



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

The effective date of adoption of the Scheme: *

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SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS WITHIN ARGYLL AND BUTE

1 Introduction

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

2. Statutory Purposes

- 2.1 The statutory purposes of community councils established under the Scheme are set out in Section 51 (2) of the Local Government (Scotland) Act 1973, as follows: -

“In addition to any other purpose which a community council may pursue, the general purpose of a community council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable”

3. The Role and Responsibilities of Community Councils

- 3.1 The general purpose of community councils is to act as a voice for their local area. This will involve them articulating the views and concerns of local people in their area on a wide range of issues of public concern and making representations to their local authority, other public sector bodies and private agencies on matters within their sphere of interest.
- 3.2 It is essential that these views are demonstrated to be representative of the community. Accordingly, the community council will have in place, in consultation with the local authority, recognised consultative mechanisms to

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

4. Community Councils and Community Council Areas

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

5. Membership of Community Councils

- 5.1 A person is entitled to stand for election to, to be elected as, or to be a member of a community council provided that person –

has achieved 16 years

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

6. Community Council Elections

Electors

- 6.1 A person is entitled to vote in an election of community councillors provided that person –

has achieved 16 years of age on the day of election
has their name included in the electoral register for local government elections for the community council area in which they are voting.

Nominations and Elections

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

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

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

Returning Officer

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

Nominations

- 6.4 A candidate for election as a member of a community council will be validly nominated provided the nomination –

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

Self-nomination is not permitted.

Process

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

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

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

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

Method of Election

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

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

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

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

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

7 Use of Local Skills / Knowledge

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

8 Equalities

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

9. Meetings

- 9.1 The first meeting of a community council following a community council, will be called by the Returning Officer and will take place within 21 days of the date of the election, or as soon as practicable thereafter. The purpose of the first meeting will be to constitute the community council and the business of that meeting will include adoption of a Constitution and Standing Orders, appointment of office-bearers and any outstanding business matters from any outgoing community council. The Returning Officer, or a suitable deputy appointed in her/his place will chair the meeting.
- 9.2 The frequency of meetings will be determined by each community council, subject to one annual general meeting being held by the end of June each year and a minimum of 6 ordinary meetings being held each year for community councils where the electorate is above 600, or a minimum of 4 where the electorate is 600 or less.
- 9.3 The quorum at a meeting of a community council will be one quarter of the current number of e

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

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

11 Resourcing a Community Council

- 11.1 The financial year of each community council will be specified in the constitution of each community council. (r)21(i)-27EMC 320D 388(i)-b-960 0 units

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

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

12. Liability of Community Council Members

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

13. Complaints against Community Councils

- 13.1 Both elected and co-opted members of community councils must comply with and abide by the terms of this Scheme, the constitution of their community council (as may be amended from time to time) and the Code of Conduct for Community Council Members.
- 13.2 Community Councils are required to formally adopt a Complaints Procedure. A Model Complaints Procedure can be provided for consideration and may be incorporated in its entirety or amended as appropriate. The Procedure should be formally ratified at a meeting of the Community Council. Where no such Procedure has been agreed, and a complaint is received that requires to be determined, the Model Complaints Procedure will be utilised.

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

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

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

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

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

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

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

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

13.5.1 censure the member(s) in question;

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

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

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

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

- 13.7 A Conduct Review Panel (a “panel”) shall be established to deal with any complaints referred under clauses 13.3 or 13.5.4.
- 13.8 A Panel shall consist of 3 elected members of Argyll and Bute Council’s Regulatory Cohort plus 2 members of community councils within the Argyll and Bute Council area to which the complaint does not relate. The Panel will have a quorum of 3. Only Panel members present for all meetings in relation to a complaint can vote on the decision on that complaint.
- 13.9 If a complaint is made in respect of a decision of a community council to impose one of the sanctions set out at clauses 13.5.1 to 13.5.4 in respect of a previous complaint, including by the subject of that previous complaint, implementation of that sanction shall be suspended pending the Panel’s determination of the new complaint.
- 13.10 A Panel shall meet to decide a complaint within 12 weeks of the complaint being referred to it. In the event it cannot be decided within 12 weeks, all relevant parties will be notified of the revised timescales.
- 13.11 A Panel may, with the agreement of all relevant parties, refer a complaint for consideration by an independent person or body, which person or body shall have the same obligations and powers in respect of the complaint as the Panel.
- 13.12 Otherwise, a Panel shall decide on a simple majority whether the subject of the complaint has, on the balance of probabilities, failed to comply with the obligations set out at clause 13.1. If satisfied that those obligations have not been complied with, the Panel must:
- 13.12.1 impose one of the sanctions set out at clauses 13.5.1 to 13.5.3;
- 13.12.2 where the complaint concerns a community council’s

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

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

14. Dissolution of a Community Council

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

MODEL CONSTITUTION FOR COMMUNITY COUNCIL

11. Committees of the Community Council

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

12. Meetings of the Community Council

- (a) The quorum at a meeting of a community council will be one quarter of the current number of members, but will never be less than three.
- (b) Each year the community council will hold an annual general meeting by the end of June, for the purpose of receiving and considering the Convener's annual report, the submission and approval of the independently examined annual statement of accounts, the appointment of office-bearers and to set the annual meeting programme.
- (c) One annual general meeting and a minimum of 6 ordinary meetings of the community council will be held each year where the electorate is above 600 or a minimum of 4 ordinary meetings of the community council where the electorate is 600 or less.
- (d) Dates, times and venues of ordinary meetings of the community council will be fixed at the first meeting of the community council following ordinary elections and thereafter at its annual general meeting. Special meetings will require at least 7 days public notice, either called by the Convener, or on the request of not less than one-half of the total number of community council

MODEL STANDING ORDERS

1. Meetings (all held in public)

(a) Ordinary meetings of the COMMUNITY COUNCIL shall be held in the months of [to be entered]. Special Meetings may be called at any time on the instructions of the Convener of the COMMUNITY COUNCIL on the request of not less than one-half of the total number of COMMUNITY COUNCIL members; or the receipt of a common

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

5. Order of Debate

- (a) The Convener shall decide all questions of order, relevancy and

7. Alteration of Standing Orders

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

8. Committees

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

9. Suspension of Standing Orders

These Standing Orders shall not be suspended except at a meeting at which three-quarters of the total number of COMMUNITY COUNCIL members are

