

Public Document Pack

Argyll and Bute Council

Comhairle Earra-Ghàidheal Agus Bhòid

Executive Director: Douglas Hendry



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4 August 2022

NOTICE OF MEETING

A Special meeting of the **POLICY AND RESOURCES COMMITTEE** will be held **ON A HYBRID BASIS BY ATTENDANCE IN THE COUNCIL CHAMBER, KILMORY, LOCHGILPHEAD OR REMOTELY BY MICROSOFT TEAMS** on **THURSDAY, 11 AUGUST 2022** at **12:00 PM**, or at the conclusion of the Policy and Resources Committee at 10.30am, whichever is the later, which you are requested to attend.

Douglas Hendry
Executive Director

BUSINESS

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST (IF ANY)**
3. **FINAL PROPOSED AMENDED SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN ARGYLL AND BUTE - 2022/26** (Pages 3 - 66)

Report by Executive Director with responsibility for Community Council Governance

Policy and Resources Committee

Councillor Robin Currie (Chair)
Councillor Audrey Forrest
Councillor Yvonne McNeilly
Councillor Douglas Philand
Councillor Amanda Hampsey
Councillor Willie Hume
Councillor Reeni Kennedy-Boyle
Councillor Gordon Blair

Councillor Kieron Green
Councillor Jim Lynch
Councillor Gary Mulvaney (Vice-Chair)
Councillor Ross Moreland
Councillor Fiona Howard
Councillor Andrew Kain
Councillor Liz McCabe

Contact: Hazel MacInnes Tel: 01546 604269

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ARGYLL AND BUTE COUNCIL

**POLICY & RESOURCES
COMMITTEE**

CUSTOMER SERVICES

11 AUGUST 2022

**FINAL PROPOSED AMENDED SCHEME FOR THE ESTABLISHMENT OF
COMMUNITY COUNCILS IN ARGYLL AND BUTE – 2022/26**

1.0 EXECUTIVE SUMMARY

Following agreement of the Council on 19 May 2022, a second phase of public consultation was carried out between 20 May 2022 and 15 July 2022 on additional proposals to amend the existing Scheme for the Establishment of Community Councils in Argyll and Bute, in accordance with section 53(1) of the Local Government (Scotland) Act 1973.

The Committee are invited to consider the feedback and commentary received in response to the phase 2 consultation (see Appendix 1) and agree the final amended version of the Scheme for the Establishment of Community Councils in Argyll and Bute for the next 4 year term (2022/26) and associated documents.

There is a legal requirement that a decision to amend a Scheme for the Establishment of Community Councils “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”. Most commonly, the specially convened meeting would coincide with an existing meeting date but called separately.

If the recommendation is approved it will be necessary to give a four week period of notice to the public of the final amended Scheme. Where there are further comments received during the period of notice it may be beneficial to delegate consideration of those responses, and a delegation for that is included in the recommendations. If further amendments are considered necessary, the Committee may wish a further report to be brought to the Council meeting on 29 September 2022 but otherwise, the amended Scheme should take effect from 20 October 2022 to coincide with the elections taking place on that date.

As with the phase one consultation, there are no implications for the council in terms of the suggested amendments as proposals to amend are consistent with the legal requirements to review an existing Scheme.

ARGYLL AND BUTE COUNCIL

**POLICY & RESOURCES
COMMITTEE**

CUSTOMER SERVICES

11 AUGUST 2022

**FINAL PROPOSED AMENDED SCHEME FOR THE ESTABLISHMENT OF
COMMUNITY COUNCILS IN ARGYLL AND BUTE – 2022/26**

2.0 INTRODUCTION

2.1 This report invites the Policy and Resources Committee to consider the feedback received following the recent 8-week public consultation to amend the current Scheme for the Establishment in Argyll and Bute (“the Scheme”) and invites the Committee to approve the Scheme attached at Appendix 4, as amended over the course of the 2 stage public consultation in line with Appendices 1, 2 & 3.

3.0 RECOMMENDATIONS

It is recommended that the Policy and Resources Committee consider the feedback received at Appendix 1 and agrees to:

- 3.1 approve the final proposed amended Scheme for the Establishment of Community Councils in Argyll and Bute for the term 2022/26; the amended Best Practice Guidance 2022/26; the boundaries for the community councils for term 2022/26; and the administration grant levels for 2022/26 (as set out in Appendices 4-7);
- 3.2 instruct officers to give the requisite 4 week period of notice of the newly amended Scheme; and
- 3.3 delegate consideration of any feedback received during the 4 week period referred to at recommendation 3.2 to the Executive Director with responsibility for Legal and Regulatory Support, in consultation with the Depute Policy Lead - Community Planning and Corporate Services. Subject to there being no material changes proposed from the feedback received, the newly amended

Scheme will come into effect as of 20 October 2022 to coincide with community council elections taking place on that date.

4.0 DETAIL

- 4.1 Phase two of the public consultation process was carried out between 20 May and 15 July 2022 on proposals which took account of representations received during the first phase of consultation (see Appendices 2 & 3). During this phase of consultation 5 responses were received regarding the revised proposed amendments to the Scheme. These are summarised in Appendix 1, together with feedback as to whether or not suggestions could or should be progressed.
- 4.2 While it had been intended that the ongoing review of the National Scheme for the Establishment of Community Councils could form part of the second stage proposals to amend our local Scheme, subsequent information was received indicating that the Scottish Government would not be making significant changes to the document at this time but that they will consider introducing legislative changes depending on the conclusions of the ongoing Local Governance Review. It is unclear what these changes may be and therefore also unclear whether the passing of legislation will impact upon local arrangements for community councils. At this point in the review this is something to be aware of but with the need to hold community council elections in 2022, the recommendation is that the Committee should conclude the review and implement an amended Scheme to coincide with the elections for the next 4 year term.
- 4.3 The Committee should note that while there are proposed amendments to the Scheme and Best Practice Guidance, the boundaries and administration grant levels remain unchanged. In terms of grant support, in addition to the administration grant, the council also pays a 10p per elector discretionary grant top up payment. This fund is separate from the current review but the budget line is available for the current financial year.

5.0 CONCLUSION

- 5.1 Having considered all feedback received during two phases of public consultation, the final proposed amended Scheme has been prepared and is submitted for approval along with the Best Practice Agreement, Boundaries for community councils (noting that these remain consistent with the boundaries from the last term 2018-22) and the administration grant levels (which also remain unchanged since 2018). If approved, a final 4 week period of notice requires to be given before they can take effect and it is suggested that the actual date of for these to take effect is agreed as being 20 October 2022, to link into the date of the associated elections.

6.0 IMPLICATIONS

- 6.1 Policy - None

- 6.2 Financial – None, grant levels tied to the Scheme remain unaltered.
- 6.3 Legal – Proposals are consistent with the Local Government Act (Scotland) Act 1973
- 6.4 HR – None, the review will be conducted from within existing staff resource.
- 6.5 Fairer Scotland Duty:
 - 6.5.1 Equalities - protected characteristics - None
 - 6.5.2 Socio-economic Duty - None
 - 6.5.3 Islands - None
- 6.6 Climate Change - None
- 6.7 Risk - None
- 6.8 Customer Service - None

Douglas Hendry

Executive Director with responsibility for Community Council Governance

18 July 2022

For further information contact: David Logan, Head of Legal & Regulatory Support, Kilmory, Lochgilphead – 01546 604322

APPENDICES

Appendix 1 – Phase two Feedback

Appendix 2 – Summary of proposed amendments following phase one consultation (Scheme)

Appendix 3 – Summary of proposed amendments following phase one consultation (Best Practice Agreement)

Appendix 4 – Proposed final amended Scheme for the Establishment of Community Councils in Argyll & Bute

Appendix 5 – Proposed final amended Best Practice Agreement

Appendix 6 – Existing/proposed boundaries

Appendix 7 – Existing/proposed administration grant payments

	Summary of Feedback	Comments (if any)
1.	No Comment or observations to make (Taynuilt CC)	n/a
2.	<p>Helensburgh Community Council are happy to support the proposed changes, with one exception.</p> <p>The exception mentioned above is with regard to the administrative grant proposals. We note that the size of grant is determined by the number in the electorate, and are disappointed to see that a new and higher tier of grant for community councils with an electorate in excess of 10,001 has not been introduced. This would of course be of benefit to Helensburgh, and we note once again that per head of population Helensburgh Community Council continues to receive by far the lowest grant of any Community Council in Argyll & Bute.</p> <p>Although it was not part of the consultation, I should like to reiterate the point which I have made to you previously, namely that I can see no good reason why a Community Council's annual accounts can only be approved at an AGM and not at an ordinary meeting, particularly as the requirements for a quorum are the same for both types of meeting.</p> <p>I trust that these points will be considered</p>	<p>Without additional budget provision, an increase in the grant allocations cannot be accommodated. In terms of the scope to review the overall grant levels, the council pays (separate to the basic administration grant) a discretionary 10p per elector top up grant. The allocation of this was determined by political decision. If there is a political will to revisit how the discretionary fund is allocated then this can be taken forward outwith the review process.</p> <p>In regard to the second point, a response was provided at phase one explaining that the purpose was more about public awareness that accounts are traditionally approved at AGMs. Members of the public will often make effort to attend this once yearly meeting and it is therefore right to reserve the ability to scrutinise allocation of public funds. No changes are therefore recommended.</p>
3.	Amended proposals were discussed and supported by Strachur Community Council at their meeting on 15th June.	N/a
4.	<p>Page 3, Paragraph 3 “The Role and Responsibilities of Community Councils”</p> <p>Paragraph 3.2 Add an additional sentence - “As broad a range of views as possible is the objective, but the community council’s primary accountability is to those who elect them (or those under 16 who are</p>	There is no objection to the term “the electorate” being used rather “those who elect them”. In suggesting this, the author makes the point that this may place a duty on community councillors to prioritise the views

resident within the catchment area of a primary and/or secondary school within the community council boundary) so it should always approach informal soundings and more formal consultations with that in mind.”

Phase 2 Proposed Amendments to the Argyll and Bute Best Practice Agreement

Summary of Proposed Amendments Page 6

Add an additional clause after paragraph 2 “When consulting with the community, as broad a range of views as possible is the objective. However, the community council’s primary accountability is to those who elect them (or those under 16 who are resident within the catchment area of a primary and/or secondary school within the community council boundary) so to ensure transparency and balance any soundings, surveys and consultations should be approached with that in mind and the findings classified and weighted appropriately. “

1. The phrase “those who elect them “ is rather clumsy and could be interpreted loosely as recommending a form of bias towards those who may support any one councillor rather than promoting a councillor’s broader duty to represent the views of the whole community. Subject to my comments below, if this amendment prioritising the views of the electorate over other community interest groups is progressed, I recommend a change from “*those who elect them* “to “*the electorate*“.
2. The amendments implicitly, if not explicitly, place a duty on community councillors to prioritise the views of the electorate over other groups within the local community. This will have consequences for how community councils operate. Community is referenced in other relevant examples of legislation and guidance as follows;

of the electorate over other groups, which is suggested is at odds with the role to represent the community and may lead to views being excluded. It is not considered that by highlighting a primary accountability to electors it would provide a mandate to ignore or dismiss other views as the Scheme needs to be taken in its entirety. What it adds is a reassurance that community councils can adhere to Scottish Government Guidance that community councils “need to secure the most positive results for the greatest number of local people” but also to “base their position on the views of or benefit to the majority”. We are fully aware of the restrictions on use of the edited (full) register but point out that the open register is available for public inspection. That said it is not suggested that this need form part of work on community engagement, more appropriately it would be open to community councils to ask the question as to the basis for the response, offering options such as resident, business owner etc. Training on community engagement is offered routinely during the term of community councils and the council also offer community engagement toolkits to help obtain views. On the point about the Best Practice Guidance, no objection is made to removing reference to weighing.

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| | <p>a. The statutory purposes of community councils established under the Model Scheme 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".</p> <p>b. The Scottish Government guidance on the establishment of community councils states
"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."</p> <p>c. The duties of an Argyll and Bute Council (ABC) councillor include: "representing and meeting with the residents and interest groups within their ward and dealing with issues that they raise. In addition, councillors may attend <i>community council meetings and serve on forums through which local issues can be discussed between elected members, council officers and the wider community.</i>"</p> | |
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An amendment to the effect that their "**primary accountability** is to those who elect them" narrows the definition from its use elsewhere and will, for example, allow community councillors to exclude the views of local businesses from any consultations if they so choose. While a broad range of views may be the

	<p>objective, this is now subject to a clear primary qualification criteria.</p> <p>3. Notwithstanding ABC are the sponsors of the model scheme and the amendments proposed, no guidance or discussion has been proffered in the draft for the need for the amendment nor how community councillors are enabled to identify this cohort [the “electorate”] within the wider community of respondents to a consultation. Regarding the latter, the natural answer would be by reference to the full or public electoral register. However the electoral commission web pages state in clear terms that the permitted use of the full register by community councils is limited in law to:</p> <p><i>A “community councillor, or a person employed or otherwise assisting a community council who has a copy of the full register [may supply a copy of it, or disclose or] make use of information contained in it for:</i></p> <p><i>the purpose of establishing whether a person is entitled to attend or participate in a meeting of the community council;</i></p> <p><i>for electoral purposes in relation to that council”</i></p> <p>[Source: https://www.electoralcommission.org.uk/running-electoral-registration-scotland/access-and-supply-electoral-register-and-other-associated-documentation/restrictions-use-full-register]</p> <p>Should the amendment be progressed and for the benefit of local community councillors, I would recommend;</p> <p>1. ABC law officers deliver a legal opinion, on which community councillors may depend, stating whether or not the electoral register can be used for the purposes of identifying the status of each respondent to a community consultation. If, in law, it may not be so used, ABC must offer a solution as to how</p>	
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	<p>community councillors can determine who is, or is not, part of the “electorate” in order that they may be seen to be complying with their duties under the model code, as proposed to be amended.</p> <p>ABC issue best practise guidance on what may or not be “appropriate” in the context of classification and weighting. If ABC is neither qualified or in a position to offer guidance on what may or may not be appropriate in various circumstances, this explicit requirement should be delete therefore and the amendment of “best practise” end at “with that in mind”, leaving community councils free to determine the appropriate actions for each consultation.</p> <p>(What is community councillors deem “appropriate” is always likely to be challenged by those of the community whose views are in the minority in any consultation, thus what is “appropriate” should be left to the community councils to determine at their sole discretion. It is the members of that council who are accountable to their electorate and this power to determine should be explicit in the best practise agreement.)</p>	
5.	<p>Having read through the proposed change to the recommendation for engagement with the local community (para 3.2) this will hopefully avoid the circumstances in December 2021 where a Community Council clearly did not act as a voice for the local area. Although in part what was due to 2 members not adhering to the Objectivity section of the Code of Conduct for Community Councillors.</p> <p>The lack of freely available minutes also begs the question who within Argyll and Bute Council is keeping an eye on adherence to the Best Practice guidelines and what enforcement action can be taken. Complaints are covered, as is dissolution, but not adherence?</p>	<p>Obligations in the Scheme are that community councils should send copies of their draft minutes to the council within 20 days of the meeting taking place (as well as displaying these on a local noticeboard). Where community councils do not adhere to this there is existing provision to withhold their administration grant until records are brought up to date. In terms of accessibility of previous minutes, it is the responsibility of the community council to retain signed copies of minutes in perpetuity.</p>

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Proposed Stage 2 Amendments to the Scheme for the Establishment of Community Council's in Argyll and Bute

Summary of Proposed Amendments

Page 3, Paragraph 3 "The Role and Responsibilities of Community Councils"

Paragraph 3.2 Add an additional sentence - "As broad a range of views as possible is the objective, but the community council's primary accountability is to those who elect them (or those under 16 who are resident within the catchment area of a primary and/or secondary school within the community council boundary) so it should always approach informal soundings and more formal consultations with that in mind."

Appendix 3 "Boundaries and Membership" (Page 28)

1. At this time no changes are proposed to existing boundaries, however a request has come forward for a change to existing boundaries which would see the boundary between Dunbeg and Oban and also between Oban and Kilmore & Kilbride Community Council. The suggestions are that Oban Community Council boundaries require to be reviewed as the town grows and that as a result:
 - a. The whole of the Auction Mart area be moved from Kilmore & Kilbride Community Council into Oban Community Council area; and
 - b. The hill overlooking the village of Dunbeg, should be within the boundary of Dunbeg CC

While there is nothing to fully substantiate or justify the requested changes that has led to the council to formally propose a change, those interested parties who may wish to comment on these suggested boundary changes are welcome to do so during phase 2 of the review. Views which justify or substantiate the retention or amendment of these boundaries only will be considered when making final proposals.

2. In terms of community council names, the council has agreed to an amendment which would see Strachur Community Council becoming "Strachur and District Community Council"
3. Electorate numbers will be updated in final proposals and will dictate the final number of maximum members to each community council.

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Phase 2 Proposed Amendments to the Argyll and Bute Best Practice Agreement

Summary of Proposed Amendments

- Page 6** Add an additional clause after paragraph 2 “When consulting with the community, as broad a range of views as possible is the objective. However, the community council’s primary accountability is to those who elect them (or those under 16 who are resident within the catchment area of a primary and/or secondary school within the community council boundary) so to ensure transparency and balance any soundings, surveys and consultations should be approached with that in mind and the findings classified and weighted appropriately.”

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**SCHEME FOR THE ESTABLISHMENT
OF COMMUNITY COUNCILS
IN ARGYLL AND BUTE 2022**

The effective date of adoption of the Scheme: *

**Customer Services
Governance and Law
Community Councils
Argyll and Bute Council
Kilmory
Lochgilphead
Argyll
PA31 8RT
Tel: 01546 605522
Email: communitycouncils@argyll-bute.gov.uk
Website: <https://www.argyll-bute.gov.uk/council-and-government/community-councils>**

INDEX

Scheme for the establishment of Community Councils in Argyll and Bute	Pages 3 - 10
Appendix 1 - Model Constitution	Pages 11 – 17
Appendix 2 – Model Standing Orders	Pages 18 – 21
Appendix 3 – Community Council Boundaries	Pages 22 – 28

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS WITHIN ARGYLL AND BUTE

1 Introduction

- 1.1 Community councils were first established in Scotland in terms of the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994 made provision for the continuation of community councils.
- 1.2 This Scheme for the Establishment of Community Councils in Argyll and Bute (hereinafter referred to as “the Scheme”), which reflects with local modification the Model Scheme for community councils in Scotland produced in 2009, will come into effect on the date it is adopted by Argyll and Bute Council.

2. Statutory Purposes

- 2.1 The statutory purposes of community councils established under the Scheme 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 their local authority, other public sector bodies and private agencies on matters within their sphere of interest.
- 3.2 It is essential that these views are demonstrated to be representative of the community. Accordingly, the community council will have in place, in consultation with the local authority, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sections of the community. Primary accountability is to the electorate (or those under 16 who are resident within the catchment area of a primary and/or secondary school within the community council boundary) so community councils should always approach informal soundings and more formal consultations with that in mind.

- 3.3 Community councils are consulted on planning applications and licensing matters. Liaison on other matters may also be jointly agreed between community councils, the local authority and other public sector and private agencies. There should be positive mutual engagement in the establishment of working relationships with the local authority, Area Community Planning Groups and other agencies.
- 3.4 Community councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objectives of their Constitution and the terms of the Scheme including their duties as a community participation body under the Community Empowerment Act 2015.
- 3.5 In carrying out their activities community councils must at all times adhere to the law, the terms of the Scheme and the community councillors' code of conduct. It should be noted that while Data Protection legislation applies to community councils, Freedom of Information legislation does not currently apply.
- 3.6 Each community council is required to adopt a Constitution, based upon the Model Constitution at Appendix I, together with Standing Orders at Appendix 2, in order to encourage and maintain consistency for all community councils and to facilitate the proper conduct of their proceedings. Any proposed deviation from the Model Constitution or Model Standing Orders requires to be supported by two-thirds of the community council members attending and thereafter approved by Argyll and Bute Council before it shall have effect.
- 3.7 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 organisations, community councils will: -
- a. 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/or online and, subject to the provisions contained within the Data Protection Act 1998, provide contact details of community council members.
 - b. Provide agendas, reports and minutes to their members, relevant elected members for their ward area(s) and the public in accordance with the Model Standing Orders and more specifically provide minutes to the Community Council Liaison Officer within 14 days from the date of the meeting.
 - c. Seek to broaden expertise by promoting the provision of relevant information at community council meetings from persons who may contribute accordingly.

- d. Make particular efforts to encourage young people and other under-represented groups to attend and participate in community council meetings and to ensure equality of opportunity in the way the community council carries out its functions.
- e. Maintain proper financial records and present financial reports at community council meetings.
- f. Inform the Community Council Liaison Officer of any change in membership (e.g. resignations) and circumstances, as soon as is practicable.

4. Community Councils and Community Council Areas

- 4.1 There will be community councils in Argyll and Bute for the areas and by the names set out at Appendix 3 to this Scheme. Argyll and Bute Council has produced maps that define their boundaries. Community councils which existed prior to this Scheme will be disestablished on the day of the first elections to the community council established under this Scheme held after this scheme is adopted.

5. Membership of Community Councils

- 5.1 A person is entitled to stand for election to, to be elected as, or to be a member of a community council provided that person –
 - has achieved 16 years of age on the day of election
 - is resident within the community council area
 - has their name included in the electoral register for local government elections for the community council area in which they reside.
- 5.2 A person who is a member of Argyll and Bute Council, or the Scottish or UK Parliaments will be ineligible from standing for election to, being elected as, or being or remaining a member of a community council.
- 5.3 A person whose estate has been sequestrated by a court in Scotland or who has been adjudged bankrupt elsewhere than in Scotland will be disqualified from standing for election to, being elected as, or being or remaining a member of a community council (Note: The disqualification ceases if and when the sequestration is recalled or the bankruptcy discharged or annulled)
- 5.4 A person is disqualified from standing for election to, being elected as, or being or remaining a member of a community council if within five years before the day of nomination or election, or since their election, they have been convicted in the United Kingdom of any offence and has had passed on them a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months without the option of a fine.

- 5.5 A member of a community council will represent the whole of the community council area and the persons who live there whether they may or may not have voted for that member.

6. Community Council Elections

Electors

- 6.1 A person is entitled to vote in an election of community councillors provided that person –
- has achieved 16 years of age on the day of election
 - has their name included in the electoral register for local government elections for the community council area in which they are voting.

Nominations and Elections

- 6.2 The first elections to be held under the Scheme shall be held on a date determined by Argyll and Bute Council. Subsequent elections will be held on a four-yearly-cycle, on dates to be determined by Argyll and Bute Council.

The Returning Officer reserves the right to vary the community council term, should other electoral timetables conflict with the community council election for that term, to prevent disruption to the community council election process.

Argyll and Bute Council will provide for the administration of community council elections which will be held, where there is a requirement for a poll, by postal ballot.

Returning Officer

- 6.3 The Returning Officer will be the Returning Officer for Parliamentary and Local Government elections in Argyll and Bute, or a person appointed by that Returning Officer.

Nominations

- 6.4 A candidate for election as a member of a community council will be validly nominated provided the nomination –
- is subscribed on the correct form by a proposer and seconder, both of whom must be included in the electoral register for local government elections for the community council area;
 - the nomination carries the candidate's consent; and
 - the nomination and consent are received by the Returning Officer before the date and time specified in the timetable for the election.

Self-nomination is not permitted.

Process

6.5 At an ordinary election of community councillors, on the expiry of the period for lodging nominations:

- (1) Should the number of candidates validly nominated equal or exceed half of but be less than or equal to the total number of seats on the community council as specified in Appendix 3 to the Scheme, the said candidates will be declared to be elected and no poll will be held.
- (2) Should the number of candidates validly nominated exceed the total number of seats on the community council, a poll will be held. At the poll, each elector will be entitled to vote for candidates up to the number of seats to be filled.
- (3) Should the number of candidates elected be less than half of the number of seats on the community council, no community council will be established at that time. In such circumstances a follow up election / by-election will be held within 6 months.

6.6 If after that follow up election or by-election there remain vacancies in more than half of the number of total number of seats on the community council, the following courses of action will be open to Argyll and Bute Council:-

- (1) The council may, without disestablishing it, leave the community council dormant and take no further action to hold an election until the council is satisfied that sufficient local interest is in place to support a sustainable community council,
- (2) the council may, following discussions within the community and with neighbouring community councils, disestablish the community council for which a follow up election has been held, adjust community council boundaries, and hold such fresh elections as may be necessary to ensure the area of the disestablished community council is adequately represented on the community council(s) covering the amalgamated area(s).

Method of Election

6.7 In any poll for the election of community councillors those candidates who receive the highest number of votes cast will be elected up to the number of seats to be filled.

Casual vacancies between elections

6.8 A vacancy on a community council will arise in the following circumstances:

- when all seats have not been filled through the election process;

- when a community council member formally resigns in accordance with the procedure outlined in the constitution; or
 - when a community council member ceases to be qualified to be a member in the circumstances set out in clauses 5.2, 5.3, 5.4, 6.9 and 13.12.5 of the Scheme.
- a. The community council may fill the vacancy through co-option with voting rights to a maximum of one third of the total membership of the community council.
 - b. Co-opted members must meet the eligibility criteria set out at section 5 of this Scheme.
 - c. They must be elected onto the community council by a 2/3rds majority of the community council members attending the meeting
 - d. Such co-opted members will have full voting rights.
 - e. Co-opted members are appointed to a vacancy on a temporary basis until electoral processes take place and as such may only serve until either an interim by-election takes place (regardless of whether or not that community council is participating in the interim by-election) or until a scheduled election takes place, whichever occurs soonest. Where an unscheduled by-election is organised by the Returning Officer, all vacancies (including those currently filled by co-option) must be included in the by-election. Any co-opted member who declines to stand for election whether the election is scheduled or unscheduled, will require to step down from the role as of the designated election date.
 - f. In the event of non-election or stepping down co-opted members will not be eligible for co-option again until the next four-yearly cycle of elections has taken place.
 - g. Notice of persons proposed for co-option is required to be intimated to all of that community council's members at least 14 days prior to the meeting when the matter will be decided and in terms of keeping the community informed, the names of the persons proposed will be listed on the agenda for the meeting where the matter will be decided.

Disqualification of Membership

6.9

- a. A member of a community council who ceases to reside within the community council area will cease to be a member of the community council.
- b. A member of a community council who fails throughout a continuous period of 6 months to attend any community council meeting, with or without submitting apologies will cease to be a member of the community council unless the community council is satisfied as to the reason for the absence.
- c. At the discretion of individual community councils, a period of leave of absence for a community council member (not extending beyond 6 months) may be granted at any meeting of the

community council and minuted accordingly. At the end of the 6 months it will be open to community councils to review the situation every 3 months and grant further extensions. A leave of absence should only be extended beyond a 12 month period in exceptional circumstances and where the needs of the community can still be met from the remaining cohort of members.

- d. A member of a community council who is elected as a member of Argyll and Bute Council, or the Scottish or UK Parliaments shall cease to be a member of the community council as of the date of their election.
 - e. A member of a community council who is disqualified from being a member of a community council under clause 13.12.5 will cease to be a member of the community council for the remaining electoral term.
 - f. A member of a community council who becomes ineligible in terms of provisions contained at 5.3 and 5.4 of this Scheme will cease to be a member of the community council for the remaining electoral term.
- 6.10 Should a vacancy or vacancies arise in the membership of a community council between elections, the community council will advise Argyll and Bute Council who may hold an interim by-election and offer each community council opportunity to be included in the by-election.
- 6.11 Argyll and Bute Council will not normally hold more than one by-election to fill casual vacancies in any community council within a 24-month period. Should circumstances arise that lead to the number of community councillors to fall below half of the total number of seats on the community council Argyll and Bute Council will hold a by-election during which time the remaining members (provided a quorum remains) of the community council will continue and may meet as a community council until the process of seeking to fill seats set out in para 6.6 above will have been held and exhausted, and Argyll and Bute Council decides to take the action set out in that paragraph or such other action as it considers appropriate in the circumstances.

7 Use of Local Skills / Knowledge

A community council may seek information or advice from any person who may have particular skills or knowledge relating to an issue which the community council is considering. A summary of the information or advice provided by such person will be recorded in the minutes of the meeting, and the final decision on any such issue will be taken only by the elected members of the community council.

8 Equalities

- 8.1 Recognition should be given to the contribution of everyone participating in the work of a community council. Community councils will comply with equal opportunities legislation and good practice, and ensure that equality of opportunity is given to people within the community to put forward their views and opinions, and to have their skills and experience taken into account.

9. Meetings

- 9.1 The first meeting of a community council following a community council, will be called by the Returning Officer and will take place within 21 days of the date of the election, or as soon as practicable thereafter. The purpose of the first meeting will be to constitute the community council and the business of that meeting will include adoption of a Constitution and Standing Orders, appointment of office-bearers and any outstanding business matters from any outgoing community council. The Returning Officer, or a suitable deputy appointed in her/his place will chair the meeting.
- 9.2 The frequency of meetings will be determined by each community council, subject to one annual general meeting being held by the end of June each year and a minimum of 6 ordinary meetings being held each year for community councils where the electorate is above 600, or a minimum of 4 where the electorate is 600 or less.
- 9.3 The quorum at a meeting of a community council will be one quarter of the current number of elected members, but will never be less than three.
- 9.4 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.
- 9.5 Meetings of community councils may take place with attendance being (a) in person; (b) by remote means (including by audio only or a combination of video and audio); (c) by a combination of in person attendance and remote attendance.

10. Liaison with the Council / Other Agencies / Area Community Planning Groups

- 10.1 Liaison with Argyll and Bute Council will adhere to the code of communication guidelines set out in the Best Practice Agreement. Community councils may make representations to Argyll and Bute Council and other public and private agencies, on matters for which it is responsible and which it considers to be of local interest. Other organisations will have

adopted their own customer charter and community councils should contact them directly in the event of a query.

- 10.2 Community councils are strongly encouraged to work with and positively participate in the work of Area Community Planning Groups, which are the key local community engagement development forums in local decision making areas.
- 10.3 Representations should be made in the case of statutory procedures, such as planning or licensing matters, in terms of that procedure to the appropriate council official. On issues where a council service is consulting with community councils, representations should be made to the appropriate service officer.
- 10.4 In addition to requirements to keep the community and ward members informed, community councils will also provide copies of their agendas 7 days prior to meetings and minutes within 14 days of the meeting having taken place to the council via the local authority's Community Council Liaison Officer.

11 Resourcing a Community Council

- 11.1 The financial year of each community council will be specified in the constitution of each community council and shall be from 1 April to 31 March in each succeeding year to allow for the proper submission of accounts to the community council's annual general meeting which should be held no later than 30 June each year.
- 11.2 The annual accounts of each community council will be examined by a person of good standing appointed by the community council, who must not be a member of that community council. A copy of the independently examined accounts will be submitted to the annual general meeting for approval and will be forwarded immediately after that meeting to the Community Council Liaison Officer.
- 11.3 Argyll and Bute Council may, at their discretion, require the community council to produce such records, vouchers and account books, as may be required.
- 11.4 A community council may secure financial or other resources for schemes, projects and other purposes consistent with its functions, and may apply for grants for suitable projects through the local authority or other grant schemes, but it will not accept any donation from any registered political party nor use any resources for purposes designed to affect support for or opposition against any such party.
- 11.5 Argyll and Bute Council, upon production of the approved audited accounts, may provide an administrative grant to community councils to assist with the operating costs of the community council. Grant payments may be used to cover the costs of:

- Auditors' fees
- Production and circulation of minutes, agenda and annual reports or other Community Council documentation
- Stationery
- Photocopying
- Postage
- Travel costs
- Telephone costs
- Accommodation lets
- Affiliation fees
- Subscriptions (including those associated with facilitating remote or hybrid meetings)
- Website Costs
- Bank charges
- Advertising
- General publicity, promotional and ceremonial activities
- Consultation with the community
- Honorariums' to the Community Council secretary or treasurer
- Information Technology (IT) costs including hardware and software

11.6 Argyll and Bute Council may facilitate 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 (including community engagement processes), the functions of the local authority and other relevant topics.

12. Liability of Community Council Members

12.1 Argyll and Bute Council will meet the costs of public liability insurance in respect of the reasonable and proper activities of community councils.

13. Complaints against Community Councils

13.1 Both elected and co-opted members of community councils must comply with and abide by the terms of this Scheme, the constitution of their community council (as may be amended from time to time) and the Code of Conduct for Community Council Members.

13.2 Community Councils are required to formally adopt a Complaints Procedure. A Model Complaints Procedure can be provided for consideration and may be incorporated in its entirety or amended as appropriate. The Procedure should be formally ratified at a meeting of the Community Council. Where no such Procedure has been agreed, and a complaint is received that requires to be determined, the Model Complaints Procedure will be utilised.

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:

13.2.1 the complaint concerns the conduct of the community council as a whole, or the conduct of half or more of the community council members;

13.2.2 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

13.2.3 the complaint concerns the response of the community council to a previous complaint.

13.3 Complaints falling within one of the categories in clauses 13.2.1 to 13.2.3 shall be referred to the Community Council Liaison Officer who will establish a Conduct Review Panel established under clause 13.7.

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

13.5 All other complaints shall be considered by the relevant community council who shall have in place a process for complaints handling which entails all complaints being formally tabled at the next available meeting of the community council for discussion and determination. A simple majority of members attending and voting shall decide on whether the subject of the 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 either:

13.5.1 censure the member(s) in question;

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

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

13.5.4 where it considers that the sanctions set out in 13.5.1 to 13.5.3 would be inappropriate or insufficient, refer the complaint to the Community Council Liaison Officer who will establish a Conduct Review Panel in terms of clause 13.7.

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

- 13.7 A Conduct Review Panel (a “panel”) shall be established to deal with any complaints referred under clauses 13.3 or 13.5.4.
- 13.8 A Panel shall consist of 3 elected members of Argyll and Bute Council’s Regulatory Cohort plus 2 members of community councils within the Argyll and Bute Council area to which the complaint does not relate. The Panel will have a quorum of 3. Only Panel members present for all meetings in relation to a complaint can vote on the decision on that complaint.
- 13.9 If a complaint is made in respect of a decision of a community council to impose one of the sanctions set out at clauses 13.5.1 to 13.5.4 in respect of a previous complaint, including by the subject of that previous complaint, implementation of that sanction shall be suspended pending the Panel’s determination of the new complaint.
- 13.10 A Panel shall meet to decide a complaint within 12 weeks of the complaint being referred to it. In the event it cannot be decided within 12 weeks, all relevant parties will be notified of the revised timescales.
- 13.11 A Panel may, with the agreement of all relevant parties, refer a complaint for consideration by an independent person or body, which person or body shall have the same obligations and powers in respect of the complaint as the Panel.
- 13.12 Otherwise, a Panel shall decide on a simple majority whether the subject of the complaint has, on the balance of probabilities, failed to comply with the obligations set out at clause 13.1. If satisfied that those obligations have not been complied with, the Panel must:
- 13.12.1 impose one of the sanctions set out at clauses 13.5.1 to 13.5.3;
 - 13.12.2 where the complaint concerns a community council’s decision to impose one of those sanctions, confirm the community council’s decision;
 - 13.12.3 suspend the member(s) in question from the relevant community council for up to one year;
 - 13.12.4 remove the member(s) in question from the relevant community council, either with or without a period of disqualification under 13.12.5;
 - 13.12.5 disqualify an individual from sitting on any community council within the Argyll and Bute Council area for such period as the Panel shall decide, up to a maximum of the remainder of the relevant community council’s term or 2 years, whichever is the greater;
 - 13.12.6 request the subject of the complaint to participate in mediation with the complainer (without prejudice to the Panel’s ability to impose one of the other remedies set out in clause 13.12 if that mediation is unsuccessful); or
 - 13.12.7 in circumstances where it appears that the whole community council, or a significant proportion of its members, have engaged in gross

misconduct, recommend that Argyll and Bute Council suspend or dissolve the community council under clause 14.

- 13.13 Where a complaint referred to the Panel under clauses 13.2.3 and 13.3 concerns a community council's decision under clause 13.4, the Panel shall decide by a simple majority whether to confirm the community council's decision. If it does not confirm the community council's decision, it shall either: direct the community council to consider the original complaint in accordance with clauses 13.2 to 13.6 (excluding 13.4); or consider the original complaint itself in accordance with clauses 13.10 to 13.12.
- 13.14 Argyll and Bute Council reserves the right to carry out any investigation that it considers necessary into the conduct of a community council or individual members of a community council.
- 13.15 Argyll and Bute Council will maintain a list of all individuals disqualified under clause 13.12.5, the start and end of the period of disqualification and the reason (from the Panel). This list will be available on request.

14. Dissolution of a Community Council

- 14.1 The provisions which apply relative to the dissolution of a community council are contained in the Model Constitution.
- 14.2 Should a community council fail to hold a meeting for a period of 3 consecutive prescribed meeting dates, or its membership falls below the prescribed minimum as set out in this Scheme for a period of 3 consecutive prescribed meeting dates Argyll and Bute Council may take action to dissolve the community council.

MODEL CONSTITUTION FOR COMMUNITY COUNCILS IN ARGYLL AND BUTE

1. Name

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

2. Area of the Community Council

The area of the COMMUNITY COUNCIL shall be as shown on the map attached to the local authority’s Scheme for the Establishment of Community Councils (hereinafter referred to as “the Scheme”).

3. Objectives

The objectives of the COMMUNITY COUNCIL shall be:

- a) 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;
- b) to express the views of the community to the local authority for the area to public authorities and other organisations;
- c) to take such action in the interests of the community as appears to it to be desirable and practicable;
- d) to promote the well-being of the community and to foster community spirit;
- e) 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 members shall have regard to their role and responsibilities as set out in paragraph 3 of the Scheme approved by Argyll and Bute Council, and the Best Practice Agreement.
- 4.2 Members of the community council shall comply with and abide by their obligations under the Scheme, this Constitution and the Code of Conduct for Community Council Members, and their compliance shall be enforced via the procedure set out at Section 13 of the Scheme.

5. Membership

The number of members of the community council and the arrangements for the operation of the community council will be as governed by the Scheme and as determined from time to time by Argyll and Bute Council.

In event of the non-election, removal, retiral or resignation of the Secretary and/or Treasurer, all documentation, financial records etc held on behalf of the community council shall be passed to the nominated person appointed by the community council, or designated by the Convener, within 7 days of the effective date of non-election, removal, retiral or resignation.

6. Resignations

- a) Resignations of members must be submitted in writing, by hard copy or electronic means, to either the Convener or Secretary of the community council. The resignation cannot be retrospective.
- b) If the Convener resigns then they should notify the Vice-Convener and Secretary in the same manner.
- c) Any notification of resignations received should be acknowledged by the recipient within 7 days or intimated at the next scheduled community council meeting, whichever is the soonest.
- d) A written resignation may be withdrawn at any time prior to the matter being formally intimated and accepted at a community council meeting.
- e) Where a resignation is intimated during the course of a community council meeting it should be accepted and recorded in the draft minutes. Should the member wish to subsequently reconsider the resignation they must contact the Convener or Secretary (or Vice-Convener or Secretary in the case of the resignation of the Convener) in writing, at least 48 hours prior to the next scheduled meeting taking place
- f) A resignation cannot be withdrawn after the minutes of the meeting where the resignation was accepted have been formally approved.

7. Method of Election

The arrangements for electing persons to be community councillors will be as laid down in the Scheme and as determined by the Returning Officer.

8. Casual Vacancies on the Community Council

Where a vacancy arises which does not result in the number of community councillors falling below 50% of the membership figures specified in Appendix 3 of the Scheme, the community council may agree to fill the vacancy through co-option with full voting rights to a maximum of one third of

the total membership of the community council (as specified in Appendix 3 of the Scheme).

Co-opted members may serve only until either an interim by-election or full election, whichever occurs first, at which point they will require to stand for election or step down from the role.

The terms of co-option are as set out in the Scheme at Section 6.8

9. Voting Rights of Members of the Community Council

A community councillor (whether elected or co-opted) has a right to vote at any meeting of the community council or any committee thereof.

In these circumstances all decisions of the community council will be decided by a simple majority of those community councillors attending and voting, with the exception of circumstances which may arise under:

Constitution: paragraph 16 – Alterations to the Constitution; or
Constitution: paragraph 17 – Dissolution

In the event of an equality of votes the person presiding at the meeting shall have a second or casting vote (Except that relating to appointment of an officer-bearer which, in event of an equality of votes, will be determined by lot).

10. Election of Office-Bearers

- (a) At the first meeting of the community council after elections in the year when elections are held and at the annual general meeting in the year when elections are not held, the community council will appoint a person to be known as Convener who will act as the chair of the community council, a Secretary, a Treasurer, and other such office-bearers as it shall from time to time decide.
- (b) Office-bearers will be elected for the period up to the next AGM but will be eligible for re-election. However, no office-bearer shall serve in that particular office for more than two consecutive terms of the life of the community council (i.e. eight years), but will be eligible to serve in that office after a break of four years. If there is good cause to depart from this requirement and two thirds of the members are supportive, the council may, upon written application, agree to waive this requirement.
- (c) Without the express approval of Argyll and Bute Council, no one member shall hold more than one of the following offices at any one time: Convener, Secretary or Treasurer.
- (d) Office-bearers may be removed and a replacement approved at any meeting of the community council by a 2/3rds majority vote of the members attending and voting

11. Committees of the Community Council

The community council may appoint a number of their members to committees of the community council for the purpose of advising the community council on any matter and shall determine the composition, terms of reference and duration of the committee.

12. Meetings of the Community Council

- (a) The quorum at a meeting of a community council will be one quarter of the current number of members, but will never be less than three.
- (b) Each year the community council will hold an annual general meeting by the end of June, for the purpose of receiving and considering the Convener's annual report, the submission and approval of the independently examined annual statement of accounts, the appointment of office-bearers and to set the annual meeting programme.
- (c) One annual general meeting and a minimum of 6 ordinary meetings of the community council will be held each year where the electorate is above 600 or a minimum of 4 ordinary meetings of the community council where the electorate is 600 or less.
- (d) Dates, times and venues of ordinary meetings of the community council will be fixed at the first meeting of the community council following ordinary elections and thereafter at its annual general meeting. Special meetings will require at least 7 days public notice, either called by the Convener, or on the request of not less than one-half of the total number of community council members. The Executive Director of Customer Services of Argyll and Bute Council or his nominee may, in exceptional circumstances, call a meeting of the community council.
- (e) Copies of all minutes of meetings of the community council and of committees thereof will be approved as a correct record or corrected as need be at the next prescribed meeting of the community council, but the draft minute shall be circulated within 14 days from the date of that meeting, to community council members, elected members, other appropriate parties and Argyll and Bute Council's Community Council Liaison Officer.
- (f) The community council will abide by its Standing Orders for the proper conduct of its meetings.
- (g) 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 considered, the Secretary will call such a meeting within 14 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings of the community council.

- (h) The community council may discuss items of business in private where it considers it appropriate to do so. The decision to discuss an item of business in private will be agreed in advance and decided by a majority of those community councillors attending and voting. Notice of a meeting will be given to the public in the usual way. However, the notice will record that the meeting, or a part thereof, may be held in private.

13. Public Participation in the Work of the Community Council

- (a) All meetings of the community council and its committees (subject to 12(h), above) shall be open to members of the public. Reasonable 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 Convener.
- (b) Notices calling meetings of the community council and its committees shall be posted prominently within the community council area for a minimum period of seven days before the date of any such meeting, and, where possible, be advertised by other suitable means.

14. Information to the Local Authority

An annual calendar of the community council's prescribed meeting dates, times and venues, agreed at the community council's annual general meeting, will be sent to the local authority's Community Council Liaison Officer, along with minutes of all meetings, the annual report, the annual financial statement, and any other such appropriate information, or as may from time to time be required by Argyll and Bute Council. When special meetings of the community council are to be held, the local authority's Community Council Liaison Officer and Elected Members should be advised of the date, time venue and item(s) of business of such meetings, at least 7 days in advance of the meeting date.

15. Control of Finance

Community councils must follow the principles of financial control set out in the Best Practice Agreement; in particular:

- (a) All monies provided by the local authority and other sources to, or raised by or on behalf of the community council, shall be applied to further the objectives of the community council and for no other purpose. The monies provided by the local authority in the annual Administrative Grant for administrative and other approved purposes will 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.

- (b) The treasurer will keep proper accounts of the finances of the community council.
- (c) Any two authorised signatories, who will normally be Office-bearers of the community council, may sign cheques on behalf of the community council. Authorised signatories may not be co-habitees.
- (d) A statement of accounts for the last financial year, independently examined by a person of good standing appointed by the community council, who must not be a member of the community council, will be submitted to the annual general meeting of the community council and will be made available for inspection by members of the public at a convenient location.
- (e) The financial year of the community council shall be from 1 April to 31 March. Examined accounts as received and approved by the community council at the annual general meeting will be submitted to the Community Council Liaison Officer together with the draft AGM minutes.
- (f) In the event of a community council resolving to dissolve itself or being disestablished then, on a certificate signed by the Executive Director of Customer Services or his nominee, the whole assets and funds of the community council shall revert to Argyll and Bute Council to be held in trust and to be directed by them in support of any future community council identified to represent that community. In setting up bank accounts, it will be incumbent on the community council to put in place banking arrangements that will permit the foregoing to be given effect to.

16. Title to Property

Subject to 15(f) above property and other assets belonging to the community council will be vested in the Convener, Secretary and Treasurer of the community council and their successors in these respective offices.

17. Alterations to the Constitution

Any proposal by the community council to alter this Constitution must be first considered at a meeting of the community council and the terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued not less than seven days prior to the meeting. Any proposed alteration may not prejudice the terms and objectives contained within the Scheme for the Establishment of Community Councils.

If the proposal is supported by two-thirds of the community council members attending and thereafter approved in writing by Argyll and Bute Council, the alteration shall be deemed to have been duly authorised and can then come into effect.

18. Dissolution

If the community council decides at any time that it is necessary or advisable to dissolve, it shall first agree a date to hold a public meeting of the community council to be held for the specific purpose of discussing the proposed resolution to dissolve. It is a requirement that not less than seven days prior to the date of such meeting public notice of the meeting and the proposal to dissolve is given in a local newspaper. If the resolution is supported by two-thirds of the current membership and thereafter approved by Argyll and Bute Council, the community council shall be deemed to be dissolved and all assets remaining, after the satisfaction of any proper debts or liabilities shall transfer to the Argyll and Bute Council as specified in paragraph 14 (f) above.

In the event that the community council is dissolved under the above procedure, and twenty or more electors subsequently wish the re-establishment of a community council for the area, these electors shall submit a requisition to Argyll and Bute Council in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which the Returning Officer shall arrange for elections to be held in accordance with the Scheme for the Establishment of Community Councils.

Where for any reason, the number of community council members falls below the minimum specified in the Scheme for the Establishment of Community Councils Argyll and Bute Council may, by suspending the Constitution of the community council, resolve to dissolve the community council.

19. Approval and adoption of the Constitution

This Constitution was adopted by
COMMUNITY COUNCIL, on

..... Signed: Convener
.....
..... Member
..... Member
..... Date

and was approved on behalf of Argyll and Bute Council
on Date

..... Signed (Executive Director with
responsibility for community council governance, or nominee)

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 Convener of the COMMUNITY COUNCIL on the request of not less than one-half of the total number of COMMUNITY COUNCIL members; or 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, it shall call such a meeting. A special meeting shall be held within 14 days of the receipt of the request made to the Secretary of the COMMUNITY COUNCIL. Annual general meetings are held annually by the end of June.

(b) The notice of ordinary and annual general meetings of the COMMUNITY COUNCIL, featuring the date, time and venue, shall be provided to each COMMUNITY COUNCIL member and Argyll and Bute Council's Community Council Liaison Officer by the Secretary of the COMMUNITY COUNCIL, and will be displayed prominently within the COMMUNITY COUNCIL area, and/or made available online at least 7 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, displayed in public places, such as libraries and notice boards, and/or made available online, provided to Argyll and Bute Council and shall, following their approval, be signed at the next meeting of the COMMUNITY COUNCIL by the person presiding thereat and retained for future reference.

3. Quorum

A quorum shall be one quarter of the current number of elected members, but will never be less than three.

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 attending and apologies received.
- b. Establish whether there are any declarations of interest.

- c. The minutes of the last meeting of the COMMUNITY COUNCIL shall be submitted for approval.
- d. Any other item of business, which the Convener has directed, should be considered.
- e. Any other competent business.
- f. Public questions.
- g. Convener to declare date of next meeting and close meeting.

(ii) Annual General Meeting

It will not be uncommon that the COMMUNITY COUNCIL has arranged 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.

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

- a. Recording of members attending and apologies received.
- b. Establish whether there are any declarations of interest.
- c. The minutes of the last annual general meeting of the COMMUNITY COUNCIL shall be submitted for adoption.
- d. Convener's Annual Report (and questions from the floor).
- e. Secretary's Annual Report (and questions from the floor).
- f. Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).
- g. Election of office-bearers.
- h. Agree annual programme of meetings
- i. Chairperson to declare date of next annual general meeting and close meeting.

(iii) Special Meeting

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

- a. Recording of members attending and apologies received.
- b. Establish whether there are any declarations of interest.

- c. Business for debate, as described in the calling notice for the special meeting.
- d. Public Questions
- e. Convener to close meeting.

5. Order of Debate

- (a) The Convener shall decide all questions of order, relevancy and competency arising at meetings of the COMMUNITY COUNCIL and her/his ruling shall be final and shall not be open to discussion. In particular, the Convener shall determine the order, relevancy and competency of all questions from the public in attendance at meetings of the COMMUNITY COUNCIL raised at 4, above. The Convener in determining the order, relevance and competency of business and questions shall have particular regard to the relevance of the issue to the COMMUNITY COUNCIL and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Convener shall have the power, in the event of disorder arising at any meeting, to adjourn the COMMUNITY COUNCIL meeting to a time he/she may then, or afterwards, fix.
- (b) Every motion or amendment shall be moved and seconded.
- (c) After a mover of a motion has been called on by the Convener to reply, no other members shall speak to the question.
- (d) A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- (e) A motion or amendment which seeks to revoke or alter a previous decision of the COMMUNITY COUNCIL, or has that effect, shall not be competent within six months of that decision.

6. Voting

- (a) Voting shall be taken by a show of hands. Where meetings take place by remote or by hybrid means, unless a visible majority can be identified from a visible show of hands of members attending (in which case the Convener will declare the majority decision), the Convener should ensure all members attending via an audio only connection have all been in a position to cast their vote.
- (b) In the event of an equality of votes the person presiding at the meeting will have a second or casting vote, except in the case of an appointment of a person to any office within the COMMUNITY COUNCIL when the decision will be determined by lot.

7. Alteration of Standing Orders

A proposal to alter these Standing Orders may be proposed to Argyll and Bute Council by the COMMUNITY COUNCIL, provided that notice of motion to that effect is given at the meeting of the COMMUNITY COUNCIL previous to that at which the motion is discussed. Argyll and Bute Council shall make the final decision on any proposed change.

8. Committees

The COMMUNITY COUNCIL may appoint such committees as it may from time to time decide for the purpose of advising the COMMUNITY COUNCIL on any matter 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 attending and then only if the mover states the object of his motion and if two-thirds of the COMMUNITY COUNCIL members attending consent to such suspension.

ARGYLL AND BUTE COUNCIL

SCHEME FOR THE ESTABLISHMENT OF

COMMUNITY COUNCILS

BOUNDARIES FOR COMMUNITY COUNCIL AREAS

MEMBERSHIP OF COMMUNITY COUNCILS

Membership will be based on the electorate of the Community Council area according to the following:

Electorate	Number of Core Members
Up to 600	8
601 - 1000	10
1001 – 5000	16
Over 5000	20

- **Electorate figures from August Register will follow once received from Electoral Registration Officer**

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BEST PRACTICE AGREEMENT 2022

**Argyll and Bute Council
Argyll and Bute Community Councils**

**Argyll and Bute Council Commitment
Community Council Commitment
Code of Guidance for Communications
Financial Guidelines
Code of Conduct for Community Councillors**

Best Practice Agreement

The work of community councils across Argyll and Bute varies from community council to community council – as does their method of operation and the ways in which they engage with a range of public and other community bodies. It should not be forgotten however that that main purpose of a community council is to represent the views of the community which it represents.

This Best Practice Agreement outlines the commitments required from both Argyll and Bute Council and community councils to build strong relationships and operate effectively together to advance the interest of Argyll and Bute communities. It also incorporates a Code of Communication, Financial Guidelines, and Code of Conduct for community councillors.

Argyll and Bute Council will keep the responsibilities and procedures laid down in this Code of Practice under regular review, and where it appears necessary or desirable to make any amendments, will formally consult community councils on such proposals to review.

Contents

Argyll and Bute Council Commitment	page 3 - 5
Community Council Commitment	page 6 - 8
Code of Guidance for Communications with the Council	page 9 - 12
Financial Guidelines	page 13 - 16
Code of Conduct for Community Councillors	page 17 - 19

Argyll and Bute Council Commitment

Community Engagement

1. Argyll and Bute Council recognises that community councils have made, and will continue to make, a valuable contribution to the development of Argyll and Bute through their engagement in localised community planning, their representation of community views and their promoting and delivery of local activities.
2. Argyll and Bute Council, in recognising the statutory purpose of community councils, recognises that they have a clear link to their local Area Community Planning Groups.
3. Argyll and Bute Council will be guided in its community engagement activities by the National Standards of Community Engagement. Argyll and Bute Council will, using the National Standards of Community Engagement, consider the appropriateness of how best to consult with local communities, this could include:
 - direct consultation with particular user groups rather than geographical communities
 - direct consultation with individual community councils where there is a geographic link to a physical or policy development likely to have an effect on the people whom community councils represent
 - regular engagement through the Area Community Planning Groups
4. It is recognised that not all community councils require to be consulted in every matter. Consultations with community councils should be carefully considered against a test of relevance and appropriateness.
5. In consulting with community councils, Argyll and Bute Council recognises the need to allow community councils sufficient time to respond. Where possible, Argyll and Bute Council will aim to give community councils a period of at least one month in which to reply. In relation to planning applications, or other licensing matters, there may be a different timescale.
6. Some services, particularly Planning and Licensing, must follow statutory procedures. Advice and training on procedure to be adopted will be issued independently to this Best Practice Agreement, and will be kept updated if there are any national or local policy changes.
7. Argyll and Bute Council is committed to encouraging open, local, democratic debate and will support community councils to ensure that they are best placed to facilitate this. This will include the:
 - Timely provision of relevant information in accordance with the timescales set out in our customer services charter.
 - Recognition of status as a community representative body for their area (noting that is enhanced where robust community engagement processes are evidenced)
 - support from the Community Development Team to improve their own community engagement processes
 - a programme of training and development as organised by the Community Council Liaison Officer to address identified training needs, support understanding of Standing Orders and Constitution, to understand the specific operation of council departments, and to generally promote good practice.

8. Argyll and Bute Council will facilitate on request an annual engagement meeting between the council leadership and representatives of all community councils. At such meetings community councils may comment generally on matters of concern and may be used to sound out general proposals by Argyll and Bute Council where strategic developments are likely to affect local communities.

Elections

9. Argyll and Bute Council will organise and conduct elections to community councils on a 4 year basis. The Returning Officer may vary the term should other electoral timetables conflict with the community council elections, to prevent disruption to the community council process. Argyll and Bute Council will seek to promote electoral participation in such elections by providing general publicity and will seek to maximise electoral participation by using postal voting.
10. Argyll and Bute Council will seek to work with individual community councils, community council caucuses and other representative bodies within the area to promote electoral participation and will facilitate the dissemination of good practice re participation to all community councils.
11. Argyll and Bute Council will, through the Returning Officer, run any necessary by-elections during the 4 year term of the community council, working with the local community council to promote electoral participation.

Finance and Resources

12. Argyll and Bute Council will continue to provide funding for the administration of community councils through the payment of an annual grant. This will be paid following submission of community council's audited accounts (following approval at the AGM) together with a request for the administration grant and minutes of the AGM. Where community council records are not up to date, the CCLO will make a request that missing documentation from the previous 12 month period be brought up to date prior to the grant payment being released.
13. Argyll and Bute Council will continue to meet the costs of Public Liability Insurance in respect of the reasonable and proper activities of the community council.
14. Argyll and Bute Council will continue to provide photocopying of agendas and minutes for community councils through its network of Customer Service Points or Kilmory headquarters. Other copying may be provided subject to authorisation being obtained from the Council's Community Council Liaison Officer.
15. Argyll and Bute Council will provide general financial and administrative advice to community councils through the Legal and Regulatory Support Service.

Meetings, Minutes and Reports

16. Argyll and Bute Council will make available through its Modern.Gov online system the agenda and reports for all council committee meetings 5 days in advance of the meeting date, except where these reports contain exempt information as defined in the appropriate paragraph of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973. These will be published on www.argyll-bute.gov.uk. Where requested, the council will provide email notification to community councils of their publication.
17. Argyll and Bute Council will make available for viewing within 7 days of the meeting, minutes of all council committee meetings. These will be published on

www.argyll-bute.gov.uk

18. Argyll and Bute Council will make available dates of its formal committee meetings and dates of Area Community Planning Groups, local liaison groups as existing.

Communications

19. The council's advice on communications is contained within "Code of Guidance for Communications with the Council." Argyll and Bute Council is committed to respecting this advice.
20. Argyll and Bute Council will hold a centralised list of community council contacts which will be updated as per instruction from community councils.
21. Subject to appropriate consent being given, Argyll and Bute Council will provide details of the nominated contact(s) (normally the Secretary and/or Convener) on their website. This may include their name, address, telephone number and email address.

Community Council Commitment

Community Engagement

1. Community councils have a statutory right to ascertain, co-ordinate and express the views of the communities to Argyll and Bute Council and other public bodies. Community councils should seek to establish close, constructive relationships with Argyll and Bute councillors, council staff and other bodies as appropriate.
2. In ascertaining views, community councils should ensure there is wide consultation with the community and they should encourage local interest and participation in community debate. It is recognised that the more robust community councils can be in evidencing good community engagement, the more weight will be attributed to their view. Primary accountability is to the electorate (or those under 16 who are resident within the catchment area of a primary and/or secondary school within the community council boundary) so community councils should always approach informal soundings and more formal consultations with that in mind.
3. Community councils should give consideration to the use of social media which could play a part in engaging with community and under-represented groups whose views may not be forthcoming at meetings of the community council.
4. In expressing views, community councils should ensure that they reflect the balance of community interest and that the views expressed are set out in writing and relevant to the issues under discussion. The Secretary as official correspondent should ensure that they are acting with appropriate authority of the community council to do so when setting out the views of the community council in writing.
5. Community councils may identify specific arrangements for consultation on planning applications. To ensure the timely update of any change in planning contacts community councils are requested to notify the Community Council Liaison Officer who will instruct the planning team to update their contact information in line with an agreed procedure. The planning contact should be aware of the system for planning applications consultation operated by the council and should respond within the time limits laid down.
6. Community councils should encourage participation by other local organisations including special interests groups, civic groups, youth groups, tenants and residents associations, etc to ensure that a wide range of views are known to the community councils.
7. Community councils should actively support the development of community action plans for their area – whether as the lead body, or as a key stakeholder. Where these exist they may be used by community councils to help prioritise key work / consultation areas and communication of these to public and partners.
8. In particular community councils should appoint personnel to represent them at any appropriate Area Community Planning Group activity / forum. This contact will represent the views of the community council within the activity / forum and will feedback to their community councils.
9. Community councils will make every effort to participate in and respond to relevant consultations to ensure their community is represented in matters of interest.

Elections

10. Community councils should encourage contested community council elections or by-elections, promoting electoral participation, the role of community councils and community councillors within the community they represent.

Meetings, Minutes and Reports

11. Community councils should ensure that invitations are extended to all Argyll and Bute councillors to attend any meeting of the community council within their ward area. Community councils should recognise that Argyll and Bute councillors may have more than one community council within their ward area (in addition to their other commitments as councillors) and have discretion about their own arrangements, or ward arrangements to attend community council meetings.
12. Community councils should ensure that all meetings and activities are publicised in accordance with the detail set out in the Model Constitution 7 days prior to the meeting, and that there is an opportunity for members of the public and special interest groups to participate in discussion on the basis of information provided by the community council. Public discussion and open debate should be encouraged through the use of regular agenda items such as "Public Questions".
13. Community councils should ensure that all minutes of meetings displayed publicly and are forwarded to relevant Argyll and Bute ward councillors and the CCLO. Community councils should consider whether the use of a website may have a role to play in widening access to their minutes etc.
14. Community councils will liaise with other community councils and local organisations to share good practice and exchange information on matters of common interest.
15. Community councils must hold, in addition to an AGM, a minimum of 6 ordinary meetings of the council each year, where the electorate is above 600. Where the electorate is 600 or less, a minimum of 4 ordinary meetings should be held. If desired a summer recess should be considered, good practice would be to tie in with any Council recess (currently scheduled for the month of July).
16. Community councils shall ensure that, as far as reasonably practicable, meetings are held in premises accessible to **all** members of the community. Provisions for remote access may assist in accessibility.
17. Where representatives of community / other groups attend and speak at a community council meeting on behalf of their groups, to promote good transparency, such attendance and input given should be noted clearly in the minutes of the meeting.

Finance and Resources

18. Community Councils shall have due regard to the Financial Guidelines contained within the Best Practice Agreement.
19. Community councils should encourage members to attend any training provided to assist in terms of their operation as a community council – in particular that relating to improving their own community representation.

20. Community councils may wish to make a mileage payment to its members in respect of attendance at such training sessions and, where large geographic areas are covered, the mileage associated with attending meetings. Such arrangements should be agreed by the community council who will put in place an appropriate procedure for claiming such monies and also agree a rate of payment. There will be no additional payment from the council.
21. Community councils shall encourage local development by promoting funding of community efforts. They may set up and raise specific funds for this purpose.

Communications

22. The council's advice on communications is contained within "Code of Guidance for communications with the council." Community councils will respect the advice contained within this.
23. Community councils should ensure that an up-to-date contact list of all members, elected and co-opted, is maintained and changes notified to the Community Council Liaison Officer.

Good Practice Agreement

Code of Guidance for Communications with the Council

This is the Code of Guidance for Communications between Argyll and Bute Council and community councils referred to in the Best Practice Agreement.

Communications between such groups should follow the guidance below:

1. Enquiries

1.1 Enquiries are classified as "routine" or "major".

1.1.1 "Routine Enquiry" includes enquiries to individual services regarding minor defects or service requests e.g. repairs required to street lights, road surfaces, uplift of rubbish, damaged play equipment, etc.

Such enquiries should be made through the council's "Report it" section on the website www.argyll-bute.gov.uk, which is a 24 hour service, or within office hours by calling the appropriate number from the list below:

- Council Tax Enquiries: 01546 605511/ctax1@argyll-bute.gov.uk
- Benefit Enquiries: 01546 605512
- Roads & Lighting, car parking fines and faults, Waste Collection, Flytipping, abandoned vehicles, Dog Fouling, pest control: 01546 605514 or by emailing roadsandinfrastructure@argyll-bute.gov.uk
- Complaints and Feedback: 01546 605516
- Social Care & Blue Badges: 01546 605517
- Planning and Building Control Services: 01546 605518 or Planning.maki@argyll-bute.gov.uk
planning.olandi@argyll-bute.gov.uk
planning.bandc@argyll-bute.gov.uk
planning.handi@argyll-bute.gov.uk
- Regulatory Services: 01546 605519
- Book a pitch, room or minibus – 01546 605520
- Homelessness: 01546 555936
- Non-Domestic Rates – ndr@argyll-bute.gov.uk
- Switchboard/General Enquiries: 01546 605522

For service disruption information, the council provides proactive information on issues with services such as roads, lighting and waste collection on the "Service Disruption" page

of the Council Website. You can also sign up to receive information regarding Service Disruption (and other information) by subscribing to the “Keeping in the Loop” service. Alternatively, there is a 24 hour phone line – 01546 604040 which provides voiceform updates, or you can email your enquiry to enquiries@argyll-bute.gov.uk . It is also possible to text your query to the council - 07860 023933.

- 1.1.2 “Major enquiry” includes a proposal to remove or amend a service, which would affect a number of members of the community. Such enquiries shall always be in writing.
- 1.1.3 “Planning comments” are comments made by the planning contact of the community council to the Planning Department, in response to notification about a planning application. Planning comments should always be in writing.
- 1.1.4 Writing includes typed or hand-written notes or letters, faxes or E-mails.

2. Making an Enquiry

- 2.1 Routine enquiries should be made to the department directly concerned. Routine enquiries may be made on the website, in writing or by telephone, fax, or e-mail or by calling in person to a Customer ServicePoint. A copy of a routine enquiry need not be sent to an Argyll and Bute councillor unless the community council considers that it is appropriate to do so.
- 2.2 Major enquiries should always be made in writing and delivered by letter, fax or e-mail to the most suitable office of the service concerned. Major enquiries should be signed by the secretary, as official correspondent of the community council, or in the secretary’s absence by the Convener of the community council. Major complaints should always be copied to the local Argyll and Bute councillor/s.
- 2.3 Where community councils are unsure of the appropriate personnel the CCLO should be contacted for advice.
- 2.4 Where the enquiry concerns:
 - 2.4.1 The Constitution of a community council;
 - 2.4.2 The election of community councils i.e. the overall electoral system and not the procedure adopted at a specific election;
 - 2.4.3 Funding of a community council;
 - 2.4.4 Proposed amendments to the area of community council;
 - 2.4.5 The formation of a new community council;
 - 2.4.6 A statutory code, such as that relating to planning applications (i.e. the code itself and not the way in which a specific application was dealt with); or
 - 2.4.7 A query with regard to the application of this advice

In the first instance the enquiry should be made to the Community Council Liaison Officer.

- 2.5 Enquiries, whether routine or major, should be addressed to individual services departments about individual issues. A series of enquiries on different service issues should not be addressed to one service (other than the Community Council Liaison Officer as above).
- 2.6 Where communications are from Argyll and Bute Council to a community council these will normally be addressed to the Secretary of the community council concerned, except where a liaison or contact nomination has previously been agreed, for example a planning or licensing liaison contact.

3. Responses

- 3.1 Routine/simple enquiries will be responded to within 5 working days. Services should advise, within 5 working days, where a routine enquiry is more complex and falls within the 20 day response category.
- 3.2 Where a council official deems it appropriate, a copy of any written response regarding a routine enquiry may be sent to the appropriate Argyll and Bute councillor.
- 3.3 Responses to major enquiries will depend upon the nature of the enquiry and the ability of the service to respond. Where a major enquiry can be dealt with within existing resources or comes within existing policies, then it will be dealt with by the service in accordance with the policy.
- 3.4 Where a major enquiry raises a new issue or cannot be dealt with within existing resources or could cause undue demand on resources, the appropriate officer concerned shall respond to the community council stating this view. A copy of any such response must be sent to the relevant local councillors.
- 3.5 If, in the view of the appropriate officer, a major enquiry cannot be dealt with by the specific service, because it is against council policy, or would, in the appropriate officer's view, be impracticable, unreasonable or not possible for some other stated reason, then the appropriate officer shall write to the community council with these views and a copy of any such response should be sent to the relevant local councillors.
- 3.6 In writing to the council, community councils should be specific about the details of any complaint, and give sufficient detail to identify the specific items, identifying locations and the nature of events which are of concern and any persons involved, including addresses.
- 3.7 Some services, particularly Planning, must follow statutory procedures. Advice on the procedure to be adopted by community councils in respect of responses to planning applications have been issued and should be followed by the planning contact of the community.
- 3.8 The use of the Internet and e-mail is encouraged.

4. Timescale For Written Response

- 4.1 Enquiries will be acknowledged within three working days.
- 4.2 Email and other such simple enquiries will be responded to within 5 working dates of the date of receipt of your enquiry.
- 4.3 If not considered routine the council will let you know within 5 working days and will provide information as to how your enquiry is being dealt with.

5. Keeping Argyll and Bute Councillors Informed

- 5.1 Community councils should keep local Argyll and Bute councillors informed with regard to more complex enquiries. The community councils are encouraged to agree a method of keeping Argyll and Bute councillors updated on key issues that arise in the area, recognising that it will not always be possible for attendance at every meeting, and this may best be done by either maintaining a briefing log that can be provided to councillors after the meeting or prompt forwarding of draft minutes.
- 5.2 The community council Secretary should send copies of letters, faxes and e-mails to the local Argyll and Bute councillor/s at the time such an enquiry is made.
- 5.3 Departments, in responding to community councils, shall send a copy of any response on a more detailed enquiry, relating to a service issue, to the local Argyll

and Bute councillor/s at the same time as it is sent to community council.

6. Issues About Service Responses

- 6.1 Where a community council is not satisfied with the action taken or response to an enquiry, the community council may raise the issue with the management of that service in accordance with the council's published complaints procedure. The Community council should outline its views on the response, which has been made by the council department and shall state the action, which the community council considers, should be taken.

7. Customer Care Advice

- 7.1 Specific guidance on individual services may be available from the service departments, which should be consulted as they may contain advice with regard to any enquiry or targets set for performance by services. Specific advice from service departments with regard to targets for responses, or any subsequently corporate adopted standards, will override general advice contained within this code.

8. Role of Argyll and Bute Councillors

- 8.1 Argyll and Bute councillors, as the elected representative for their wards, have a duty to represent all of the electors within their area. Community councillors have a duty to community the views of their communities to Argyll and Bute Council and therefore it is important that there is a good working relationship between community councillors and Argyll and Bute Councillors who have a common cause in promoting the views of the communities which they represent.
- 8.2 Community councillors should ensure that Argyll and Bute Councillors are kept informed of any matter of concern relating to a service provided by Argyll and Bute Council.
- 8.3 Likewise, Argyll and Bute councillors should inform community councillors of proposals by Argyll and Bute Council and the reaction by Argyll and Bute Council to any matters raised by the community council.
- 8.4 Community councils should ensure that Argyll and Bute councillors are invited to all meetings of the community council in their ward area, recognising that Argyll and Bute councillors may have more than one community council within their wards area (in addition to their other commitments as councillors) and have discretion about their own arrangements, or ward arrangements to engage with community councils.

Community Council Financial Guidelines

1. Introduction

- 1.1 The purpose of this guidance is to provide community councils with simple instructions on the minimum level of documentation and records, which should be maintained.

2. Recording of Receipts and Payments

- 2.1. As a bare minimum the Treasurer should maintain records of all receipts and payments in a cash book using separate pages for each. Ideally this should be extended to include separate identifying columns for cash and bank. Depending on the detail required this could be further expanded to provide a fully analysed cash book, detailing the main categories of receipts and payments, e.g. grant income, postages, photocopying etc.
- 2.2. Good practice when bookkeeping is to record all transactions as quickly as possible and in as much detail as necessary. Wherever possible an invoice or till receipt should be received for every payment made, numbered sequentially and carefully filed. Where an invoice or till receipt is not available a pro-forma voucher should be raised by the Treasurer detailing what the payment was for and signed by the person receiving payment.
- 2.3. As with payments, receipts should be supported by appropriate documentation, which should be numbered sequentially and carefully filed. All cash/cheques should be given to the Treasurer as soon as possible. The Treasurer should issue a receipt (keeping a copy) detailing the amount of the receipt, what it relates to and who it has been received from. This is particularly important where cash (as opposed to cheque) is involved.
- 2.4. Additionally, a list should be prepared of any assets held by the community council, such as computers etc. This should be retained by the Treasurer and updated at least annually or as required and submitted with the annual accounts to the council.

3. Annual Accounts

- 3.1. Annual accounts should be prepared at the end of each year of the council's operations, summarising the receipts and payments made during that year. The financial year of the community council will be specified within their Constitution.
- 3.2. The use of receipts and payments accounts is recommended. By definition this will only include physical receipts and payments made during the period, not transactions which still have to be concluded. Any transactions not concluded by close-of-business on the final day of the financial period must be accounted for in the following financial year. Ideally, every effort should be made to make all payments and receive all income before close of business on the last day of the relevant accounting year. If exceptionally there was a significant payment due but not made by the year-end then an appropriate note should be made to the accounts.
- 3.3. The annual accounts should show opening bank and cash balances, summarised details of receipts and payments for the year and the closing bank and cash balances. Appropriate vouchers should be retained as evidence for each transaction.
- 3.4. A suggested sample layout for annual accounts is included at the end of the document.

4. Examination of Annual Accounts

- 4.1 These accounts require to be examined by a person suitably experienced in accountancy (preferably a qualified accountant) and who is not a member of the community council or related to a community councillor.
- 4.2. The examiners should confirm the bank and cash balances and examine all documents for authenticity, propriety, etc. to verify the accounts and sign and date them with a statement saying:

“I have examined the books and records of the XXX Community Council for the period XXX to XXX and have found the above statement to be correctly stated and sufficiently vouched.”

5. Bank Accounts and Cash

- 5.1. Each community council should open a bank account in the name of the council. It is suggested that this account should be an interest- paying cheque account. However, where a community council holds large balances due to fund raising activities better rates of interest may be earned by having a separate deposit account.
- 5.2. The account should be operated with two signatories required for each cheque, with a minimum of three persons designated as signatories for ease of operating the account. This should always be the Treasurer and two other designated officers of the community council. Community councils are encouraged to put in place additional safeguards where online banking which generally only requires one signatory. This might, for example, include regular submission of bank statements to meetings.
- 5.3. Signatories should not sign blank cheques but the cheque should be prepared by the Treasurer and presented to another signatory along with appropriate documentary evidence relating to the payment. The signatory should sign the cheque and endorse the documentation with the cheque number and the payment date to show the payment has been made.
- 5.4. Cash held by the community council should be kept to a minimum and always held in a lockfast container.

Example of a Basic Layout for a Cash Book			
INCOME			
Description	Ref	Chq No/Cash	Total (£)
Balance b/fwd 1 April 2021			300.00
Grant-Argyll and Bute Council	4		300.00
TOTAL			600.00
EXPENDITURE			
Description	Ref	Chq No/Cash	Total (£)
Wren Websites	1	00145	150.00
Starling Stationers		Cash	50.00
Eagle Herald	3	00146	125.00
Osprey Room Hire Ltd	5	00147	50.00
Donation-Bloggs Group	6	Cash	125.00
Balance c/f 31 March 2022			100.00
TOTAL			600.00

“Ref” refers to the sequential numbering mentioned in paragraph 2.2 of the Financial Guidelines.

Example of Preferred Layout for Annual Accounts

XXX COMMUNITY COUNCIL

Statement of Income and Expenditure of XXX Community Council for the period XXX to XXX

<u>Income</u>	£
Council Grant	XXX
Other Donations	XXX
Income From Fund Raisers	XXX
Other Income	XXX
Bank/Building Society Interest	XXX
<u>Total Income</u>	XXX

<u>Expenditure</u>	
Postages	XXX
Hall Hire	XXX
Advertising	XXX
(Surplus)Deficit for the Period	XXX
Opening Balance	XXX
Closing Balance as at XXX	XXX

<u>Represented By</u>	
Bank Account	XXX
Cash in hand	XXX

Prepared by Date.....

Examiners' Certificate

I have examined the books and records of the XX Community Council for the period XXX to XXX and have found the above statement to be correctly stated and sufficiently vouched.

Signed by Date.....

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 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, should 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 councillors will individually and collectively ensure that the business of the community council is conducted according to the Scheme for the Establishment of Community Councils and this Code of Conduct.

Community councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the community council as set out in the 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 Scheme for the Establishment of Community Councils may be reported to the 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.

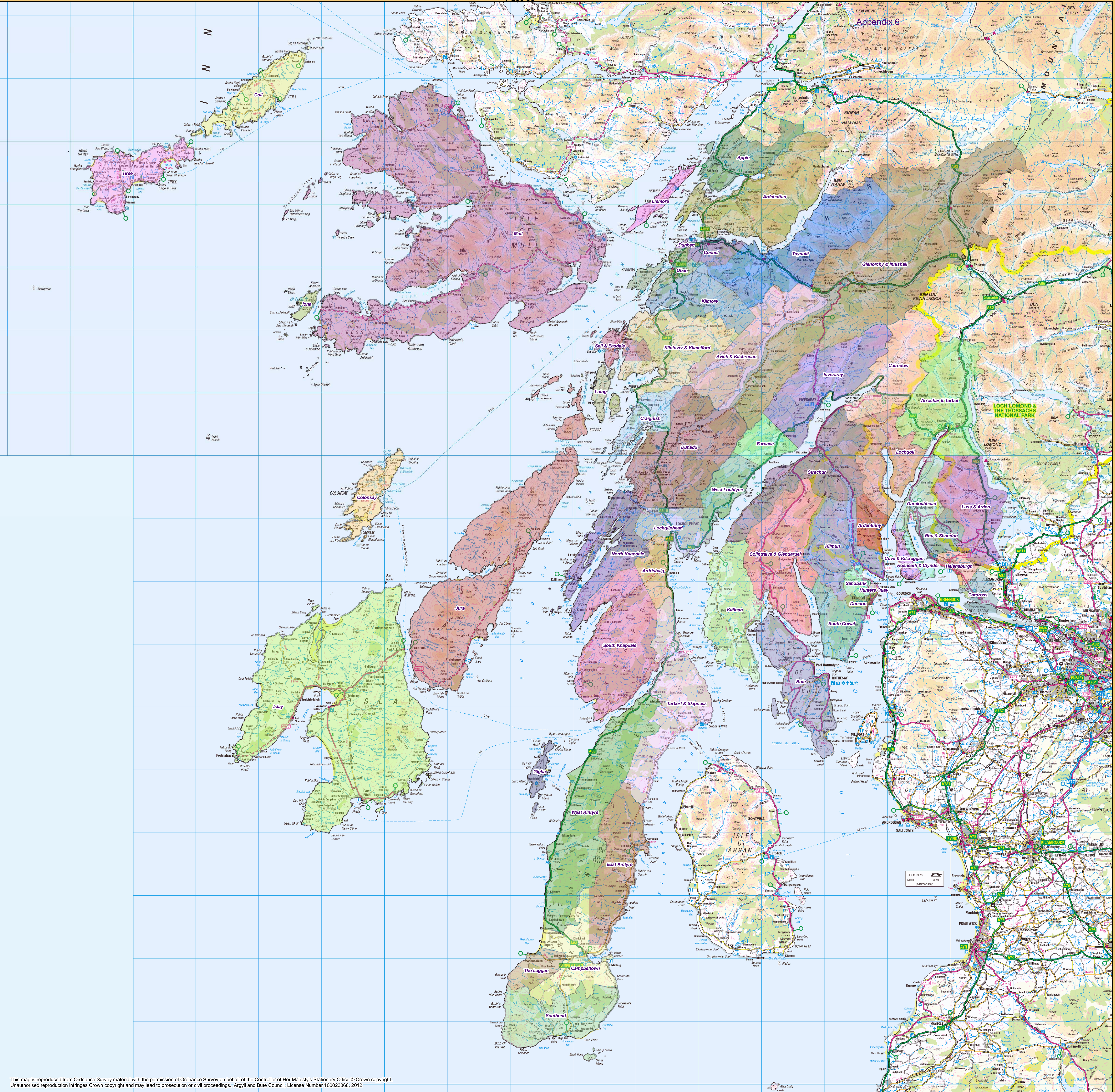
You should act to assist the community council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the community council is aware of them.

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.

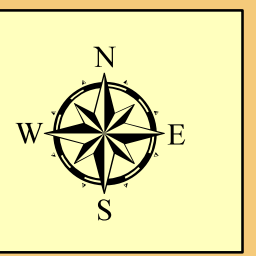
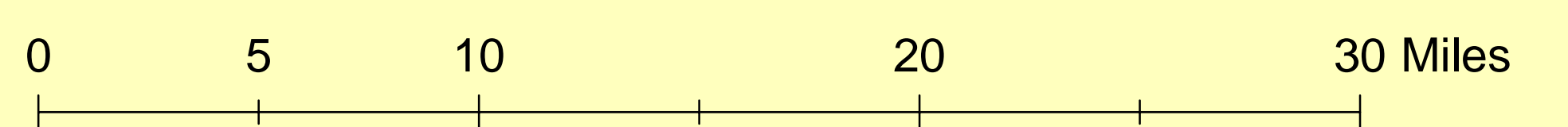
You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.



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ARGYLL AND BUTE: COMMUNITY COUNCILS



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Community Council Administrative Grants

In accordance with the Scheme for the Establishment of Community Councils, Argyll and Bute Council, upon production of the approved audited accounts, and subject to the community council ensuring they have brought the Council up to date with records of meetings, may provide an administrative grant to community councils to assist with the operating costs of the community council.

Administrative grants are as follows:

Number in Electorate	Grant Payable (£)
Up to 600	400
601 - 1000	400
1001 – 5000	500
5001 +	700

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