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**PROPOSAL TO AMEND THE SCHEME FOR THE ESTABLISHMENT OF  
COMMUNITY COUNCILS IN ARGYLL & BUTE UNDER SECTION 53(1) OF THE  
LOCAL GOVERNMENT (SCOTLAND) ACT 1973**

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## **1.0 EXECUTIVE SUMMARY**

This report summarises the feedback received following the public consultation exercise carried out between 1 October and 26 November 2021 and invites the Committee to endorse the recommendation to include provision for community council meetings to be take place by remote and hybrid means.

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 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 whether they would be likely to lead to further amendments, to the relevant Executive Direction, in consultation with the Policy Lead. If further amendments are considered necessary, the Committee may wish a further report to be brought to them on 17 February 2022 but otherwise, the amended Scheme would automatically come into effect at the end of the four week period.

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## **2.0 INTRODUCTION**

- 2.1 This report invites the 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 a final amended Scheme.

## **3.0 RECOMMENDATIONS**

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

- 3.1 The duly amended Scheme for the Establishment of Community Councils in Argyll and Bute (appendix 2) which includes provision for both remote and hybrid public meetings;
- 3.2 that officers now proceed to give the required 4 week period of notice for the newly amended Scheme to take effect; and
- 3.3 to delegate consideration of any feedback received during the 4 week period referred to at recommendation 3.2 to the Executive Director with responsibility for Community Councils, in consultation with the Policy Lead. Subject to there being no material changes proposed from the feedback received, the newly amended Scheme will come into effect at the end of the four week period and the existing temporary departures previously put in place during the pandemic will be revoked.

## **4.0 DETAIL**

- 4.1 The proposal to incorporate provision within the Scheme for public meetings of community council to take place by remote or hybrid means

has received being mainly supported. It is anticipated that introducing these measures will mean that the temporary departures previously put in place in May 2020, and reviewed as at February 2021, should cease.

- 4.2 A summary of the feedback received from the consultation is attached at Appendix 1. A total of 26 responses were received, 19 from members of the public and 7 from community councils. The proposals were not controversial, as reflected by the support received.
- 4.3 An amended Scheme which incorporates provision for remote or hybrid meeting arrangements (in addition to the provision within the Scheme for face to face meetings) is attached for approval at Appendix 2. The changes all relate to measures necessary to ensure remote attendance is classed equally to "in person" attendance. All meetings, however they are held, would require to be open to the public.
- 4.4 Community Councils may wish to introduce their own protocols for remote and/or hybrid meetings. It is not something which we should seek to standardise, some discretion should remain with community councils so that they can be responsive to what their individual communities would expect from them.
- 4.5 If the committee are minded to approve the draft amended Scheme, this must be approved by at least 2/3rds of the members voting thereon. Thereafter a period of final notification of 4 weeks must be given. At the end of that period, it is recommended that where no objection is received, the amended Scheme, as notified, shall immediately come into effect. Where there are objections or other feedback received, it is suggested that where these would not give rise to a recommendation of further changes, the matter be delegated to the Executive Director with responsibility for community councils. Otherwise, the Committee may wish the matter to be brought back to their next Scheduled meeting on 17 February for further consideration.

## **5.0 CONCLUSION**

- 5.1 The responses received during the consultation phase indicate there is large levels of support to incorporate provision for remote and hybrid meetings, in addition to the existing traditional means of meeting in person. It is therefore recommended that the Committee approve the attached draft amended Scheme and instruct officers to give the required period of public notice.

## **6.0 IMPLICATIONS**

- 6.1 Policy - None, all proposals are consistent with policy
- 6.2 Financial - None
- 6.3 Legal - None, the process to amend the Scheme are consistent with the Local Government (Scotland) Act 1973

6.4 HR – None

6.5 Fairer Scotland Duty:

6.5.1 Equalities - protected characteristics – None, Community councils are required to apply equalities legislation & represent views of their whole community

6.5.2 Socio-economic Duty – None

6.5.3 Islands - None

6.6 Climate Change – If recommended changes to the Scheme are approved (and implemented by community councils) there will be a positive impact in terms of reducing travel (largely by private vehicles) previously required in order to attend face to face meetings.

6.7. Risk – if the amendments are not approved there is likely to be disruption to community council business being conducted where local outbreaks prevent in person meeting.

6.8 Customer Service - None

**Executive Director with responsibility for Community Councils**

**Policy Lead for Communities – Councillor Mary-Jean Devon**

30 November 2021

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

## **APPENDICES**

**Appendix 1** – Summary of feedback receive from public consultation 1 October to 26

November 2021

**Appendix 2** – Draft amended Scheme for the Establishment of Community Councils in Argyll and Bute.

	<b>Summary of Feedback</b>	<b>Comments (if any)</b>
1.	I would be in favour of a combination of online/telephone/in person community council meetings as a means of equality of access for all. I would access meetings online whereas have difficulty attending in person.	Noted.
2.	I think the concept of remote meetings or a hybrid version is a great idea. Would there be training for process and technical issues.	Training has previously been provided for community councils seeking to move to online meetings during the pandemic. It is anticipated that further sessions could be held where there is a requirement.
3.	I personally would rather have zoom in the winter. The number of deer/wildlife on the road was quite interesting and they do sometimes jump in front of cars. Remote meetings would provide opportunity for less travel from different areas within the vast area covered. This may promote intake of councillors from those areas who do not have easy access to the 'main' meeting venue. Zoom also has a role in helping widen the age demographic of those attending and increases the overall numbers. Interest by younger people has increased. Community councils deal with community concerns and it is therefore important to have easy access to meetings.	Agreed.
4.	Supports the proposals. The reasons being, it future proofs Community Council meetings, it reduces travel for Local Councillors covering a large distance and it does not exclude those who do not have internet access. Protocols will need to be put in place to ensure those who join online are able to engage in the meeting as easily as if in person.	Agreed. There is no need for anyone to be excluded due to not having access to a computer as most meeting forums will allow anyone with a telephone to participate.
5.	Please adopt the practice of using both remote and in person meetings. This would permit a wider range of participants and views.	
6.	My community council has been able to continue because zoom meetings were available. However, this has meant that attendance (and thus the potential influence on the representations of the CC) was not limited to those able to	Noted the preference for hybrid meetings rather than by just remote means. The decision as to which method of meeting would be for individual community councils to determine. It is anticipated

	<p>attend in person. In theory anyone with an interest could join from anywhere in the world. In our case, this has skewed key decisions of the council.</p> <p>I therefore suggest, in answer to the survey questions, that:</p> <ol style="list-style-type: none"> <li>Meetings <i>should not</i> be allowed in zoom alone. If meetings are to be held in zoom alone, those allowed to speak should be limited to: <ul style="list-style-type: none"> <li>- the electorate;</li> <li>- local authority councillors;</li> <li>- invited specialist guests (but limited to specific topics).</li> </ul> </li> <li>Meetings <i>should</i> be allowed in a hybrid of in-person and zoom to allow attendance by those temporarily away. However, those allowed to speak should be limited as above. None of this should prevent written representations from anyone or any topic, but it would keep the meetings and opinions local.</li> </ol>	<p>that they will be responsive to the needs of their communities.</p> <p>Also noted comments about restricting access to meetings to only the electorate, guests and local authority councillors. This is not consistent with the overall Scheme which requires <b>all meetings and committees of the community council to be held in public</b>. Further consultation would be required to make any such amendment. As already reported to Council, there will be a wider public consultation undertaken in 2022 that will give opportunity to shape a Scheme for the next 4 year term. The current consultation has been restricted to the question of including the option of remote or hybrid meetings as options to safely conduct meetings during the pandemic but will only serve for the remaining term of office (until October 2022). It is recommended that the proposed change not be taken forward at this time on the basis that the author will have opportunity to suggest changes which have a wider impact on the overall governance framework.</p>
7.	I favour holding community council meetings by combination of remote and in person attendance in compliance with The Equality Act 2010.	Noted.
8.	<p>I do support the principle of community council meeting taking place online or as a hybrid model.</p> <p>OSCR produced guidance on this for community groups, and if what the council is proposing is similar, then I would support it.</p> <p>Weather, geography, disability and carers' responsibilities have always impacted on who could be community council members. Add Covid into the mix (and the uncertainties of what mixing will and won't be allowed moving forwards), and I</p>	Noted.

	<p>think it is only sensible to allow for virtual attendance to enable some of our more vulnerable community to still play a role in their community council.</p>	
9.	<p>I am in favour of proposals. Use of remote technology became important during lockdowns, but is also very helpful to people like me - I am over 80, and live from 30 minutes from the nearest meeting location and to 50 minutes from the other main communities served by my community council. The weather has often been too bad for me to make the journey. I do get to some of the local meetings, but have only been to others when the business was particularly important to me.</p> <p>I can just about get Zoom to function well enough to take part in remote meetings, using our Avanti satellite broadband, and if we ever get fibre or other fast broadband (which I doubt will be in my lifetime) it would be quite satisfactory. But there are still households around here with no satellite, landline or 4G to enable remote meetings, so I would be against encouraging Community Councils to meet only by remote means.</p>	<p>It is accepted that the technology is not available in all communities within Argyll and Bute and that is why it is important that community councils have the final decision as to how they hold their meetings. The proposals presented seek to provide additional means of meeting but do not remove the current option of in person meetings. In person meetings may be preferred where there are issues with infrastructure.</p>
10.	<p>I agree with the proposed amendments. We have had more residents attending our own online meetings as this allows those without transport to attend. It is also less damaging to the environment as no matter where within the area we choose to hold our meetings, this involves significant people travelling.</p>	<p>Noted.</p>
11.	<p>1. It is imperative that, in future, attendance (<i>sic</i>) at meetings is both in person and by remote access, regardless of problems arising from Covid-19, other disease pandemics and other impediments to in-person attendance. This provision is for the benefit of both councillors and members of the public attending as observers or as contributors.</p> <p>2. The benefits of enabling remote attendance are especially important in large rural counties such as Argyll and even more so where topography and road infrastructure together with inclement weather can make journeys hazardous in winter.</p>	<p>Changes proposed are in regard to the existing Scheme which, at the time of consulting had 1 year left to run. Further consultation on the content of a local Scheme for the next community council term (typically a four year term) will be undertaken upon publication of a new National Model Scheme for the Establishment of Community Councils that is anticipated early in 2022. This work is being led by the Scottish Executive and is currently ongoing. It is expected that a new national position on remote meetings will be unveiled as part of the review.</p>

	<p>3. It is probable that dual modes of attendance will enhance participation, especially amongst members of the public; and, this must be to the benefit of transparent governance, ensuring the spread of information, minimising the opportunity for propagation of false information, and holding councillors to account, particularly where decisions are controversial.</p> <p>4. Availability of remote access to meetings might make participation more inclusive where, for example, a person has caring responsibilities (for either children or adults) that require s/he to be on hand, or where obtaining child/adult minders is deemed too expensive or inconvenient. In addition, remote meetings might facilitate participation of those with disabilities that make in person attendance less easy or even impossible, especially where they are dependent on third parties for transport.</p> <p>5. Remote access should be adopted for a specified period (say, three years) and its success or otherwise reviewed with a view to affirming its adoption or reverting to the conventional mode of meeting.</p>	
12.	<p>I give notice that I object to allowing community councils being allowed to meet remotely.</p> <p>Remote meetings would prevent poor people from being community councillors because they could not afford the cost of the equipment needed.</p> <p>I would remind you that community councillors have no legal entitlement to expenses. Instead, Argyll &amp; Bute Council should petition the Scottish government to change the law so that community councillors have a legal right to claim expenses incurred in the performance of their duties.</p> <p>Until the law is changed I object to remote meetings.</p>	<p>In line with other comments received it is possible to draw a conclusion that in some areas, those without a vehicle, or other means of transport, are being excluded from attending or participating at in person meetings, as are those with caring responsibilities.</p> <p>There is no suggestion that remote meetings must be by video link. A landline or mobile telephone could allow an audio connection and ultimately this may be more inclusive than in person attendance.</p> <p>Members will be aware that there has been ongoing discussion about localising democracy and comments about legislative changes may be best served as part of those ongoing discussions. At present, there is currently an option for community councils to pay travel expenses to</p>

		community councillors or honoraria payments where they are in a position to do so.
13.	I would like community council meetings to be both in person and remote	Noted.
14.	Many thanks for allowing me to make comment on Community Councils. From previous experience, I am certainly not sure that Community Councils are at present making decisions that have the Community at heart and if they are necessary then their meetings should be done face to face. I think it may be an idea to have some form of overseer attend the odd meeting to ensure that they are operating within the rules and taking decisions to benefit some if not all of the community.	Noted the preference for in person meetings. Within current resource allocations, it would not be possible to provide support to all 56 community councils by regularly attending meetings to oversee proceedings. Where communities do not feel that decisions are reflective of their views there is the ability to challenge this. Depending on the circumstances, this may be directly with the community council or via the council.
15.	<p>My choice for delivering Community Council meetings would be the 'hybrid' approach meaning both face-to-face and remote meetings. Having long been an advocate for bringing community councils into the 21st century, hybrid meetings would go at least some way to ensuring the majority of residents have the opportunity to attend.</p> <p>As someone who has attended most of our local meetings over the years, it is very depressing to see how few locals attend. This poor attendance of course is not limited to my local community council.</p> <p>Sadly and despite many requests, my community council has continued to refuse to offer a remote option for their meetings. This has resulted in no meetings for almost 2 years. I consider this unacceptable for local democracy and transparency.</p> <p>A local face-to-face meeting has now been arranged for November, however as it's taking place in the village hall with covid protocols in place, only a maximum of 20 can attend and all windows will be open with no heating, I'm afraid this is not exactly an attractive arrangement for stimulating greater interest in our local</p>	<p>The proposals aim to introduce a range of options. As mentioned in an earlier response, the technology to host remote or hybrid meetings is not available in all areas of Argyll and Bute and options as to how to meet are necessary. Where a lack of skills to host online meetings prohibits a community council from meeting remotely then training and support can be provided but ultimately the decision will lie with individual community councils.</p> <p>For similar reasons, Argyll and Bute encourage online presence but do not make the need for a website compulsory. Although not part of the current consultation, there will be a further consultation undertaken on introducing a Scheme for the next term of office for community councils. This will be launched early in 2022, following on from the anticipated introduction of a new National Model Scheme, currently being reviewed</p>

	<p>community councils.</p> <p>My view therefore is that to fulfil their statutory remit, all community councils should be required to offer a hybrid meeting option.</p> <p>One further area unrelated to meetings, but equally important would be for ABC (or Scottish Government) to consider a portal for all community councils to host their websites in a standardised format. Whilst some of the current CC websites are quite professionally designed, many are very poor and poorly managed with out-of-date data. All up-to-date CC minutes and documents should be available online with easy, uniform accessibility. Unfortunately this is not currently the case.</p> <p>I hope this is helpful to you.</p>	<p>by the Scottish Executive. This will provide a further opportunity to look at the wider provisions of the local Scheme, such as mandatory online presence.</p>
16.	<p>I would like to say I am in favour of having Community Council meetings to be held remotely, or by hybrid means. This is providing proper funding and training is provided</p>	<p>As a meeting cost, any subscription can be met from the administration grant current provided by the Council and this has been reflected in the amended Scheme being presented for approval. Training has and can continue to be made available for those who have not had the benefit of using remote technology through the lockdown.</p>
17.	<p>I believe that allowing meetings (other than the AGM) to be held using electronic communication would be a good thing and support the idea.</p>	<p>Community councils are currently able to conduct AGM meetings by remote means in terms of the temporary departure previously approved by council. Having received no reported issues it is not proposed that AGMs are treated differently. However, the amendments proposed at this time would only be for a period of one year and may offer a trial phase. The council can also be led on this issue by the new National Model Scheme, anticipated in early 2022.</p>

18.	<p>The members of Lochgoil Community Council wish to confirm our agreement with the proposed change to the scheme for community councils: to allow community council meetings:</p> <ol style="list-style-type: none"> <li>1. to be held by remote means; and</li> <li>2. to be held by combination of remote and in person attendance.</li> </ol>	Noted.
19.	<p>I understand that there is an ongoing consultation process regarding the way in which community councils can meet in the future because of the social distancing requirements, etc. In the first instance having online community council meetings would result in even less participation by residents. Online meetings would probably result in even less information being disseminated to local communities (currently who gets to receive information that should be in the public domain is already not easy to come by).</p> <p>The consultation process should have a wider remit. It should allow residents to question the objectivity of community councils when most members are not even elected. How can such a situation be described as the first tier of representation when friends of friends can be invited to sit on community councils without the legal requirement for an election?</p> <p>I recognise that an issue with having 100% elected community councillors is that there are often no candidates. I understand that no candidates standing for election inevitably results in individuals being invited to be councillors by other council members. This very subjective cronyism is not good for the wider community, even though some councillors so appointed do actually and genuinely serve their communities.</p> <p>Reasons why there are rarely any candidates willing to stand for election to community councils could well be because the vast majority of residents are not even aware community councils exists, and if they do, do they know what community councils actually do? What is their remit? What is their purpose? What checks and balances are in place to ensure objectivity, impartiality, transparency, etc, etc? These issues are probably for the council proper - in this case Argyll &amp; Bute - to address.</p>	<p>As with previous feedback provided, there will be a wider consultation conducted early in 2022, following on from publication of a revised National Model Scheme for the Establishment of Community Councils anticipated from the Scottish Executive. The current consultation seeks to put in place changes that will only have effect over the remaining term of office of the current community councils (the term will end in October 2022).</p> <p>The comments relevant to the current consultation have been noted. Any remote meetings would need to be accessible to the public and therefore comments about less information being available should not be relevant as public could still choose to attend meetings held by remote means. In addition, there will still be a requirement to keep communities informed of the work of the community council by publishing agenda and minutes of meetings in the local area (while websites and social media are recommended as a means for keeping communities informed, the official requirement is that these documents should be posted in public places such as noticeboards or in libraries)</p> <p>In terms of comments about most members not being elected, this is not currently possible with only 1/3 of the spaces on a community council being filled by co-opted members. Co-option is a</p>

	<p>Information dissemination from community councils to the communities they supposedly represent is another issue that needs addressing. To merely advise people to search online for information about their local community council's agendas and minutes, etc, is to make the false assumption that all residents have access to the internet. They do not. And not all of those who do have internet access know how to carry out effective and meaningful searches.</p> <p>A quarterly printed newsletter to all households would be one way to address information dissemination, with additional newsletters on a needs basis (such as recent information regarding booster jabs against coronavirus; not everyone within my community council area received such potentially important information). And each newsletter for each community council should be to a standard format, etc, etc, and across all community councils.</p>	<p>method of filling a casual vacancy on a temporary basis until the next electoral process is held. The statutory purpose for community councils is "<i>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</i>"</p> <p>The remit is generally vague and role of community council is voluntary. Therefore there is not a one size fits all description of what a community council will involve itself in.</p>
20.	<p>I am in favour of remote access to community councils.</p> <p>I don't have strong views between hybrid or completely remote. I think this decision could be left to each council. It would be good for the environment if no car travel was used for any meeting.</p> <p>I would appreciate the ability to watch and listen to community council meetings. It would be good to be able to make a point by typing in a short comment.</p>	Noted.
21.	The second proposal that allowed for a combination of remote and in-person attendance at meetings is the one which Helensburgh Community Council favour, having recently tried our first face-to-face meeting in October since COVID struck. It worked well but there was understandable reluctance from a	Noted.

	<p>number who felt vulnerable. The proposal allows us an option to continue to function until such time as the pandemic eases.</p> <p>In addition we run a successful webinar programme via ZOOM. This has attracted widespread public support who are now used to the system. This means that they have familiar access to our monthly meetings.</p>	
22.	<p>I moved to the area in March last year. Because of Covid no CC meetings were held until last month - 18 months without a meeting. Apparently my community council struggled with the technology to hold on line meetings.</p> <p>Having now been to two meetings I appear to be the only member of the public attending - which begs all sorts of questions about Community engagement.</p> <p>Any efforts/ processes to facilitate having meetings where members of the community can contribute must be seen as a priority for Argyll and Bute Council if local democracy is to work and the views of a select few are not allowed to represent the views of the wider community.</p>	<p>As mentioned previously, there has been an offer of assistance to community groups (including community councils) to train them on holding online meetings during the pandemic and this can be offered again to those who did not choose to meet by remote means.</p>
23.	<p>Iona Community Council has found that engagement increased with our online public meetings and it was certainly easier to secure attendance from off island organisations as there is much less requirement for time and no resources required for travel and accommodation.</p> <p>There are challenges too and for our community that was inclusion as not everyone has the equipment or skill to attend an online event. We were able to assist with technical help and used a platform which allowed people to phone in. With so much online, people were motivated to learn.</p> <p>The broadband infrastructure is an issue too. We don't have fibre and the existing network is at capacity so people do have problems joining, speaking and using their video.</p> <p>Online meetings allowed us to continue when we couldn't meet in person so we found work rounds, asked contributors to send in reports in case of connection</p>	<p>We recognise there are issues with the infrastructure which may prohibit all community councils from holding remote meetings. The consultation seeks to add remote and/or hybrid meetings as an option but the choice of how meetings take place will be one for each community council to take.</p> <p>In regards to financial support for hybrid equipment, at the moment there is no funding from within the community council budget that could accommodate purchase of equipment. Levels of grant support are generally part of the consultation when framing a new/amended Scheme for the next term of office and as such are set for a four year term. With a new term commencing next October, it had been agreed</p>

	<p>issues and coached people. In person meetings would be our preference but we have seen the benefits of online and would like to hold onto that.</p> <p>Overall we would like to hold our public meetings in person but with the opportunity to hold an online meeting if required (say if the weather was very poor or our venue was unavailable). A hybrid meeting would be very useful to bring in off island people on a more regular basis.</p> <p>I have attended hybrid meetings previously and they can be a challenge. The format of a CC meeting though would work well if the online person is delivering a report and answering queries. It also gives an opportunity for a wider audience and facilities like chat functions can help.</p> <p>The issue with hybrid meetings will be equipment. Because our online meetings have been from our homes, our public venues don't have video conferencing equipment and investment will be required to fit them out. What works in your house isn't suitable for a hybrid event so it isn't as simple as bringing along a laptop. Would the council be able to look at grants to help with this? I acknowledge that any equipment would be not for CC use alone.</p> <p>In summary, Iona Community Council would like to retain the ability to hold remote meetings and also to hold hybrid meetings when required. This flexibility would be very welcome.</p>	<p>that the council will hold a further consultation on the wider elements of the Scheme early next year when there will be opportunity to comment on grant levels and other support levels available. This will also allow opportunity to consider the new Model National Scheme, currently under review, and anticipated early next year.</p>
24.	<p><b><u>COMMENTS FROM STRACHUR COMMUNITY COUNCIL ON REMOTE AND HYBRID MEETINGS</u></b></p> <p>1. This proposal is worth exploring on the understanding that there would be no obligation on Community Councils to offer online participation nor any expectation that they would do so.</p> <p>2. Whilst remote meetings could be useful as an emergency stop-gap measure to deal with urgent CC business where normal meetings were not possible (e.g. in the event of further lockdowns), it should be recognised that they would</p>	<ol style="list-style-type: none"> <li>1. Correct – the proposals offer an additional choice regarding how meetings are held.</li> <li>2. Noted but previous comments apply, in attending remote meetings could be by audio only.</li> <li>3. Agreed, the infrastructure throughout the area may not permit hybrid meetings.</li> </ol>

	<p>disenfranchise members of the public who do not have the necessary technology.</p> <p>3. Hybrid meetings might improve participation by members of the public, but only where broadband connections were reliable.</p> <p>4. If it is decided that remote and/or hybrid meetings should be either obligatory or expected, or that they should be encouraged by Argyll &amp; Bute Council, funding would need to be available for the purchase of necessary IT equipment, including computers for all Community Councillors.</p> <p>5. Residents were asked their views via the Strachur &amp; District Newsletter and the Community Facebook page. As no comments were received, there appears to be no enthusiasm in the community for remote and/or hybrid meetings and we have no evidence whether or not they would improve the 'attendance' of residents.</p>	<p>4. The amendments proposed will not be obligatory.</p> <p>5. Noted the community consultation work undertaken. Community Councils should be responsive to the needs of their community when determining what method of meeting may serve them best.</p>
25.	<p>Tiree Community Council have discussed this topic at several (online) public meetings over the last few months, asking for feedback. We have also asked constituents to write to us through the island's fortnightly newsletter.</p> <p>We are aware of at least three regular attenders at our past face-to-face meetings who do not attend our online meetings. One of these has told us they prefer physical meetings in the hall. Although agencies on the island have worked hard during the pandemic to combat digital exclusion, it still exists. Poor connectivity has sometimes meant that councillors and members of the public have found it hard to express themselves online.</p> <p>However, the unanimous opinion of the council, and the overwhelming feedback to us, are extremely positive about online meetings. A number of issues have been brought up:</p>	Noted the feedback received and the positive impact holding remote meetings has had in the experience of Tiree Community Council.

	<ul style="list-style-type: none"> <li>• Tiree Community Council is fortunate in having several members who work professionally with IT systems</li> <li>• Our attendance has increased from 5-15 before March 2020 to 15-30 today. During lockdown, attendance went as high as sixty</li> <li>• People who are not able to attend face-to-face meetings due to care commitments or disability are now able to join online</li> <li>• The chat function allows contributions during meetings</li> <li>• The screenshare function allows documents and maps to be displayed during the meeting</li> <li>• The translation function has meant that we can provide simultaneous translation of proceedings into Gaelic, a world first</li> <li>• Argyll and Bute councillors, who all live off the island, are now able to join our meetings easily, and their attendance has greatly increased. This addresses the democratic deficit – caused by the lack of resident councillors – suffered by Tiree</li> <li>• Visiting speakers can easily join our meetings, and this has also increased significantly</li> </ul> <p>We believe that the connectivity of our public spaces on the island make hybrid meetings more of a challenge at the moment.</p> <p>Tiree Community Council therefore strongly supports an ability for community councils to continue to be allowed to hold online meetings. We do recognise that face-to-face meetings still have a place, and we aim to hold at least two of our ten public meetings a year in the public hall.</p>	
26.	Rhu & Shandon Community Council approve that the existing Scheme for the Establishment of Community Councils in Argyll and Bute be amended to allow Community Council meetings to be held by combination of	Noted the feedback received. The comments regarding voting by email would be something that could be explored in terms of future amendments to the Scheme. This, however, would be reserved to those attending the meeting (attendance being amended to include those

	<p>remote and in person attendance. By this we understand that a particular meeting may either be in person or on-line.</p> <p>We also feel that there should be provision made in the Scheme to allow for voting by email.</p> <p>In normal circumstances we meet every two months but there have been several cases in the past when a response from the Community Council has been required which did not allow for a meeting to be held to approve our response. This consultation is a case in point. We have consulted our members and they have responded, but it would be better if this approach were to be made official</p>	<p>participating remotely). This will assist in ensuring that final decisions take account of all views expressed, including those that may be presented at the meeting itself.</p>
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# **SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS IN ARGYLL AND BUTE 2018**

The effective date of adoption of the Scheme: 26<sup>th</sup> April 2018 (duly amended on \* to incorporate provision for remote and hybrid meetings)

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# **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.
- 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 present 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, 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, UK or European 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 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.

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 submits her/his resignation to the Convener or Secretary of the community council; or
  - when a community council member ceases to be qualified to be a member in the circumstances set out in clauses 5.2, 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.
    - has achieved 16 years of age on the date of co-option
    - 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.
    - is not the subject of sanctions contained at clauses 13.5.3 or 13.12.3 to 13.12.5 on the date of co-option.
  - c) They must be elected onto the community council by a 2/3rds majority of the community council members present attendingat the meeting
  - d) Such co-opted members will have full voting rights.
  - e) Co-opted members may serve for a maximum of 2 years or until the interim by-elections, whichever is the later, at which point they will require to stand for election or step down from the role.
  - f) In the event of non-election or stepping down co-opted members will not be eligible for co-option again until the next review of the Scheme and fresh elections have been undertaken.
  - 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) A member of a community council who is elected as a member of Argyll and Bute Council, or the Scottish, UK or European Parliaments shall cease to be a member of the community council as of the date of their election.
  - d) 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 period of the Scheme.
- 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.
- 6.12 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.

## 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 election, will be called by the Returning Officer and will take place within 21 days of the date of the election, or as soon as practicable thereafter. The business of that meeting will include adoption of a Constitution and Standing Orders, appointment of office-bearers and any outstanding business matters from any outgoing community council.
- 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 Community councils will 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 to allow for the proper submission of accounts to the community council's annual general meeting.
- 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:
  - o Auditors' fees
  - o Production and circulation of minutes, agenda and annual reports or other Community Council documentation
  - o Stationery
  - o Photocopying
  - o Postage
  - o Travel costs
  - o Telephone costs
  - o Accommodation lets
  - o Affiliation fees
  - o Subscriptions (including those associated with facilitating remote or hybrid meetings)
  - o Website Costs
  - o Bank charges
  - o Advertising
  - o General publicity, promotional and ceremonial activities
  - o Consultation with the community
  - o Honorariums' to the Community Council secretary or treasurer
- 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 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 present 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 present 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.

## **APPENDIX 1**

### **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, 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, retiral or resignation.

#### **6. 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.

#### **7. 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 for a maximum of 2 years, or until the interim by-election, whichever occurs later, 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

#### **8. 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 present 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).

## 9. 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 present attending and voting

## 10. 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.

## 11. 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 present 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.

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

- (a) All meetings of the community council and its committees (subject to 11(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.

### **13. 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.

### **14. 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) 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.

## **15. Title to Property**

Subject to 14(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.

## **16. 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 present 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.

## **17. 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.

#### **18. 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 of  
Customer Services or nominee)

## APPENDIX 2

### 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, 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, 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 membership ~~present 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 membership present 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 membership present 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 present attending and then only if the mover states the object of his motion and if two-thirds of the COMMUNITY COUNCIL members present attending consent to such suspension.

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**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

	<b>Community Councils</b>	<b>Polling Districts</b>	<b>Polling District Name</b>	<b>Electorate 01.03.18</b>	<b>Membership</b>	<b>Council Ward</b>
1	Southend	AA03	Southend	339	8	1
2	The Laggan	AA02	Drumleble	325	8	1
3	Campbeltown	AA01 AA04 AA06	Campbeltown South Campbeltown Central Campbeltown North	1327 1680 <u>1161</u> 4168	16	1 1 1
4	West Kintyre	AA07 AA12 AA13	Bellochantuy/ Kilkenzie Chleit Clachan	149 289 <u>247</u> 685	10	1 2 2
5	East Kintyre	AA05 AA08	Peninver Carradale	175 408 <u>583</u>	8	1 2
6	Tarbert & Skipness	AA09 AA10	Skipness Tarbert	91 <u>1042</u> 1133	16	2 2
7	Gigha	AA11	Gigha	135	8	2
8	Islay	AA15 AA16 AA17 AA18 AA19	Port Charlotte Portnahaven Kilmeny Port Ellen Bowmore	441 176 411 880 <u>677</u> 2585	16	2 2 2 2 2
9	Jura	AA20	Jura	168	8	2
10	Colonsay	AA21	Colonsay	118	8	2
11	South Knapdale	AA14 AA24	Dunmore Achahoish	111 <u>93</u> 204	8	2 3
12	North Knapdale	AA25 AA26	Crinan Tayvallich	204 <u>224</u> 428	8	3 3
13	Ardrishaig	AA23	Ardrishaig	1100	16	3

	<b>Community Councils</b>	<b>Polling Districts</b>	<b>Polling District Name</b>	<b>Electorate 01.03.18</b>	<b>Membership</b>	<b>Council Ward</b>
14	Lochgilphead	AA27	Lochgilphead	2251	16	3
15	West Lochfyne	AA34	Minard	270	8	3
16	Furnace	AA29	Furnace	225	8	3
17	Inveraray	AA28	Inveraray	559	8	3
18	Dunadd	AA30 AA31 AA33	Kilmartin Ford Kilmichael Glassary	256 164 <u>324</u> 744	10	3 3 3
19	Craignish	AA32	Craignish	341	8	3

	<b>Community Councils</b>	<b>Polling Districts</b>	<b>Polling District Name</b>	<b>Electorate 01.03.18</b>	<b>Membership</b>	<b>Council Ward</b>
20	Mull	AA42 AA43 AA44 AA45 AA46 AA47 AA48 AA49 AA50	Tobermory Dervaig Ulva Ferry Salen Lochdonhead Lochbuie Pennyghael/ Tiroran Bunessan Fionnphort	892 307 106 375 255 28 63 230 <u>165</u> 2421	16	4 4 4 4 4 4 4 4 4
21	Iona	AA51	Iona	131	8	4
22	Coll	AA52	Coll	159	8	4
23	Tiree	AA53	Tiree	541	8	4
24	Oban	AA36 AA37 AA38 AA39 AA64	Oban Central Oban West Oban Glencruitten Oban Soroba Oban North	433 1858 1444 1107 <u>1874</u> 6716	20	4 4 4 4 5
25	Glenorchy & Innishail	AA55 AA56 AA57 AA61	Lochawe Dalmally Bridge of Orchy Portsonachan	133 359 35 <u>79</u> 606	10	5 5 5 5
26	Taynuilt	AA58	Taynuilt	883	10	5
27	Avich & Kilchrenan	AA59 AA60	Kilchrenan Dalavich	119 <u>108</u> 227	8	5 5
28	Luing	AA62	Luing	151	8	5
29	Kilninver & Kilmelford	AA63 AA68	Kilmelford Kilninver	232 <u>115</u> 347	8	5 5

	<b>Community Councils</b>	<b>Polling Districts</b>	<b>Polling District Name</b>	<b>Electorate 01.03.18</b>	<b>Membership</b>	<b>Council Ward</b>
30	Seil & Easdale	AA65	Easdale	556	8	5
31	Kilmore & Kilbride	AA66	Kilmore	309	8	5
32	Dunbeg	AA67	Dunbeg	585	8	5
33	Lismore	AA69	Lismore	157	8	5
34	Appin	AA70	Appin	420	8	5
35	Connel	AA71	Connel	491	8	5
36	Ardchattan	AA72 AA73 AA74	Barcaldine Lochnell Ardchattan	206 1080 <u>92</u> 1378	16	5 5 5

	<b>Community Councils</b>	<b>Polling Districts</b>	<b>Polling District Name</b>	<b>Electorate 01.03.18</b>	<b>Membership</b>	<b>Council Ward</b>
37	Colintraive & Glendaruel	AA75 AA76 AA84 (Prt)	Glendaruel Colintraive Rashfield	143 128 <u>18</u> 289	8	6 6
38	Cairndow	AA77	Cairndow	118	8	6
39	Lochgoil	AA78	Lochgoilhead	363	8	6
40	Strachur	AA79 AA80	Strachur Strathlachlan	486 <u>157</u> 643	10	6 6
41	Kilfinan	AA81 AA82	Kilfinan Tighnabruaich	88 <u>557</u> 645	10	6 6
42	Hunter's Quay	AA83A	Hunter's Quay	782	10	6
43	Kilmun	AA84 (Prt) AA86	Rashfield Strone	232 <u>556</u> 788	10	6 6
44	Ardentinny	AA85	Ardentinny	154	8	6
45	Sandbank	AA87	Sandbank	1036	16	6
46	Dunoon	AA83 AA89 AA90 AA91 AA93	Kirn Hafton Dunoon Ardenslate Dunoon South	986 1706 210 1726 <u>645</u> 5273	20	7 7 7 7
47	South Cowal	AA92	Innellan	1310	16	7
48	Bute	AA94 AA95 AA96  AA97 AA98 AA99	Rothesay North Port Bannatyne Rothesay Central Bute West Bute East Kingarth	1058 513 397  1277 1316 <u>225</u> 4786	16	8 8 8  8 8 8

	Community Councils	Polling Districts	Polling District Name	Electorate 01.03.18	Membership	Council Ward
49	Rhu & Shandon	AD01 AD07	Rhu South North Rhu & Shandon	912 <u>723</u> 1635	16	9 9
50	Garelochhead	AD02	Garelochhead	1261	16	9
51	Cove & Kilcreggan	AD03 AD08	Cove Kilcreggan	408 <u>825</u> 1233	16	9 9
52	Arrochar, Tarbet & Ardlui	AD10 AD04 AD06	Glencroe Arrochar Tarbet & Ardlui	153 341 <u>187</u> 681	10	9 9 9
53	Rosneath & Clynder	AD09	Rosneath	1150	16	9
54	Luss and Arden	AD05 AD24	Luss Arden	177 <u>113</u> 290	8	9 11
55	Helensburgh	AD12 AD13 AD14 AD15 AD16 AD17 AD18 AD20 AD21 AD22	Kirkmichael Helensburgh Lower East Helensburgh Upper West Helensburgh West Helensburgh Central Helensburgh East Helensburgh Lower West Colgrain Helensburgh North East Helensburgh Upper East	671 1598 526 1240 1146 993 1245 1568 1110 <u>822</u> 10909	20	10 10 10 10 10 10 10 11 11 11
56	Cardross	AD23	Cardross	2024	16	11