

Cunninghame House,
Irvine.

24 March 2016

North Ayrshire Council

You are requested to attend a Special Meeting of the above mentioned Committee of North Ayrshire Council to be held in the Council Chambers, Cunninghame House, Irvine on **WEDNESDAY 30 MARCH 2016** at **3.00 p.m. or at the conclusion of the Ordinary Meeting of the Council, whichever is the later** to consider the undernoted business.

Yours faithfully

Elma Murray

Chief Executive

1. Apologies

2. Declarations of Interest

Members are requested to give notice of any declarations of interest in respect of items of business on the Agenda.

3. Community Council Scheme

Submit report by the Chief Executive on the outcome of the third and final period of public consultation on the current review of the Scheme for the Establishment of Community Councils (copy enclosed).

North Ayrshire Council

Sederunt:

Joan Sturgeon (Provost)
Robert Barr (Depute Provost)
John Bell
Matthew Brown
John Bruce
Marie Burns
Ian Clarkson
Joe Cullinane
Anthea Dickson
John Easdale
John Ferguson
Alex Gallagher
Willie Gibson
Tony Gurney
Jean Highgate
Alan Hill
John Hunter
Elizabeth McLardy
Grace McLean
Catherine McMillan
Peter McNamara
Ronnie McNicol
Ruth Maguire
Tom Marshall
Jim Montgomerie
Alan Munro
David O'Neill
Irene Oldfather
Donald Reid
Robert Steel

Attending:

Apologies:

Meeting Ended:

NORTH AYRSHIRE COUNCIL

Agenda Item 3

30 March 2016

North Ayrshire Council

Title: Community Council Scheme

Purpose: To report on the outcome of the third and final period of public consultation on the current review of the Scheme for the Establishment of Community Councils.

Recommendation: Agree that the Council (a) notes the outcome, to date, of the third period of public consultation on the review of the Scheme for the Establishment of Community Councils, as summarised in Appendix 1 to the report; (b) on the basis of the consultation responses received, (i) approves the retention of four community councils in the wider Irvine area (namely Irvine, Dreghorn, Girdle Toll and Springside Community Councils) and (ii) includes in the Scheme a provision to allow the option of postal and/or electronic voting at community council elections in the future; (c) approves the publication of the revised Community Council Scheme set out at **Appendix 2** to the report, incorporating the changes agreed by the Council at its special meeting on 17 February 2016 and the further changes arising from (b) above; and (d) agrees that officers commence arrangements to hold community council elections under the new Scheme.

1. Executive Summary

- 1.1 The current review of the Scheme for the Establishment of Community Councils has comprised three consultation periods. During the initial consultation period, consultation responses were invited on any aspect of the current Scheme. The second period of consultation saw a number of proposed amendments taken forward for further consultation. Following the second consultation period, the Council formally approved a number of uncontested amendments to the Scheme and agreed a third and final consultation period for two proposals which had received a 'mixed' response.
- 1.2 The Council is now invited to consider the outcome of the third and final consultation period on the review of the Community Council Scheme, as summarised at **Appendix 1**, and formally adopt the revised Scheme.

2. Background

- 2.1 At a Special Meeting held on 9 September 2015, the Council agreed to proceed with a formal review of the Scheme for the Establishment of Community Councils in terms of the Local Government (Scotland) Act 1973 (the "1973 Act") and Section 22 of the Local Government Etc (Scotland) Act 1994 (the "1994 Act").
- 2.2 The initial consultation period for the current review took place between 18 September and 13 November 2015. The Council considered the outcome of this at a Special Meeting on 25 November 2015 and agreed to take forward a number of proposals to a second period period of public consultation, from 4 December 2015 to 5 February 2016.
- 2.3 The outcome of the third period of consultation was reported to a Special Meeting of the Council on 17 February 2016. The Council agreed (a) to note the outcome of the second period of public consultation on the review of the Scheme for the Establishment of Community Councils, as summarised in an appendix to the report; (b) that the uncontested amendments set out at Appendix 1 to that report be approved for inclusion in a revised draft Scheme without any requirement for further public consultation; (c) that (i) the proposal to change the number of community councils serving the wider Irvine area from four (Irvine, Dreghorn, Girdle Toll and Springside Community Councils) to three (Irvine East, Irvine West and Irvine South) and (ii) the option of allowing postal and/or electronic voting, be the subject of further consultation during a third period of public consultation, from 26 February to 25 March 2016; and (d) that, following the adoption of a revised Scheme, officers from Economy and Communities (Connected Communities) support community councils in seeking to ensure that they are representative of the communities they serve, in terms of issues such as age, gender balance and disability.

3. Proposals

- 3.1 The Council is invited to note the consultation responses set out at **Appendix 1**. A verbal update will be provided at the meeting in respect of any further consultation responses received by the close of the consultation period on Friday 25 March.

- 3.2 During the second period of public consultation, the proposal to change the number of community councils serving the wider Irvine area from four (Irvine, Dreghorn, Girdle Toll and Springside Community Councils) to three (Irvine East, Irvine West and Irvine South) was not supported by Irvine Community Council as the only community council currently active in this area. A number of community associations and residents groups in the wider Irvine area (Springside, Dreghorn, Bourtreehill and Broomlands and Lanfine Community Associations and Bourtreehill and Broomlands Tenants and Residents Association), were further canvassed for their views of this particular proposal during the third period of public consultation. In response, Dreghorn Community Association indicated its support for three community councils for the wider Irvine area. No further consultation responses have been received to date during the third consultation period, whether from local Elected Members, members of the public, or local tenants and residents groups. Given that a change from four to three community councils in the wider Irvine area would impact directly on the only active community council in this area and that community council has expressed its opposition to a change, the Council is asked to approve the status quo, namely the retention of four community councils in the wider Irvine area (namely Irvine, Dreghorn, Girdle Toll and Springside Community Councils).
- 3.3 During the second period of public consultation, only two consultation responses, from Irvine and Fairlie Community Council, were received in respect of the proposal to include provision for postal and/or electronic voting and neither was supportive. Five further consultation responses were submitted during the third and final consultation period: from Arran Community Council, Kilbirnie and Glengarnock Community Council, Dreghorn Community Association, an individual respondent and an Elected Member. Dreghorn Community Association has responded to advise that it would be in favour of postal, but not electronic voting. Arran Community Council, Kilbirnie and Glengarnock Community Council, the individual respondent and the Elected Member have indicated that they would favour neither at the current time.
- 3.4 It is noted that the proposal to include provision in the Scheme for postal and/or electronic voting did not meet with the approval of the small number of consultation respondents. Whilst it is recognised that there may not be an appetite at present for the implementation of new methods of voting at community council elections, it is nevertheless recommended that this is included as an **option** within the Scheme, on the basis that this would be implemented at the discretion of the Council if/when officers are satisfied that the necessary arrangements are secure, affordable and only where supported by the community council(s)/community associations in a particular area. However, given that the Scheme is reviewed only infrequently (due in part to the formality of the review process required by legislation), it would seem prudent to seek to ensure it has enough flexibility to adapt to changing circumstances in future.

- 3.5 The Council is asked to approve the publication of the revised Community Council Scheme set out at **Appendix 2**, incorporating the changes agreed by the Council at its special meeting on 17 February 2016 and the further changes arising from 3.2 and 3.3 above.
- 3.6 Following formal publication of the revised Community Council Scheme, officers from the Council's Connected Communities and Committee Services sections will make the necessary arrangements to hold community council elections.

4. Implications

Financial:	The cost of public notices and community council elections will be met from existing budgets.
Human Resources:	None arising from this report.
Legal:	Provision for the establishment and review of community councils is contained within the Local Government (Scotland) Act 1973 and the Local Government Etc. (Scotland) Act 1994.
Equality:	The review is intended to ensure that community councils can be as inclusive and representative as possible, particularly with regard to encouraging younger members.
Environmental & Sustainability:	None arising from this report.
Key Priorities:	The outcome of the review will help with Council engage with communities more widely through community councils as representative bodies and assist with Local Planning and Local Outcome requirements of the Community Empowerment (Scotland) Act 2015.
Community Benefits:	Not applicable.

5. Consultation

- 5.1 A public consultation exercise has been carried out, including a formal public notice in the local press, information on the Council's website and social media, and correspondence with community councils, Elected Members, individual respondents, tenants and residents associations, and Services of the Council.



ELMA MURRAY
Chief Executive

Reference :

For further information please contact Melanie Anderson, Committee Services Team Leader on telephone number 01294 324131

Background Papers

Current Scheme for the Establishment of Community Councils
Correspondence with community councils and other consultation respondents.

Review of the Scheme for the Establishment of Community Councils

Third Consultation Period: Consultation Responses

Community Council Responses	Consultation Response
Arran Community Council	<ul style="list-style-type: none"> • the option of allowing postal and/or electronic voting is not seen as a priority at this time and, with other reductions in expenditure adversely impacting the communities and services, we would propose that this is not followed up at this time. • with the recent experience where CC's have not required to hold elections as such due to the lack of applicants requiring such a system, we would respectfully suggest that any available expenditure is focussed to encourage participation in CC's and then if an election is required it can be held in public in a hustings style event and allow the applicants the opportunity to present their case to the community. This format worked very well on Arran recently and was appreciated by the communities impacted. • If an electronic or postal system was to be implemented we would suggest that funding for the candidates would need to be made available to allow them to produce material for distribution to the communities promoting their case in a similar manner to that of elected members, MSP's etc. Without such funding the system, how will the communities find out the candidates strengths etc.? • To develop such a system at this stage is considered a poor use of resources at this time of cost constraints and may also contribute to another delay in completing this long running review before we finally can move forward.
Kilbirnie & Glengarnock Community Council	<ul style="list-style-type: none"> • We did not tell the members of the Public our choice but gave them the options of the existing voting system or phone/internet voting. The unanimous answer was to keep the existing system. They pointed out that unless you came to the meetings, you wouldn't know who we were and as we wouldn't be standing for a political party we had no ticket to stand on. Therefore as far as they were concerned only people who bothered to turn up should be entitled to vote.

Community Association/Residents Group Responses	Consultation Response
Dreghorn Community Association	<ul style="list-style-type: none"> • Agree with postal votes but not electronic • Choose option of 3 community councils for the wider Irvine area (Irvine West, East and South)

Individual Responses	Consultation Response
A. Perry	<ul style="list-style-type: none"> • Allowing postal or electronic voting for community councils would be a complete waste of time and money. Somebody would have to count and monitor the votes whereas the current method involves only those attending the meeting on the night. The only people who have any interest on what is happening locally are those who attend the meetings and they are the only people who should cast a vote. Those who do not attend do not care
Cllr Highgate	<ul style="list-style-type: none"> • Not certain that postal and/or electronic voting would be a good idea as it is essential that residents engage with the Community Councils and what better way, than to attend the AGM, see who the nominees are, and vote. If they did not have to attend, it would be too easy for 'single issue' nominees to gain support.

SCHEME for the Establishment of Community Councils in North Ayrshire adopted by the Council for the purposes of Section 52 of the Local Government (Scotland) Act, 1973

March 2016

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North Ayrshire Council

Scheme for the Establishment of Community Councils in North Ayrshire

1. Background

In 1976, the former Cunninghame District Council prepared a Scheme for the Establishment of Community Councils in accordance with Section 52 of the Local Government (Scotland) Act 1973. The Scheme was subsequently reviewed and amended in 1987 in terms of Section 53 of the Act and, in 1996, was adopted by North Ayrshire Council. Following appropriate public consultation, the Scheme has been further revised and the present Scheme was adopted by the Council on 14 February 2006.

In terms of the Community Empowerment (Scotland) Act 2015, North Ayrshire Community Planning Partnership must divide North Ayrshire into smaller localities and publish a locality plan for each of its localities. This plan must set out the priorities for the locality and proposed improvements. North Ayrshire Community Planning Partnership has divided North Ayrshire into six localities:-

- Irvine
- Kilwinning
- The Three Towns
- Garnock Valley
- Arran
- The North Coast and Cumbraes

Within each area, there will be a Locality Partnership on which each Community Council may be represented. The core aim of such Locality Partnerships is to develop the Locality Plan and seek to align the priorities and work of Community Planning Partners, Community Councils and the community towards the implementation of the Plan's priorities. Each Community Council will be expected to play a full part in its Locality Partnership, and in the development of the relevant Locality Plan. A charter will be developed to outline more fully the relationship between individual Community Councils and Locality Partnerships.

2. Role and Responsibilities of Community Councils

- (1) In terms of Section 51(2) of the Local Government (Scotland) Act 1973, the purpose of a Community Council, in addition to any other purpose which it may pursue, 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".
- (2) Community Councils should seek to represent a full cross-section of the community. This means that Community Councils must not be party-political and must seek to promote equality and good relations between all members of the community.

- (3) Each Community Council should endeavour to ensure that its views are seen to be representative of the community as a whole. To this end, Community Councils should have in place consultative mechanisms to validate their views and devise strategies to secure greater community involvement.

3. Community Councils to be Established in North Ayrshire

- (1) There is provision for the operation of seventeen Community Councils in North Ayrshire as set out in Annexe 1 to the Scheme and detailed in the Community Council Boundary Map (Annexe 2 to the Scheme).
- (2) Every part of North Ayrshire lies within the area of one or other of the seventeen Community Councils. No Community Council shall be precluded from expressing views on, or taking action in relation to, any matter which affects, or will affect, the community solely on the ground that the matter is related primarily to land or property beyond the boundaries of the area of the Community Council.

4. Composition of Community Councils

Each Community Council may comprise the undernoted categories of member:-

(i) Elected Community Councillors

Each Community Council shall be composed primarily of Elected Community Councillors who must fulfil the qualifications for election set out in Paragraph 6 below. Elected Community Councillors shall be entitled to vote and hold office and their attendance shall form part of the quorum of Community Council meetings (set out at Paragraph 15(4) and summarised in Annexe 1 to the Scheme).

The maximum number of members with voting rights on each Community Council shall be as prescribed in Paragraph 5 below and summarised in Annexe 1 to the Scheme.

(ii) Co-opted Community Councillors

Community Councils shall be entitled to fill casual vacancies either by election or by co-option. Co-opted Community Councillors must fulfil the qualifications for election set out in Paragraph 5 below, shall be entitled to vote and hold office and their attendance shall form part of the quorum of Community Council meetings (set out at Paragraph 15(4) and summarised in Annexe 1 to the Scheme).

(iii) Appointed Advisors

The Community Council shall also be entitled to co-opt a number of Appointed Advisors to represent local organisations or groups of organisations within the area of the Community Council in an advisory capacity. The co-option of Appointed Advisors also provides an opportunity to involve young people or other individuals who may not qualify for election as Elected Community Councillors.

The number of Appointed Advisors on a Community Council shall not at any time exceed one half of the maximum number of Community Councillors prescribed in Paragraph 5 below and summarised in Annexe 1 to the Scheme.

Appointed Advisors do not require to fulfil the qualifications for election as Elected Community Councillors, shall not have voting rights, are not entitled to hold office and their attendance shall not form part of the quorum of Community Council meetings (set out at Paragraph 15(4) and summarised in Annexe 1 to the Scheme).

(iv) **Ex Officio Members**

The local Elected Member(s), Member(s) of Parliament and Member(s) of the Scottish Parliament for the area covered by the Community Council shall be ex officio members of the Community Council for their area. Such ex officio members shall be entitled to attend and address all meetings of the Community Council, but their attendance shall not form part of the quorum (as set out at Paragraph 15(4) and summarised in Annexe 1 to the Scheme) and they shall not be entitled to vote.”

5. Number of Elected Community Councillors on Each Community Council

The number of Community Councillors with voting rights on each Community Council shall be:-

- (i) In the case of Arran Community Council, twelve;
- (ii) In the case of Beith and District Community Council, ten;
- (iii) In the case of each of the other fifteen Community Councils:-

either seven

or one for each thousand of the population of the area of the Community Council, rounded up to the nearest thousand

whichever is the greater; and

- (iv) notwithstanding the provisions set out in (i), (ii) and (iii) above, a Community Council may, in order to encourage greater community participation, request that its membership be increased. Such increases shall be permitted at the discretion of the Council and the quorum/minimum viable membership of the Community Council in question shall be amended in accordance with the higher membership figure.

6. Qualifications for Election, or Service, as an Elected Community Councillor

In order to qualify for nomination as a Community Councillor, a person shall:-

- (i) have attained the age of 16 years and not be subject to any legal incapacity; and
- (ii) be, on the date on which he/she is nominated as a candidate, a local government elector for the area of the Community Council, or otherwise prove to the satisfaction of the Council that he/she are resident within the Community Council area in question.

7. Term of Office of Community Councillors

The term of office of Community Councils shall be as set out below:-

(i) Elected Community Councillors

All Elected Community Councillors elected at the Initial Election to any Community Council shall hold office for a period not exceeding four years from the date of the Initial Election and shall then retire. Thereafter, all Elected Community Councillors shall hold office as Community Councillors for a period not exceeding four years from the date of their election and shall then retire.

Community Councils may, to provide some continuity in the running of the Community Council, vary their constitutions to provide for half of the Elected Community Councillors retiring after a period of one year in the first instance and, thereafter, being eligible for further periods of four years.

(ii) Co-opted Community Councillors and Appointed Advisors

All Co-opted Community Councillors and Appointed Advisors shall retire with the Elected Community Councillors.

(iii) All retiring Elected and Co-opted Community Councillors and Appointed Advisors shall be eligible for re-election or co-option.

(iv) All Community Councillors, prior to taking up office, must sign an acceptable document which confirms that they will comply with the terms of the Code of Conduct for Community Councillors published by the Scottish Government (see Annexe 5).

8. Casual Vacancies

(i) On a casual vacancy occurring in the office of Elected Community Councillor, the Council shall decide whether:-

(a) to fill the vacancy by a By-Election carried out in accordance with the timetable and procedures for an Ordinary Election; or

(b) to fill the vacancy by co-opting a person qualified in terms of Paragraph 6 of this Scheme to serve on the Community Council until the next Ordinary Election; or

(c) to leave the vacancy unfilled until the next Ordinary Election.

- (ii) In the case of a casual vacancy arising in Arran Community Council, every effort should be made to ensure that the vacancy is filled by a person from the relevant Extended Village.

9. Method of Election of Elected Community Councillors

- (i) Elections of Elected Community Councillors shall ordinarily be held on a community basis at a community meeting arranged for that purpose. Contested elections shall be determined by secret ballot (in accordance with Annexe 4 to the Scheme).
- (ii) In the case of Arran Community Council, because of the very scattered nature of the community, such elections shall ordinarily be held on an Extended Village basis at a village meetings in each of the following Extended Villages:-

Arran Community Council:

<u>Extended Village</u>	<u>Number to be Elected</u>
(a) Brodick	2
(b) Corrie (including Sannox)	1
(c) Kilmory (including Kildonan)	1
(d) Lamlash	2
(e) Lochranza	1
(f) Pirnmill	1
(g) Shiskine (inc.Blackwaterfoot)	2
(h) Whiting Bay	2

The boundaries of the area of each Extended Village are defined in the map contained in Annexe 3 to the Scheme.

- (iii) Notwithstanding the requirements set out at (ii) above, the Council may exercise discretion in terms of the imposition of the Extended Village provisions.

10. Initial Community Council Elections

Where no fewer than 20 electors in any area have applied in writing to the Council for the establishment of a Community Council in accordance with the Scheme, the Council will, as quickly as possible and, in any event, within six weeks from the date of the application, organise an initial election of Elected Community Councillors as follows:-

- (i) The Council shall arrange a public meeting for the area in question for the purpose of electing Community Councillors. In the case of Arran Community Council, a separate meeting shall be arranged for each Extended Village as set out in Paragraph 9 above.
- (ii) At least 28 days before the election meeting(s), the Council shall publish in the local press and on public notice boards in the area, a notice giving particulars of the date, time and place at which the meeting(s) is/are to be held and inviting local government electors for that Community Council area (or, in the case of Arran Community Council, that Extended Village) to attend. The notice shall also call for nominations in writing to the Council.

- (iii) Each nomination must contain the name, address and signature of the person nominated and the names and addresses of two proposers, each of whom must also be a local government elector for the Community Council area. A local government elector may propose a maximum of two nominees for election as Community Councillors. Each nomination paper must be signed by the person nominated and by each of the two proposers.
- (iv) The closing date for the submission of written nominations shall be seven days prior to the date of the election meeting. At the discretion of the Council, where a nomination is received by the closing date but is, upon examination, found to contain the name of a proposer who does not appear on the electoral register, the nomination may be accepted as having been lodged in good faith, subject to details of a suitably qualified proposer being submitted by the nominee, within a timescale to be determined by the Council.
- (v) At the election meeting, the Chair will be taken by a member of the Council. The business of the meeting will be:-
 - (a) such discussion of the affairs of the Community as the Chair, at his or her discretion and having regard to the time available, shall permit; and
 - (b) if the number of persons duly nominated exceeds the prescribed number of Elected Community Councillors for that Community Council area (or, in the case of Arran Community Council, that Extended Village), to select by secret ballot of all electors present at the meeting, the Elected Community Councillors from the persons duly nominated in accordance with the rules set out in Annexe 4 to the Scheme

or

if the number of persons duly nominated equals the prescribed number of Elected Community Councillors, to declare the persons nominated duly elected

or

if the number of persons duly nominated is less than the prescribed number of Elected Community Councillors, to declare the persons nominated duly elected and to call for further nominations of electors from the meeting. Any further nominations so received shall be elected by a secret ballot of all electors present at the meeting, to bring the number of Elected Community Councillors to the prescribed number.

All Notices shall be published in the local press.

- (vi) Notwithstanding the provisions set out in (i)-(v) above, the use of postal and/or electronic voting may be implemented at the discretion of the Council

11. Ordinary Community Council Elections

- (i) In the year in which the Elected Councillors for any area elected at an Initial Election retire and every four years thereafter, each Community Council shall organise an Ordinary Election. In the case of Arran Community Council, a separate election meeting shall be arranged for each Extended Village as set out in Paragraph 9 above.
- (iii) Ordinary Elections shall, at the discretion of the Council, take place during the months of September, October or November of the year in which an election is due to be held. The Community Council, in making arrangements for an Ordinary Election, shall be responsible for following the procedure set out in Paragraph 10(i), (ii), (iii), (iv), (v) and (vi) above.

12. Election of Community Council Officers

- (i) At the close of each Community Council meeting held to conduct either the Initial Election or an Ordinary Election of Elected Community Councillors, the Elected Community Councillors shall meet to elect from their own number the undernoted officers. In the case of Arran Community Council, the election of Community Council Officers shall instead take place at a meeting in Lamlash as soon as possible following the Initial or Ordinary Elections Village Meetings.
- (ii) The following office bearers shall be elected:-
 - (a) a Community Chair or, pending the future election of a Community Chair, an Interim Chair;
 - (b) either a Community Secretary and a Community Treasurer or a Community Secretary/Treasurer; and
 - (c) such other officers as are deemed necessary.
- (iii) Each nomination for office shall require to be proposed and seconded by an Elected Community Councillor. In the event of there being more than one nomination for a single office, a vote shall be taken by a show of hands and the nominee with the highest number of votes declared elected. In the event of an equality of votes, the election shall be determined by the drawing of lots.

13. The Role of Community Council Officers

(i) Community Chair

The Community Chair or, in his/her absence, another member of the Community Council nominated by the Community Council, shall preside at all meetings of the Community Council. The Chair shall be responsible for the conduct of the meeting and his/her decision in matters of debate, shall be final.

(ii) **Community Secretary**

The Community Secretary shall be the official correspondent of the Community Council and shall be responsible for the preparation and circulation of notices of meetings, reports, minutes, etc. The Secretary shall ensure that a copy of the Minutes of that meeting is forwarded to the Council for its interest and displayed at the venue(s) where the Community Council ordinarily meets. The Secretary shall also keep the Council advised of any changes to the membership of the Community Council, including office bearers.

(iii) **Community Treasurer**

The Community Treasurer shall keep accounts of all financial transactions of the Community Council and shall be responsible to the Community Council for the proper administration of its financial affairs in accordance with Paragraph 18 of this Scheme. The Treasurer shall ensure that the Community Council's accounts are presented timeously to the Council for the purposes of auditing.

14. Removal from Office of a Community Councillor or Community Council Officer

- (1) A Community Councillor may remove from office any Community Council officer, subject to a vote of no confidence first being carried by a majority of the current membership of Elected (or Co-opted) Members of the Community Council.
- (2) If a Community Councillor fails to attend meetings of the Community Council for a period of six months, he/she will cease to be a member of the Community Council, unless prior approval of his/her absence is given by the Community Council.

15. Meetings of the Community Council

- (1) Each Community Council shall be required to meet at least six times a year and may otherwise meet as and when it deems necessary to pursue the purposes of the Community Council as set out in Paragraph of the Scheme.
- (2) Three clear days before a meeting of the Community Council, a notice of meeting, specifying the business to be transacted, shall be issued by the Community Secretary to members of the Community Council, the local Elected Member and the local press and posted on a local notice board. Want of the service of a notice of meeting to an individual Community Councillor shall not, however, affect the validity of a meeting.
- (3) Meetings shall be open to the public and, at the discretion of the Chair, members of the public may be invited to address the meeting on a particular subject.
- (4) No business shall be transacted at a Community Council meeting unless a quorum of Elected and Co-opted Community Councillors (excluding Appointed Advisors) is present. The quorum shall be one-fourth of the membership of the Community Council (excluding Appointed Advisors), rounded up, or a minimum of three Elected/Co-opted Community Councillors, whichever is the greater, as set out in Annexe 1 to the Scheme.

16. Appointment of Committees by Community Councils

Each Community Council may appoint such Committee or Committees as it deems necessary to be concerned with, and report to the Community Council on, any specified part of the affairs of the Community. In particular, each Community Council may appoint such a Committee for a particular part of the area of that Community Council. Each Committee shall consist primarily of a number of Elected (or Co-opted) Community Councillors, but the Community Council may also appoint to it such other persons (whether or not they are Appointed Advisors) as it deems appropriate, provided always that the number of such persons does not at any time exceed one half of the number of Elected (or Co-opted) Community Councillors appointed to the Committee.

17. Extraordinary Community Meetings and/or Village Meetings

Each Community Council may at any time call an Extraordinary Community Meeting to ascertain the views of the Community on any particular matter if it is satisfied that the matter is sufficiently important to justify such a meeting and that there is doubt as to the views of the local community.

18. Finance

(1) Each Community Council shall have powers to raise funds for its purposes in any of the ways in which voluntary organisations raise funds. In addition, the Council propose to give each Community Council financial assistance as follows:-

(i) Ordinary Expenditure

North Ayrshire Council will, following satisfactory audit of Community Council accounts, pay to each Community Council an annual grant (being a fixed sum for each Community Council, a sum per thousand of the population of the area of the Community Council or a sum determined by such other mechanism as the Council may decide) towards the cost of all ordinary administration, including the cost of publishing notices, stationery, copying, postage, Remembrance Day wreaths and administrative expenses associated with community consultation exercises, and the cost of meeting any claims for out-of-pocket expenses necessarily incurred by Community Councillors with the knowledge and approval of the Community Council. The grant payable to Community Councils will be set each year by the Council having regard to available resources, the other demands on these and experience as to the necessary running costs of Community Councils. If any Community Council has, at the end of any financial year, an unexpended and uncommitted balance of annual grant previously given to it by the Council, that balance shall be deducted from whatever sum would otherwise have been due to it for the following year.

(ii) Extraordinary Expenditure

Any Community Council wishing additional financial assistance from the Council (whether in the form of a grant or a loan) to meet some or all of the cost of a particular project(s), will require to submit to the Council for consideration, full particulars of the project(s) with detailed estimates of the costs involved.

(2) Accounts

Each Community Council shall be bound to keep proper financial records, fully vouched, to prepare annual accounts and to submit these to the Council.

(3) Auditor

The Assistant Chief Executive (Finance) of North Ayrshire Council shall ex officio be the Auditor of each Community Council and, as such, his/her duty shall be to ensure that the accounts of the Community Council are fully and accurately stated and properly vouched. For this purpose, he/she shall be entitled to call for and inspect all financial records, vouchers and accounts at any time.

19. Clerical and Typing Assistance

The Council will, subject to the exigencies of the service, provide the Community Council Secretary and Treasurer (or Secretary/Treasurer) with necessary clerical and typing assistance by Council staff but, having regard to the limited functions of Community Councils, the Council is satisfied that no Community Council in North Ayrshire will ordinarily require the exclusive services of full- or part-time staff and it will not ordinarily provide for, or offer financial assistance towards, the cost of any such staff employed by a Community Council.

20. Meeting Accommodation

The Council will, subject to the exigencies of the service, provide each Community Council with suitable meeting accommodation for a maximum of 15 lets per year free of charge and storage accommodation, but it does not consider that any Community Council in North Ayrshire will ordinarily require the exclusive everyday use of offices or other premises, vehicles or equipment and it will not ordinarily provide for, or offer financial assistance towards the cost of, any offices, premises, vehicles or equipment.

21. Keeping Community Councils and North Ayrshire Council Informed

(1) North Ayrshire Council will supply to each Community Council, free of charge, one copy of the Minutes of Meetings of Committees. Each Community Council will, within a period of three weeks following a Community Council meeting, supply North Ayrshire Council, free of charge, with one copy of the Minutes of their Meetings.

- (2) The Community Secretary or Secretary/Treasurer shall keep the Council informed as to (a) the names and addresses of Elected (and/or Co-opted) Community Councils; (b) which of these have been elected as Community Council Officers; and (c) the names of any Appointed Advisors, with an indication, if applicable, for the local organisations or groups of organisations they represent.
- (3) Where a Community Council requires any information about any matter from North Ayrshire Council, it will require to write with a request for the information to the Chief Officer of the Service concerned or, if in any doubt as to which Service is concerned, to the Chief Executive. The Chief Officer or Chief Executive will then provide the information requested UNLESS, exceptionally (a) this would be contrary to an instruction of the Council; (b) in the reasonable opinion of the Chief Officer or Chief Executive, the provision of such information might be in breach of the terms of, or fall within the exemptions set out in, any legislation relating to Freedom of Information, Access to Information or Data Protection; or (c) for some definite reason he/she believes the provision of the requested information to be inappropriate. In the latter event, the Chief Officer will report to the next meeting of the appropriate Committee of the Council the nature of the request and his/her reason for refusing it.
- (4) Where a Community Council wishes to discuss any matter with the Council, the Community Secretary or Secretary/Treasurer should, in the first instance, advise the local Councillor(s) concerned. The Councillor, or if he/she considers it necessary or desirable, may ask the Chief Executive or the Chief Officer to nominate an appropriate officer to accompany him/her to the meeting. In any event, a Community Council may directly invite an Officer of the Council to attend a Community Council meeting for a specific purpose and attendance will be considered, subject to the exigencies of the service.
- (5) North Ayrshire Council shall not supply to any Community Council any information about the private affairs of any individual, firm or company and shall not discuss with any Community Council such affairs and shall in all matters preserve the confidentiality of information supplied in confidence.
- (6) Where a Community Council wishes any information from, or to discuss any matter with, any other public authority to enable it to discharge its functions under Paragraph 2 of the Scheme, the Community Secretary or Secretary/Treasurer shall write to the Chief Executive or to the appropriate Chief Officer for that authority, requesting the information or an opportunity for discussion.
- (7) Each Community Council shall give the Press and local elected Member(s) of North Ayrshire Council, notice of all Community Council meetings and the Press and local elected Member(s) shall be entitled to attend.

22. Action on Behalf of the Community

- (1) Where the Council see a need for local action of any kind on behalf of any Community, it will ordinarily refer the matter to the Community Council, unless the Council determines that the matter is more appropriately dealt with by some other local organisation or mechanism.

- (2) No Community Council shall be entitled to sponsor candidates for election either as Elected Community Councillors or to any other public office.

23. Constitutions of Community Councils

Each Community Council shall be entitled to draw up for itself a Constitution and Standing Orders consistent with the provisions of this Scheme. Financial and other assistance from the Council will depend on the Constitution and Standing Orders obtaining the approval of the Council. Such approval will not be unreasonably withheld. The Council will be willing, on request, to supply a model constitution for guidance and advice on the drawing up of standing orders.

24. Dissolution

- (1) In the event that (a) the number of casual vacancies occurring in any Community Council within one term of office exceeds one half of the Elected Community Councillors (in accordance with Annexe 1) or (b) the Community fails to meet and/or be quorate on six occasions each year, the Community Council shall immediately inform North Ayrshire. The Council may allow, or refuse to allow, the Community Council to co-opt a further member or members or, notwithstanding the provisions of this Scheme, issue instruct the Community Council to take such action as it deems appropriate.
- (2) If the Council approves the dissolution of a Community Council, such funds as are vested in the Community Council at the date of its dissolution shall transfer to North Ayrshire Council. The Council shall apply the funds for the benefit of the inhabitants of the Community Council area, provided a preference is, in any event, given to the transfer of such funds to a successor Community Council established in accordance with the terms of this Scheme. Community Councils may, prior to formal dissolution, dispose of any assets purchased solely as a result of local fund-raising schemes, subject to consultation with the Council.

25. Review of Schemes

In terms of Section 53 of the Local Government (Scotland) Act 1973, as amended, the Council may, from time to time, review the Scheme having regard to changing circumstances and any representations made to it. If a review is considered appropriate, the Council shall give public notice and invite representations. After considering any representations received, the Council may amend the Scheme in accordance with the notified proposals. Alternatively, the Council may amend its proposals to take into account representations received and give public notice of the amended proposals with an invitation to make representations. Thereafter, the Council may amend the Scheme accordingly.

ANNEXE 1

<u>Community Council</u>	<u>Population*</u>	<u>Minimum Required Membership of Community Council</u> <i>(see para. 24(1))</i>	<u>Maximum Membership of Community Council</u> <i>(see para. 5)</i>	<u>Maximum Number of Appointed Advisors</u> <i>(see para. 4)</i>	<u>Quorum for Meetings</u> <i>(see para. 15(4))</i>
Ardrossan Community Council	10,572	6	11	6	3
Arran Community Council	4,589	6	12	6	3
Beith & District Community Council	7,055	5	10	5	3
Cumbrae Community Council	1,368	4	7	3	3
Dalry Community Council	5,896	4	7	3	3
Dreghorn Community Council	4,042	4	7	3	3
Fairlie Community Council	2,522	4	7	3	3
Girdle Toll Community Council	14,955	8	15	7	4
Irvine Community Council	18,839	10	19	10	5
Kilbirnie & Glengarnock Community Council	7,378	4	8	4	3
Kilwinning Community Council	16,615	9	17	8	5
Largs Community Council	11,337	6	12	6	3
Saltcoats Community Council	13,413	7	14	7	3
Skelmorlie Community Council	2,957	4	7	3	3
Springside Community Council	1,249	4	7	3	3
Stevenston Community Council	8,996	5	9	5	3
West Kilbride Community Council	4,667	4	7	3	3

*Source: Population corrected since 2003 Scheme, using National Records of Scotland Small Area Population Estimates 2014, calculated on best-fit basis using 2011 data zones

ANNEXES 2 AND 3

The Community Council boundary map (Annexe 2) and Extended Village boundary map (Annexe 3) may be viewed within the Chief Executive's section.

ANNEXE 4

Rules for the Conduct of a Secret Ballot of the Electors Present as a Community Meeting or Village Meeting held for that Purpose

1. The Chair shall be the duly elected Chair of the Community Council or, in his/her absence, a member of the Community Council nominated by him or, should no member be so nominated, such other person nominated by those present and eligible to vote at the meeting.
2. The Chair will explain that only those persons who are electors (i.e. whose names appear in the current Electoral Register for the area in question) are allowed to vote and will ask any person present who are not electors to identify themselves. He/she will ask any persons present to challenge whether any other person present is an elector. Any such challenge will be determined by reference to the current Electoral Register.
3. The Chair will then invite the Meeting to appoint such number of enumerators as shall, in the opinion of the Chair, be required for the purposes of the ballot.
4. The Chair will then arrange for each elector present at the Meeting to be issued with a ballot paper containing the names of all candidates duly nominated for election and will invite each elector to use the ballot paper to vote in secret for a number of candidates equal to or less than the number of persons to be elected. The enumerators will then collect the completed ballot papers and immediately count the number of completed ballot papers returned and the number of votes cast for each candidate and advise the Chair accordingly.
5. The Chair will then announce the result of the ballot and declare duly elected those candidates **who received the highest number of votes in descending order up to the total number of places to be filled.**
6. If there is an equal number of votes cast for a number of persons for any remaining places to be filled, the Chair will arrange for each elector present to be issued with a further copy of the ballot paper containing the names of all the persons originally duly nominated. He/she will then ask each elector to delete from the names on the ballot paper the names of any of the original candidates who have already been declared elected and will then invite each elector to use the ballot paper to vote in secret for a number of the remaining candidates equal to or less than the number of persons still remaining to be elected. The enumerators will then collect the completed ballot papers and immediately count the number of completed ballot papers returned and the number of votes cast for each candidate and advise the Chair accordingly. The Chair will then declare the result of the ballot for the remaining places.
7. In the event of a further equality of votes cast for any remaining places to be filled, the Meeting shall proceed to a third and, if necessary, to further ballots all conducted as indicated in Rules 4,5 and 6 until the total number of candidates declared elected equals the number of persons to be elected.
8. The Chair will then declare the Meeting closed insofar as the election of Community Councillors in concerned.

During the course of the Meeting, the Chair shall, in his/her discretion, answer any questions and resolve any complaints or grievances arising regarding the conduct of the ballot or any other matter whatsoever and his/her decision thereon shall be final and shall not be open to discussion. All questions, complaints and grievances shall be drawn to the attention of the Chair as they arise and shall not be entertaining after the Chair has declared the Meeting closed insofar as the election of Community Councillors is concerned.

ANNEXE 5

Code of Conduct for Community Councillors

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life, etc. (Scotland) Act 2000.

Community Councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles, shall apply to all Community Councillors and those representing the Community Council. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

Service to the Community

As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Councils Scheme for the Establishment of Community Councils, as set out by your local authority under the terms of the Local Government (Scotland) Act 1973.

You have a duty to establish and reflect, through the Community Council, the views of the community as a whole, on any issue, irrespective of personal opinion.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

Selflessness

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a Community Councillor to gain financial, material, political or other personal 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 your representation of your community. If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Council.

Objectivity

In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

You may be appointed or nominated by your Community Council to serve as a member of another representative body. You should ensure that this Code of Conduct is observed when carrying out the duties of the other body.

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

Accountability and Stewardship

You are accountable for the decisions and actions that you take on behalf of your community through the Community Council. You must ensure that the Community Council uses its resources prudently and in accordance with the law.

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to the Council's Scheme for the Establishment of Community Councils and this Code of Conduct.

Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Councils Scheme for the Establishment of Community Councils. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Council business and for no other purpose.

Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting.

Any breach of the Council's Scheme for the Establishment of Community Councils as set out by your local authority under the terms of the Local Government (Scotland) Act 1973 may be reported to your local authority to determine what action, if necessary, should be taken.

Openness

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the Media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.

Honesty

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

Leadership

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

Respect

You must respect fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, you have dealings with in your capacity as a Community Councillor.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. You must comply with Equal Opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.