



From mountain to sea

Scheme For The Establishment of Community Councils

1 January 2022



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Community Councils

Foreword

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 Guidance 2 there is a useful table, explaining the different roles within the Council and how they relate to Community Councils.

The Council is 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 operates as a steering group.

The Scheme also includes a set of Guidance Documents that sit alongside this Scheme and sets out the procedures and provisions for the formation and operation of Community Councils on the following topics

Guidance 1: Community Council Membership Numbers and the Boundaries Map. Requires updating due to the nature of the information

Guidance 2: Duties, Roles and Responsibilities of the Council

Guidance 3: contains the nomination form and other forms that may be required in respect of election procedures

Guidance 4: provides a 'model' constitution that meets the requirements of the Scheme and incorporates model Standing Orders

Guidance 5: provides the Code of Conduct for Community Councillors

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

Guidance 7: contains the Unacceptable Behaviour Procedure

Guidance 8: contains the Community Council Complaints Procedure

Guidance 9: contains the Supported Status Procedure

Guidance 10: contains the Elections Timetable

Guidance 11: contains the Filling Interim Vacancies

Guidance 12: contains Benefits of Young People

Guidance 13: contains Accessing Legal Advice Fund guidelines

The Guidance documents can be reviewed and amended by Aberdeenshire Council. Community Councils must be consulted on the proposed amendments, with the exception of the nomination form in Guidance 3, before amendments are authorised by the Head of Legal and People.

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

1 Introduction

- 1.1 Aberdeenshire Council, (“the Council”) in accordance with the terms of Section 53 of the Local Government (Scotland) Act 1973 has reviewed the Scheme for the Establishment of Community Councils (“the Scheme”) within the Aberdeenshire Council area, adopted by the Council on 1 April 2018. The Council agreed the revisions to the Scheme and adopted the revised version with effect from midnight on 31 December 2021. All Community Councils in the Aberdeenshire Council area shall be required to operate within the terms of this Scheme from 1 January 2022.
- 1.2 Any assets, liabilities, and bank accounts pertaining to any existing Community Councils established under the Scheme made on 1 April 2018 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 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 on 1 April 2018 shall continue, under this Scheme, to operate within existing boundaries or boundaries agreed by the Area Committee, 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.

Community Councils can lodge applications for planning consent. These attract a reduced application fee. Community Councils are expected to only lodge applications for works or projects they are carrying out or where they are directly involved as a community partner or stakeholder.

As Community Councils are statutory consultees on planning applications, the decision to submit applications on behalf of another body should be taken formally. The matter requires to be an item on a meeting agenda and the decision requires to be minuted. A Community Council will need to consider the benefit to the community, its role as partner or stakeholder and whether there is a conflict of interest. The reasons for a Community Council being unable to fulfil its statutory role must be clear and transparent.

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 (Guidance 4). 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 2018, other relevant legislation, and the Council's social media policies. If running a website, Community Councils shall keep this up to date.
- 3.7.5 enable the Area Manager to be up to date, by providing draft Minutes of Community Council meetings 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.
- 3.7.7 produce and maintain up to date membership records for sharing with the Area Manager.
- 3.7.8 accordingly encourage all Community Councillors to participate in any training provided by the Council for the benefit of Community Councils.
- 3.7.9 comply with the Code of Practice for the Exchange of Information (Guidance 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 set out in Guidance 1 to the Scheme which 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, twenty or more electors may request that elections are held to establish a Community Council for the area. The twenty 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 principal 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 or UK 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; or
 - c. own a second home within 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

Note section 6.2.1 will be in effect until 31 December 2023. Section 6.2.1A will supersede 6.2.1 and come into effect on 1 January 2024 in accordance with the decision made by Aberdeenshire Council on 23 September 2021.

- 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

6.2.1A Full Elections will be held every three years on a single election date. Interim Elections will be held in the intervening years if a Community Council has vacancies to fill.

- 6.2.2 Full Elections will be held within the timescales detailed in Guidance 10.

- 6.2.3 Interim Elections should follow the same general pattern of timescales.

- 6.2.4 Ballots will generally be held for Community Council areas where there are more nominations than vacancies ***or if a Community Council's constitution requires a ballot.***

- 6.2.5 Aberdeenshire Council will administer all elections.

- 6.2.6 Community Councils will be responsible for local promotion of their Community Council 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. ***This term of office is subject to the provision for a single election date (section 6.2.1A above). All Community Councillors will be required to stand for election in 2024. If elected in an interim election term will run until the next Full 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 Guidance 1. That nomination must be lodged within the period specified in the public notice of election.
- 6.4.4 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 (or other provisions) 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 Guidance 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 Guidance 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 Guidance 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 Guidance 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 **25** 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 of this Scheme.
 - iii. When an elected Community Council member has their membership disqualified in accordance with Section 9 of this Scheme.
 - 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 Guidance 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 the nine protected characteristics being age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, marriage and civil partnership, sex and sexual orientation.
- 8.2 Community Councils should consider, in particular, how they can contribute towards promoting equality on the basis of the above-named protected characteristics.

- 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 Council, 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 7.2 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 25 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 May or 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 Community Councils can meet in person and also via online virtual meetings. 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 Guidance 2.
- 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, 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 Note in Guidance 13)**.

- 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 Community Councils and Insurance

- 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 facilitates 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

- 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 Guidance 1, the Area Manager will initiate a Community Council going into supported status in accordance with Section 14.3 below provided that the Area Manager shall consult the Community Council in accordance with Section 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 People, 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 below to initiate a Community Council going into supported status provided that the Area Manager shall consult the Community Council in accordance with Section 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 Section 14.8 below.
- 14.3 In order for a 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 six 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 notify the Area Committee.
- 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 six months from the date of being in supported status or within an agreed extended period of time, then, at the end of the said period of six 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 below.
- 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 notify 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 above.
- 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 (or such other time period agreed by the Area Manager with remaining members of the Community Council) 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.

17 Disciplinary Matters

- 17.1 Complaints about Community Councils and Community Councillors must be dealt with in accordance with the procedure in Guidance 8.
- 17.2 After following the procedure in Guidance 8, Community Councils shall have the power to
1. permanently expel or suspend for a period of time, a member of the Community Council who is guilty of theft, in a court of law, of Community Council assets or who is found guilty of any other offence, in a court of law, which is deemed to affect their ability to participate in the activities of the Community Council.
 2. permanently expel or suspend for a period of time, a member of the Community Council who has brought the Community Council into disrepute by their actions or activities.
 3. suspend a member of the Community Council for a period not exceeding six months, when they have consistently or flagrantly breached an adopted Code of Conduct for Community Councillors (including repeated non-declaration of interests).
 4. impose other sanctions or requirements on the member.

Provided that a decision to expel must be unanimous, a decision to suspend must be with a two thirds majority and a decision to impose a sanction or other requirements by simple majority. The decision being made by the eligible voting members of the Community Council in attendance at the meeting.