

# LOCAL GOVERNMENT ETC. (SCOTLAND) ACT 1994

## Table of Contents

### **COMMUNITY COUNCILS**

- Introduction
- The Scheme for the Establishment of Community Councils

### **SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS**

1. Introduction
2. Statutory Purposes
3. The Role and Responsibilities of Community Councils
4. Community Council Areas within Council Areas
5. Establishment of Community Councils under the Scheme
6. Community Council Elections
  - 6.1. Eligibility
  - 6.2. Elections
  - 6.3. Returning Officer
  - 6.4. Nominations
  - 6.5. Process
7. Membership of Community Councils
  - 7.1. Composition of Community Councils
  - 7.2. Filling of Casual Vacancies between elections
8. Equalities and Diversity
9. Disqualification of Membership
10. Meetings
11. Liaison with the Council
12. Community Council Finances
13. Insurance of Community Councils and Community Council Members
14. Supported Status of a Community Council
15. Dissolution of a Community Council
16. Voluntary Dissolution of a Community Council

# ABERDEENSHIRE COUNCIL

## COMMUNITY COUNCILS

- **Introduction**

Community Councils are voluntary bodies, which exist within a statutory framework, and which have been granted statutory rights of consultation. The general purpose of a Community Council is to ascertain, co-ordinate and express the views of the community within its agreed boundaries. Community Councils can help ensure that the Council is as fully informed as possible about the circumstances, needs and wishes of local communities. The duties, role and responsibilities of Community Councils are contained in this Scheme.

Community Councils are non-party-political and non-sectarian in their discussions and in their decision-making.

Community Councils, unlike other community organisations, are statutorily included in the consultation process for all planning applications affecting their area. There are also specific powers in relation to liquor licensing.

Community Planning emphasises the need for the Council to develop its relationship with Community Councils as part of its engagement with our local communities. The Community Empowerment (Scotland) Act 2015 will help to empower the communities of Aberdeenshire by strengthening their voices in the decisions that matter to them. It will also improve outcomes for communities by improving the process of community planning, ensuring that local service providers work together even more closely with communities to meet the needs of the people who use them. Community Councils are valued stakeholders in this process.

As part of its commitment to working with Community Councils, in addition to the discretionary statutory funding (the annual grant), the Council will do its best within available resources to make funds available to assist Community Councils to carry out their various responsibilities. Where feasible, the Council will also make its premises available for use by Community Councils for their meetings, such use being free of charge.

The Council also believes that there are issues which benefit from shared discussion with Community Councils. A suitable forum for Community Council engagement will be established in each of the Council's six administrative areas and be supported by the local Area Manager and their staff. This will provide a basis for the discussion of issues of mutual interest and a means by which the Community Plan for each area can be influenced. In Schedule 4 there is a useful table, explaining the different roles within the Council and how they relate to Community Councils.

The Council are committed to helping, supporting and collaborating with Community Councils especially when they are struggling to achieve their aims, meet their responsibilities or maintain membership numbers. Being able to maintain membership is a democratic necessity and the Council recognises that this can be an issue for some Community Councils. This is why the Council does not immediately dissolve Community Councils (as in the Scottish Government model scheme) when numbers go below the required minimum. Instead, the Council has decided to take a more innovative and supportive route and so works with the community council members to get numbers back to the minimum required. This is called a supported status and the community council then operate as a steering group.

- **The Scheme for the Establishment of Community Councils**

The Scheme sets out guidance for the mutual exchange of information between the Council and each Community Council and provides guidance on other administrative and practical matters.

The Scheme document sets out the procedures and provisions for the formation and operation of Community Councils and:

Schedule 1: provides how to determine membership numbers, a reference map of Community Areas and the name of each Community Council

Schedule 2: contains the various forms that are required in respect of election procedures

Schedule 3: provides a 'model' constitution that meets the requirements of the Scheme and incorporates Standing Orders

Schedule 4: contains the tables of Duties, Roles and Responsibilities of the Council

Schedule 5: provides the Code of Conduct for Community Councils

Schedule 6: details the Code of Practice for the Exchange of Information and Guidance Notes

Schedule 7: contains the Community Council Appeal Hearing Procedure

Schedule 8: contains the Glossary of Terms

## **SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS**

The terms and expressions used throughout this document, shall have the meanings as defined in the Glossary of Terms.

### **1. Introduction**

- 1.1 The Aberdeenshire Council, (“the Council”) in accordance with the terms of Section 22 of the Local Government etc. (Scotland) Act, 1994 has adopted this Scheme for the Establishment of Community Councils (“the Scheme”) within the Aberdeenshire Council area, and has revoked the Scheme made by the Council in March 2007, with effect from midnight on 31<sup>st</sup> March 2018. All Community Councils in the Aberdeenshire Council area shall be required to operate within the terms of this Scheme from 1<sup>st</sup> April, 2018.
- 1.2 Any assets, liabilities, and bank accounts pertaining to any existing Community Councils established under the Scheme made in March 2007 whose boundaries shall be changed or amended by this Scheme shall transfer to any new Community Councils covering their area on the adoption of this Scheme by the Council. Where more than one Community Council covers the area of a former Community Council then the assets, liabilities and bank accounts will be divided pro rata according to population figures, except where these assets liabilities and bank accounts are specific and identifiable to a particular part of the Community Council Area, as recommended by the Community Council and agreed by the Council.
- 1.3 Where an existing Community Council established under the Scheme made in March 2007 shall continue, under this Scheme, to operate within existing boundaries, the said Community Council shall inherit the assets, liabilities and bank accounts of the existing Community Council on the adoption of this Scheme by the Council.
- 1.4 The Scheme has precedence over any other document including the constitution of a Community Council with the exception of variance from the model constitution contained within an approved constitution.
- 1.5 When making decisions in relation to Community Councils, the Area Manager shall consult the Community Council, engage with the Community Councillors and take all reasonable steps to ensure that the facts, circumstances and situation in relation to the requirement for the decision are clear. This applies in relation to the whole Scheme, where appropriate. It is mandatory that the Area Manager consult in person in relation to supported status and dissolution in Sections 14 and 15.

### **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 role and responsibilities of a Community Council in Aberdeenshire shall be to proactively identify and assess issues of importance to its local community. Taking into account views expressed by the public and any other relevant evidence, it should either take such action as it considers to be suitable or convey its findings and conclusions to the relevant authority for consideration.
- 3.2 Community Councils have a statutory right to be consulted on planning applications and some licensing matters that affect their Community Council Area or adjoining community council area. Other matters for consultation may also be jointly agreed between Community Councils, the Council and other public sector and private sector agencies.
- 3.3 Community Councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objects of their Constitution and the terms of this Scheme
- 3.4 There should be mutual engagement in the establishment of working relationships between Community Councils, the Council and other agencies.
- 3.5 In carrying out their activities Community Councils and Community Councillors must at all times adhere to the law, the terms of the Scheme, their constitution and the Community Councillors' Code of Conduct.
- 3.6 Each Community Council is required to adopt a Constitution, based upon the Model Constitution which incorporates standing orders (Schedule 3). The aim is to encourage and maintain consistency for all Community Councils and to facilitate their proceedings being properly structured and regulated. The Community Council's Constitution is approved by the Area Manager. Any changes to a Community Council's Constitution, approved by a Community Council in terms of this Scheme, shall be submitted to the Area Manager for approval and shall not come into force until the Area Manager approves the changes. An Area Manager cannot approve a change to a constitution that conflicts with this Scheme.
- 3.7 Community Councils have a duty under statute to represent the views of their local communities. It is vital therefore, that they reflect the broad spectrum of opinion and interests of all sections of the community. In order to fulfil their responsibilities as effective and representative, Community Councils shall endeavour to:
  - 3.7.1 Seek to broaden both representation and expertise by promoting the Associate Membership of the Community Council for persons for specific projects/issues.
  - 3.7.2 Make particular efforts to promote Junior Memberships, encourage, where possible, young people and other under-represented groups to attend/participate in Community Council meetings and to ensure equality of opportunity in the way the Community Council carries out its functions.
  - 3.7.3 Make publicly available details of how Community Council members can be contacted. How this is done is at the discretion of each Community Council.
  - 3.7.4 Inform the community of the work and decisions of the Community Council by making public agendas and minutes of meetings. This can be done through the provision of information in public places, such as libraries, notice boards, editorials in the local press and appropriate social media. This will be subject to the provisions contained within the Data Protection Act 1998 and the Council's social media policies. If running a website, Community Councils shall keep this up to date.

- 3.7.5 To enable the Area Manager to be up to date, it is requested that draft Minutes Community Council meetings are sent to the Area Manager as soon as practicable after the meeting. When minutes are approved (which shall be at the meeting immediately following the meeting minuted), the approved minutes shall be circulated to Community Council members, relevant Aberdeenshire Councillors, any other interested parties and the Area Manager within 10 working days from the date of the meeting at which they are approved.
- 3.7.6 Maintain proper financial records and present financial reports at Community Council meetings. An example of a standard format for Community Councils' financial record-keeping is featured in the Guidance Notes. It is good practice for the bank balance to be reported at every meeting of the Community Council.
- 3.7.8 Produce and maintain up to date membership records for sharing with the Area Manager.
- 3.7.9 Encourage all Community Councillors to participate in any training provided by the Council for the benefit of Community Councils.
- 3.7.10 Comply with the Code of Practice for the Exchange of Information in Schedule 6.

#### **4. Community Council Areas within Council Areas**

- 4.1 The Council has produced a list of named Community Council areas and a reference map that defines their boundaries. Any future boundary changes will go to the Area Committee(s) for approval. The reference map and list of Community Council areas is in Schedule 1 to the Scheme but does not form part of the Scheme and can be amended as a result of Area Committee decisions in relation to boundaries

#### **5. How to establish a Community Council**

- 5.1 Where there is no established Community Council for an area, twelve or more electors may request that elections are held to establish a Community Council for the area. The twelve electors may submit a petition to the Area Manager in accordance with Section 52(7) of the Local Government (Scotland) Act 1973 or subsequent legislation and on receipt of a petition the Council shall arrange for elections to be held in accordance with the Scheme.

#### **6. Community Council Elections**

##### **6.1 Eligibility**

- 6.1.1 To be eligible to be a Community Councillor, individuals must:

- a. be aged 16 years or over, and
- b. reside in the area of the Community Council and be on the Electoral Register, or
- c. have had their ordinary or principle residence in the area of the Community Council for at least three months prior to nomination, and
- d. not be a member who is elected to serve on Aberdeenshire Council, or the Scottish, UK or European Parliaments.

- 6.1.2 It is at the discretion of each Community Council whether to allow individuals to become a Community Councillor who do not reside in the area of the Community Council. This must be clearly stated in the constitution. Such individuals must;

- a. be permanently employed, or carry out regular self-employed work or voluntary work in the area of the Community Council; or
- b. own a business in the area of the Community Council.

6.1.3 In terms of 6.1.2 above it is also at the discretion of each Community Council if a serving Community Councillor from another Community Council can serve on that Community Council as well.

6.1.4 A maximum of two Community Councillors who do not reside in the area of the Community Council is permitted as part of the maximum membership number specified in the constitution of the Community Council.

## **6.2 Elections**

6.2.1 Elections will be held if there are more nominations than candidates and Community Councils will advertise vacancies before the Annual General Meeting in accordance with sections 6.3, 6.4 and 6.5 below

6.2.2 The Council will administer all elections.

## **6.3 Returning Officer**

6.3.1 The Area Manager will be the Returning Officer for the election of each Community Council unless the Area Manager appoints another person to act as the Returning Officer on their behalf. That person must not be a serving Community Councillor within that Community Council, nor intending to stand for election to that Community Council but can be an ex officio member of the Community Council.

6.3.2 The Returning Officer shall appoint and instruct persons to administer the election and to conduct the counting of the vote as they see fit.

6.3.3 The Returning Officer, immediately after the counting of votes and the declaration of the result, shall submit a return to the Council and to the Community Council concerned, containing the names and addresses of all members elected, detailing the number of votes cast for each candidate, and any other information as to the conduct of the election which may be required by the Council.

6.3.4 The Returning Officer shall, as soon as possible after the election, give public notice of the names of members elected.

6.3.5 Community Councillors shall hold office for 3 years and provided that they meet the eligibility criteria in 6.1 above shall be free to seek re-election.

## **6.4 Nominations**

6.4.1 When required to do so in accordance with any election rules, the Returning Officer shall give public notice of election and invite nominations for membership of Community Council(s).

6.4.2 The period in the public notice of election must be not less than 10 working days and not more than 20 working days from the date of the public notice of election.

6.4.3 Any person seeking election to a Community Council shall submit a nomination paper in the form set out in Schedule 2. That nomination must be lodged within the period specified in the public notice of election.

6.4.5 Nominations must be submitted by the date set down by the election timetable. Nominations submitted after that date will not be valid.

## **6.5. Process**

After the deadline for receipt of nominations has passed:

6.5.1 should the number of candidates validly nominated equal or exceed the minimum number required but be less than or equal to the total maximum permitted membership as specified in the constitution of that Community Council, the said candidates will be declared to be elected.

6.5.2 should the number of candidates validly nominated exceed the maximum permitted membership as specified in the constitution of that Community Council, arrangements for an election shall be put in place. At any such election each eligible elector shall be entitled to vote for candidates up to the number of vacancies on the Community Council.

6.5.3 should the number of candidates elected be below the minimum permitted membership as specified for the Community Council area in accordance with Schedule 1, no Community Council will be established at that time. However, the Council may issue a second call for nominations for a Community Council that has failed to meet the minimum membership requirement within 6 months of the closing date for the registration of the first call for nominations.

## **7. Membership of Community Councils**

7.1 Community Councils shall be composed of:

a. the number of Community Councillors for that Community Council as determined in accordance with the provisions of Schedule 1 and as set out in the constitution of that Community Council; and such Community Councillors shall have full voting rights;

b. the Aberdeenshire Councillors for the area covered by the Community Council or part of it, who shall have ex officio membership of that Community Council during their period of office for the Council but shall not be eligible to vote or hold office in the Community Council. No Aberdeenshire Councillor may be a member of a Community Council other than in an ex officio capacity; and

c. Associate, Junior and Co-opted Members in the following circumstances:

i. Associate Members:

Community Councils may engage Associate Members with skills, knowledge and interests which the Community Council consider would be of assistance to the Community Council in carrying out its functions. Associate Members shall not have voting rights and shall not hold office within the Community Council. Associate Members will serve for such time as may be determined by the Community Council at the time of their engagement or until the Community Council decide that their services are no longer required and do not form part of the quorum or maximum or minimum numbers specified in accordance with Schedule 1 and the constitution of that Community Council.

ii. Junior Members

A Community Council will provide two or more places in addition to its maximum general membership, for persons aged 14 and 15 who live and/or are educated within the Community Council Area. Such persons will have full voting rights but shall not hold office within the Community Council. Such persons cannot be counted as part of any quorum or the minimum and maximum number of the Community Council. The Community Council may determine how to deal with an interest of more than two persons in the two places and if they wish to have an increased number of junior membership places this can be set out in its constitution.

iii. Co-opted Members:

1. Community Councils may, where their elected membership is not below the minimum number of Community Councillors specified in Schedule 1 and set out in the constitution of that Community Council, co-opt persons who would be eligible for election to the Community Council as Community Councillors. The number of Co-Opted Members co-opted cannot at any time exceed one quarter of the maximum number of Community Councillors specified in the constitution of that Community Council.
2. Co-opted Members must be eligible for membership of the Community Council as detailed in Section 6.1 above. They must be elected onto the Community Council by a two thirds majority of the Community Councillors present and voting. Such Co-opted Members shall have full voting rights and will serve until the next round of elections. Notice of any proposed co-option procedure, including the candidate's name, is required to be intimated to every member of the Community Council and the Area Manager at least 10 working days prior to the meeting when the matter of co-option will be decided.

7.2 Within 15 working days of the election of a Community Council, the Returning Officer shall convene the first public meeting of the Community Council. At this meeting, which shall be chaired, until a Chairperson has been elected, by the Returning Officer or their nominee, the Community Council shall elect from its eligible members a Chairperson and such other office-bearers as the Community Council shall deem necessary. At the discretion of the Community Council; these office-bearers may be eligible for re-election and shall be elected or re-elected at the Annual General Meeting of the Community Council in accordance with the provisions of the Community Councils' Constitution.

7.3 Every Community Council may elect a Secretary and a Treasurer (which offices may be combined) who shall hold office and may be eligible for re-election in accordance with the provisions of the Constitution. The Secretary and Treasurer (but no other office-bearers) may be appointed from outwith the membership of the Community Council and may receive such remuneration as the Community Council may determine from the resources available to it. Such appointees from outwith the membership shall be entitled to speak only on matters relating to their function as office-bearers and shall have no voting rights.

7.4 Filling of casual vacancies between elections

- a. Casual Vacancies on a Community Council may arise in the following circumstances:
  - i. When an elected Community Council member resigns;

- ii. When an elected Community Councillor ceases to be eligible in terms of Section 6.1 above.
  - iii. When an elected Community Council member has their membership disqualified in accordance with Section 9;
  - iv. On the death of an elected Community Council member.
- b. Should a casual vacancy or casual vacancies arise on a Community Council between elections, it shall be a requirement that appropriate arrangements be undertaken by interim election or by co-option. Should circumstances arise that lead to the number of Community Councillors of the Community Council falling below the minimum permitted membership specified in Schedule 1, the Council shall be informed as soon as reasonably practicable and the Council shall undertake arrangements for an interim election to be held, as described in the Guidance Notes.

## **8. Equalities and Diversity**

- 8.1 Community Councils must comply with Section 149 of The Equality Act 2010 also known as the Public Sector Equality Duty. A Community Council is required to comply with the provision of the Equality Act 2010 as it is a public authority in accordance with Schedule 19, Part 3 of the Act. This legislation makes it unlawful to discriminate against persons or groups on the grounds of race, gender, gender recognition, disability, age, sexual orientation, and religion or belief.
- 8.2 Community Councils should consider, in particular, how they can contribute towards promoting equality on the basis of the above-named grounds.
- 8.3 Community Councils should recognise and value diversity in their membership and in their communities, and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.
- 8.4 Community Councils must encourage members to participate in any Equalities training offered by the Council.

## **9. Disqualification of Membership**

- 9.1 Membership of a Community Council is disqualified in the following circumstances-
- a. When a Community Councillor's eligibility qualification within that Community Council Area ceases to exist their membership will be automatically terminated.
  - b. If a Community Councillor of a Community Council fails to attend three successive Community Council meetings, with or without submitting apologies, the Community Council may terminate their membership provided that the termination of the membership must be an item on a meeting agenda and must be carried with a two thirds majority vote of those present and voting provided that at the discretion of individual Community Councils, a period of leave of absence of up to six months for Community Councillors may be granted and minuted at any meeting of the Community Council. This period may be reviewed by the Community Council.

## **10. Meetings**

- 10.1 In accordance with Section 7.4 above, the first meeting of a Community Council following a Community Council election will be called by the Returning Officer and will take place within

15 working days of the date of the election. The business of that meeting will include, as appropriate, the adoption of a Constitution, election and appointment of office bearers and any outstanding business matters from the outgoing Community Council. Following this meeting the Community Council shall lodge with the respective Area Manager a return specifying the full names, designations and addresses of the Community Council's office-bearers and the independent verifier of their accounts and must subsequently advise the Area Manager, in writing, of all changes

- 10.2 The frequency of meetings will be determined by each Community Council, subject to a minimum of one Annual General Meeting and five ordinary meetings being held each year. The Annual General Meeting shall be held in June.
- 10.3 All members of the Community Council including ex officio members must be invited to each meeting.
- 10.4 The quorum for Community Council meetings shall be at least one third of the current eligible voting membership or three eligible voting members, whichever is greater.
- 10.5 All meetings of the Community Council, shall be open to members of the public, unless it is necessary in terms of requirements of confidentiality in respect of a particular item of business for the item to be taken in private.
- 10.6 Agendas of meetings shall be made available for public access within the Community Council area at least 3 working days prior to the holding of any meeting.
- 10.7 Minutes of Community Council meetings shall be approved at the next meeting of the Community Council. Approved minutes of Community Councils' meetings shall be presented to the Area Manager within 10 working days from the date of the meeting at which the minutes were approved and be made available for public access by the Community Council within the Community Council Area.
- 10.8 Every Community Council shall, upon receipt of a requisition signed by twenty electors within the Community Council area, convene a special meeting, to be held within 15 working days of receipt of that requisition, or such shorter period as may be specified in the Community Council's Constitution, to consider the business which must be specified in the requisition and in the notice calling the meeting.

## **11. Liaison with the Council**

- 11.1 In order to facilitate the strategic development of Community Councils, the Council will identify a Community Council Liaison Officer (CCLO). The CCLO is an officer who works with Community Councils in all six areas and has a specific remit as set out in Schedule 4.
- 11.2 When a Community Council makes initial contact about a Community Council matter this can be with the Area Office and the Area Office will assist the Community Council in the first instance. If appropriate, the Area Officer will direct the Community Council to a service of the Council or the CCLO. The Community Council also has the option of using the Contact Centre and where appropriate contacting Council Services directly to report issues and matters of concern.
- 11.3 Community Councils should seek to develop positive working relationships with a range of key Area-based service representatives. The Area Office will support the Community Council with this responsibility.

11.4 Community Councils may make representations to the Council and other public and private agencies, on matters for which it is responsible and which it considers to be of local interest. In the case of statutory objections, such as planning or licensing e, representations should be made 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.

## **12. Community Council Finances**

12.1 The financial year of each Community Council shall commence on 1 April. This shall allow for the proper submission of a verified Statement of Accounts to the Community Council's Annual General Meeting in June.

12.2 The accounts of each Community Council shall be independently verified by a verifier appointed by the Community Council, who is not a member of that Community Council. A copy of the independently verified Statement of Accounts shall be forwarded to the Area Manager as soon as practicable after the Community Council's Annual General Meeting.

12.3 The Area Manager may, at their discretion and following consultation with the Council's Chief Financial Officer, require the Community Council to produce such bank statements, records, vouchers and account books, as may be necessary from time to time.

12.4 Each Community Council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions.

12.5 The Council will provide an administrative grant to Community Councils to assist with the operating costs of the Community Council.

12.6 The Council will, within available resources, provide a Community Council Legal Fund to enable Community Councils to access independent legal advice, in certain circumstances (See Guidance Note).

12.7 The Council will review the level of annual administrative grant and other financial support to Community Councils annually and the Community Council Liaison Officer shall facilitate advice and assistance to Community Councils in this regard.

12.8 The title to all and any heritable property which may be acquired by or for the purpose of the Community Council shall be taken in the name of the Chairperson, and Secretary of the Community Council and their successors in their respective offices as trustees for the Community Council.

## **13. Insurance of Community Councils and Community Council Members**

13.1 A Community Council must have sufficient and adequate insurance to cover the Community Council in the event of any claim being made against the Community Council and must be able to demonstrate to the Council that this insurance cover is in place.

13.2 The Community Council is responsible for:

- a. the full disclosure of all material facts to the insurance provider and. keeping the insurance provider up to date;

- b. reviewing the insurance cover to ensure that they have appropriate insurance in place and
  - c. the insurance premium.
- 13.3 The Council currently facilitate the payment of the insurance premium of Community Councils to the current insurance provider by deducting the premium from the annual grant payment of each Community Council. The Council will endeavour to continue to provide this administrative support but cannot be compelled to do so. This is not a provision of insurance. The Council cannot advise on or provide insurance as the Council is not regulated to do so by the Financial Conduct Authority.
- 14. Supported Status of a Community Council**
- 14.1 Where for any reason, the number of Community Council members falls below the minimum number of members for a Community Council to remain established as determined by the provisions in Schedule 1, the Area Manager will initiate a Community Council going into supported status in accordance with Section 14.3 provided that the Area Manager shall consult the Community Council in accordance with 1.5 above before taking any decision.
- 14.2 In any other circumstances, the Area Manager, after reasonable consideration and following consultation with the Head of Legal and Governance, may determine that a Community Council is not complying with the requirements of the Scheme. The Area Manager may take action in accordance with Section 14.3 to initiate a Community Council going into supported status provided that the Area Manager shall consult the Community Council in accordance with 1.5 above before taking any decision. A Community Council may request that the Director of Business Services initiate an appeal of the decision of the Area Manager in accordance with 14.8 below.
- 14.3 In order for Community Council to be in supported status, the Area Manager will give written notification of supported status to the Community Council stating the reasons and that the Community Council will be in supported status from a date being 5 working days after the date of the written notification for a period of three months. The Area Manager will report the supported status to the Area Committee.
- 14.4 When in supported status the Community Council will become a steering group whose main task will be to consider such matters, and take such action, as is necessary to ensure that the Community Council will in future be able to comply with the requirements of the Scheme and continue ongoing projects with the support of the Area Manager.
- 14.5 Upon the steering group satisfying the Area Manager that the Community Council will in the future be able to comply with the requirements of the Scheme, then re-instatement to full Community Council status will be granted by written notice from the Area Manager and the Area Manager will inform the Area Committee by report.
- 14.6 If the steering group is demonstrating sufficient progress towards satisfying the Area Manager that the Community Council will in the future be able to comply with the requirements of the Scheme, then the period of supported status can be extended by an additional three months or such other period or periods as the Area Manager may from time to time determine, with a view to fully satisfying the Area Manager that re-instatement to full Community Council status can be achieved.

- 14.7 If a steering group is unable to satisfy the Area Manager that the Community Council will be able to comply with the requirements of the Scheme within a period of three months from the date being in supported status or within an agreed extended period of time, then at the end of the said period of three months or the said agreed extended period of time, the Area Manager may recommend to the Area Committee to determine dissolution of the Community Council in accordance with Section 15.
- 14.8 If a Community Council is put into supported status in accordance with Section 14.2 above then the Community Council may request in writing that the Director of Business Services initiate an appeal of the decision of the Area Manager. The Community Council may do this by –
- a. Within 20 working days of the notice of supported status, submitting a request in writing to the Director of Business Services setting out the reasons for the appeal of the decision.
- Following receipt of the request;
- i. The Director of Business Services will take a formal report to the relevant Area Committee and shall endeavour to ensure that the report goes to the next available meeting.
  - ii. The Area Committee will review and determine the decision of the Area Manager to put the Community Council into supported status.
  - iii. For the avoidance of doubt, notwithstanding the review of the Area Manager's decision, the Community Council will be in supported status until determined otherwise at the meeting of the Area Committee.

## **15. Dissolution of a Community Council**

- 15.1 Upon the number of members of the Community Council or steering group becoming less than the quorum then the Community Council is deemed to be automatically dissolved with immediate effect. The Area Manager will report the automatic dissolution to the Area Committee.
- 15.2 In any other circumstances, the procedure to dissolve a Community Council requires a formal report from the Area Manager to the Area Committee and a determination by the Area Committee. The determination to dissolve by the Area Committee will only occur after reasonable consultation and suitable notice to the Community Council or steering group by the Area Manager or appropriate officers of the Council. When considering the decision to dissolve a Community Council, the Area must give the Community Council or steering group the opportunity to be heard in accordance with the Standing Orders of the Council. The decision of the Area Committee shall be final and the date of any dissolution shall be determined by the Area Committee.
- 15.3 Where the Area Manager has reasonable grounds to believe that a Community Council has committed a serious breach of the requirements of the Scheme, then they may recommend dissolution of that Community Council to the Area Committee in accordance with Section 15.2 above without considering supported status as detailed in Section 14.
- 15.4 The dissolution of a Community Council must be intimated by public notice, by the Area Manager, within 5 working days of dissolution.

- 15.5 In the event of the dissolution of a Community Council, within 10 working days of the date of dissolution, the former office bearers of the Community Council must
- a. deliver all papers, minute books, digital information and assets to the Area Office;
  - b. electronically transfer all funds to the Council;
  - c. close the bank account(s) and
  - d. close down Community Council social media accounts.

Provided that when the assets and funds that are vested in the Community Council at the date of dissolution are transferred to the Council they shall be held for safekeeping until a new Community Council for the area is established.

- 15.6 After dissolution of the Community Council the former members must not engage in or use any media or social media purporting to be representatives of the steering group or Community Council.

## **16. Voluntary Dissolution by Resolution of the Community Council**

- 16.1 If the Community Council by a two-thirds majority of the present and voting membership resolves at any time that it is necessary or advisable to dissolve the Community Council, it shall agree a date for a Special Meeting to discuss the resolution and the Special Meeting shall be properly called in accordance with the Constitution and Standing Orders of the Community Council.
- 16.2 It is a requirement that not less than 5 working days prior to the date of such a Special Meeting, public notice be given by means of notification in appropriate local newspapers, venues and/or websites, or other social media.
- 16.3 If the resolution is supported by a two thirds majority of the present and voting membership present at the Special Meeting the Community Council shall be deemed to be dissolved with immediate effect. The decision must be notified to the Area Manager within 3 working days.
- 16.4 The provision in Sections 15.4, 15.5 and 15.6 above will apply to voluntary dissolution.
- 16.5 In the event that the Community Council is dissolved under the above procedure then a new Community Council can be established in accordance with the procedure set out in Section 5 above.

## Schedule 1

### COMMUNITY COUNCIL MEMBERSHIP NUMBERS

1. **The minimum membership** of a Community Council will be as follows:

| Electorate of Community Council Area | Minimum Membership |
|--------------------------------------|--------------------|
| Less than 5,000 electorate           | 5                  |
| 5,000 electorate or more             | 7                  |

2. The Council's **recommended maximum membership for Community Councils** is based on the following formula which takes into account, electorate, locality and the size of the Community Council's area.

| Locality                    | Condition          | Additional Members                                                          |
|-----------------------------|--------------------|-----------------------------------------------------------------------------|
| <b>Urban Community Area</b> |                    |                                                                             |
| Urban 1                     | Population > 5,000 | 1 per 1,000 of electorate and part thereof                                  |
| Urban 2                     | Population < 5,000 | 1 per 750 of electorate and part thereof                                    |
| <b>Rural Community Area</b> |                    |                                                                             |
| Rural 1                     | Area > 10,000 HA   | 1 per 500 of electorate and part thereof<br>1 per 10,000 HA or part thereof |
| Rural 2                     | Area < 10,000 HA   | 1 per 500 of electorate and part thereof                                    |

3. **The following conditions apply in terms of the figures stated in this schedule and the membership of Community Councils:**

- a. no Community Council can have the same minimum and maximum number of Community Councillors and
- b. if a Community Council has the same minimum and maximum number then the maximum number will be the minimum plus 2 Community Councillors.
- c. These membership numbers do not include Associate, Ex-officio and Junior Members.

4. The recommended maximum membership of each Community Council is calculated using the formula in paragraph 2 above and the results are set out in the table below. A Community Council can request an alternative maximum membership number by applying to the Area Manager with the reasons for the change. If the Area Manager refuses the Community Council's request, the Community Council has the right to appeal the decision to the Area Committee. The same process shall apply as in Section 14.8 of the Scheme.
5. The Community Council shall state their membership numbers in their constitution.
6. The map and tables below detail the current electorate and boundaries and do not form part of the Scheme. If boundary changes are approved by an Area Committee or an official change in electorate numbers require an operational change to the table, this administrative matter will be dealt with by the Area Manager.

## Banff & Buchan

| Name                              | Class | Band | Electorate | Geo Area  | MIN | ADD (ELECT) | ADD (GEO) | ADD (TOP) | REC MAX |
|-----------------------------------|-------|------|------------|-----------|-----|-------------|-----------|-----------|---------|
| Aberchirder & Marnoch*            | Rural | 2    | 1,424      | 6,068 HA  | 5   | 3           | 0         | 0         | 8       |
| New Aberdour Tyrie & Pennan       | Rural | 2    | 785        | 7,971 HA  | 5   | 2           | 0         | 0         | 7       |
| Alvah & Forglen                   | Rural | 2    | 574        | 6,301 HA  | 5   | 2           | 0         | 0         | 7       |
| Banff & Macduff                   | Urban | 1    | 6,254      | 6,057 HA  | 7   | 7           | 0         | 0         | 14      |
| Cornhill & Ordiquhill             | Rural | 2    | 356        | 1,941 HA  | 5   | 1           | 0         | 1         | 7       |
| Fordyce, Sandend & Rural District | Rural | 2    | 579        | 5,221 HA  | 5   | 2           | 0         | 0         | 7       |
| Fraserburgh                       | Urban | 1    | 9,286      | 672 HA    | 7   | 10          | 0         | 0         | 17      |
| Invercairn                        | Rural | 2    | 1,284      | 971 HA    | 5   | 3           | 0         | 0         | 8       |
| King Edward & Gamrie              | Rural | 1    | 2,677      | 15,536 HA | 5   | 6           | 2         | 0         | 13      |
| Portsoy & District                | Rural | 2    | 1,533      | 1,820 HA  | 5   | 3           | 0         | 0         | 8       |
| Rathen, Memsie & District         | Rural | 2    | 1,664      | 5,113 HA  | 5   | 4           | 0         | 0         | 9       |
| Rosehearty                        | Rural | 2    | 1,047      | 441 HA    | 5   | 3           | 0         | 0         | 8       |
| Sandhaven & Pitullie*             | Rural | 2    | 723        | 1,541 HA  | 5   | 3           | 0         | 0         | 8       |
| Whitehills & District             | Rural | 2    | 1,288      | 2,879 HA  | 5   | 3           | 0         | 0         | 8       |

## Buchan

| Name                | Class | Band | Electorate | Geo Area  | MIN | ADD (ELECT) | ADD (GEO) | ADD (TOP) | REC MAX |
|---------------------|-------|------|------------|-----------|-----|-------------|-----------|-----------|---------|
| Boddam & District   | Rural | 2    | 1,031      | 767 HA    | 5   | 3           | 0         | 0         | 8       |
| Buchan East         | Rural | 2    | 2,385      | 8,504 HA  | 5   | 5           | 0         | 0         | 10      |
| Cruden              | Rural | 2    | 2,773      | 6,434 HA  | 5   | 6           | 0         | 0         | 11      |
| Deer                | Rural | 1    | 5,111      | 22,756 HA | 7   | 11          | 3         | 0         | 21      |
| Longside & District | Rural | 2    | 1,507      | 6,456 HA  | 5   | 3           | 0         | 0         | 8       |
| Mintlaw & District  | Rural | 2    | 2,249      | 574 HA    | 5   | 5           | 0         | 0         | 10      |
| New Pitsligo        | Rural | 2    | 904        | 2,067 HA  | 5   | 2           | 0         | 0         | 7       |
| Peterhead           | Urban | 1    | 15,201     | 3,018 HA  | 7   | 16          | 0         | 0         | 23      |
| Strichen & District | Rural | 2    | 1,652      | 8,008 HA  | 5   | 4           | 0         | 0         | 9       |

## Formartine

| Name                                    | Class | Band | Electorate | Geo Area  | MIN | ADD (ELECT) | ADD (GEO) | ADD (TOP) | REC MAX |
|-----------------------------------------|-------|------|------------|-----------|-----|-------------|-----------|-----------|---------|
| Auchterless, Inverkeithney & Fisherford | Rural | 2    | 970        | 9,979 HA  | 5   | 2           | 0         | 0         | 7       |
| Belhelvie                               | Rural | 2    | 3,867      | 5,064 HA  | 5   | 8           | 0         | 0         | 13      |
| Ellon                                   | Urban | 1    | 8,240      | 768 HA    | 7   | 9           | 0         | 0         | 16      |
| Foveran                                 | Rural | 2    | 2,088      | 4,787 HA  | 5   | 5           | 0         | 0         | 10      |
| Fyvie, Rothie & Monquhitter             | Rural | 1    | 3,822      | 19,027 HA | 5   | 8           | 2         | 0         | 15      |
| Meldrum, Bourtie & Daviot               | Rural | 2    | 3,775      | 7,877 HA  | 5   | 8           | 0         | 0         | 13      |
| Methlick                                | Rural | 2    | 1,156      | 6,307 HA  | 5   | 3           | 0         | 0         | 8       |
| Slains & Collieston                     | Rural | 2    | 431        | 3,934 HA  | 5   | 1           | 0         | 1         | 7       |
| Tarves                                  | Rural | 2    | 1,731      | 5,901 HA  | 5   | 4           | 0         | 0         | 9       |
| Turriff & District                      | Urban | 2    | 4,840      | 6,930 HA  | 5   | 7           | 0         | 0         | 12      |
| Udny                                    | Rural | 2    | 1,972      | 4,552 HA  | 5   | 4           | 0         | 0         | 9       |
| Ythan                                   | Rural | 1    | 1,393      | 11,081 HA | 5   | 3           | 2         | 0         | 10      |

## Garioch

| Name                     | Class | Band | Electorate | Geo Area  | MIN | ADD (ELECT) | ADD (GEO) | ADD (TOP) | REC MAX |
|--------------------------|-------|------|------------|-----------|-----|-------------|-----------|-----------|---------|
| Bennachie                | Rural | 1    | 5,362      | 19,337 HA | 7   | 11          | 2         | 0         | 20      |
| Cluny Midmar&Monymusk ** | Rural | 1    | 2,096      | 13,853 HA | 5   | 5           | 2         | 0         | 12      |
| Echt & Skene             | Rural | 2    | 1,477      | 7, 656 HA | 5   | 3           | 0         | 0         | 8       |
| Fintray                  | Rural | 2    | 588        | 2,283 HA  | 5   | 2           | 0         | 0         | 7       |
| Kinellar *               | Rural | 2    | 2,419      | 1,686 HA  | 5   | 5           | 0         | 0         | 10      |
| Inverurie                | Urban | 1    | 11,604     | 6,007 HA  | 7   | 12          | 0         | 0         | 19      |
| Kemnay                   | Urban | 2    | 3,609      | 3,641 HA  | 5   | 5           | 0         | 0         | 10      |
| Kintore & District       | Urban | 2    | 4,003      | 3,652 HA  | 5   | 6           | 0         | 0         | 11      |
| Newmachar                | Urban | 2    | 3,280      | 4,536 HA  | 5   | 5           | 0         | 0         | 10      |
| Westhill & Elrick        | Urban | 1    | 9,354      | 1,450 HA  | 7   | 10          | 0         | 0         | 17      |

## Kincardine & Mearns

| Name                               | Class | Band | Electorate | Geo Area  | MIN | ADD (ELECT) | ADD (GEO) | ADD (TOP) | REC MAX |
|------------------------------------|-------|------|------------|-----------|-----|-------------|-----------|-----------|---------|
| Arbuthnott                         | Rural | 2    | 282        | 3,801 HA  | 5   | 1           | 0         | 1         | 7       |
| Benholm & Johnshaven               | Rural | 2    | 698        | 2,107 HA  | 5   | 2           | 0         | 0         | 7       |
| Catterline Kinneff & Dunnottar     | Rural | 2    | 986        | 5,960 HA  | 5   | 2           | 0         | 0         | 7       |
| Crathes, Drumoak & Durris **       | Rural | 1    | 2,182      | 13,232 HA | 5   | 5           | 2         | 0         | 12      |
| Gourdon                            | Rural | 2    | 691        | 810 HA    | 5   | 2           | 0         | 0         | 7       |
| Mearns                             | Rural | 1    | 6,426      | 32,592 HA | 7   | 13          | 4         | 0         | 24      |
| Newtonhill, Muchalls & Cammachmore | Rural | 2    | 2,984      | 787 HA    | 5   | 6           | 0         | 0         | 11      |
| North Kincardine Rural             | Rural | 2    | 1,908      | 9,086 HA  | 5   | 4           | 0         | 0         | 9       |
| Portlethen & District              | Urban | 1    | 7,598      | 1,435 HA  | 7   | 8           | 0         | 0         | 15      |
| Royal Burgh of Inverbervie         | Rural | 2    | 1,892      | 180 HA    | 5   | 4           | 0         | 0         | 9       |
| St Cyrus*                          | Rural | 2    | 1,326      | 3,528 HA  | 5   | 3           | 0         | 0         | 8       |
| Stonehaven & District              | Urban | 1    | 9,250      | 6,448 HA  | 7   | 10          | 0         | 0         | 17      |

## Marr

| Name               | Class | Band | Electorate | Geo Area  | MIN | ADD (ELECT) | ADD (GEO) | ADD (TOP) | REC MAX |
|--------------------|-------|------|------------|-----------|-----|-------------|-----------|-----------|---------|
| Ballater & Crathie | Rural | 1    | 1,652      | 39,424 HA | 5   | 4           | 4         | 0         | 13      |
| Birse & Ballogie   | Rural | 2    | 352        | 4,595 HA  | 5   | 1           | 0         | 1         | 7       |
| Banchory           | Urban | 1    | 6,101      | 901 HA    | 7   | 7           | 0         | 0         | 14      |
| Braemar            | Rural | 1    | 454        | 63,954 HA | 5   | 1           | 7         | 0         | 13      |
| Cromar             | Rural | 1    | 1,282      | 11,784 HA | 5   | 3           | 2         | 0         | 10      |
| Donside            | Rural | 1    | 5,314      | 61,150 HA | 7   | 11          | 7         | 0         | 25      |
| Feughdee West      | Rural | 1    | 1,394      | 20,244 HA | 5   | 3           | 3         | 0         | 11      |
| Finzean            | Rural | 2    | 328        | 8,295 HA  | 5   | 1           | 0         | 1         | 7       |
| Huntly             | Urban | 2    | 3,585      | 271 HA    | 5   | 5           | 0         | 0         | 10      |
| Lumphanan          | Rural | 2    | 841        | 3,472 HA  | 5   | 2           | 0         | 0         | 7       |
| Mid-Deeside *      | Rural | 1    | 3,006      | 19,313 HA | 5   | 6           | 2         | 0         | 13      |
| Strathbogie        | Rural | 1    | 1,898      | 27,230 HA | 5   | 4           | 3         | 0         | 12      |
| Tap O'Noth         | Rural | 1    | 1,422      | 20,105 HA | 5   | 3           | 3         | 0         | 11      |
| Torphins           | Rural | 2    | 1,636      | 5,171 HA  | 5   | 4           | 0         | 0         | 9       |

\*Community Council awaiting re-establishment.

\*\*Community Council Area is in two Aberdeenshire Council Areas.

The map is receiving a digital upgrade. The software that produced the map in 2007 is no longer available or supported. The map will be inserted as soon as possible.

in force from 01.04.2018

**Schedule 2**  
**Nomination Paper**

**To be inserted. It is being digitally upgraded.**

*in force from 01.04.2018*

### Schedule 3

#### MODEL CONSTITUTION

This Model Constitution has been prepared to assist Community Councils in drawing up a constitution which accords with the requirements of the Scheme and the circumstances particular to each Community Council. Whilst this model is illustrative, Community Councils are encouraged to follow the model as far as possible. The Area Manager has to approve the new constitution and any changes to that constitution. However, the Area Manager may only approve changes that are consistent with the Scheme. Use of the Standing Orders in Appendix 1 is encouraged. It is up to the Community Council to decide generally how to use the standing orders. The ultimate decision rests with the Chairperson on how to implement the Standing Orders during the meeting.

#### [XXX] COMMUNITY COUNCIL CONSTITUTION

##### NAME

1. The name of the Community Council shall be XXX COMMUNITY COUNCIL (“the Community Council”)

##### OBJECTS AND FUNCTIONS

2. The objects and function of the Community Council shall be:
  - 2.1 To proactively identify and assess issues of concern to its local community. Taking into account views expressed by the public and any other relevant evidence, it should either take such action as it considers to be suitable or convey its finding and conclusions to the relevant authority for consideration.
  - 2.2 To promote the well-being of the community resident within the Community Council boundaries (“the Community Council Area”) and comply with equal opportunities legislation that makes it unlawful to discriminate against persons or groups on the grounds of race, gender, gender recognition, disability, age, sexual orientation and religion or belief.
  - 2.3 To be a means whereby the people of the Community Council Area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.
  - 2.4 Provided that the Community Council shall be non-party political and non- sectarian in their discussions and decision making and shall comply with data protection and other relevant legislation.

##### MEMBERSHIP OF COMMUNITY COUNCIL

3. The Community Council shall consist of not fewer than [5/7] and not more than [ X] persons elected by persons resident within the Community Council Area.(“the Community Councillors”) and such persons shall be eligible in accordance with Section 3.1 below. In addition to the Community Councillors the Community Council shall consist of Junior

Members and Ex-Officio Members and the Community Council may appoint Associate Members.

3.1 Community Councillors should:

- a. be aged 16 years or over, and
- b. reside in the Community Council Area and be on the Electoral Register, or
- c. have had their ordinary or principle residence in the Community Council Area for at least three months prior to nomination, and
- d. not be elected to serve on Aberdeenshire Council, or the Scottish, UK or European Parliaments.

[to be added or deleted and renumbered if the CC decides to allow non-resident Community Councillors]

3.1.1 Provided that the Community Council has a maximum of two places available for Community Councillors who do not reside in the Community Council Area and

- a. are permanently employed, or carry out regular self-employed work or voluntary work in the Area of the Community Council; or
- b. own a business in the Area of the Community Council.

[3.1.2 In terms of 3.1.1 above a Community Councillor who does not reside in the Community Area cannot be a serving community councillor of another community council]

3.1.x Any Community Councillor who no longer meets the eligibility set out in this section, in Section 3.7 below and/or has been disqualified in accordance with Section 9 of the Scheme for the Establishment of Community Councils (“the Scheme”) is not eligible to be a Community Councillor of the Community Council

3.1.x Any serving Community Councillor who is elected to serve on Aberdeenshire Council, or the Scottish, UK or European Parliaments shall be ineligible to remain as a Community Councillor.

3.2 Junior Members

The Community Council will provide two [or more places] in addition to its maximum general membership, for persons aged 14 and 15 who live and/or are educated within the Community Area. Such persons will have full voting rights but shall not hold office in the Community Council. Such persons cannot be counted as part of any quorum or the minimum or maximum number of the Community Council.

3.3 Ex-Officio Members

The Aberdeenshire Councillors for the area covered by the Community Area shall have ex officio membership of the Community Council during their period of office for the Council but shall not be eligible to vote or hold office in the Community Council. No Aberdeenshire

Councillor may be a member of a Community Council other than in an ex officio capacity; and

#### 3.4 Associate Members:

The Community Council may engage Associate Members with skills, knowledge and interests which the Community Council consider would be of assistance to the Community Council in carrying out its functions. Associate Members shall not have voting rights and shall not hold office within the Community Council. Associate Members will serve for such time as may be determined by the Community Council at the time of their engagement or until the Community Council decide that their services are no longer required and do not form part of the quorum or minimum or maximum number of Community Councillors.

#### 3.5 Co-option of Members

- a. The Community Council may, when their elected membership is above the minimum number of Community Councillors specified in Section 3 above may co-opt persons who would be eligible for election to the Community Council as Community Councillors in accordance with Section 3.1. The number of Community Councillors so co-opted may not at any time exceed one quarter of the maximum number of Community Councillors.
- b. The proposed members must be elected onto the Community Council by a two thirds majority of the Community Councillors present and voting. Such co-opted members shall have full voting rights and will serve until the next round of elections. Notice of any proposed co-option procedure is required to be intimated to all of the Community Council's members and the Area Manager at least 10 working days prior to the meeting when the matter of co-option will be decided.

#### 3.6 The allocation of Community Councillors between the areas within the Community Area shall be as follows

[insert splits]

#### 3.7 Membership of the Community Council is disqualified in the following circumstances-

- a. When the Community Councillor's eligibility qualification within that Community Council area ceases to exist.
- b. If any Community Councillor of the Community Council fails to attend three successive Community Council meetings, with or without submitting apologies, the Community Council may terminate their membership provided that the termination of the membership must be an item on a meeting agenda and must be carried with a two thirds majority vote of those present and voting provided that at the discretion of the Community Council, a period of leave of absence of up to six months for the Community Council member may be granted and minuted at any meeting of the Community Council. This period may be reviewed by the Community Council

## **ELECTIONS**

- 4.1 Vacancies will be advertised in accordance with the Scheme before the Annual General Meeting and an Election will be held if there are more nominations than candidates
- 4.2 The Council will administer all elections and will appoint a Returning Officer at the commencement of the election period.

4.3 Except as otherwise provided by this paragraph, Community Councillors shall hold office for 3 years and shall be eligible for re-election.

- 4.4
- a. Persons seeking election to the Community Council shall be nominated as prescribed in the Scheme and nominations shall be lodged with the Returning Officer by a prescribed time and date.
  - b. In the event of the number of persons remaining validly nominated for election to the Community Council exceeding the number of vacancies, the election shall be by a secret ballot paper containing a list of the persons validly nominated. The said election shall be arranged by the Council in consultation with the Community Council in terms of the Scheme.
  - c. In the event of any casual vacancy or vacancies the Community Council in consultation with Aberdeenshire Council shall arrange to hold an election in the prescribed way.
  - d. The Community Council may, where their elected membership is at or above the prescribed minimum number and does not comprise the maximum number of Community Councillors, co-opt persons who would be eligible for election to the Community Council as members. The number of members so co-opted may not at any time exceed one quarter of the maximum number of Community Councillors.
  - e. Co-opted members must be elected onto the Community Council by a two-thirds majority of Community Councillors being present and voting. Notice of any proposed co-option procedure is required to be intimated to all that Community Council's members at least 10 working days prior to the meeting when the matter will be decided.
  - f. Members so co-opted may serve until the next ordinary election to that Community Council, with full voting rights.
  - g. The Community Council may also engage Associate Members to the Community Council being any person or persons (resident either within or without the Community Area) and
    - i. such persons shall be engaged only for such period or respective periods as shall be agreed by the Community Council at their time of engagement or until the Community Council decides that their services are no longer required and
    - ii. such person or persons shall not be entitled to vote.

## **MEETINGS**

- 5.1 During the month of June in each year the Community Council shall convene an Annual General Meeting (AGM), the agenda for which shall include items for receiving the Community Council's Annual Report and the independently verified Statement of Accounts, reports on any elections, provision when necessary for considering and voting on proposals for amendment of the Community Council's Constitution all in accordance with Appendix 1 below.
- 5.2 The Community Council shall meet throughout the year at intervals [here state frequency, not less than five ordinary meetings and one AGM in any twelve-month period]; the dates of regular meetings during the remainder of the year shall be agreed at the AGM.
- 5.3 The Community Council shall, upon receipt of a requisition signed by twenty electors within the Community Area, convene a special meeting, to be held within 15 working days of receipt of that requisition, or such shorter period as may be specified by the Community Council, to consider the business which must be specified in the requisition and in the notice calling the meeting.

## **OFFICERS OF THE COMMUNITY COUNCIL**

### **6.1**

- a. The Community Council, at its first meeting after the initial and subsequent elections, shall elect one of its members to be Chairperson and may elect one of its members to be Vice-Chairperson. [Provided that... insert limits, if required on how many terms they can serve]
- b. The Chairperson and Vice-Chairperson shall continue in office until their respective successors are elected.
- c. The Community Council shall appoint and shall have power to dismiss a Secretary and a Treasurer whether or not from among its Community Councillors. The offices of Secretary and Treasurer, but no other office-bearers may be combined.
- d. The office of Chairperson shall not be combined with any other nor shall one person hold more than two positions.
- e. The Community Councillor or Community Councillors of the Community Council appointed as Secretary or Treasurer or Secretary/Treasurer shall not be entitled to remuneration but the Community Council may, at its discretion, award honoraria to such Community Councillors together with expenses actually incurred and supported by receipts or vouchers. The Community Council may pay appropriate remuneration to a Secretary and Treasurer or Secretary/Treasurer appointed outwith its own membership.
- f. The Community Council shall appoint a representative(s) to the local forum or equivalent who shall be entitled to vote in respect of any matters raised at a meeting of the forum or equivalent. Area based forums will facilitate engagement on local community planning issues.

## **STAFF**

7. In addition to the offices of Secretary and Treasurer or Secretary/Treasurer the Community Council shall have power to appoint and dismiss such other staff as it may from time to time determine, subject to the observance of employment law.

## **COMMITTEES AND SUB-COMMITTEES**

8. The Community Council shall have powers to appoint such Committees and/or Sub-Committees or sub-groups as it may from time to time decide and shall determine their terms of reference, powers, duration and composition.

## **FINANCE**

9.
  - a. All monies raised by or on behalf of the Community Council shall be applied to further the objects of the Community Council and to maintain its administrative structure.
  - b. The Community Council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions and shall be eligible to apply for grants for suitable projects.
  - c. The Council will provide an administrative grant to the Community Council to assist with the operating costs of the Community Council.
  - d. The Treasurer or Secretary/Treasurer shall arrange for a bank account(s) to be held in the name of the Community Council and shall have responsibility for:
    - i. the proper management of the Community Council's financial affairs; and
    - ii. keeping proper books of account showing the finances of the Community Council.

- e. The Community Council shall appoint an independent verifier, acceptable to Aberdeenshire Council, to independently verify the accounts of the Community Council annually.
- f. Independently verified Statement of Accounts of the Community Council for the last financial year shall be submitted by the Community Council to the Annual General Meeting. The Community Council's financial year shall run from 1 April.
- g. The Title to all and any heritable property which may be acquired by or for the purpose of the Community Council shall be taken in the name of the Chairperson, and Secretary of the Community Council and their successors in their respective offices as trustees for the Community Council.
- h. The Community Council must comply with Section 13 of the Scheme and must have sufficient and adequate insurance to cover the Community Council in the event of claims being made against the Community Council and must be able to demonstrate to the Council that this insurance cover is in place.

## **RETURN OF OFFICE- BEARERS AND OTHERS**

- 10. Following the first meeting after each election the Community Council shall lodge with the Area Manager for the Area of Aberdeenshire Council in which located a return specifying the full names, addresses and designations of:
  - a. office-bearers;
  - b. elected, co-opted, and associate members; and
  - c. independent verifier.

and shall notify the Area Manager in writing any change to office-bearers, members and independent verifier/s.

## **AMENDMENT OF CONSTITUTION**

- 11.
  - a. Any proposal to amend the Constitution must be delivered in writing to the Secretary of the Community Council at least 20 working days before the date of the meeting at which the proposal is first to be considered.
  - b. Subject to the provisions of paragraph 4 any alterations to the Constitution will require approval of:
    - i. a majority of two-thirds of those present and voting in favour thereof at an Annual General Meeting or a Special Meeting convened for that purpose, and
    - ii. the Area Manager on behalf of Aberdeenshire Council
  - c. Notice of any General Meeting at which a proposal to change the Constitution of the Community Council is to be considered shall be given 10 working days prior to the date of the meeting and such notice shall detail the wording of the proposed alteration.

## **SUPPORTED STATUS AND DISSOLUTION**

- 12. Supported Status, Dissolution and Voluntary Dissolution of the Community Council will only take place in accordance with the Scheme for the Establishment of Community Councils.

## **SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS**

13. The Community Council shall not do anything which is inconsistent with Aberdeenshire Council's Scheme for the Establishment of Community Councils and in the event of any inconsistency, the Scheme for the Establishment of Community Councils shall take precedence.

### **DISCIPLINARY PROCEDURES**

14. In the event of a complaint by a member of the Community Council or a third party that the Community Council or a member of the Community Council is in serious breach of the Community Councillors' Code of Conduct or has otherwise brought the Community Council into disrepute it shall be dealt with in accordance with the Complaints and Appeals Procedure in Schedule 7 of the Scheme for the Establishment of Community Councils.

## **APPENDIX 1**

### **STANDING ORDERS**

The Standing Orders contain the rules which regulate the business and proceedings of the Community Council.

#### **1. Meetings**

##### **1.1 First meeting after election**

- 1.1.1 The first Meeting of a Community Council after an election shall be held within 15 working days of the election date (or as soon as practicable thereafter). The business of that meeting shall include:
- a. Determination of any amendments to the constitution and standing orders.
  - b. Appointment of office bearers (Chairperson, Vice Chairperson, Secretary, Treasurer)
  - c. Any outstanding business matters from the outgoing Community Council.
- 1.1.2 The Returning Officer appointed in respect of the election shall convene the first meeting. This meeting shall be chaired by the Returning Officer, until a Chairperson has been elected by the eligible voting members of the Community Council.
- 1.1.3 Following the first meeting after an election, each Community Council shall lodge with the respective Area Manager a return specifying the full names, designations and addresses of the Community Council's office-bearers and verifier of their accounts and must subsequently advise the Area Manager, in writing, of all changes.

## **1.2 Ordinary Meetings**

- 1.2.1 The frequency of meetings will be determined by each Community Council, subject to a minimum of five ordinary meetings and one Annual General Meeting being held each year.
- 1.2.2 All Community Council Meetings shall be held at the times and locations detailed in accordance with the programme approved by the Community Council.

## **1.3 Annual General Meeting**

- 1.3.1 The Annual General Meeting (AGM) of a Community Council shall be held in June each year.

The business shall include:

- a. Consideration of the Community Council's Annual Report
- b. Consideration and approval of the independently verified Statement of Accounts
- c. Election reporting
- d. The election / re-election of any Office Bearers
- e. The approval of the Community Council's Annual Budget
- f. Voting on any proposals for amendment to the Community Council's Constitution.

- 1.3.2 Following the approval of the independently verified Statement of Accounts at the AGM, a copy of these will be forwarded as soon as practicable to the Area Manager.

## **1.4 Special Meetings**

- 1.4.1 A Special Meeting may be called:-

- a. by the Chairperson, or,
- b. by one-fourth or more of the current eligible voting membership of Community Council
- c. By requisition signed by twenty electors within the Community Council area.

- 1.4.2 The Special Meeting shall be held within 15 working days

## **1.5 Calling Meetings**

- 1.5.1 For all Meetings (with the exception of a Special Meeting in terms of Section 11 of the constitution) a notice will be published at least 3 working days before the date of the Meeting, which will:-

- a. detail the time and place of the Meeting; and,
- b. if it is a Special Meeting, name the members who have called the Meeting and the business which is to be considered.

- 1.5.2 The notice and agenda of meetings shall be placed in a suitable public place.

- 1.5.3 In addition to the notice, all members of the Community Council including associate, junior and ex officio members must be invited to each meeting.

- 1.5.4 If a meeting is adjourned to a new day, notice and summons will be issued in accordance with section 1.5.1 above.

## **1.6 Cancelling Meetings**

The Chairperson may cancel or reschedule any meeting because of a lack of business or in exceptional circumstances, notice of the cancellation must be given as soon as practicable, all members (including associate, junior and ex-officio members) should be advised and a public notice confirming the cancellation should be displayed at the meeting venue as well as on the Community Council's website.

## **2. Members attendance At Meetings**

### **2.1 Quorum**

2.1.1 There must be a minimum number of Community Councillors present at a Meeting. This is known as the quorum. The quorum for each Meeting shall be at least one-third of the current eligible voting membership of a Community Council or three current eligible voting members, whichever is the greater. No business can be determined at a Meeting unless a quorum is present.

2.1.2 If at any time during a Meeting there is a question about whether or not there is a quorum, the Chairperson will, after allowing an interval of ten minutes, ask the Secretary to count the number of members present. If a quorum is not present, the Meeting will be adjourned.

2.1.3 If, ten minutes after the time set for the start of a Meeting a quorum is not present, the Meeting will be abandoned and the Secretary will record that no business was considered because there was no quorum.

### **2.2 Substitute Members**

Community Council members may not appoint substitutes to attend any Meetings in their place.

## **3. The Agenda, Notices of Motion and Written Questions**

### **3.1 Agenda**

3.1.1 Agendas of Meetings shall be made available for public access within the Community Council area at least 3 working days prior to the holding of any meeting.

3.1.2 Community Councils shall provide copies of their agendas within the prescribed timescales to the Council via the Area Manager.

3.1.3 Community Councils displaying their agendas online should ensure that these are displayed online at least 3 working days prior to the holding of any meeting

### **3.2 Notices of Motion**

3.2.1 A member may submit a Notice of Motion for consideration by the Community Council.

3.2.2 The motion must be in a recorded format, identified as being from a member, and given or sent to the Secretary of the Community Council to be received by noon, 5 working days before the next ordinary meeting.

3.2.3 If the Chairperson determines that the notice of motion is admissible, this will be included on the Agenda for the next ordinary meeting. Notices of motion will be listed on the agenda in

the order in which they have been received. If the Chairperson considers the notice of motion deals with the same subject as an item of business otherwise on the agenda the subject matter of the notice of motion will be considered as part of the item of business.

3.2.4 If the Chairperson determines that the notice of motion is inadmissible, at the request of the proposer, it will be included on the agenda with the reasons for inadmissibility subject to any modification considered necessary by the Chairperson.

3.2.5 If a member who has given a notice of motion is absent when it is to be considered at the Meeting for the first time, it shall be put on the agenda of the next ordinary meeting. If, at the next ordinary meeting, the member is again absent, the notice of motion shall fall.

### **3.3 Written questions**

3.3.1 Any member of the Community Council may, at any ordinary meeting of the Community Council, put a question to the Chairperson of the meeting concerning any relevant or competent matter provided that the member shall have given notice of the question in writing, duly signed, to the Chairperson and Secretary not later than 5 working days before the date of the Meeting.

3.3.2 Questions and any written answers, numbered in the order in which they have been received, will be circulated as part of the agenda for the Meeting. It shall be for the Chairperson to determine whether the question, or any supplementary question, is admissible. If the Chairperson determines that the question is inadmissible, at the request of the proposer, it will be included on the agenda with the reasons for inadmissibility subject to any modification considered necessary by the Chairperson.

3.3.3 The member who asked the original question may ask one supplementary question to clarify the answer given.

3.3.4 No further discussion will be allowed, and it will not be competent to move any motion arising from a question or the answer given.

3.3.5 Written questions, supplementary questions and any written answers and supplementary answers will be recorded in the minutes.

## **4. DURING MEETINGS**

### **4.1 Arrangements for Chairing Meetings**

4.1.1 At a Meeting the Chairperson, if present, will preside.

4.1.2 If the Chairperson is absent from a Meeting, the Vice Chairperson will preside; if they are both absent, another member of the Community Council chosen by the majority of the Community Councillors present, shall preside as Chairperson.

4.1.3 At all times during a Meeting, members will respect the authority of the Chairperson. If the Chairperson speaks, any member who is speaking to the Meeting will stop.

4.1.4 The Chairperson's duty is to preserve order at the Meeting and ensure that members are given a fair hearing. If two or more members try to speak at the same time, the Chairperson will decide who is to speak first.

- 4.1.5 The Chairperson will decide all matters of order, admissibility and urgency and that ruling will be final.
- 4.1.6 The Chairperson will ensure that the decision of the Meeting is clear with regard to all matters which form the business of the Meeting.
- 4.1.7 If a member persistently misbehaves by disregarding rulings by the Chairperson, or behaves improperly or offensively, or wilfully obstructs the business of the Meeting, the Chairperson may take the following courses of action sequentially:-
- a. Warn the member about their behaviour,
  - b. Tell the member not to speak during the remainder of the debate on the item being discussed,
  - c. Move that the member should not speak again during the Meeting. The motion, if seconded, will be decided without discussion; if the motion is carried the member will not speak again during that Meeting,
  - d. Move that the member should be suspended for the remainder of the Meeting. The motion, if seconded, will be decided without discussion; if the motion is carried, the member will leave the Meeting immediately,
  - e. Adjourn the Meeting for a short time as seems reasonable to the Chairperson in the circumstances.
- 4.1.8 If there is disorder at any Meeting, the Chairperson will be entitled to adjourn the Meeting to later that day. If that is not practicable, the Meeting may be adjourned to another date and time as the Chairperson may decide then or afterwards.

## **4.2 Business at Meetings**

- 4.2.1 The business of the Community Council at any meeting shall proceed in the order of the agenda except that the Chairperson may, at their discretion, alter the order of business at any stage. Agendas and minutes of the Community Council shall be made available in advance at an appropriate place.
- 4.2.2 No item of business shall be transacted at a meeting of the Community Council unless it is specified in the notice calling the meeting, or any supplementary notice, unless the Chairperson is of the opinion, by reason of special circumstances which shall be specified in the Minutes, that an additional item should be considered at the meeting as a matter of urgency.

## **4.3 Rules of Debate and how motions and amendments are moved and decided**

- 4.3.1 Every motion and amendment must be moved and seconded.
- 4.3.2 Where the Chairperson rules any purported motion or amendment as irrelevant or incompetent, it shall not be put to the meeting.

## **4.4 How votes are taken**

- 4.4.1 A vote can be taken by calling the roll or by show of hands, the names will not be recorded in the Minute.
- 4.4.2 When there is more than one amendment to the motion, then, unless the Chairperson decides otherwise in order to avoid inconsistency in voting, the last amendment shall be put against the amendment immediately preceding. The amendment which is carried shall be put against the next preceding amendment. This process will continue until there is only one amendment remaining. A vote will then be taken between the motion and the remaining amendment, and whichever is carried will be the decision of the Meeting.
- 4.4.3 In the case of an equality of votes, the Chairperson will have the right to a second or casting vote.

## **5. PUBLIC PARTICIPATION AT MEETINGS**

The Community Council welcomes public participation at its Meetings. The following arrangements are designed to enhance and regulate public participation at Meetings.

### **5.1 Public Access to Meetings**

- 5.1.1 Every Community Council meeting will be open to the public, except in the special circumstances set out in 3-5 below.
- 5.1.2 No person or body shall be permitted, without the permission of the Meeting, to tape record, photograph, video, film or use any other form of electronic, digital or computerised sound or visual recording system during any Meeting.
- 5.1.3 The public must be excluded from a Meeting when an item of business is being considered if it is likely, because of the business itself or what might be said at the Meeting, that confidential information (as meant by the relevant law<sup>1</sup>) would be given to members of the public.
- 5.1.4 The Community Council may decide, by passing a resolution at any Meeting, to exclude the public when it is considering an item of business if it is likely, because of the business itself or what might be said at the Meeting, that exempt information (as meant by the relevant law as referred to in 5.1.3 above) would be given to members of the public. The resolution to exclude the public will make clear the proceedings or which part of the proceedings of the Meeting it applies to and state the description of the exempt information.
- 5.1.5 The Community Council, in order to stop or prevent disorderly conduct or other misbehaviour at a Meeting, may exclude or eject members of the public whose presence or conduct is impeding or is likely to impede the Meeting. If a member of the public interrupts any Meeting, the Chairperson may warn the person. If they continue the interruption the Chairperson may order that they immediately leave the Meeting.

### **5.2 Petitions and Requests to Speak at Meetings**

- 5.2.1 Members of the public may submit a Petition or request to speak for items on an agenda and not on an agenda to the Community Council as soon as practicable before the meeting at which they wish to attend and/or speak at.

---

<sup>1</sup> Section 50A and Schedule 7A of the Local Government (Scotland) Act 1973

5.2.2 If, in the opinion of the Chairperson, the subject matter of the Petition and/or the request to speak is a matter in which the Community Council has a general interest and it is competent and relevant for them to consider, the member of the public shall address the Meeting.

5.2.3 If a member of the public is attending a Meeting, it is at the discretion of the Chairperson to allow the person to speak to the Meeting.

## **6. AFTER THE MEETING**

### **6.1 Minutes of Meetings**

6.1.1 Minutes of Community Council meetings must be approved at the next meeting of the Community Council. Approved minutes of Community Council's meetings must be presented to the Council within 10 working days from the date of the meeting at which the minutes were approved and shall be made available for public access by the Community Council within the Community Council area.

6.1.2 No discussion or amendment will be competent on a Minute submitted at any Meeting for approval other than any amendment or discussion to the effect that they are not a correct record. Any amendment will include the words of the alteration which is proposed to the Minute. An objection to the correctness of a Minute will be dealt with by way of an amendment to a motion to approve the Minute.

6.1.3 Only Community Councillors who were present at the Meeting to which a Minute relates may vote on the correctness of the Minute.

6.1.4 Approved minutes should be signed by the Chairperson and retained for future reference.

6.1.5 Community Councils shall provide copies of their draft minutes and approved minutes within prescribed timescales to the Council via the Area Manager.

6.1.6 Community Councils displaying minutes online should ensure that the approved minutes are added to the website and that this is done within 10 working days of the meeting at which the minutes are approved.

## **7. SUSPENSION OF STANDING ORDERS**

7.1 These Standing Orders shall not be suspended except at a meeting at which three quarters of the total number of elected Community Councillors are present and only if the mover states the object of the motion and if two thirds of the Community Councillors present consent to such a suspension.

## Schedule 4

### Duties, Roles and Responsibilities of the Council

|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Area Manager</b></p> | <p>Powers that are delegated from Full Council and are contained in the Council's Scheme of Governance, Part 2B - List of Officer Powers.</p> <ul style="list-style-type: none"> <li>• Offer support, advice and assistance to Community Councils</li> <li>• Approve Community Council constitutions and changes to Community Council Constitutions provided that the provisions of the constitution do not conflict with this Scheme.</li> <li>• Approve the maximum number of a Community Council</li> <li>• Put Community Councils into Supported Status</li> <li>• Re-instate steering groups to Community Council status</li> <li>• Act as returning officer or appoint an alternative returning officer</li> <li>• Administer Community Council elections</li> </ul> <p>Operational matters</p> <ul style="list-style-type: none"> <li>• Manage the Area Office team</li> <li>• Support, inform, engage and collaborate with the Community Councils in their Area</li> <li>• Take account of the Code of Practice for the Exchange of Information in Schedule 6.</li> <li>• Liaise with CCLO</li> <li>• Arrange Appeal Hearings in terms of the Community Council Appeal Hearing Procedure in Schedule 7</li> <li>• Recommend dissolution of a Community Council to an Area Committee</li> <li>• Report to Area Committees, formally and informally</li> <li>• Ensure that Community Councils use council premises for meetings free of charge</li> <li>• Approve changes to boundary map and recommended number table.</li> </ul> |
|                            | <p>Powers that are delegated from Full Council and are contained in the Council's</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

|                       |                                                                                                                                                                                                                                                                                                                 |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Area Committee</b> | <p>Scheme of Governance, Part 2A - List of Committee Powers</p> <ul style="list-style-type: none"> <li>• Determine Supported Status of Community Councils</li> <li>• Dissolve Community Councils</li> <li>• Determine Boundary Changes</li> <li>• Determine the appeal on maximum membership numbers</li> </ul> |
| <b>Full Council</b>   | <ul style="list-style-type: none"> <li>• Review/amend/revoke/replace/adopt the Scheme for the Establishment of Community Councils</li> </ul>                                                                                                                                                                    |

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Community Council Liaison Officer</b> | <ul style="list-style-type: none"> <li>• CCLOs work at a strategic level and at a local level. They engage with Area Office colleagues in each Council Area giving advice and support to the officers and they -</li> <li>• Liaise with the Scottish Government and thereafter provide relevant information to Community Councils and Area Offices</li> <li>• Represent the Council at national forums.</li> <li>• Engage with external agencies such as Improvement Service</li> <li>• Develop and provide training for Community Councillors</li> <li>• Capture and pass on information that is relevant to Community Councils via the Area Office</li> </ul> |
| <b>Area Office</b>                       | <ul style="list-style-type: none"> <li>• The Area Officer is managed by the Area Manager. Generally, Area Committee Officers will be the main point of contact for a Community Council in that Council Area. Their role is to engage with, advise and assist Community Councils. The Area Office will ensure that a Community Council is directed to the correct service in the Council to assist with any queries.</li> <li>• Annually review the electorate roll numbers and advise Community Councils of any requirement to review their membership numbers and amend constitutions.</li> </ul>                                                              |

**Schedule 5**  
**Code of Conduct**

**MODEL CODE OF CONDUCT FOR COMMUNITY COUNCILLORS**

**1. INTRODUCTION TO THE CODE OF CONDUCT FOR COMMUNITY COUNCILLORS**

- 1.1 Community Councils have a key role to play in supporting a decentralised pattern of local government and service delivery and the Scheme provides a framework within which they and the Council can co-operate and work together. The Council is committed to ensuring successful consultation and working together with Community Councils in all areas of the Council's responsibilities.
- 1.2 Community Councils are voluntary bodies, which exist within a statutory framework. The role and function of a Community Council in Aberdeenshire shall be to proactively identify and assess issues of concern to its local community. Taking into account views expressed by the public and any other relevant evidence, it should either take such action as it considers to be suitable or convey its findings and conclusions to the relevant authority for consideration. Community Councils have a statutory right to be consulted on planning applications. Licensing matters and any other matters may also be jointly agreed between Community Councils, the Council and other public sector and private sector agencies.
- 1.3 Community Councils are non-party political and non-sectarian in their discussions and in their decision-making.
- 1.4 The Members of Community Councils – "Community Councillors" are not covered by the Codes of Conduct, enforced by the Standards Commission for Scotland, which apply to Councillors elected to Local Authorities and MSPs. However it is expected by Aberdeenshire Council that Community Councils adopt the following Code of Conduct as applying to their members.

**2. KEY PRINCIPLES OF THE CODE OF CONDUCT**

- 2.1 The public has a high expectation of its representatives including members of Community Councils and the way in which they should conduct themselves in undertaking their duties. You must meet those expectations by ensuring that your conduct is above reproach at all times.
- 2.2 As a Community Councillor, it is your responsibility to make sure that you are familiar with, and that your actions comply with, the provisions of this code.
- 2.3 The general principles upon which this Code of Conduct is based are:-

### **Duty**

You have a duty to act in the interests of the Community Council as a whole and of all members of the communities served by it. You should be accessible to all the people of the area for which you have been elected or adopted to serve, and to represent their interests conscientiously.

### **Selflessness**

You should take decisions solely in terms of the public interest. You must not act in order to gain financial or other material benefit for yourself, family or friends.

### **Integrity**

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties, or the taking of decisions at Community Council meetings.

### **Accountability and Stewardship**

You are accountable for your decisions and actions to the public. You should consider issues on their merits, taking account of the views of others, and you must ensure that the Community Council uses its resources prudently and in accordance with the law.

### **Openness**

You must be as open as possible about your decisions and actions, giving reasons for your decisions (and restricting information only when the wider public interest clearly demands).

### **Honesty**

You must act honestly. You must declare any private interests which affect your public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

### **Leadership**

You should lead by example, and maintain and strengthen the public's trust and confidence in the integrity of the Community Council and its Councillors in conducting public business.

## **3. General Conduct**

- 3.1 The principles of good conduct in this section must be observed in all situations where you act as a Community Councillor, including representing the Community Council on official business.
- 3.2 You must respect all Aberdeenshire Councillors and Council employees and the role they play, and treat them with courtesy at all times. It is expected that they will show the same consideration in return.

- 3.3 You must respect the Chairperson, your colleagues, invited guests and any members of the public present during meetings of the Community Council or other formal proceedings of the Council whether or not you agree with their views and treat them with courtesy at all times. You must comply with rulings from the Chairperson in the conduct of the business of the Community Council.
- 3.4 You must not, at a meeting of the Community Council raise your voice unduly, shout, interrupt other speakers, use offensive language, assault other members or members of the public, disregard the authority of the chair, or otherwise disrupt the proceedings at a meeting.
- 3.5 Community Council proceedings and printed material are generally open to the public. This should be the basis on which you normally work but there may be times when you will be required to treat discussions, documents or other information relating to the Community Council in a confidential manner in which case you must observe such requirements for confidentiality. Members should in particular be mindful of the need to protect confidential personal information to which they may have access to avoid breaching the Data Protection Act.
- 3.6 You may be appointed or nominated by the Community Council as a member of another body or organisation. If so, you will be bound by the rules of conduct of these organisations and your responsibility for any actions taken by you as a member of such an organisation will be through the organisation in question. You must also continue to observe the rules of this code in carrying out the duties of that body. In the event of a conflict of interest between the two bodies or organisations the principles set out in Section 4 shall apply.

#### **4. DECLARATION OF INTERESTS**

- 4.1 The key principles of the code, especially those that specify integrity, honesty and openness are given further practical effect by the requirement for you to declare interests (either personal or financial, at meetings which you attend). The rules on declaration of interest are intended to produce transparency in regard to interests which might influence, or be thought to influence, your actions as a Community Councillor.

4.2 It is your responsibility to make decisions about whether you have to declare an interest or make a judgement as to whether a declared interest prevents you from taking part in any discussions or voting. You are in the best position to assess your personal circumstances and to judge how these circumstances affect your role as a Community Councillor in regard to a particular matter. In making decisions for which you are personally responsible you are advised to err on the side of caution. In the event of a clear conflict of interest, for example, if you have a personal interest as applicant or close relative of an applicant, owner of land, or neighbouring proprietor or occupier in a planning issue being discussed, then you should withdraw from the meeting so as not to inhibit discussions.

## **5. SUSPENSION FROM COMMUNITY COUNCILS**

- 5.1 Community Councils may within their constitution introduce provisions whereby members who consistently or flagrantly breach an adopted Code of Conduct for Community Councillors (including repeated non-declaration of interests) or may be suspended as a member of the Community Council for a period not exceeding six months.
- 5.2 Additionally, the Community Council constitution may provide for permanent expulsion or suspension for a stated period of time of a member who is guilty of theft of Community Council assets, or who is guilty of any other offence which is deemed to affect their ability to participate in the activities of the Community Council or who may have brought the Community Council into disrepute by their actions or activities.

*("Members" in this code of conduct means Community Councillors, Junior and Associate Members)*

## Schedule 6

### CODE OF PRACTICE FOR EXCHANGE OF INFORMATION

#### Code of Practice for the Exchange of Information between Community Councils and Aberdeenshire Council

##### Preamble

It is for the mutual benefit of Aberdeenshire Council ('the Council'), Community Councils in the Aberdeenshire area and the communities they serve that constructive discussion, consultation and information exchange takes place in a positive and meaningful way. This Code of Practice for the Exchange of Information between the Council and Community Councils is intended to help ensure that these organisations exchange reliable information, explanations and guidance in a way that will be beneficial for the whole community.

This Code of Practice shall be monitored and reviewed by the Council.

##### **Aberdeenshire Council: Checklist of Good Practice**

##### **The Council shall:**

1. consult directly with Community Councils on all issues where consultation with the public is a statutory requirement.
2. advise a Community Council directly, and in advance of press advertisement, of planning applications within a Community Council's area, through circulation of the Weekly List of Applications and also with regard to Pre-determination Hearings.
3. advise a Community Council of major works proposed by the Council, or of major utility works of which the Council is aware and of any changes to timing or duration of those works, within a Community Council's area.
4. provide appropriate support to empower Community Councils to make informed decisions on matters of concern.
5. provide access to Community Councils with; updated lists of Councillors; officials; all appropriate Council agendas and minutes; and public meeting dates.
6. nominate an officer of the Council to act as a liaison between the Council and Community Councils.
7. endeavour to meet reasonable requests for officer attendance at Community Council meetings.
8. encourage effective, full and careful consultation with Community Councils over matters of common interest by providing sufficient information in adequate time to allow a considered response.
9. ensure that Community Councils are provided, where requested, with reasons for decisions taken (this would be consistent with the Code of Guidance on Openness which COSLA has developed), and that in all cases they are informed about reasons for decisions on cases where they have expressed a view.
10. involve Community Councils in any consultations arranged through public meetings.

11. acknowledge written communications from Community Councils within 5 working days and reply within 20 working days, and encourage the use of the Council's Contact Centre and subsequent feedback process.
12. give Community Councils the opportunity to participate in the processes that lead to decision making on issues relating to their areas.
13. ensure that Community Councils continue to be involved effectively in decentralisation schemes and that decentralised structures are complementary to the role of Community Councils.

### **Community Councils: Checklist of Good Practice**

#### **Community Councils shall:**

1. advise Aberdeenshire Council on local opinion concerning matters of interest to that authority.
2. bring to the attention of Aberdeenshire Council matters requiring its attention or action.
3. actively seek the views, opinions and aspirations of the full cross-section of the Community and be able to demonstrate that steps have been taken to consult the local community when appropriate, and in all cases be sure as far as possible that the views they express are representative of those of the community they serve.
4. express the views of their community on proposed plans or projects for that community and applications going before Aberdeenshire Council, its Committees or Sub-Committees and to Licensing Boards. This should include positive support for acceptable schemes as well as criticism for those which are opposed by the local community. Where appropriate, suggestions for changes should also be put forward.
5. inform Aberdeenshire Council in advance of any consultations being arranged through public meetings.
6. invite representatives of statutory bodies and other organisations, when appropriate, to attend meetings of the Community Council.
7. encourage the public to use their Community Council as a vehicle of communication with Aberdeenshire Council.
8. contact Aberdeenshire Council as soon as practicable regarding matters where the information/action required cannot be provided by the Community Council alone.
9. respond to written communications from Aberdeenshire Council within a reasonable time and encourage the use of an initial acknowledgement system of reply.
10. identify a contact point through whom consultation on planning, licensing, etc. can be co-ordinated.
11. embrace the role, as defined within the Community Empowerment Act 2015, as a community participation body and work with the Council to participate in improvement processes.

**NOTE – the Guidance in Schedule 6 does not form part of the Scheme. It is for information only.**

**GUIDANCE NOTE: Filling of Interim Vacancies**

- Community Councillors are democratically elected and as such the process of appointment has to be transparent. This guidance details the process which should be followed to comply with the Council's Scheme for the Establishment of Community Councils and to demonstrate an open and democratic process.
- All Community Councils should maintain an up-to-date record of membership and vacancies occurring, for whatever reason, should be reported to their Area Manager to allow for updating of records. Community Councils are asked to fill vacancies as soon as possible. All Community Councils should advertise the vacancies before the Annual General Meeting.
- When a vacancy occurs, the Community Council should contact the Area Office to commence the process of filling vacancies. The number of vacancies and the dates of the next two meetings is required to allow nomination forms to be prepared.
- In preparation for the first meeting of the Community Council for this purpose, the Notice advertising the meeting should include a section on filling vacancies and the agenda should include an item – Filling of Vacancies. The notice, as for all meetings of the Community Council to be posted in a minimum of 3 places at least 10 working days prior to the meeting.
- Nomination forms will be prepared by the Council and made available for the first meeting of the Community Council. Nomination forms will be available from the Council and can be made available locally from suitable public premises e.g. public library or from secretary/Chairperson. Freepost return envelopes are provided with all nomination forms.
- The Council will check and validate all forms and inform all candidates and the Community Council of the position at the closing date for nominations, i.e. if nominations are valid and if the candidates are to be elected unopposed (the same or less nominations than vacancies) or if a ballot election is required (more valid nominations than vacancies).
- If fewer valid nominations than vacancies are received the Community Council should have an item on the agenda for the second meeting – Filling of Vacancies, where the results of the call for nominations will be announced and candidates elected unopposed, as Community Councillors of the Community Council.
- If more valid nominations than vacancies are received a ballot election will be arranged and undertaken by Council. The results of the ballot will be announced as soon as possible thereafter.
- The Community Council will announce the results of the election at the third meeting and confirm newly Community Councillors.

## **GUIDANCE NOTE: Financial Record Keeping**

### **Accounting Procedures – Cash**

- Each Community Council should have a cash book and all income and expenditure should be recorded in it. The date, description, amount and receipt number should also be recorded.
- The Community Council should nominate three unrelated office bearers to act as signatories to the Community Council bank accounts. All cheques and withdrawals should require two from three signatures. Any changes to authorised signatories should be approved by the Community Council.
- The level of cash held should not be excessive and should be in proportion to the monthly expenditure.
- Banking should be transparent. All income received should be banked and should not be used to meet expenditure. If funds are required for incurred expenditure they should either be paid by cheque or alternatively cash should be withdrawn from the bank.
- Once a banking has been made the stamped bank pay-in slip should be retained and checked against the bank statement or bank book to ensure that the income has been credited correctly.
- It is acceptable that Community Councils can determine to use internet banking provided that governance and monitoring procedures are put in place.

### **Accounting Procedures – Expenditure**

- All expenditure must be approved in advance by the Community Council and set out in the minutes.
- All expenditure must be accompanied by proof of purchase, either an expenditure voucher or receipted invoice.
- Receipts should be given a sequential number and filed accordingly.
- Details of the expenditure should be recorded in the cash book as soon as the expenditure is incurred. Where a receipt is not available, the person making the purchase should give the following information in writing; the nature of the expenditure, amount of expenditure and explanation of the circumstances. This should be authorised by a member of the Community Council committee.
- A current account will normally be used for day to day transactions with a further deposit and/or saving account, as required, so that interest may be attracted on accumulated funds.
- The treasurer should await the bank statements and once received should carry out a bank reconciliation to ensure that the bank balance agrees with the balance recorded in the cash book. All bank statements should be retained.
- Where petty cash is issued all petty cash vouchers should be signed by the person requesting the money and countersigned by the treasurer or other authorised signatory - this must not be the person who is requesting the expenditure. All receipts for items of expenditure should be retained and attached to the appropriate petty cash voucher.

- Reimbursement of travel expenses should only be available to persons on official Community Council business where this has been agreed by the Community Council. Claimants should submit a detailed record of dates, times, destination, reason for travel and mode of transport. Reimbursement of travel expenses (for example bus, taxi, train, parking fees etc.) should only be awarded if accompanied by an appropriate receipt.
- If the Community Council requires telephone calls to be made, reimbursement of expenses can be made at the discretion of the Community Council. The person making the claim should submit the itemised telephone statement highlighting the calls claimed. Reimbursement will be authorised by the Community Council.

in force from 01.04.2018

## **Accounting Procedures - Annual Accounts**

The following paragraphs merely reinforce income and expenditure matters dealt with earlier in this guidance.

- An annual income and expenditure statement of all accounts including all income and expenditure must be prepared at the end of the Community Council's financial year and must be independently verified.
- The independently verified accounts must be presented to the Community Council and as soon as practicable a copy passed to the Area Office of the Council.

## **Accounting Procedures – Inventory**

The Community Council must maintain an inventory detailing all the assets of the Community Council. The inventory should be updated on an ongoing basis for additions and deletions. Depreciation can be noted.

in force from 01.04.2018

## Community Council Statement of Accounts

Income Expense Account For period of \_\_\_\_\_ to \_\_\_\_\_

|                                  | £'s  | £'s                |
|----------------------------------|------|--------------------|
| <b>Balance brought forward</b>   |      |                    |
| <b>Income</b>                    |      |                    |
| Admin Grant                      | 0.00 |                    |
| Discretionary Grant              | 0.00 |                    |
| Bank Interest                    | 0.00 |                    |
|                                  |      | <u>0.00</u>        |
| <b>Expenditure</b>               |      |                    |
| Additional Insurance             | 0.00 |                    |
| Accommodation Costs              | 0.00 |                    |
| Independent Verifier's Fees      | 0.00 |                    |
| Subscriptions                    | 0.00 |                    |
| Travel Expenses                  | 0.00 |                    |
| Publication of Minutes & Agendas | 0.00 |                    |
| Publication of Newsletters       | 0.00 |                    |
| Stationery                       | 0.00 |                    |
| Photocopying                     | 0.00 |                    |
| Postage Costs                    | 0.00 |                    |
| Telephone Costs                  | 0.00 |                    |
| Other Expenses                   | 0.00 |                    |
| Other Expenditure                | 0.00 |                    |
|                                  |      | <u>0.00</u>        |
| <b>Balance Surplus</b>           |      | <u><u>0.00</u></u> |

**Represented by:**

Cash in Bank

Cash in Hand (Treasurer's Float)

**As prepared:**

**Verifier's Details**

Name: \_\_\_\_\_

Designation: \_\_\_\_\_

Organisation: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

The above statement has been compiled from the available books and records and explanations.

Signed: \_\_\_\_\_

(Verifier)

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

(Chairperson)

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

(Treasurer)

Date: \_\_\_\_\_

## **GUIDANCE NOTE: The Benefits of having a young person on your Community Council**

There is a significant body of evidence which would suggest that not only do young people want to be involved in decisions which affect them, but also that in those areas where this happens effectively the community benefits. Young people, as the adults of tomorrow, contribute towards the economic and social development of their communities today.

Young people make up a significant proportion of the community. They can bring unique perspectives and experiences to the table and also bring innovative ideas and dynamic perspectives about the future

Organisations can serve young people better if they have a good understanding of the needs and aspirations of this group. This also improves the image of the organisations that engage with young people.

Creating a young people-friendly organisation inspires the confidence of young users and enhances the reputation and credibility of the organisation.

Involving young people as decision-makers signals that the organisation is serious about dealing with young people respectfully and encourages young people to assume a variety of roles.

### **FOR YOUNG PEOPLE**

The young people benefit from undertaking decision-making roles as it enables them to plan their careers, build CVs and gain skills that will be valuable in their future working lives.

Involving young people in decision-making also assists with the inter-generational partnerships that benefit the whole community. It also builds the young person's commitment to a whole range of organisations that serve communities in so many different ways.

### **HOW DO WE MAKE THIS HAPPEN?**

There are two places available on your Community Council for 14 and 15 year olds. It is up to each Community Council how they engage with the community to fill those spaces. If a young person approaches your Community Council there is a duty to engage with them and fill the spaces on the Community Council. If a Community Council is in the fortunate position to have more than two young people willing to join, then it is for that Community Council to decide how to deal with this situation.

What else can we do?

Be certain that members of your Community Council are willing and able to collectively support the young people participating.

Create an environment that is welcoming, friendly and accommodating to young people.

Schedule meetings at times when young people can attend and ensure that the location of the venue is not a barrier to their participation.

Check that the young people have their own transport available, or can use public transport to take them to and from the venue if required. Travelling expenses could be offered to ensure this is not a barrier to their participation.

Dedicate a slot in the agenda of the first meeting the young people are to attend. This will allow time for an introduction, provision of some background information about the Community Council, its membership, area covered, and type of business discussed at meetings.

Designate a member who will ensure the young person can get advice or help if required and knows who to ask.

Ensure that the young people are fully aware of details of the role you are inviting them to take on and what this will involve.

Provide them with a copy of the Community Council's Constitution and Map.

Include them in the circulation of Community Council Minutes and Agendas and other relevant documents.

Be prepared to listen to, and value the voice of young people.

Be prepared to treat young people as equal participants in the decision-making process. Young people must feel that their active participation is welcomed and respected and that they are not merely token representatives.

Discuss and inform the young people about the issues they will be asked to make decisions about.

Recognise that there is likely to be a turnover in young people and that it may be necessary to replace them more frequently than their adult counterparts. The young person may well be able to help find a replacement once they are ready to move on.

Evaluate your success in terms of the impact on the Community Council, the young people and the community.

Ensure that the contributions of young people are generously acknowledged both publicly and privately.

Recognise that when they turn 16 years old, they can become a Community Councillor of the Community Council, this is an opportunity to add to membership numbers.

Involving young people in meetings of the Community Council does not require members to join the Protection of Vulnerable Groups scheme, however, should circumstances change and the young people become involved in project delivery or other activities, guidance should be sought from Disclosure Scotland before the Community Council proceeds. Here is the link to the Disclosure Scotland website:

[www.disclosurescotland.co.uk/disclosureinformation/guidance.htm](http://www.disclosurescotland.co.uk/disclosureinformation/guidance.htm)

## GUIDANCE NOTE: Guidelines for Accessing the Legal Advice Fund

|                                                                 |                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Who can access the fund?                                        | The Community Council Legal Fund ('the Fund') is for Community Councils in Aberdeenshire, available in very exceptional circumstances, once other avenues of support have been explored.                                                                                                                                                                                |
| What is the purpose of the fund?                                | The Fund is only to be used to assist with the cost of independent legal advice required when Community Councils find themselves exposed to legal challenge or has legal issues regarding internal, operational or constitutional matters.                                                                                                                              |
| Can the fund be used to pay for any other type of legal advice? | No. If legal advice is required for any other purpose, including situations where a Community Council wishes to mount its own legal challenge to a decision of a third party (including Aberdeenshire Council) then this must be funded by the Community Council itself. The fund cannot be used to pay for independent financial advice in this regard.                |
| How can the fund be accessed?                                   | By writing to the relevant Area Manager in the first instance, detailing the issue and the reason for legal advice being sought, along with details of attempts to secure funding by other means and details of Community Council funds that are available for payment of independent legal advice.                                                                     |
| How much of the cost can be obtained from this fund?            | The amount of any funds granted will depend on the circumstances of the application. Each application will be considered on its own merits.                                                                                                                                                                                                                             |
| How will any approval be issued?                                | The authority to determine (i) if the funds are required to obtain independent legal advice because the Community Council finds itself exposed to legal challenge or has legal issues regarding internal, operational or constitutional matters and (ii) the amount of funding to be released are both delegated to Aberdeenshire Council's Head of Legal & Governance. |
| Monitoring                                                      | Aberdeenshire Council will monitor the use of the Fund and any Community Council making a successful application will require to submit a receipted invoice from the                                                                                                                                                                                                    |

|  |                                                                                                                                                                                                                                                                                                                                    |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>provider of the legal advice in order to receive the funding. If an invoice is for a sum more than that approved for the Community Council from the Fund, the Council will only pay up to the original amount granted. If a Community Council are not in funds to pay an invoice, this must be included in the application.</p> |
|--|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

in force from 01.04.2018

## **Schedule 7**

### **Community Council Complaints and Appeal Hearing Procedure**

#### **Community Council Complaint Hearing**

In the event of a complaint by a member of the Community Council or a third party that a member of a Community Council is in breach of the Community Councillors' Code of Conduct or has otherwise brought the Community Council into disrepute it shall at first instance be for the Chairperson of the Community Council (or if the complaint is against the Chairperson, then the Vice-Chairperson or other Officer Bearer) to acknowledge the receipt of the complaint by letter or e-mail and inform them that the complaint will be investigated in accordance with Stage 1.

In the event of a complaint by a member of the Community Council or a third party that a Community Council is in breach of the Community Councillors' Code of Conduct or has brought it into disrepute then the matter will be dealt with by going to Stage 2 below.

#### **Stage 1**

Stage 1 of the investigation will take the form of an Extraordinary General Meeting (EGM) of the Community Council which shall be arranged by the Chairperson or Vice Chairperson within 5 working days of receiving the complaint.

The minimum number of attendees at the EGM shall be 3 and shall be held in private. Minutes will be taken in accordance with the Standing Orders in the Scheme for the Establishment of Community Councils.

The EGM will discuss the allegations and decide whether there is a breach. Where there is no breach, the matter will be noted and not acted upon. The meeting shall be adjourned and all minutes shall be shared with the local Area Manager of Aberdeenshire Council.

The complainant shall be advised by the Secretary of the Community Council's decision within 5 working days of the EGM.

Where a breach has been alleged to have occurred, the appropriate action will be decided upon i.e. an apology or the complaint can be escalated to a Stage 2 investigation. Where a breach is about the conduct of a Community Councillor, they shall be immediately suspended (interim suspension), and informed in writing of the decision of the EGM.

It should be noted that the interim suspension is not an accusation of guilt and is to enable all parties to gather material regarding the alleged breach in an impartial, fair and equitable manner.

The local Area Manager of Aberdeenshire Council shall be informed of this decision.

#### **Stage 2**

Stage 2 of the investigation will be carried out by a panel of Community Councillors from outwith the Community Council involved in the complaint.

A meeting between the Panel and the complainant will be arranged to discuss their concerns and to review any evidence provided. Questions at this time shall be for the clarification of the Panel who shall make notes of the meeting to be shared by all parties within 5 working days of the meeting.

5 working days' notice shall be given for the Community Council/Councillor to share all materials available to the Panel prior to the meeting.

All material from either side shall be provided to all named parties no later than 24 hours before the meeting. Late material shall not be accepted, nor shall material provided on the day or at the meeting unless exceptional circumstances can be cited and this shall be at the discretion of the Panel.

Where the complaint is about a Community Council's action or decisions, the Panel shall meet with the Chairperson and Secretary of the Community Council to discuss the complaint and its content.

If the complaint is about an individual Community Councillor, alleged to have breached the Code of Conduct, they shall be entitled to have support at the meeting. The support person may not speak at the meeting.

The Panel will consist of no less than 3 Community Councillors and at least 1 shall have relevant training.

When the process is complete, the Panel shall meet with the local Area Manager of Aberdeenshire Council to make a decision on addressing the complaint.

The decision of the Panel shall be communicated to the Community Council/Councillor by Recorded Delivery letter.

Advice and mentoring will be given to the Community Council by Aberdeenshire Council in relation to the complaint.

The following sanctions can be made for an individual Community Councillor:

- Suspension from Community Council meetings and activities for a period of time to be agreed by the majority of the Panel
- Censure of behaviour and a written undertaking to behave in accordance with the Code of Conduct
- Request by a majority of the Community Council members for the named Community Councillor to step down
- In serious cases, an expulsion from the Community Council, approved by a unanimous vote of the Panel

When a complaint against the Community Council is substantiated by the Panel, the Supported Status or Dissolution of a Community Council may be implemented in accordance with Section 14.2 or Section 15 of the Scheme for the Establishment of Community Councils. Provided that the right to appeal in Section 14.2 to the Area

Committee shall not be available to the Community Council. The appeal procedure below will apply.

The decision of the Panel by a majority decision shall be final.

The complainant shall be advised of the decision of the Panel in writing within thirty working days of the initial complaint on the decision being reached.

All meetings will be in private and all materials from the complaint will be sent to the local Area Manager of Aberdeenshire Council for archiving.

### **Notice of Appeal against decision of a Complaint Hearing**

In the event that a hearing finds that a complaint has been substantiated, either in whole or in part, then following the decision in this regard the member complained against (the appellant) may lodge an appeal within 10 working days of the date of written confirmation of the decision with the local Area Manager of Aberdeenshire Council who shall arrange for the appeal to be heard and a final decision reached. An appeal must be lodged in writing by the appellant addressed to the local Area Manager of Aberdeenshire Council, giving reasonable notice of the grounds of appeal.

### **Acknowledgement of Appeal against a decision of a Complaint Hearing**

Within 5 working days of receipt of any notice of appeal, the Area Manager will issue an acknowledgement of the appeal to the appellant and give notification of it to the relevant Community Council.

### **Membership of the Appeal Hearing Panel**

The Area Manager shall arrange for the appeal to be heard at an Appeal Hearing.

The appeal will be heard by a panel of three independent Chairpersons from Community Councils within the Aberdeenshire area provided that the Chairperson of the Community Council that the appellant is a member of cannot sit as a member of the Appeal Hearing Panel.

### **Clerk to the Community Council Appeal Hearing**

The Appeal Hearing shall have the services of a clerk. The clerk will be the Area Manager (or another appropriate Council officer nominated by the Area Manager) who will be responsible for arranging the Appeal Hearing, circulating papers, liaising with the parties to the appeal and ensuring the smooth and fair running of the Appeal Hearing. The clerk will be responsible for the production of a record of the Appeal Hearing. The clerk will remain with the members of the Appeal Hearing Panel when they consider their decision, but only for the purpose of offering advice on procedure. The clerk will fix the date and location of the Appeal Hearing, having regard to any views expressed by the appellant and the members of the Appeal Hearing Panel.

The clerk will endeavour to ensure the Appeal Hearing takes place within 3 months of the notice of appeal being acknowledged.

### **Appeal Hearing – Procedures in advance of a Hearing**

The Appeal Hearing will afford the appellant an opportunity of appearing and making representations to the members of the Appeal Hearing Panel.

The appellant will be notified in writing at least one month in advance of the Appeal Hearing of the allocated date, time and location of the Appeal Hearing and that they have the right and responsibility:-

- to provide fair notice to the Community Council of the grounds of the appeal;
- to appear or be represented at the Appeal Hearing;
- to be accompanied at the Appeal Hearing by up to two people including the person (if any) representing the appellant;
- to lodge written representations with the Area Manager at least 10 working days prior to the date of the Appeal Hearing which should be consistent with and not go beyond the grounds of appeal outlined in the notice of appeal sent to the Area Manager; and
- to allow the presentation of their case to rest only on written representations, should the appellant so wish.

The notification will state that in the event the appellant fails to appear or be represented at the Appeal Hearing, the Hearing may proceed in their absence and a final decision may be made.

The Community Council may be represented at the hearing. The Community Council will be notified in writing at least one month in advance of the Appeal Hearing of the allocated date, time and location of the Appeal Hearing and that it has the right and responsibility:-

- to be provided with fair notice of the grounds of the appeal;
- to provide a copy of the Community Council hearing decision to the Area Manager at least 10 working days prior to the date of the Appeal Hearing; and
- to be heard and to respond to any representations made by the appellant.

The notification will state that in the event the Community Council representative fails to appear or be otherwise represented at the Appeal Hearing, the Hearing may proceed in their absence and a final decision may be made.

Appeal Hearings must be heard in private but observers may be present if agreed upon by members of the Appeal Hearing Panel.

### **Appeal Hearing – Procedures at the Hearing**

Prior to hearing the appeal, members of the Appeal Hearing Panel should appoint from their number a Chairperson of the Appeal Hearing Panel and determine whether it will allow any observers to be present, if requested.

The procedures at the hearing are as follows:-

- Presentation of the case for the Community Council.

- Questioning by the appellant.
- Questioning by the members of the Appeal Hearing Panel.
- Presentation of the case for the appellant.
- Questioning by the Community Council.
- Questioning by the members of the Appeal Hearing Panel.
- Summing up by the Community Council.
- Summing up by the appellant.

In presenting their respective cases, the Community Council and the Appellant must have regard to any written documentation they have provided in advance of the Appeal Hearing. Both parties must be conscious of their responsibility to provide fair notice of representations they intend to make and not to make representations that go beyond the scope of the documentation they provided in terms of fair notice.

The Appeal Hearing is not an evidential hearing; there is no provision within the procedure for witnesses to attend and the Panel will not reconsider the original complaint. The purpose of the Appeal Hearing is to determine whether the sanction applied by the Disciplinary Hearing was fair and appropriate in all the circumstances.

#### **Appeal Hearing Panel Decision**

After consideration, the Chairperson of the Appeal Hearing Panel will either announce the decision to the Appellant and the Community Council, or inform them that a written decision will be notified to them within 10 working days of the Appeal Hearing. The clerk will provide written reasons for the decision within 10 working days of the Appeal Hearing.

#### **Record of proceedings of the Appeal Hearing**

The clerk to the Appeal Hearing will keep a note of the proceedings, the attendance, the decision and the reasons for the decision. Such documents will not be public.

**Schedule 8**  
**Glossary of Terms**

**A**

|                        |                                                                                                                                                                                                                                                                                                                                               |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| “Act”                  | Means an Act of Parliament or any amendment, replacement or variation thereof including subordinate legislation made thereunder.                                                                                                                                                                                                              |
| “Adjournment”          | Means an agreed suspension to a Meeting.                                                                                                                                                                                                                                                                                                      |
| ”Agenda”               | Means the list of items outlining the date, time, location and order of business of any Meeting.                                                                                                                                                                                                                                              |
| “Annual Accounts”      | Means the yearly accounts of the Community Council demonstrating proper stewardship of the Community Council’s financial affairs.                                                                                                                                                                                                             |
| “Area”                 | Means the geographical area covered by the jurisdiction of the Council or may refer to an administrative area. The Council has 6 administrative areas known as Banff and Buchan; Buchan; Garioch; Formartine; Kincardine and Mearns; and Marr.                                                                                                |
| “Area Committee”       | Means an Area Committee comprised of Ward Members from within the applicable Area.                                                                                                                                                                                                                                                            |
| "Area Manager"         | Means the Chief Officer, or another officer at any time delegated by the Area Manager or the Chief Executive to fulfil the role of the Area Manager, of the Council who manages one of the Council’s areas as above and when used in the Scheme means the Area Manager for the Area that the respective Community Council is contained within |
| "Assets”               | Means money, property, vehicles, equipment, furniture and all other items under the control of the Community Council                                                                                                                                                                                                                          |
| “Associate Member”     | Means Members with skills, knowledge and interests which the Community Council consider would be of assistance to the Community Council in carrying out its functions and such a member has no voting rights                                                                                                                                  |
| “Authorised Signatory” | Means an officer who has been duly authorised to sign documents on behalf of the Community Council or Aberdeenshire Council                                                                                                                                                                                                                   |

**B**

“Bye-law(s)” Means a regulation made by the Council and confirmed by the Scottish Ministers relating to the Aberdeenshire area.

## C

"Chairperson" Means the person duly appointed to preside at a Meeting.

“Community Council Area” Means the area that a Community Council represents as set out in the reference map in Schedule 1

“Community Council” Means the voluntary body, independent of the Council, set up in terms of either the Local Government (Scotland) Act 1973 or the Local Government etc. (Scotland) Act 1994 with the role of representing, channelling and expressing the views of the local community.

“Community Council Legal Fund” Means the fund to which Community Councils can apply to assist them in accessing private legal advice.

“Community Councillor” Means a person that is elected or co-opted onto a Community Council

“Community Councillors’ Code of Conduct” Means the code of conduct in Schedule 5 of the Scheme

“Community Planning” Means a process ensuring public agencies work together with the community to plan and deliver better services.

“Confidential information” Means information as defined in Section 50A (2) and (3) of the Local Government (Scotland) Act 1973, which cannot be made available to the press or public.

“Constitution” Means the document that sets out the rules and regulations that sets out the governance arrangements of the Community Council.

“Co-opted Member” Means a member of the Community Council that has joined by the process of co-option

"Council" Means the Aberdeenshire Council constituted by virtue of and incorporated under the Local Government etc. (Scotland) Act 1994.

## D

## E

“Elected Member/ship” Means an eligible person or group of eligible persons that has been elected or co-opted onto the Community Council to serve as a Community Councillor

|                         |                                                                                                                                                                                                         |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| “Eligible Elector”      | Means a person who resides in the Community Council Area of the Community Council and is legally eligible to vote                                                                                       |
| “Ex-Officio”            | Means a member of a body (a board, committee, council, etc.) who is part of it by virtue of holding another office.                                                                                     |
| “Exempt Information”    | Means information which is exempt under Sections 50J and Part 1 of Schedule 7A of the Local Government (Scotland) Act 1973 and therefore cannot be made available to the press or public.               |
| F                       |                                                                                                                                                                                                         |
| G                       |                                                                                                                                                                                                         |
| “Governance”            | Means the way in which the Community Council is directed and controlled.                                                                                                                                |
| H                       |                                                                                                                                                                                                         |
| “Honoraria”             | Means a small amount of money being paid in recognition of acts or professional services for which there is not the usual expectation of being paid.                                                    |
| I                       |                                                                                                                                                                                                         |
| “Independent Verifier”  | Means qualified accountants currently in employment; retired accountants and other people familiar with financial matters who can demonstrate experience and expertise in accounting matters.           |
| “Interim Election”      | Means an election that is called when a Community Council is below the minimum number of members or a casual vacancy arises and the Community Council choose to fill it by interim election             |
| J                       |                                                                                                                                                                                                         |
| “Junior Member”         | Means a 14 or 15-year old person who lives in and/or is educated in a Community Council Area and is a member of that Community Council                                                                  |
| K                       |                                                                                                                                                                                                         |
| L                       |                                                                                                                                                                                                         |
| “Local Community Plans” | Means a plan which brings together the plans of a range of public services, community groups and voluntary organisations and sets out the actions and priorities for a local area for the next 3 years. |
| M                       |                                                                                                                                                                                                         |

|                         |                                                                                                                                         |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| “Meeting”               | Means a meeting of the Community Council                                                                                                |
| “Member”                | Means a member of a Community Council including elected member, co-opted member, associate member, junior member and ex-officio member. |
| “Members of the Public” | Means a member of the public and/or representatives of the press or media industries.                                                   |
| “Minute”                | Means the formal written record of the decisions taken at a Meeting.                                                                    |

## N

“Not complying with the Scheme” includes but is not limited to financial irregularities such as misuse of Community Council funds, and failing to keep proper accounts, persistent breaches of the Public Sector Equality Duty, regularly not making public the meeting agendas and minutes, breach of data protection legislation, and failure to meet agreed standards. This is not an exhaustive list.

"Notice" Means advance notice in writing or sent by email or any other electronic means.

## O

"Officer" Means an employee of the Council

“Ordinary Election” Means an election called in accordance with the Scheme’s provision for the three-yearly cycle

“Ordinary Meeting(s)” Means a Meeting included within the annually agreed schedule of Meetings of the Community Council

## P

“Points of Order” Means an appeal to the Chairperson for clarification or for a ruling on a matter of procedure.

“Poll” Means the process of voting in an election

"Public Holidays" Means 1 January, 2 January, Good Friday, May Day, Christmas Day and Boxing Day.

“Public Sector Equality Duty” Means the duty of a public authority to eliminate discrimination, harassment, victimisation, advance equality of opportunity and to foster good relations

between persons who share a relevant protected characteristic and persons who do not share it.

## Q

**Quorum** Means the minimum number of members required to be present to validate the proceedings of a Meeting.

## R

**“Report”** Means a report to a Committee of the Council that is an item on an agenda, a bulletin for a Committee, an update on the Council’s ward pages and an update by email to the Council’s councillors.

**“Request to Speak”** Means a request from a member of the public (including a petition), in terms of Standing Orders, to speak in front of a Meeting.

**“Returning Officer”** Means the Area Manager of the Council or the person nominated by them who will act as Returning Officer for the election of Community Councillors to a Community Council.

## S

**“Scheme for the Establishment of Community Councils”** Means the scheme implemented by the Council in terms of the Local Government etc. (Scotland) Act 1994 to govern the establishment of Community Councils in Aberdeenshire.

**“Service”** Means a department or branch of a local government that provides specified service/activities/accommodation required by the public.

**“Special Meeting(s)”** Means a Meeting which is not included in the annually agreed schedule of Meetings, and is called by the Chairperson or on a signed Requisition.

**“Standing Orders”** Means the rules which regulate the business and proceedings of all Meetings

**“Statute(s)”** Means written law passed by a legislative body.

“Statement of Accounts” Means a summary of all balances to the Council detailing all credits and debits to the accounts over a given time period.

“Steering Group” Means the group of Community Councillors who are elected or co-opted to serve on a Community Council but have been put into supported status by the Area Manager.

“Sub-Committee” Means a group which is established by the Community Council to deal with specific issues.

“Suspension” Means when a Community Councillor has been suspended from a Community Council and is prohibited from attending and taking part in meetings and Community Council activities.

T

V

W

“Ward”

Means the electoral divisions of Aberdeenshire Council.

“Working Day”

Means the days between and including Monday to Friday and does not include public holidays and weekends.

X

Y

Z