



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

The effective date of adoption of the Scheme: *

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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. Primary accountability is to the electorate (or those under 16 who are resident within the catchment area of a primary and/or secondary school within the community council boundary) so community councils should always approach informal soundings and more formal consultations with that in mind.

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

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

4. Community Councils and Community Council Areas

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

5. Membership of Community Councils

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

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

6. Community Council Elections

Electors

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

Nominations and Elections

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

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

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

Returning Officer

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

Nominations

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

Self-nomination is not permitted.

Process

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

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

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

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

Method of Election

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

Casual vacancies between elections

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

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

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

Disqualification of Membership

6.9

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

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

- d. A member of a community council who is elected as a member of Argyll and Bute Council, or the Scottish or UK Parliaments shall cease to be a member of the community council as of the date of their election.
- e. A member of a community council who is disqualified from being a member of a community council under clause 13.12.5 will cease to be a member of the community council for the remaining electoral term.
- f. A member of a community council who becomes ineligible in terms of provisions contained at 5.3 and 5.4 of this Scheme will cease to be a member of the community council for the remaining electoral term.

6.10 Should a vacancy or vacancies arise in the membership of a community council between elections, the community council will advise Argyll and Bute Council who may hold an interim by-election and offer each community council opportunity to be included in the by-election.

6.11 Argyll and Bute Council will not normally hold more than one by-election to fill casual vacancies in any community council within a 24-month period. Should circumstances arise that lead to the number of community councillors to fall below half of the total number of seats on the community council Argyll and Bute Council will hold a by-election during which time the remaining members (provided a quorum remains) of the community council will continue and may meet as a community council until the process of seeking to fill seats set out in para 6.6 above will have been held and exhausted, and Argyll and Bute Council decides to take the action set out in that paragraph or such other action as it considers appropriate in the circumstances.

7 Use of Local Skills / Knowledge

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

8 Equalities

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

9. Meetings

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

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

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

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

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

11 Resourcing a Community Council

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

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

11.6 Argyll and Bute Council may facilitate advice and assistance to community councils and arrange for the establishment of a training programme for community councils on the duties and responsibilities of community council office-bearers, the role of community councils (including community engagement processes), the functions of the local authority and other relevant topics.

12. Liability of Community Council Members

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

13. Complaints against Community Councils

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

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

Any person may complain to the community council about the conduct of the community council, or any member or group of members thereof. All

complaints shall be dealt with by the community council in the first instance, unless:

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

13.2.2 three or more complaints have previously been received about a particular community council member, or from a particular individual, during a single community council term; or

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

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

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

13.5 All other complaints shall be considered by the relevant community council who shall have in place a process for complaints handling which entails all complaints being formally tabled at the next available meeting of the community council for discussion and determination. A simple majority of members attending and voting shall decide on whether the subject of the complaint has, on the balance of probabilities, failed to comply with the obligations set out at clause 13.1. Any member who is the subject of a complaint, or who is the complainer, shall not be entitled to vote. If satisfied that those obligations have not been complied with, the community council must either:

13.5.1 censure the member(s) in question;

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

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

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

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

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

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

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

14. Dissolution of a Community Council

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

MODEL CONSTITUTION FOR COMMUNITY COUNCILS IN ARGYLL AND BUTE

1. Name

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

2. Area of the Community Council

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

3. Objectives

The objectives of the COMMUNITY COUNCIL shall be:

- a) to ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of the people;
- b) to express the views of the community to the local authority for the area to public authorities and other organisations;
- c) to take such action in the interests of the community as appears to it to be desirable and practicable;
- d) to promote the well-being of the community and to foster community spirit;
- e) to be a means whereby the people of the area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.

4. Role and Responsibilities

- 4.1 In the discharge of their functions and the conduct of their business, the COMMUNITY COUNCIL and its members shall have regard to their role and responsibilities as set out in paragraph 3 of the Scheme approved by Argyll and Bute Council, and the Best Practice Agreement.
- 4.2 Members of the community council shall comply with and abide by their obligations under the Scheme, this Constitution and the Code of Conduct for Community Council Members, and their compliance shall be enforced via the procedure set out at Section 13 of the Scheme.

5. Membership

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

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

6. Resignations

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

7. Method of Election

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

8. Casual Vacancies on the Community Council

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

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

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

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

9. Voting Rights of Members of the Community Council

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

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

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

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

10. Election of Office-Bearers

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

11. Committees of the Community Council

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

12. Meetings of the Community Council

- (a) The quorum at a meeting of a community council will be one quarter of the current number of members, but will never be less than three.
- (b) Each year the community council will hold an annual general meeting by the end of June, for the purpose of receiving and considering the Convener's annual report, the submission and approval of the independently examined annual statement of accounts, the appointment of office-bearers and to set the annual meeting programme.
- (c) One annual general meeting and a minimum of 6 ordinary meetings of the community council will be held each year where the electorate is above 600 or a minimum of 4 ordinary meetings of the community council where the electorate is 600 or less.
- (d) Dates, times and venues of ordinary meetings of the community council will be fixed at the first meeting of the community council following ordinary elections and thereafter at its annual general meeting. Special meetings will require at least 7 days public notice, either called by the Convener, or on the request of not less than one-half of the total number of community council members. The Executive Director of Customer Services of Argyll and Bute Council or his nominee may, in exceptional circumstances, call a meeting of the community council.
- (e) Copies of all minutes of meetings of the community council and of committees thereof will be approved as a correct record or corrected as need be at the next prescribed meeting of the community council, but the draft minute shall be circulated within 14 days from the date of that meeting, to community council members, elected members, other appropriate parties and Argyll and Bute Council's Community Council Liaison Officer.
- (f) The community council will abide by its Standing Orders for the proper conduct of its meetings.
- (g) The community council has a duty to be responsive to the community it represents. Should the community council receive a written request (petition), signed by at least 20 persons resident within the community council area to convene a special meeting for a particular matter or matters to be considered, the Secretary will call such a meeting within 14 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings of the community council.

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

13. Public Participation in the Work of the Community Council

- (a) All meetings of the community council and its committees (subject to 12(h), above) shall be open to members of the public. Reasonable provision is to be made for the accommodation of members of the public and the opportunity should be afforded at each meeting to permit members of the public to address the community council, under the guidance of the Convener.
- (b) Notices calling meetings of the community council and its committees shall be posted prominently within the community council area for a minimum period of seven days before the date of any such meeting, and, where possible, be advertised by other suitable means.

14. Information to the Local Authority

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

15. Control of Finance

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

- (a) All monies provided by the local authority and other sources to, or raised by or on behalf of the community council, shall be applied to further the objectives of the community council and for no other purpose. The monies provided by the local authority in the annual Administrative Grant for administrative and other approved purposes will be used only as prescribed. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the community council), or in the absence of such terms, for the furtherance of the objectives of the community council.

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

16. Title to Property

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

17. Alterations to the Constitution

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

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

18. Dissolution

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

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

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

19. Approval and adoption of the Constitution

This Constitution was adopted by
COMMUNITY COUNCIL, on

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

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

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

MODEL STANDING ORDERS

1. Meetings (all held in public)

(a) Ordinary meetings of the COMMUNITY COUNCIL shall be held in the months of [to be entered]. Special Meetings may be called at any time on the instructions of the Convener of the COMMUNITY COUNCIL on the request of not less than one-half of the total number of COMMUNITY COUNCIL members; or the receipt of a common written request (petition), signed by at least 20 persons, resident within the COMMUNITY COUNCIL area, to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting. A special meeting shall be held within 14 days of the receipt of the request made to the Secretary of the COMMUNITY COUNCIL. Annual general meetings are held annually by the end of June.

(b) The notice of ordinary and annual general meetings of the COMMUNITY COUNCIL, featuring the date, time and venue, shall be provided to each COMMUNITY COUNCIL member and Argyll and Bute Council's Community Council Liaison Officer by the Secretary of the COMMUNITY COUNCIL, and will be displayed prominently within the COMMUNITY COUNCIL area, and/or made available online at least 7 days before the date fixed for the meeting.

2. Minutes

Minutes of the proceedings of a meeting of the COMMUNITY COUNCIL shall be drawn up within fourteen days from the date of that meeting, displayed in public places, such as libraries and notice boards, and/or made available online, provided to Argyll and Bute Council and shall, following their approval, be signed at the next meeting of the COMMUNITY COUNCIL by the person presiding thereat and retained for future reference.

3. Quorum

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

4. Order of Business

(i) Ordinary Meeting

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

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

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

(ii) Annual General Meeting

It will not be uncommon that the COMMUNITY COUNCIL has arranged for an ordinary meeting of the COMMUNITY COUNCIL to begin at the close of the annual general meeting, to enable any outstanding reporting on business matters to be heard; and for COMMUNITY COUNCIL members and members of the public to have an opportunity to bring matters to the attention of the COMMUNITY COUNCIL, possibly for inclusion on a future agenda.

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

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

(iii) Special Meeting

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

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

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

5. Order of Debate

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

6. Voting

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

7. Alteration of Standing Orders

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

8. Committees

The COMMUNITY COUNCIL may appoint such committees as it may from time to time decide for the purpose of advising the COMMUNITY COUNCIL on any matter and shall determine their composition, terms of reference, duration, duties and powers.

9. Suspension of Standing Orders

These Standing Orders shall not be suspended except at a meeting at which three-quarters of the total number of COMMUNITY COUNCIL members are attending and then only if the mover states the object of his motion and if two-thirds of the COMMUNITY COUNCIL members attending consent to such suspension.

**ARGYLL AND BUTE COUNCIL
SCHEME FOR THE ESTABLISHMENT OF
COMMUNITY COUNCILS**

**BOUNDARIES FOR COMMUNITY COUNCIL AREAS
MEMBERSHIP OF COMMUNITY COUNCILS**

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

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

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