

EAST RENFREWSHIRE COUNCIL

26 March 2014

Report by Deputy Chief Executive

BREACH IN THE SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

PURPOSE OF REPORT

1. To advise Council of a breach of the Scheme of Establishment of Community Councils and make recommendations to the Council in relation to the breach.

RECOMMENDATION

2. That the Council:
- i. request that the Deputy Chief Executive writes to the community councils concerned emphasising the Council's commitment to working in partnership with community councils but explaining to them the gravity of the situation and requesting that they revert to the Community Council Constitution.
 - ii. approve that community councils which refuse to be bound by the Constitution contained in the Scheme of Establishment by a deadline of 25 April 2014 are no longer considered to be operating as statutory community councils and that the Council reflects such a change in status by taking the undernoted steps:
 - No further engagement and support by the Council
 - No further statutory consultation on Planning, Licensing and Education
 - The cessation of any and all free lets of Council premises.
 - No award of the administration grant.
 - iii. agree that any future changes to the Constitution by any other community council is similarly dealt with without the need to report to Council, as above.
 - iv. agree that should it be necessary to take any action in relation to (ii) above, the Council will not seek to re-establish a community council until a new Scheme of Establishment has been approved by Council.

BACKGROUND

3. All community councils are governed by the terms of the Local Government (Scotland) Act 1973 and are the most local tier of statutory representation in Scotland. The Act stipulates that councils must set up a Scheme of Establishment for community councils. It also stipulates the process for setting up the scheme and the process by which the scheme can be reviewed and amended. Councils have a statutory oversight of community councils and in consultation with their community councils, the freedom to tailor schemes of establishment to the particular circumstances of their area.

4. In 2009, a Scottish Government Community Council Working Group developed the Model Scheme of Establishment of Community Councils, Model Code of Conduct for Community Councils and Good Practice Guidance for Local Authorities and Community Councils. These documents were produced as a direct result of the recommendations arising from a review of community councils undertaken in 2005/2006.

5. The current scheme for East Renfrewshire followed a lengthy process of direct engagement with all 10 community councils in East Renfrewshire when a working group comprised of community council representatives and council officers met at frequent intervals in 2008/09 to discuss a draft Scheme for Council. The Scheme, which Council approved, had the support of all 10 community councils and was largely based on the Model Scheme of Establishment.

6. A full outline of the legislative framework for community councils is appended to this report as Annexe 1.

7. Since the establishment of the Council we have always had a full cohort of ten active community councils. Throughout this period to date there has always been a mutually cordial and respectful relationship between the Council and the ten Community Councils. This mutual respect and recognition has, until now, never been fundamentally undermined even when there have been very occasional strong disagreements on matters of policy, budgets or service delivery. It remains the case today that the majority of community councils while occasionally disagreeing with us seek a mature and constructive working relationship within the context of the Scheme of Establishment in order to represent their local communities.

8. In 2013, elections were held in East Renfrewshire for the community councils. Despite extensive advertising, interest levels were low and all nominees were elected unopposed. In all community councils, whilst the minimum number of representatives required were nominated, the community councils operate with low levels of representation.

9. In autumn 2013, some community councils requested to change their Constitution. It was clearly explained to them that the approved Scheme of Establishment would not allow this.

10. The Council was recently notified of amendments and new clauses in the Constitutions adopted by Newton Mearns Community Council, Clarkston Community Council and Thornliebank Community Council.

11. Newton Mearns Community Council has introduced a range of new or amended clauses shown at Annexe 2, Clarkston Community Council has introduced clauses indicating that members of the community council cannot stand for a position of office until 1 year has elapsed since joining, it also proposes meetings can be held "in camera", Thornliebank Community Council has similarly introduced a clause stating that positions of office can only be filled by those who have been a member of the community council for at least 1 year and they have reduced the quorum to 5.

12. The Head of Democratic and Partnership Services wrote to all three community councils in March 2014 to explain to them that the actions they have taken are in breach of the current Scheme of Establishment and each community council was requested to revert to the approved Constitution.

13. An office bearer from Clarkston Community Council has responded indicating that the amendments made are to stand. An office bearer from Newton Mearns Community Council has responded indicating that the Constitution that supports the Scheme is out of step with the needs of community councils and the independence of community councils from the local authority enables them to amend the Constitution as their needs require. Thornliebank Community Council have indicated they will consider the matter at their next meeting.

14. East Renfrewshire's Scheme for the Establishment of Community Councils is currently the subject of review. The formal statutory process for amending the Scheme of Establishment is already underway and is expected to report to Council in autumn.

REPORT

15. East Renfrewshire's Community Council Scheme adheres to Section 52(c) of the Local Government (Scotland) 1973 Act which provides that a draft scheme shall contain "provisions relating to qualifications of electors, elections or other voting arrangements, composition, meetings, financing and accounts of community councils". The ERC Community Council Scheme having been created under the 1973 Act puts community councils under a legal obligation to adhere to the provisions of the ERC Community Council Scheme.

16. The Scheme of Establishment approved by East Renfrewshire Council and community councils in 2009 includes a Constitution and Code of Conduct. For ease of reference Annexe 3 of this report is the Constitution associated with the current scheme.

17. Section 51 of the 1973 Act defines the purpose of community councils. This is reflected in paragraph 12 of the ERC Community Council Scheme which provides that "Community councils have a duty to ensure that they are properly representative of the communities that they serve and that the views expressed by them fairly reflect the interests of all sections of their communities." In order to uphold the intention of the 1973 Act and fulfil this duty it is essential that the community councils act within the limitations and requirements of any approved ERC Community Council Scheme. Paragraph 12 of the current ERC Community Council Scheme requires each community council to "adopt the model constitution in part two of this scheme which details the set procedures to be followed".

18. The ERC Community Council Scheme does not reserve any authority to ERC to amend the ERC model constitution or to approve constitutions that are broadly in line with the ERC model constitution. The ERC Community Council Scheme including the ERC model constitution can be modified only through the statutory processes provided for in Section 53 of the 1973 Act. There is no less formal or less taxing mechanism by which a community council scheme may be amended, nor is it open to an individual community council to do so of its own volition.

19. The relationship between ERC and local community councils is not contractual. Local community councils must by operation of statute have regard to the ERC Community Council Scheme regardless of whether they have signed up to the Scheme or held themselves out as having unilaterally departed from its requirements.

20. The position is that there is no degree of autonomy available to community councils in terms of variations to the scheme. Community councils exist only because of, and are limited in what they can do by, the provisions of the Community Council Scheme. They cannot make changes to the Constitution unilaterally regardless of whether the purported changes have been approved by a majority, or indeed all members of the relevant community council. Changes that have been introduced in this way are invalid and mean that the organisation is no longer operating as a community council in statutory terms.

21. Community councils are statutory consultees in terms of planning, licensing and education and therefore have an important role in such procedures. Any submission by a community council acting outside of the approved Scheme of Establishment would be open to challenge.

22. In some other areas of Scotland, councils have adopted a Scheme of Establishment which allows individual community councils the opportunity to vary the Constitution with the formal agreement of the Council. This provision is not in the approved East Renfrewshire Scheme.

23. A review of the Scheme of Establishment is currently underway and community councils will have the opportunity to work in partnership with the Council to review the scheme and to propose modifications. It will be a matter for the Council to determine, at a future date, the new Scheme of Establishment.

24. The present paper does not discuss in detail whether the modifications proposed by the community councils would be acceptable. The key point is that no modification can be made without going through a formal review of the scheme. Therefore, Council is not being asked to determine the acceptability of the modifications. However, it should be noted that a number of the modifications proposed do not adhere to the accepted democratic process for statutory organisations e.g. the use of proxy votes and restrictions on new members taking up office bearer positions.

25. Over the last few months there have been a considerable number of complaints made about a small number of community councils and individuals in community councils and in particular about their adherence to the Constitution and Code of Conduct. The approved scheme does not give powers to the Council to investigate such complaints and therefore complaints have been referred to the individual community council. A number of Schemes of Establishment in other council areas do have provision for a formal complaints process with sanctions and this will be considered as part of the consultation on the review of the Scheme of Establishment.

CONCLUSION

26. The actions taken by 3 community councils in modifying their constitutions are not permissible and are a violation of the Section 53 of the Local Government (Scotland) Act 1973 to which East Renfrewshire's scheme adheres. Having provided the community councils with the opportunity to rescind modifications two have confirmed their refusal to do so. Organisations which do not adopt the approved Constitution can no longer be held to be community councils in the statutory sense.

RECOMMENDATION

27. That the Council:

- i. request that the Deputy Chief Executive writes to the community councils concerned emphasising the Council's commitment to working in partnership with community councils but explaining to them the gravity of the situation and requesting that they revert to the approved Community Council Constitution.

ii./...

- ii. approve that community councils which refuse to be bound by the Constitution contained in the Scheme of Establishment by a deadline of 25 April 2014 are no longer considered to be operating as statutory community councils and that the Council reflects such a change in status by taking the undernoted steps:
 - No further engagement and support by the Council
 - No further statutory consultation on planning, licensing and education
 - The cessation of any and all free lets of Council premises.
 - No award of the administration grant.
- iii. agree that any future changes to the Constitution by any other community council is similarly dealt with without the need to report to Council, as above.
- iv. agree that should it be necessary to take any action in relation to (ii) above, the Council will not seek to re-establish a community council until a new Scheme of Establishment has been approved by Council.

Local Government (Scotland) Act 1973 c. 65
Part IV COMMUNITY COUNCILS

This version in force from: **April 1, 1996** to **present**

51.— Establishment and general purpose of community councils.

(1) Every local authority [...] ¹ shall, before 16th May 1976, or such later date as may be agreed by the Secretary of State, submit to the Secretary of State, in accordance with the provisions of this Part of this Act, a scheme for the establishment of community councils for their area.

(2) 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.

[...] ²

1. Words repealed by Local Government etc. (Scotland) Act 1994 c. 39 [Sch.14 para.1](#) (April 1, 1996 as SI 1996/323)

2. Repealed by Local Government etc. (Scotland) Act 1994 c. 39 [Sch.14 para.1](#) (April 1, 1996 as SI 1996/323)

Local Government (Scotland) Act 1973 c. 65
Part IV COMMUNITY COUNCILS

This version in force from: **December 20, 1973 to present**

52.— Schemes.

(1) Every local authority shall give public notice of their intention to frame a scheme for the establishment of community councils, and any such notice shall invite the public, within a period of not less than eight weeks from the date of the notice, to make suggestions as to the areas and composition of the community councils.

(2) After considering suggestions made under subsection(1) above, the local authority shall prepare and give public notice of a draft scheme which shall contain—

(a) a map showing the boundaries of the proposed areas of community councils and their populations, and the boundaries of any area for which the local authority consider a community council to be unnecessary;

(b) where a local authority consider that a community council is unnecessary for any area, a statement of their reasons for arriving at this conclusion;

(c) provisions relating to qualifications of electors, elections or other voting arrangements, composition, meetings, financing and accounts of community councils;

(d) provisions concerning the procedures to be adopted by which the community councils on the one hand and the local and public authorities with responsibilities in the areas of the community councils on the other will keep each other informed on matters of mutual interest; and

(e) such other information as, in the opinion of the local authority, would help the public to make a reasonable appraisal of the scheme.

(3) The notice mentioned in subsection (2) above shall invite the public, within a period of not less than eight weeks from the date of the notice, to make to the local authority representations as respects the draft scheme.

(4) After considering any representations made under subsection (3) above, the local authority may amend the draft scheme to take account of those representations and shall submit the scheme to the Secretary of State for his approval along with any outstanding representations and their comments upon them.

(5) The Secretary of State, after holding, if he thinks fit, a local inquiry in relation to the whole scheme or any part thereof, may approve, with or without modifications, a scheme submitted to him under subsection (4) above, or may refer the scheme back, in whole or in part, for further consideration by the local authority concerned.

(6) After the Secretary of State has approved a scheme, the local authority shall give public notice of the scheme in its approved form together with public notice of such a scheme as it applies to each proposed area, by exhibition in that area, and any such notice shall contain an invitation to electors in the area concerned to apply in writing to the local authority for the establishment of a community council in accordance with the scheme.

(7) Where not less than 20 electors apply as mentioned in subsection (6) above, the local authority shall, within not more than six weeks from the date of the application, organise, in accordance with the scheme, elections or other voting arrangements for the purpose of establishing the community council.

1 2

1. Act applied with modifications by School Boards (Scotland) Act 1988 (c.47), s. 11, Sch. 2 para.5; modified by Dockyard Services Act 1986 (c.52), s. 3(1)(c) and by Legal Aid (Scotland) Act 1986 (c.47), s. 1, Sch. 1 para. 1(4); explained by National Heritage (Scotland) Act 1985 (c.16), s. 20(1)(3); excluded by District Courts (Scotland) Act 1975 (c. 20), s. 12; modified by Representation of the People Act 1983 (c. 2), s. 43(3).

2. Pt. IV extended by Local Government (Scotland) Act 1975 (c. 30), s. 16, Sch. 3 para. 1(1)

Local Government (Scotland) Act 1973 c. 65
Part IV COMMUNITY COUNCILS

This version in force from: **Date not available to present**

53.— Amendment of schemes.

(1) Having regard to changing circumstances and to any representations made to them, every local authority shall from time to time review schemes made and approved under [section 52](#) of this Act and, where they consider that such a scheme ought to be amended, they shall give public notice of their proposals, inviting any community council concerned and the public to make to the local authority representations as respects the proposals.

[

(2) The local authority shall consider any representations made under subsection (1) above and may amend the scheme in accordance with—

(a) the notified proposals; or

(b) those proposals as amended to take account of any such representations:

Provided that the scheme shall not be amended under paragraph (b) of this Subsection unless public notice of the amendments to the proposals has been given with a further invitation to make representations under subsection (1) above.

(3) A decision of the local authority—

(a) to review, under subsection (1) above; or

(b) to amend, under subsection (2) above,

a scheme, shall be by resolution passed by not less than two-thirds of the members voting thereon at a local authority meeting specially convened for the purpose with notice of the object.

] ¹

[...] ²

³ ⁴

1. S. 53(2)(3) substituted for s. 53(2)\u2013(4) by Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), s. 25, Sch. 2 para. 31(1) by Sch. 2 para. 3(2) it is provided that para. 31(1) has no effect as regards the operation of s. 53 in relation to proposals which were submitted to the Secretary of State before 11.6.1981 under s. 53(3))

2. Repealed by Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23), s. 25, Sch. 2 para. 31(2), Sch. 4 (by Sch. 2 para. 31(2) it is provided that para.31(1) and, in so far as relating to s. 53, Sch. 4 to that Act have no effect as regards the operation of s. 53 in relation to proposals which, before 11.6.1981, were submitted to the Secretary of State under s. 53(3))

3. Act applied with modifications by School Boards (Scotland) Act 1988 (c.47), s. 11, Sch. 2 para.5; modified by Dockyard Services Act 1986 (c.52), s. 3(1)(c) and by Legal Aid (Scotland) Act 1986 (c.47), s. 1, Sch. 1 para. 1(4); explained by National Heritage (Scotland) Act 1985 (c.16), s. 20(1)(3); excluded by District Courts (Scotland) Act 1975 (c. 20), s. 12; modified by Representation of the People Act 1983 (c. 2), s. 43(3).

4. Pt. IV extended by Local Government (Scotland) Act 1975 (c. 30), s. 16, Sch. 3 para. 1(1)

Modifications to the Constitution made by Newton Mearns Community Council

A modified constitution was submitted by Newton Mearns Community Council to the Council in late January 2014. For ease of reference these are summarised below;

Clause

"15. Written proxy votes are eligible if signed by the absent community councillor to vote in their absence or the proxy can cast their vote on a specific issue. Proxy votes must be lodged with the Secretary at the start of the meeting".

" 19. When electing office bearers, only those community councillors with at least one year's experience of NMCC should be proposed unless all members are new to NMCC".

"27. Minutes of each meeting of the community council shall be submitted to East Renfrewshire Council within fourteen days after being approved. Once submitted, ERC shall publish that approved minute on their website, without amendment, alteration or redaction".

"31. The monthly meetings of the community council shall be open to members of the public. At the discretion of NMCC, parts of the meeting may be held 'in camera' and all non-community Councillors be excluded".

"33. Participation of members of the public at community council meetings shall be properly minuted if they are invited to address NMCC rather than simply observe. If they are known to NMCC they can request they should not be identified in minutes".

"38. NMCC has the right to amend and vary this constitution subject to the approval 75% of its members and to submit same, courtesy to East Renfrewshire Council as our adopted constitution and for East Renfrewshire Council to note and record. We reaffirm our independence from East Renfrewshire Council".

"39. This constitution is binding on NMCC and its successors and cannot be varied by others unless required by legislation".

"40. NMCC should endeavour to create and adopt a set of standing orders for the smooth and efficient running of meetings".

**East Renfrewshire Council
Scheme for Community Councils
(Amended 2009)**

Part One

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.
2. Under the terms of these Acts, East Renfrewshire Council approved its Scheme for Community Councils in 1998.
3. In light of national guidance issued by the Scottish Government in 2009, East Renfrewshire Council reviewed the scheme, in consultation with all community councils concerned, and gave public notice of the proposed amendments.
4. 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 Community Councils (Amended 2009).

General Purpose

5. The general purpose of community councils is defined in 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”

Duties

6. East Renfrewshire Council shall identify a Liaison Officer to provide support for community councils. The Liaison Officer shall provide advice and assistance to community councils and shall arrange a training programme for community councils on the roles of members and office bearers, the functions of East Renfrewshire Council, and other relevant topics.
7. East Renfrewshire Council shall determine any additional support, such as copying and distribution of minutes and facilities for meetings, to suit local requirements.
8. East Renfrewshire Council has a duty to consult with community councils on community planning matters and local planning and licensing matters. In order to fulfil this duty, East Renfrewshire Council shall ensure that all relevant information is made available to community councils and that sufficient time is allowed for community councils to respond.

9. Other matters for consultation may also be jointly agreed between East Renfrewshire Council and community councils.

10. East Renfrewshire Council shall provide an annual grant to each community council to assist with operating costs, subject to the conditions of grant for voluntary and community organisations. East Renfrewshire Council shall review the level of annual grant following each local government election.

11. Community councils may apply for additional funding for suitable activities through East Renfrewshire Council's grant system and may secure resources from other sources for activities consistent with their purpose.

12. Community councils have a duty to ensure that they are properly representative of the communities that they serve and that the views expressed by them fairly reflect the interests of all sections of their communities. In order to fulfil this duty, each community council shall be required to adopt the model constitution in part two of this scheme which details the set procedures to be followed.

Areas

13. The following 10 community councils shall be established in East Renfrewshire:

- Barrhead Community Council
- Busby Community Council
- Clarkston Community Council
- Eaglesham and Waterfoot Community Council
- Giffnock Community Council
- Newton Mearns Community Council
- Neilston Community Council
- Netherlee and Stamperland Community Council
- Thornliebank Community Council
- Uplawmoor Community Council

Membership

14. 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.

15. Members shall be elected in accordance with the following section of this scheme.

Elections

16. All elections shall be administered by a Returning Officer appointed by East Renfrewshire Council.

17. The first elections to be held under this scheme shall be held in September 2009. Subsequent elections shall be held every four years, also in September, except where this falls in a local government election year, in which event community council elections shall be held in September of the following year.

18. Candidates seeking election as a member of a community council shall be:

- Resident within that community council area
- At least 16 years of age
- Named on the electoral register covering their community council area

19. Candidates shall be nominated using the form found in part four of this scheme.

20. Nomination forms shall be returned to East Renfrewshire Council by the date set down in the election timetable and no forms submitted after this date shall be accepted.

21. On the expiry of the period for returning nomination forms:

- Should the number of candidates validly nominated equal or exceed half but be less than or equal to the maximum number of members for each community council as specified above, the said candidates shall be declared elected as members and no ballot shall be held.
- Should the number of candidates validly nominated exceed the maximum number of members for each community council as specified above, arrangements for a ballot shall be made. All residents of the community council area aged 16 years or over and named on the electoral register covering that area shall be entitled to vote. Those candidates receiving the greatest number of votes shall be elected as members of the community council, subject to the maximum number of members permitted for each community council.
- Should the number of candidates validly nominated be below half of the maximum number of members for each community council area as specified above, no community council shall be established at that time.

22. The first meeting of a community council following an election shall be called by the Returning Officer and shall take place as soon as practicable. The business of this meeting shall include the election of office bearers, adoption of the constitution, the schedule of meetings for the coming year and any outstanding matters from the outgoing community council.

Dissolution

23. Should a community council fail to hold a valid meeting for a period of three consecutive scheduled meetings, East Renfrewshire Council may, by suspending the constitution of the community council, cause the community council to be dissolved.

Part Two

Constitution for Community Councils in East Renfrewshire

Name

1. The name of the community council shall be:

Hereafter referred to as “the community council”.

General Purpose

2. The general purpose of the community council is defined in 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”

Membership

3. The maximum number of members permitted for the community council shall be set using the formula: 10 members, plus one extra member for every 1000 residents of the community council area, subject to a total membership of 20.

4. Between elections, vacancies in membership may be filled by the community council through the process of co-option.

5. Candidates for co-option shall be:

- Resident within that community council area
- At least 16 years of age
- Named on the electoral register covering their community council area

6. Any proposed co-option shall be minuted at the community council meeting where the proposal is made but shall not be approved until the following community council meeting when a vote shall be taken on the proposed co-option.

7. Once approved, co-opted members shall have full voting rights and shall be counted in the total number of members.

8. The number of co-opted members shall not exceed the number of current elected members.

9. Termination of membership is automatic should any community council member cease to be resident in their community council area.

10. Should any member of the community council fail to attend three consecutive scheduled meetings of the community council, with or without submitting apologies, the community council may terminate their membership, except in circumstances when a period of leave of absence for that member for personal reasons may be approved by the community council.

11. Elected members of East Renfrewshire Council representing all or part of the community council area shall be entitled to attend community council meetings in order to work in partnership with the community council, but shall not be counted as members.

12. Other representatives of the community may be appointed by the community council to attend meetings where there may be a need for individuals with particular skills or knowledge. Appointed representatives shall serve for a fixed period as determined by the community council or for the term of office of the community council which has appointed them. Appointed representatives shall not have voting rights and shall not be counted as members.

Voting

13. In the event that a vote is required during any community council meeting, voting shall normally be by a show of hands of members present, except in circumstances when the community council may decide that voting by secret ballot is preferred. Should the number of votes cast be equal, the Chairperson shall have a casting vote.

Office Bearers

14. The community council shall elect a Chairperson, a Secretary and a Treasurer from its membership. No individual member shall hold more than one of these offices at the same time.

15. Other office bearers may be elected at the community council's discretion.

16. All office bearers shall hold office until the next annual general meeting when they shall be eligible for re-election.

Meetings

17. The quorum for all meetings of the community council shall be one third of the maximum number of members permitted for the community council.

18. The frequency of meetings shall be determined by the community council, subject to a minimum of one annual general meeting and six ordinary meetings being held each year.

19. The annual general meeting shall be held in September each year. The business of this meeting shall include presentation of the annual report of the community council and examined annual accounts, the election of office bearers and the schedule of meetings for the following year.

20. Special meetings may be called at any time on the instructions of the Chairperson or on the request of not less than half of the current members.

21. The Chairperson shall rule on all matters of order, relevancy and competency arising at meetings of the community council.

22. The Chairperson shall ensure that all meetings of the community council are conducted in accordance with the constitution and the code of conduct and that all decisions are reached in an open and democratic manner.

23. The Chairperson shall have the power, in the event of disorder arising at any community council meeting, to adjourn the meeting.

Minutes

24. Minutes of each meeting of the community council shall be drafted and submitted to East Renfrewshire Council within fourteen days.

25. Following approval at the next relevant community council meeting, an official copy of the minutes shall be signed by the person presiding at that meeting and retained by the Secretary for future reference.

Public Participation

26. Agendas, minutes, notice of all meetings and contact details shall be prominently posted by the community council throughout the community council area, where possible.

27. The community council shall communicate with the public by other means, such as newsletters, local newspaper articles, email, internet, suggestion boxes and surveys, where possible.

28. All meetings of the community council shall be open to members of the public.

29. Members of the public shall be encouraged to attend community council meetings and the opportunity shall be afforded at each meeting to permit members of the public to address the community council, under the guidance of the Chairperson.

30. All attendance and participation of members of the public at community council meetings shall be properly minuted.

31. The community council shall make particular efforts to encourage under-represented groups to participate in the work of their community council.

Committees

32. The community council may appoint such committees at it may from time to time decide and shall determine their composition, terms of reference, duration, duties and powers.

Control of Finance

33. The financial year of the community council shall be from 1 April until 31 March the following year. Examined accounts for the financial year shall be submitted to East Renfrewshire Council at the end of each financial year.

34. A bank account shall be held in the name of the community council. Any two of three authorised signatories, who shall be office-bearers of the community council, shall sign cheques on behalf of the community council.

Dissolution

35. Should the community council decide at any time that it is necessary or advisable to dissolve, it shall give public notice of a special meeting to be held specifically to discuss dissolution. At this special meeting, should the proposal to dissolve be supported by a majority of the current membership, the community council shall be dissolved.

36. Any community council assets remaining after dissolution, after the satisfaction of any proper debts or liabilities approved by East Renfrewshire Council, shall transfer to East Renfrewshire Council who may hold these assets in trust for a future community council representing that area.

Adoption of this Constitution

37. This Constitution was adopted on:

DATE _____

Signed:

CHAIRPERSON _____

Part Three

Code of Conduct for Community Councillors

The Code of Conduct for Community Councillors 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 Councillors, 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 Councillors 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 appointed to represent. You also have a duty to act in accordance with the remit of the Scheme for 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, e.g. suggestion boxes, community surveys and opinion polls, should be made available where possible.

Selflessness

You have a duty to take decisions solely in terms of the interests 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 by your Community Council to serve as a member of another representative body such as the local Area Forum. 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 Councillors shall 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 Councillors shall 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 show respect to 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.

Part Four

ELECTION NOMINATION FORM

..... **COMMUNITY COUNCIL**

Proposer

Name:

Address:

.....

I named above, hereby nominate:

Name:

Address:

.....

as a candidate in the Community Council election. I confirm that I am resident in the Community Council area, over 16 years of age and named on the current electoral register.

Signature of Proposer:

Seconder

Name:

Address:

I named above, hereby second this nomination. I confirm that I am resident in the Community Council area, over 16 years of age and named on the current electoral register.

Signature of Seconder:

Declaration of Candidate

I, the candidate for election, consent to being nominated as a candidate. I confirm that I am resident in the Community Council area, over 16 years of age and named on the current electoral register. I confirm that, if elected, I will abide by the *Code of Conduct for Community Councillors* at all times.

Signature of Candidate:

Date: