewshire Council may provide an initial annual administrative grant 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 grant.
- 11.7 East Renfrewshire Council may provide such additional support services or resourcing as community councils may require, such as: photocopying and distribution 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 grant 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 however failure to take up such training may be a material consideration if a member of a community council later breaches the code of conduct.

## **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 Community council members' Code of Conduct (a copy of which is attached at Appendix [III]). Associate members must also comply with those terms to the extent that they are applicable to them and sign the Code of Conduct at meeting their Associate Membership is approved.
- 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 [12.6].
- 12.4 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 [13.1]. 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:
- 12.4.1 censure the member(s) in question;
- 12.4.2 issue a formal warning to the member(s) in question;
- 12.4.3 suspend the member(s) from the community council for up to 3 months; or
- 12.4.4 refer the complaint to the Conduct Review Panel for consideration and determination.
- 12.5 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, to be administered by an independent person mutually agreed upon by the complainer and the subject of the complaint.
- 12.6 A Conduct Review Panel (a "Panel") shall be established to deal with any complaints referred under clauses [12.3] or [12.4.4].
- 12.7 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.
- 12.8 If a complaint is made in respect of a decision of a community council to impose one of the sanctions set out at clauses [12.4.1] to [12.4.4] 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.
- 12.9 A Panel shall meet to decide a complaint within 12 weeks of the complaint being referred to it.
- 12.10 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.

- 12.11 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 [13.1]. If satisfied that those obligations have not been complied with, the Panel must:
- 12.11.1 impose one of the sanctions set out at clauses [13.4.1] to [13.4.3];
  - 12.11.2 where the complaint concerns a community council's decision to impose one of those sanctions, confirm the community council's decision;
  - 12.11.3 suspend the member(s) in question from the relevant community council for up to one year;
  - 12.11.4 remove the member(s) in question from the relevant community council, either with or without a period of disqualification under [12.11.5];
  - 12.11.5 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 Community Council term or 2 years, whichever is greater;
  - 12.11.6 require the subject of the complaint to participate in mediation with the complainer; or
  - 12.11.7 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].

### **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 electable seats on that community council, and remains so for a period of 3 consecutive prescribed meeting dates (notwithstanding action taken by the community council and East Renfrewshire Council to address the situation under clause [5.14]), East Renfrewshire Council may resolve by a simple majority to dissolve that community council.
- 13.3 A community council shall be dissolved at 5pm the day before 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 Community council members' Code of Conduct, 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 re-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 Point of Clarification of the Scheme**

In the event that the any elements or definition of terms within the scheme are deemed to be ambiguous it will fall to East Renfrewshire Council to clarify or define those terms. In doing so the Council will seek to apply the most inclusive or democratic interpretation. Ultimately a clarification will be at the discretion of the Council and final.

#### **15 Modification of Scheme**

- 15.1 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.
- 15.2 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.
- 15.3 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 [15.2].
- 15.4 A decision of East Renfrewshire Council to review the Scheme under clause [15.1], or to amend the Scheme under clause [15.2], 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 2014) (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 Community council members’ Code of Conduct.
- 4.2 Members of the COMMUNITY COUNCIL shall comply with and abide by their obligations under the Scheme, this constitution and the Community council members’ Code of Conduct, 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 Casual Vacancies on the Community Council

- 7.1 Where a vacancy arises which does not result in the number of COMMUNITY COUNCIL MEMBERS falling below **HALF** of the total maximum number of electable seats on that COMMUNITY COUNCIL, as specified in clause 5.14 of the Scheme, and at least 6 months has passed since the last election, the COMMUNITY COUNCIL may, if it considers it to be desirable, agree to:-

7.1.1 hold an extraordinary general meeting in order that the vacancy (and any other outstanding vacancies) can be filled, on the basis that such vacancies would be publicised, nominations invited and a poll held where the number of candidates exceeded the number of vacancies (polls will be administered by East Renfrewshire Council in accordance with section 6 of the Scheme;

7.1.2 fill the vacancy by co-option, as long as that would not result in the number of co-opted members equalling or exceeding one half of the total number of elected and co-opted members of the COMMUNITY COUNCIL, in accordance with section 8 of the Scheme;  
or

7.1.3 leave the vacancy unfilled until local public interest is expressed or until the next set of regular elections.

## 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 [8.5] 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 clause [9.3] of the Scheme, and clauses 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-holders shall be eligible for re-election without limitation of time.
- 9.3 A member may not be appointed as Chair more than once during a term of the COMMUNITY COUNCIL, and the Chair may not be re-appointed other than at the first AGM following an election, or at the AGM prior to an election.
- 9.4 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.

## **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 at least one third of the current eligible voting membership, or 3 voting members, whichever is the greater.
- 11.2 Once in each year in the month of April 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 and the appointment of office bearers.
- 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. Special meetings shall require at least 10 days public notice (including notice being published online), and must be either called by the Chair, or on the request of not less than one-half of the total number of COMMUNITY COUNCIL members. An officer of East Renfrewshire Council has the discretion to call a meeting of the COMMUNITY COUNCIL.

- 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 Copies of all minutes of meetings of the COMMUNITY COUNCIL and of committees thereof shall be approved at the next prescribed meeting of the COMMUNITY COUNCIL, but the draft minutes shall, within 14 days from the date of the meeting to which they relate, be circulated to COMMUNITY COUNCIL MEMBERS and other appropriate parties.
- 11.7 A copy of the agenda and draft minutes for each meeting shall be submitted to East Renfrewshire Council's liaison officer for COMMUNITY COUNCILS within 14 days of the relevant meeting, and approved minutes shall be submitted within 14 days of their approval as set out in Clauses 3.9.2 and 3.9.3 of the Scheme.
- 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 (subject to clause 11.8 above) 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 Chairperson.
- 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, 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 Grant 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.

14.4 A statement of accounts for the preceding financial year shall be prepared by the Treasurer and independently examined by two examiners 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.



**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]. Special Meetings may be called at any time on the instructions of the Chair of the COMMUNITY COUNCIL, who shall call such a meeting if requested to do so 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 [3.9.2] of the East Renfrewshire Council Scheme for the Establishment of Community Councils (amended 2014) (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 [3.9.3] of the Scheme.

**3. Quorum**

A quorum shall be one-third of the current voting membership of the COMMUNITY COUNCIL, or 3 voting members, whichever is the greater.

**4. Order of Business****(i) 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) Chairperson 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) 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) Extraordinary General Meeting

The order of business at every extraordinary general 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 [13.5] 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

The 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 elected 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 Councillor 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 your local authority under the terms of the Local Government (Scotland) Act 1973.

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 Councillor 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 Councillor, 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 Council's Scheme for the Establishment of Community Councils 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 Councils Scheme for the Establishment of Community Councils. 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 Council's Scheme for the Establishment of Community Councils as set out by your local authority under the terms of the Local Government (Scotland) Act 1973 may be reported to your local authority 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 Councillor.

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.

**I agree to be bound the East Renfrewshire Scheme of Establishment and Code of Conduct for Members of Community Councils.**

**Signed:**

**Date:**

**Print Name:**

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APPENDIX IV

BOUNDARIES OF COMMUNITY COUNCIL AREAS

[INSERT MAPS]

DRAFT

APPENDIX V

BOUNDARIES OF NEIGHBOURHOODS WITHIN SPECIFIED COMMUNITY COUNCIL AREAS

[INSERT MAPS]

DRAFT

**APPENDIX VI**

**COMMUNITY COUNCIL ELECTION NOMINATION FORM**

..... **COMMUNITY COUNCIL**

[..... **NEIGHBOURHOOD**]\*

Proposer

Name: .....

Address: .....

..... Post Code .....

I, being the person named above, hereby nominate:

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 councillor.

I confirm that, if elected, I will at all times comply with and abide by the **East Renfrewshire Council Scheme for the Establishment of Community Councils (amended 2014)**, the constitution of the community council and the **Community council members' Code of Conduct**.

Signature of Candidate: .....

Date: .....

**Public election statement**

In no more than 250 words, and without mentioning any other individual, the candidate must set out their reasons for standing for election, their relevant experience, how they propose to improve their community and their priorities if elected. This statement will be made publicly available.

**NOMINATION FORMS MUST BE RETURNED TO THE RECEPTION DESK AT COUNCIL HEADQUARTERS, EASTWOOD PARK, GIFFNOCK, G46 6UG BY 12 NOON ON [CLOSING DATE FOR NOMINATIONS]**

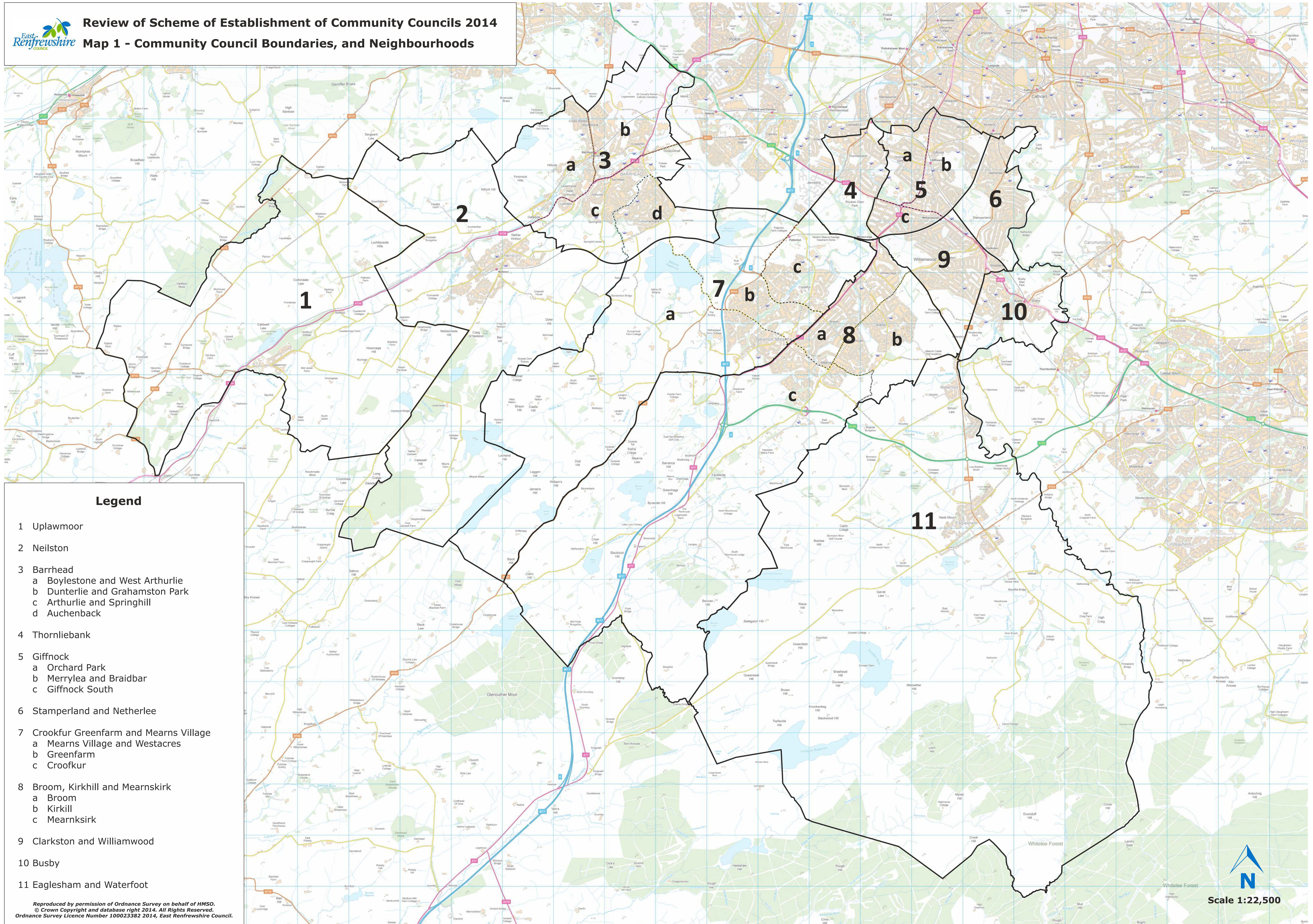
\*delete as applicable

**ANNEX 2:**

Maps and Boundaries

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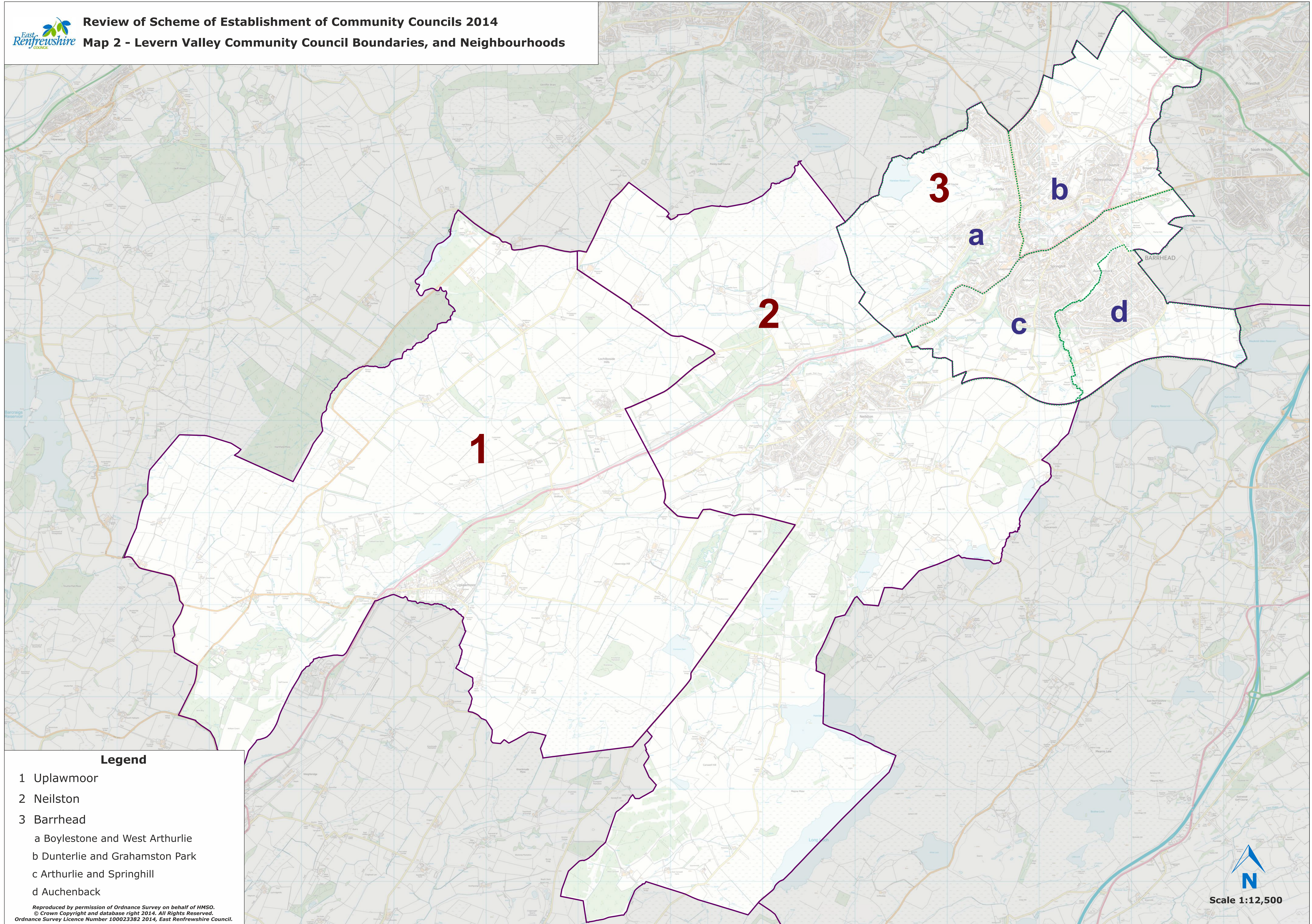


**Legend**

- 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





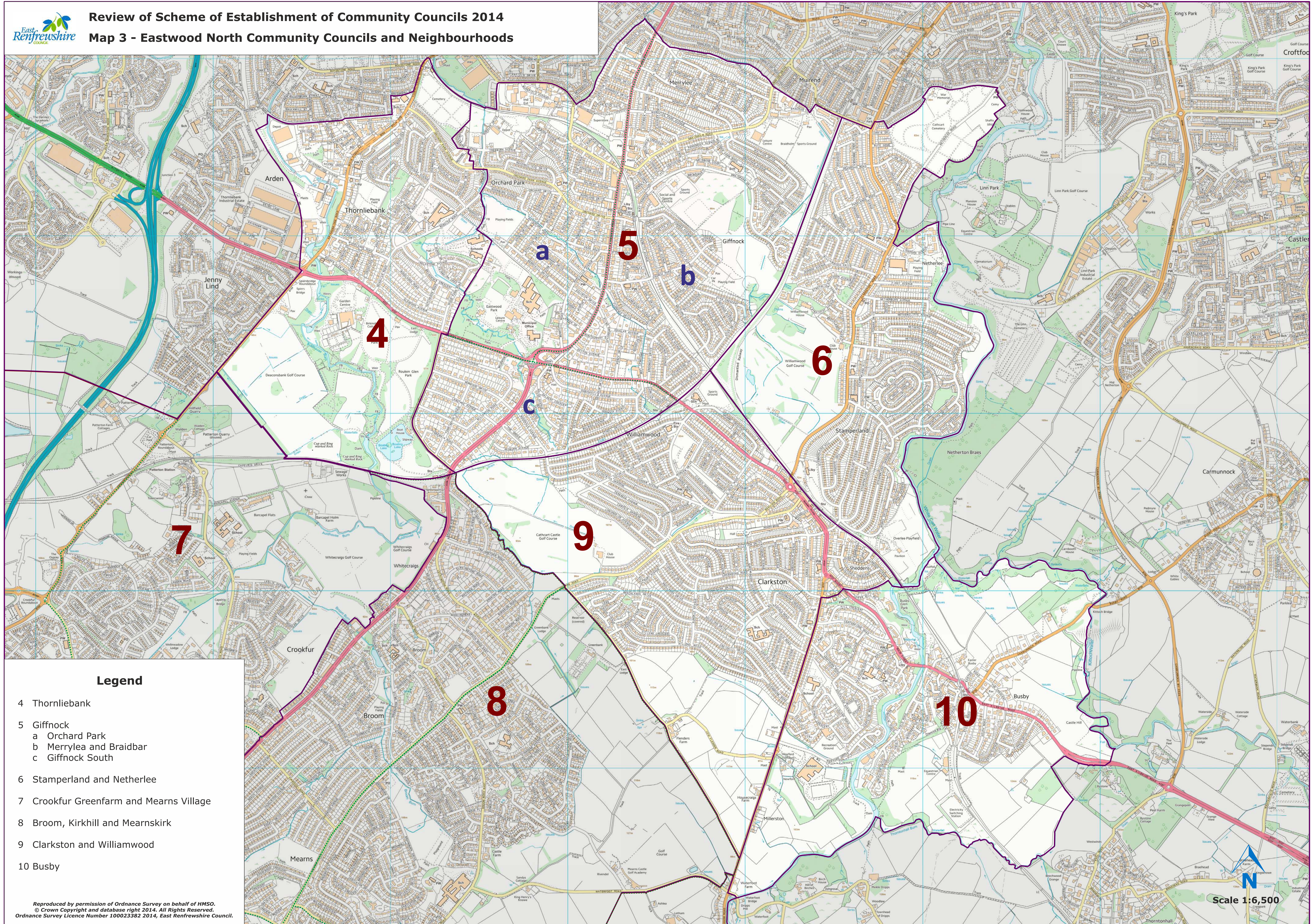


**Legend**

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

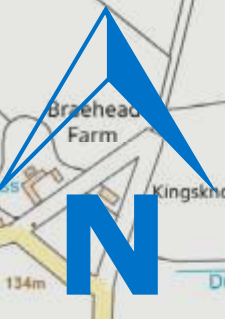






**Legend**

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

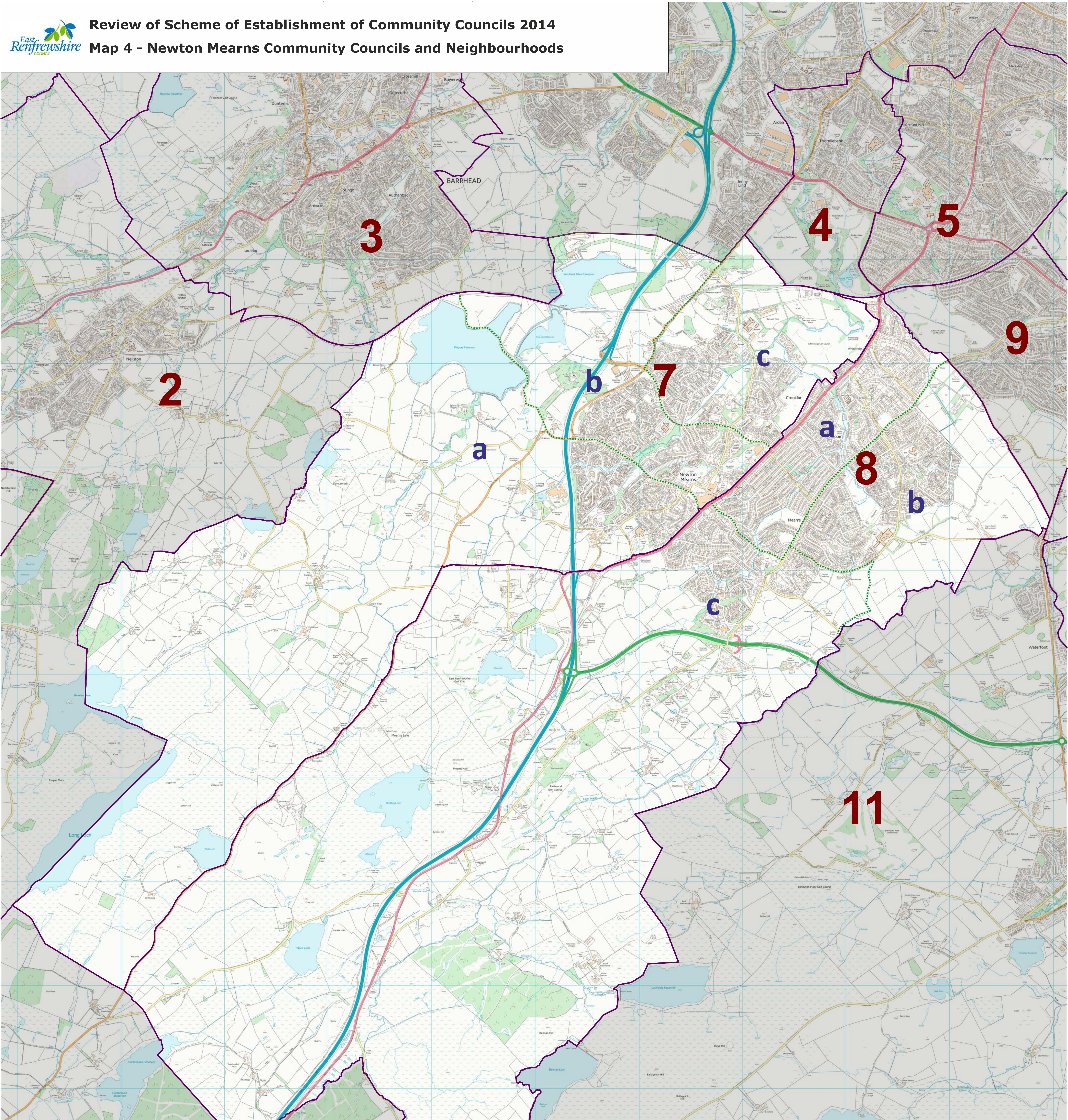






# Review of Scheme of Establishment of Community Councils 2014

## Map 4 - Newton Mearns Community Councils and Neighbourhoods



### Legend

- 2 Neilston
- 3 Barrhead
- 4 Thornliebank
- 5 Giffnock
- 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
- 11 Eaglesham and Waterfoot





**ANNEX 3:**

Stage 2 & 3 - Process and Implementation Timeline

**ANNEX 3: Review of Scheme of Establishment for Community Councils, Stage 2 & 3 Process and Implementation Timeline**

**Please note that there will other significant engagements being undertaken at the same time as the Scheme Review including the Budget Engagement (October to December 2014).**

**Key dates and milestones**

<b>25 June 2014</b>	<b>24 September 2014</b>	<b>Early October 2014</b>	<b>Late October 2014</b>	<b>Early January 2015</b>	<b>Mid January to February 2015</b>	<b>12 February 2015</b>	<b>June 2015</b>
Special Council Meeting to provide a Stage 1 update and approve outline process for Stage 2.	Special Council Meeting to agree draft Scheme and associated documentation for Stage 2 engagement.	Launch Stage 2 Engagement via public notices in local press, on the Council website and Citizen Space online consultation tool.	Stage 2 Community Council Engagement Event.	Stage 2 Close.	Feedback Collation Period.	Special Council Meeting to approve or make further amendments to revised Scheme, associated documents and to initiate Stage 3.  Feedback to Community Councils and the wider community.	Stage 3 Implementation if required.