



**North Ayrshire Council**  
Comhairle Siorrachd Àir a Tuath

## North Ayrshire Community Council Scheme: A Guide

Guidance on the Council's Scheme for the Establishment of  
Community Councils in North Ayrshire

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# **North Ayrshire Community Council Scheme: A Guide**

This guide is aimed mainly at new Community Councillors and interested members of the public. However, even experienced Community Councillors may find it useful as an information resource when tackling particular issues such as arranging ordinary elections. It may also help existing Community Councillors to familiarise themselves with elements of the Scheme which have been revised.

It should be stressed that the guide is intended to supplement, rather than replace, the Community Council Scheme. In the event of any doubt over a particular issue, the detailed wording of the Scheme itself will prevail, supplemented, as necessary, with advice from officers of the Council.

A glossary of terms is provided at the end of the guide and this gives a brief definition of any words or terms in the guide which appear in italics.

If you have any questions which are not answered either in this guide or in the Scheme itself, please contact Committee Services on tel: 01294 324131.



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# 1. Background

## 1.1 What is a Community Council?

Community Councils were established by the Local Government (Scotland) Act 1973 as a way of bridging the gap between local authorities and local communities. Community Councils comprise a number of volunteers who are elected or co-opted to serve as Community Councillors. Each Community Council usually appoints from its membership a Chair, Secretary and Treasurer whose roles are set out in more detail later in this guide.

The purpose of Community Councils is provided in generalised terms in the Act itself, but their role can be broadly said to be about:

- **finding out what local people think about issues affecting the local community**
- **making sure that Councils and other public bodies are aware of those views**
- **communicating information to the local community and**
- **generally acting in the interests of the local community.**

More specifically, Community Councils:

- **have a statutory interest in the planning process**
- **may have an interest in liquor licensing and some other licensing matters**
- **may be represented on the Locality Partnership for their area**

Each Community Council in North Ayrshire will also fall within the boundary of one of the six Locality Partnerships (namely Irvine, Kilwinning, The Three Towns, Garnock Valley, Arran, and The North Coast and Cumbraes) which have been established in terms of the Community Empowerment (Scotland) Act 2015. Community Councils are expected to play a full Part in their Locality Partnership and the development of the Locality Plan for their area.

Community Councils also have an important role to play in ensuring that their local authority and other public bodies are as informed as possible about the needs and wishes of local communities and in helping to keep the local community informed.

If Community Councils are to be fully representative and act in the interests of their communities as a whole, it is important that they do not favour a particular political party, ethnic group, gender or age group. They should make an effort to seek the views of the local community and avoid any automatic assumption that Community Councillors' personal views reflect those of the wider community.

## **1.2 The North Ayrshire Council Community Council Scheme**

Each local authority (Council) is required to have in place a Community Council Scheme for establishing Community Councils in its area. The Scheme sets out, among other things:

- **how many Community Councils there can be in the local authority area**
- **where each Community Council's boundaries lie**
- **who can become a Community Councillor and for how long**
- **how and when elections are conducted**
- **what support (financial and other) is given to Community Councils and**
- **how meetings are run.**

A Community Council Scheme is formally adopted by the local authority following public consultation. North Ayrshire's own Scheme was first established in 1976 under the then Cunninghame District Council. When North Ayrshire Council came into being in 1996, the Scheme was reviewed, amended and adopted. Further reviews were carried out by North Ayrshire Council in 2005/06 and 2015/16 and, following detailed consultation, the Scheme in its current form was adopted on 30 March 2016.

Further reviews may be carried out by the local authority in the future, in terms of Section 53 of the Local Government (Scotland) Act 1973, as amended. When a review is undertaken, the Council is required to give public notice of this and invite representations. In North Ayrshire, the local authority also writes to existing Community Councils and local Elected Members for suggested amendments to the Scheme. After three stages of consultation, a revised Scheme is then formally adopted by the local authority and advertised accordingly.



### **1.3 How Many Community Councils are there in North Ayrshire?**

The Scheme allows for seventeen Community Councils across North Ayrshire, each covering a different part of the local authority area:

<b>Ardrossan Community Council</b>	<b>Arran Community Council</b>
<b>Beith &amp; District Community Council</b>	<b>Cumbrae Community Council</b>
<b>Dalry Community Council</b>	<b>Dreghorn Community Council</b>
<b>Fairlie Community Council</b>	<b>Girdle Toll Community Council</b>
<b>Irvine Community Council</b>	<b>Kilbirnie &amp; Glengarnock Community Council</b>
<b>Kilwinning Community Council</b>	<b>Largs Community Council</b>
<b>Saltcoats Community Council</b>	<b>Skelmorlie Community Council</b>
<b>Springside Community Council</b>	<b>Stevenston Community Council</b>
<b>West Kilbride Community Council</b>	

Community Council boundaries are set out in a map which forms part of the Scheme (see Section 9 of this guide). The outer boundaries of clusters of individual community councils also follow the boundaries of each of the six Locality Partnership areas, ensuring that each Community Council is covered by one Locality Partnership.

Each Community Council area represents an individual community as identified during consultation. Please note that Community Council boundaries do not necessarily match Council ward boundaries, nor are they automatically revised when such boundaries are periodically altered. In fact, Community Council boundaries cannot be altered except as part of a review of the Scheme as a whole.

It is possible that not every area will have an active Community Council at any one time. To find out if there is an active Community Council in your area and how to contact it, call the Council's Committee Services section on tel: 01294 324131 or log on to the Council's website at

<https://north-ayrshire.cmis.uk.com/North-Ayrshire/YourRepresentatives/CommunityCouncils.aspx>

Information on setting up a new Community Council is given later in this guide, at Section 3.1.

## 2. Membership

### 2.1 Who Can Join a Community Council in North Ayrshire?

To be a full member of the Community Council, you must be aged **16 or over** and live within the boundary of the Community Council you wish to join. Proof of residency will usually be determined by checking that a person's name appears on the Electoral Register and verifying that their address lies within the boundary of the Community Council in question.

Exceptionally, if a person's name does not appear on the Electoral Register, they may still be eligible for membership of a Community Council if they can otherwise prove to the satisfaction of the local authority that they live within the boundary of the Community Council.

#### **Elected Community Councillors**

Each Community Council is made up mainly of Elected Community Councillors, up to a set maximum number. (See the "Membership Numbers" section at 2.2. of this guide). Members must be aged 16 or over and live in the area of the Community Council in question.

If more volunteers apply to become members of the Community Council than there are places available, then an election is held to decide which of them will become Community Councillors. If, on the other hand, the number of volunteers is lower than or the same as the number of places available, then those volunteers can be appointed as Community Councillors without the need for an election. In both cases, the volunteer becomes an "Elected Community Councillor" and **a full member of the Community Council who can vote at meetings, hold office and whose attendance at a meeting counts towards the *quorum* of the meeting.**

**By taking up their appointment, Community Councillors are undertaking to comply with the Code of Conduct set out at section 9.7 of this guide.**

More information on Community Council elections is set out at Section 3 of this guide.

## **Co-opted Community Councillors**

Community Councils can fill any casual vacancies which happen at any time, whether or not an election is due to be held. A Community Council can either decide to *co-opt* a volunteer to join the Community Council or, if there is a lot of interest in the vacancy from the local community, they can hold a *by-election* to fill the place(s). In either case, volunteers joining the Community Council as co-opted members must be aged 16 or over and must live in the area of the Community Council in question.

Volunteers who are co-opted onto the Community Council to fill a vacancy have the same status as elected Community Councillors and become **full members who can vote at meetings, hold office and whose attendance at a meeting counts towards the *quorum* of the meeting.**

**By taking up their appointment, Community Councillors are undertaking to comply with the Code of Conduct set out at section 9.7 of this guide.**

## **Appointed Advisors**

Community Councils can also appoint a number of individuals over and above their membership up to a maximum number. (See “Membership Numbers” section which follows at Section 2.2). Appointed Advisors **do not have to be aged 16 or over and do not have to live in the area** of the Community Council. **However, Appointed Advisors cannot vote at meetings, cannot hold office and do not form part of the *quorum* of the meeting.**

The reasons for having Appointed Advisors are varied, but they essentially fulfil an advisory function. Sometimes they are appointed because they have particular expertise or knowledge which the Community Council would find useful. Sometimes, they represent local groups or organisations whose views the Community Council is keen to obtain. They can also be people who are too young to be full members of the Community Council or who do not live within the boundary of Community Council, but who still have an interest in, or useful knowledge about, the local area.

Appointed Advisors can be appointed to contribute to a single issue, for a specific period of time or until the next ordinary election of the Community Council.

**By taking up their appointment, Appointed Advisors are undertaking to comply with the Code of Conduct set out at Section 9.7 of this guide.**

## **Ex Officio Members**

*Ex officio* members of a Community Council are the local Elected Members (i.e. North Ayrshire Councillors), Member(s) of Parliament (MPs) and Member(s) of the Scottish Parliament (MSPs) (i.e. constituency MSPs) for the area covered by the Community Council. There may be more than one elected Member, MP and MSP for each Community Council.

Information of which North Ayrshire Council Elected Members are *ex officio* members of which community council(s) is available at Section 6.5.

Information on MPs and MPs and MSPs is provided at Section 6.6.

***Ex officio* members do not count towards the *quorum* for any meeting, are not entitled to vote at Community Council meetings and cannot be appointed as office bearers on the Community Council.** They are, however, entitled to attend and speak at all meetings and should receive a copy of Minutes and Agendas in the same way as any other member of the Community Council.

## 2.2 Membership Numbers

### Maximum Membership

The maximum number of elected or co-opted Community Councillors for each Community Council is set out in the Scheme and linked to the total population of the area based on 2011 data zone figures. The maximum membership figures are as follows:

<b>Ardrossan Community Council</b>	<b>11</b>
<b>Arran Community Council</b>	<b>12</b>
<b>Beith &amp; District Community Council</b>	<b>10</b>
<b>Cumbrae Community Council</b>	<b>7</b>
<b>Dalry Community Council</b>	<b>7</b>
<b>Dreghorn Community Council</b>	<b>7</b>
<b>Fairlie Community Council</b>	<b>7</b>
<b>Girdle Toll Community Council</b>	<b>15</b>
<b>Irvine Community Council</b>	<b>19</b>
<b>Kilbirnie &amp; Glengarnock Community Council</b>	<b>8</b>
<b>Kilwinning Community Council</b>	<b>17</b>
<b>Largs Community Council</b>	<b>12</b>
<b>Saltcoats Community Council</b>	<b>14</b>
<b>Skelmorlie Community Council</b>	<b>7</b>
<b>Springside Community Council</b>	<b>7</b>
<b>Stevenston Community Council</b>	<b>9</b>
<b>West Kilbride Community Council</b>	<b>7</b>

### Minimum Membership

The Scheme sets a minimum membership for each Community Council, below which the Community Council ceases to exist. The minimum number of Community Councillors which there can be at any one time is as follows:

<b>Ardrossan Community Council</b>	<b>6</b>
<b>Arran Community Council</b>	<b>6</b>
<b>Beith &amp; District Community Council</b>	<b>5</b>
<b>Cumbrae Community Council</b>	<b>4</b>
<b>Dalry Community Council</b>	<b>4</b>
<b>Dreghorn Community Council</b>	<b>4</b>
<b>Fairlie Community Council</b>	<b>4</b>
<b>Girdle Toll Community Council</b>	<b>8</b>
<b>Irvine Community Council</b>	<b>10</b>
<b>Kilbirnie &amp; Glengarnock Community Council</b>	<b>4</b>
<b>Kilwinning Community Council</b>	<b>9</b>
<b>Largs Community Council</b>	<b>6</b>
<b>Saltcoats Community Council</b>	<b>7</b>
<b>Skelmorlie Community Council</b>	<b>4</b>
<b>Springside Community Council</b>	<b>4</b>
<b>Stevenston Community Council</b>	<b>5</b>
<b>West Kilbride Community Council</b>	<b>4</b>

If the membership of a Community Council falls below the minimum number, it is effectively dissolved. However, the local authority can, at its discretion, decide to allow the Community Council to co-opt a further member or members in order to avoid the need for dissolution. It is important that any Community Council whose membership is approaching the minimum number for any reason, informs the Council of this at an early date so that help and advice can be offered to avoid the unnecessary dissolution of the Community Council.

### **Appointed Advisors**

Appointed Advisors are **not** community councillors. They are people appointed in an advisory capacity over and above the ordinary membership of the Community Council (see “Who Can Join a Community Council?” Section at 2.1). The maximum number of Appointed Advisors for each community council is as follows:

<b>Ardrossan Community Council</b>	<b>6</b>
<b>Arran Community Council</b>	<b>6</b>
<b>Beith &amp; District Community Council</b>	<b>5</b>
<b>Cumbræ Community Council</b>	<b>3</b>
<b>Dalry Community Council</b>	<b>3</b>
<b>Dreghorn Community Council</b>	<b>3</b>
<b>Fairlie Community Council</b>	<b>3</b>
<b>Girdle Toll Community Council</b>	<b>7</b>
<b>Irvine Community Council</b>	<b>10</b>
<b>Kilbirnie &amp; Glengarnock Community Council</b>	<b>4</b>
<b>Kilwinning Community Council</b>	<b>8</b>
<b>Largs Community Council</b>	<b>6</b>
<b>Saltcoats Community Council</b>	<b>7</b>
<b>Skelmorlie Community Council</b>	<b>3</b>
<b>Springside Community Council</b>	<b>3</b>
<b>Stevenston Community Council</b>	<b>5</b>
<b>West Kilbride Community Council</b>	<b>3</b>

## 2.3 Terms of Office

### Elected Community Councillors

When a Community Council is first established, Elected Community Councillors are appointed to serve for **up to four years until the next election** (called an “ordinary election”) is held. At the ordinary election, members are appointed for up to four years until the next ordinary election after that, and so on. Community Councillors can serve for more than one term. In fact, there is no limit to the number of times a volunteer can serve as a member of a Community Council.

**N.B.** Four years is the maximum time a Community Councillor can serve before having to stand for re-election/ re-appointment. An individual Community Council has no power to increase that term of office. However, a Community Council can, in its own constitution, set a lower time period if it wishes. A Community Council could, for instance, initially elect half its membership for a period of four years and the other half for two years only, followed by periods of four years thereafter. This would mean that at no time would the Community Council consist of entirely new, inexperienced members and that there would be some continuity of experience. However, this is a rare arrangement and has certain disadvantages, including the potential disruption caused by having to hold elections for half the membership every two years.

### Co-opted Community Councillors

Community Councillors who are co-opted to fill vacancies can be appointed for **up to four years, until the next ordinary election**. Regardless of when they are appointed, they must retire at the time of the next ordinary election.

Co-opted Community Councillors can serve for more than one term. They can be co-opted again or stand for election as Elected Community Councillors.

### Appointed Advisors

Appointed advisors can be appointed for **up to four years, until the next ordinary election**. Regardless of when they are appointed, they must retire at the time of the next ordinary election.

Appointed Advisors can serve for more than one term. They can be appointed as advisors again or can be co-opted or elected as full Members in the future, provided that they satisfy the necessary age and residency criteria (see Section 2.1 of this guide).

## **Office Bearers**

Unless a shorter period of appointment is specified in a Community Council's own constitution, the term of office of the Chair, Secretary and Treasurer is the same as the term of office of individual Community Councillors, i.e. **up to four years**, until the next ordinary election.

Office bearers can serve for more than one term.



## 3. Elections

### 3.1 Establishing a Community Council: Initial Elections

#### Step 1: The Initial Request

If the Scheme provides for a Community Council to exist in a given area, but none is operating, the local community has the right to ask for a Community Council to be established. At least **20 local electors** must write to the Council to make a formal request.

In practical terms, this means that a local *elector* will normally write a letter to the Chief Executive of North Ayrshire Council (at Cunninghame House, Irvine KA12 8EE) asking for a Community Council to be set up in the area in question and at least 19 other local electors will add their own names, addresses and signatures in support of the letter. It is helpful if a telephone number is given for the principal local *elector* so that the local authority can liaise with him/her in respect of election arrangements.

The 2015/16 review of the Community Council Scheme introduced the potential for initial and ordinary Community Council elections to be carried out on an electronic or postal voting basis. This provision is allowed at the discretion of the Council.

#### Step 2: Election Arrangements

When the Council gets a formal request for a Community Council to be established, it will make arrangements for an initial election to be held for the Community Council. This is normally done quite quickly and, in any event, the election must be held **within 6 weeks** of the request.

**At least 28 days before** the election is due to be held, the Council will put a notice in the local press and on any public notice boards in the area to advise the local community of the date, time and venue of the election. The notice will invite local *electors* to attend the election and will also ask for nominations in writing. A contact number will be given on the notice advising how people can access nomination forms.

#### Step 3: Nomination Forms

Completed **nomination forms** must include the name, address and signature of the person being nominated to serve on the Community Council, as well as the names, addresses and signatures of two *proposers*.

**Both *proposers* must also be local *electors* from the Community Council area. A proposer can nominate no more than two people at each election.**

The closing date for nominations is usually **7 days prior** to the election date. Late nomination forms cannot be accepted. However, in exceptional cases, if a nomination form is sent to the local authority in good faith by a would-be Community Councillor, but turns out to contain the name of a *proposer* who is not a local *elector*, the local authority will usually allow the person being nominated to find an alternative *proposer* who is a local *elector*.

The local authority will acknowledge receipt of nomination forms and confirm arrangements for the election meeting. Please note that the election can only go ahead if the number of nominations received by the closing date amounts to **at least half** of the maximum possible membership of the Community Council in question. Therefore, the minimum number of nominations for each Community Council is as shown below:

<b>Ardrossan Community Council</b>	<b>6</b>
<b>Arran Community Council</b>	<b>6</b>
<b>Beith &amp; District Community Council</b>	<b>5</b>
<b>Cumbræ Community Council</b>	<b>4</b>
<b>Dalry Community Council</b>	<b>4</b>
<b>Dreghorn Community Council</b>	<b>4</b>
<b>Fairlie Community Council</b>	<b>4</b>
<b>Girdle Toll Community Council</b>	<b>8</b>
<b>Irvine Community Council</b>	<b>10</b>
<b>Kilbirnie &amp; Glengarnock Community Council</b>	<b>4</b>
<b>Kilwinning Community Council</b>	<b>9</b>
<b>Largs Community Council</b>	<b>6</b>
<b>Saltcoats Community Council</b>	<b>7</b>
<b>Skelmorlie Community Council</b>	<b>4</b>
<b>Springside Community Council</b>	<b>4</b>
<b>Stevenston Community Council</b>	<b>5</b>
<b>West Kilbride Community Council</b>	<b>4</b>

#### **Step 4: Election Meeting**

The election meeting is open to the general public. A representative of the local authority (a local Elected Member or, more usually, an officer of the Council) will usually take the Chair and act as the *returning officer*. Nominees for election as Community Councillors are expected to attend the election meeting, but apologies can be submitted to the local authority in advance if a nominee is not going to be able to attend and this will not affect his or her nomination.

The purpose of the election meeting is essentially to elect or appoint Community Councillors. However, it is up to the Chair to decide what other business is covered and, if time permits, he or she might allow nominees to make a short statement about why they are standing for election. It is important to remember that Community Councils are community - not political - organisations and so no "party political" statements should be made by anyone.

## **Step 5: Voting**

The Chair will advise the meeting how many nominations have been received for how many places on the Community Council.

### **Nominations Exceed Available Places**

If there are more nominations than there are places available, the Chair will announce that a ballot will be held to decide who is elected. The Chair, or his representative(s), will explain that only local *electors* for the area covered by the Community Council, including the nominees themselves and their proposers, are allowed to vote. Those not eligible to vote will be asked to identify themselves and not take part in the ballot process. A current copy of the *Electoral Register* and the Community Council boundary map will be available to settle any dispute.

The Chair will then call for volunteers to act as *enumerators*. Acting as an *enumerator* does not prevent an eligible person from voting. Nominees for election to the Community Council will not normally act as *enumerators*, however, unless no other volunteers can be identified.

The Chair will then call for ballot papers to be issued showing the names of all the nominees. (These will have been prepared in advance by the local authority). Local *electors* will be asked to vote for a number of nominees up to the maximum possible membership of the Community Council.

Any local electors who wish to vote in secret must be allowed to do so and suitable arrangements (such as providing tables set to one side of the election venue) will be made by the Chair to allow for this.

The appointed *enumerators* will then collect the ballot papers. Working in pairs, they will count up (and double-check) the number of votes cast for each nominee until the total number of votes cast for each nominee is established. In most cases, the results are fairly straightforward. The Chair declares that the nominee with the highest number of votes has been elected and goes on to announce the rest of the results in descending order, announcing each nominee elected until all the places have been filled.

In some cases, however, more than one nominee gets the same number of votes. Where there are two or more nominees with the same number of votes, but only one place left, the Chair must call for a further ballot to decide the matter. In this case, only those candidates with the same number of votes will be considered in the ballot and, when the Chair has fresh ballot papers issued, he or she will ask local *electors* to delete from the ballot paper all but those nominees who got an equal number of votes in the first ballot. The Chair will clarify how many votes each *elector* can cast.

Overleaf, are two examples of elections where two or more nominees receive the same number of votes:

**Example 1**

**Community Council X has a maximum possible membership of 8, but there are 12 nominees wishing to be elected.**

**After a ballot, the results of voting are as follows:**

<b>Nominee A</b>	<b>50 votes</b>	<b>Nominee G</b>	<b>38 votes</b>
<b>Nominee B</b>	<b>45 votes</b>	<b>Nominee H</b>	<b>29 votes</b>
<b>Nominee C</b>	<b>42 votes</b>	<b>Nominee I</b>	<b>29 votes</b>
<b>Nominee D</b>	<b>40 votes</b>	<b>Nominee J</b>	<b>29 votes</b>
<b>Nominee E</b>	<b>40 votes</b>	<b>Nominee K</b>	<b>20 votes</b>
<b>Nominee F</b>	<b>38 votes</b>	<b>Nominee L</b>	<b>20 votes</b>

**Nominees H, I and J got the same number of votes, so it is not possible to say which of the three should be elected to the last remaining place on the Community Council.**

**The Chair, therefore, issues a fresh copy of the original ballot paper, asks local electors to delete the names of everyone except Nominees H, I and J and instructs voters to vote for only one of the three. Any ballot papers found to contain a vote for more than one nominee, must be discounted. The one with the highest number of votes is then elected.**

**Example 2**

**The scenario is as above, except that the votes cast are as follows:**

<b>Nominee A</b>	<b>50 votes</b>	<b>Nominee G</b>	<b>38 votes</b>
<b>Nominee B</b>	<b>45 votes</b>	<b>Nominee H</b>	<b>38 votes</b>
<b>Nominee C</b>	<b>42 votes</b>	<b>Nominee I</b>	<b>38 votes</b>
<b>Nominee D</b>	<b>41 votes</b>	<b>Nominee J</b>	<b>29 votes</b>
<b>Nominee E</b>	<b>41 votes</b>	<b>Nominee K</b>	<b>20 votes</b>
<b>Nominee F</b>	<b>40 votes</b>	<b>Nominee L</b>	<b>20 votes</b>

**This time, it is quite clear that the first 6 nominees are elected. Nominees G, H and I all get the same number of votes, so there are equal 3 nominees for only 2 places.**

**The Chair, therefore, issues a fresh copy of the original ballot paper, asks local electors to delete the names of everyone except Nominees G, H and I and instructs voters to vote for only two of the three. Any ballot papers found to contain a vote for more than two candidates, must be discounted. The two with the highest number of votes are then elected.**

If there is any further equality of votes which means that there is no clear election result, the Chair must go on to a third and, if necessary, further ballots all conducted in the same way until a clear result is obtained. At any stage, a nominee might decide to withdraw and this could in itself resolve the issue.

In any event, the Chair has the final decision on anything regarding the conduct of the ballot. If he or she feels that, in the case of an equality of votes, it is unlikely that further ballots will produce a result or if, because of the number of *electors* present, he or she considers further ballots unreasonably time-consuming and, therefore, impractical, the Chair may decide that the result should instead be determined by the drawing of lots.

### **Nominations Equal the Number of Places Available**

If the number is the same as the number of places available, the Chair will simply announce that the people nominated are now appointed as Elected Community Councillors and the meeting is declared closed.

### **Fewer Nominations than there are Places Available**

If fewer nominations have been received than the number of places available, the Chair will again announce that the people who have been nominated are now appointed as Elected Community Councillors. He or she will then call for any more nominations (each with two *proposers*) from the floor for the remaining places. Further eligible local *electors* can be co-opted until the maximum number of Community Councillors is reached.

In exceptional circumstances, where more people are interested in being co-opted than there are places available, a secret ballot should be held to decide who will be co-opted. The rules for the secret ballot for co-opted members are the same as the rules for a secret ballot for Elected Members.

### **Step 6: The Results**

The Chair will formally declare the results of the election. If there are enough nominees present to form a *quorum*, the Chair will invite them to consider holding their first meeting as a Community Council immediately after the election. (See the “Initial Meeting” Section at 4.1 of this guide).

If there is no *quorum* of members present, the Chair will advise that an Officer from the Council’s Committee Services section will be in touch with each of the new Community Councillors to set a date for the first meeting of the Community Council.

The Chair will then declare the election meeting closed.

## **Special Note: Initial Election to Arran Community Council**

The arrangements for an initial election for Arran Community Council follow the same basic principles as those set out above. However, Arran Community Council covers a very scattered and largely rural population and, in recognition of this, there is special provision in the Scheme to make sure that the various villages and settlements on Arran are properly represented on the Community Council. Therefore, the total of 12 Community Councillors on Arran Community Council should come from the various villages and settlements shown below:

<b>Brodick</b>	<b>2 Community Councillors</b>
<b>Corrie (including Sannox)</b>	<b>1 Community Councillor</b>
<b>Kilmory (including Kildonan)</b>	<b>1 Community Councillor</b>
<b>Lamlash</b>	<b>2 Community Councillors</b>
<b>Lochranza</b>	<b>1 Community Councillor</b>
<b>Pirnmill</b>	<b>1 Community Councillor</b>
<b>Shiskine (including Blackwaterfoot)</b>	<b>2 Community Councillors</b>
<b>Whiting Bay</b>	<b>2 Community Councillors</b>

On Arran, instead of holding a single election meeting to elect the entire membership of the Community Council, there should be an individual election meeting in each of the *extended villages*. Only local electors from the *extended village* in question are allowed to stand as nominees and vote at the election. A map showing the individual *extended villages* on Arran forms an Annex to the Scheme and can be viewed either at Cunninghame House, Irvine or online at [www.north-ayrshire.gov.uk](http://www.north-ayrshire.gov.uk) (type "community council" into the quick-search box).

Ideally, the election results should achieve the quotas set out above. However, it is accepted that this may not always be possible and, in the interest of fairness, the Council would not expect the Community Council as a whole to fall simply because no nominees had come forward from a particular area of the island. Common sense dictates that, where there are no nominations from a particular *extended village(s)*, then those places can be filled in due course by nominees from another *extended village(s)*. The Council's Committee Services section will provide any advice which might be needed to address whichever circumstances arise.

## 3.2 Ordinary Elections

Prior to the 2015/16 review of the Community Council Scheme, it was the practice for half the active Community Councils in North Ayrshire to hold their ordinary election in an even year and the other half in an odd year. However, given that ordinary elections had been suspended entirely for an extensive period of time during the review process, the decision was taken by the Council to hold elections for all active Community Councils during 2016.

Ordinary elections are usually held in September, October or November. The process is triggered by the Council's Committee Services section contacting the Secretary or Chair of relevant Community Councils in advance of any election date to confirm that an ordinary election is due. The arrangements for an ordinary election follow exactly the same pattern as for an initial election. However, in the case of an ordinary election, because there are already Community Council office bearers in place, the Community Council itself plays a bigger part in arranging the election. Broadly speaking, the roles of the Community Council and the Council are as follows:

### **The Council will:-**

**Advertise the nominations/election process**  
**Send out nomination forms**  
**Verify completed nomination forms**  
**Write to nominees about the arrangements**  
**Produce ballot papers, if required**  
**Advertise the election results**

### **The Community Council will:-**

**Book a suitable venue for the election**  
**Appoint a *returning officer***  
**Run the election meeting itself**  
**Advise the Council of the outcome**

The 2015/16 review of the Community Council Scheme introduced the potential for initial and ordinary Community Council elections to be carried out on an electronic or postal voting basis. This provision is allowed at the discretion of the Council and, in the case of ordinary Community Council elections, following consultation with the existing Community Council.

## **Step 1: Election Arrangements**

Ordinary elections usually take place in the months of September, October and November.

Some time before an ordinary election is due to be held, the Council's Committee Services section will make contact with the Community Council and agree the election date and nomination arrangements.

**At least 28 days before** the election is due to be held, the local authority will put a notice in the local press and on any public notice boards in the area to advise the local community of the date, time and venue of the election. The notice will invite local *electors* to attend the election and will also ask for nominations in writing. A contact name and number will be given on the notice advising how people can access nomination forms.

## **Step 2: Nomination Forms**

Completed **nomination forms** must include the name, address and signature of the person being nominated to serve on the Community Council, as well as the names, addresses and signatures of two *proposers*.

**Both *proposers* must be local *electors* for the area.**

The local authority will acknowledge receipt of nomination forms and confirm arrangements for the election meeting. The closing date for nominations is **7 days prior** to the election date. Late nomination forms cannot be accepted. However, in exceptional cases, if a nomination form is sent to the local authority in good faith by a would-be Community Councillor, but turns out to contain the name of a *proposer* who is not a local *elector*, the Council will usually allow the person being nominated to find an alternative *proposer* who is a local *elector*. Similarly, if it transpires that a single proposer has nominated more than two people, an opportunity will be given to the nominee to provide the name and address of an alternative proposer(s).

As part of the verification process, the local authority will confirm that names on nomination forms appear on the Electoral Register. However, it should be noted that the boundaries for electoral wards are not necessarily the same as those for Community Councils. Therefore, it is of great practical assistance to the local authority if the Community Council office bearers undertaking arrangements for ordinary elections can use their own local knowledge of their Community Council's boundary to flag up any instances where they believe that someone who may have been confirmed as being a local *elector* in terms of the Electoral Register does not in fact reside within the boundary of the Community Council itself.



**N.B.** The election can only go ahead if the number of nominations received by the closing date amounts to **at least half** of the maximum possible membership of the Community Council in question. Therefore the minimum number of nominations for each Community Council is as follows:-

<b>Ardrossan Community Council</b>	<b>6</b>
<b>Arran Community Council</b>	<b>6</b>
<b>Beith &amp; District Community Council</b>	<b>5</b>
<b>Cumbræ Community Council</b>	<b>4</b>
<b>Dalry Community Council</b>	<b>4</b>
<b>Dreghorn Community Council</b>	<b>4</b>
<b>Fairlie Community Council</b>	<b>4</b>
<b>Girdle Toll Community Council</b>	<b>8</b>
<b>Irvine Community Council</b>	<b>10</b>
<b>Kilbirnie &amp; Glengarnock Community Council</b>	<b>4</b>
<b>Kilwinning Community Council</b>	<b>9</b>
<b>Largs Community Council</b>	<b>6</b>
<b>Saltcoats Community Council</b>	<b>7</b>
<b>Skelmorlie Community Council</b>	<b>4</b>
<b>Springside Community Council</b>	<b>4</b>
<b>Stevenston Community Council</b>	<b>5</b>
<b>West Kilbride Community Council</b>	<b>4</b>

### **Step 3: Election Meeting**

The election meeting is open to the general public. A member of the Community Council, usually the Chair or another office bearer, takes the Chair and acts as the *returning officer*. Nominees for election as Community Councillors are normally expected to attend the election meeting, but apologies can be submitted to the Council in advance if a nominee is not going to be able to attend and this will not affect his or her nomination.

The purpose of the election meeting is essentially to elect or appoint Community Councillors. However, it is up to the Chair to decide what other business is covered and, if time permits, he or she might allow nominees to make a short statement about why they are standing for election. It is important to remember that Community Councils are community - not political - organisations and so no "party political" statements should be made by anyone.

### **Step 4: Voting**

The Chair will advise the meeting how many nominations have been received for how many places on the Community Council.

## **Nominations Exceed Available Places**

If there are more nominations than there are places available, the Chair will announce that a ballot will be held to decide who is elected.

The Chair will explain that only local *electors* for the area covered by the Community Council, including the nominees themselves and their *proposers*, are allowed to vote. Those not eligible to vote will be asked to identify themselves and not take part in the ballot process. A current copy of the *Electoral Register* and the Community Council boundary map will be available to settle any dispute.

The Chair will then call for volunteers to act as *enumerators*. Acting as an *enumerator* does not stop a person who is eligible to vote doing so. Nominees for election to the Community Council will not normally act as *enumerators*, however, unless no other volunteers can be identified.

The Chair will then call for ballot papers to be issued showing the names of all the nominees. (These will have been prepared in advance by the local authority). Local *electors* will be asked to vote for a number of nominees up to the maximum possible membership of the Community Council. Any local electors who wish to vote in secret must be allowed to do so and suitable arrangements (such as providing tables set to one side of the election venue) will be made by the Chair to allow this.

The *enumerators* appointed by the Chair will then collect the ballot papers. Working in pairs, they will count up (and double-check) the number of votes cast for each nominee until the total number of votes cast for each nominee is established. In most cases, the results are fairly straightforward. The Chair declares that the nominee with the highest number of votes has been elected and then goes on to announce the rest of the results in descending order, announcing each nominee elected until there are no further places left on the Community Council.

In some cases, however, more than one nominee gets the same number of votes. Where there are two such nominees with the same number of votes, but only one place left, the Chair must call for a further ballot to decide the matter. In this case, only those candidates with the same number of votes will be considered in the ballot and, when the Chair has fresh ballot papers issued, he or she will ask local *electors* to delete from the ballot paper all but those nominees who got an equal number of votes in the first ballot. The Chair will clarify how many nominees local *electors* can vote for. Examples of how the issue of an equality of votes is dealt with are given at Section 3.1 of this guide of the Initial Election.

If there is any further equality a votes which means that there is no clear election result, the Chair must go on to a third and, if necessary, further ballots all conducted in the same way until a clear result is obtained. At any stage, a nominee might decide to withdraw, which could in itself resolve the issue.

In any event, the Chair has the final decision on anything regarding the conduct of the ballot. If he or she feels that, in the case of an equality of votes, it is unlikely that further ballots will produce a result or if, because of the number of *electors* present, he or she considers further ballots too time-consuming and, therefore, impractical, the Chair may decide that the result should instead be determined by the drawing of lots.

### **Nominations Equal the Number of Places Available**

If the number is the same as the number of places available, the Chair will simply announce that the people nominated are now appointed as Elected Community Councillors and the meeting is declared closed.

### **Fewer Nominations than there are Places Available**

If fewer nominations have been received than the number of places available, the Chair will again announce that the people who have been nominated are now appointed as Elected Community Councillors. He or she will then call for any more nominations from the floor for the remaining places. Further local *electors* can be co-opted until the maximum number of Community Councillors is reached. If more people are interested in being co-opted than there are places available, a secret ballot is held to decide who will be co-opted. The rules for the secret ballot for co-opted members are the same as the rules for a secret ballot for Elected Members set out above.

### **Step 5: The Results**

The Chair will declare the results of the election. If there are enough nominees present to form a *quorum*, the Chair will invite them to consider holding a Community Council meeting immediately after the election. (See “Meetings” at Section 4.2 of this guide). If not, the Chair will advise that he/she will be in touch each of the Community Councillors to set a date for a meeting of the Community Council.

The Chair will then declare the election meeting closed.

## **Special Note: Ordinary Election to Arran Community Council**

The arrangements for an ordinary election for Arran Community Council follow the same basic principles as those set out above. However, Arran Community Council covers a very scattered and largely rural population and, in recognition of this, there is special provision in the Scheme to make sure that the various villages and settlements on Arran are properly represented on the Community Council. Therefore, the total of 12 Community Councillors on Arran Community Council should come from the various villages and settlements shown below:

<b>Brodick</b>	<b>2 Community Councillors</b>
<b>Corrie (including Sannox)</b>	<b>1 Community Councillor</b>
<b>Kilmory (including Kildonan)</b>	<b>1 Community Councillor</b>
<b>Lamlash</b>	<b>2 Community Councillors</b>
<b>Lochranza</b>	<b>1 Community Councillor</b>
<b>Pirnmill</b>	<b>1 Community Councillor</b>
<b>Shiskine (including Blackwaterfoot)</b>	<b>2 Community Councillors</b>
<b>Whiting Bay</b>	<b>2 Community Councillors</b>

On Arran, instead of holding a single election meeting to elect the entire membership of the Community Council, there is an individual election meeting in each of the *extended villages*. Only local electors from the *extended village* in question are allowed to stand as nominees and vote at the election. A map showing the individual *extended villages* on Arran forms part of the Scheme Scheme and can be viewed either at Cunninghame House, Irvine or online at [www.north-ayrshire.gov.uk](http://www.north-ayrshire.gov.uk) (type "community council" into the quick-search box).

Ideally, the election results should achieve the quotas set out above. However, it is accepted that this may not always be possible and, in the interests of fairness, the Council would not expect the Community Council as a whole to fall simply because no nominees had come forward from a particular area of the island. Common sense dictates that, where there are no nominations from a particular *extended village(s)*, then those places can be filled in due course by nominees from another *extended village(s)*. The Council's Committee Services section will provide any advice which might be needed to address whichever circumstances arise.

## 4. Meetings

### 4.1 Initial Meeting after an Election

#### Quorum

Where possible, the first meeting of a Community Council after an initial or ordinary election is held immediately after the election itself, provided that a *quorum* of Community Councillors is present. The *quorum* for each Community Council is as follows:

<b>Ardrossan Community Council</b>	<b>3</b>
<b>Arran Community Council</b>	<b>3</b>
<b>Beith &amp; District Community Council</b>	<b>3</b>
<b>Cumbræ Community Council</b>	<b>3</b>
<b>Dalry Community Council</b>	<b>3</b>
<b>Dreghorn Community Council</b>	<b>3</b>
<b>Fairlie Community Council</b>	<b>3</b>
<b>Girdle Toll Community Council</b>	<b>4</b>
<b>Irvine Community Council</b>	<b>5</b>
<b>Kilbirnie &amp; Glengarnock Community Council</b>	<b>3</b>
<b>Kilwinning Community Council</b>	<b>5</b>
<b>Largs Community Council</b>	<b>3</b>
<b>Saltcoats Community Council</b>	<b>3</b>
<b>Skelmorlie Community Council</b>	<b>3</b>
<b>Springside Community Council</b>	<b>3</b>
<b>Stevenston Community Council</b>	<b>3</b>
<b>West Kilbride Community Council</b>	<b>3</b>

Put simply, if the minimum number of Community Councillors is not present, the meeting cannot go ahead. Community Councillors are, however, free to meet informally at the conclusion of the election business.

#### Business

There is no set rule as to the business of the first meeting of the Community Council after an election, but items such as the appointment of office bearers, financial matters/accounts, the constitution and the question of *standing orders* are common items. A check should also be made to ensure that all newly elected Community Councillors have signed up to the Code of Conduct (see Section 9.1 of this guide), as required by the Scheme.

The Minute of the first meeting after an Initial Election will be taken initially by a representative of the local authority until a Secretary has been appointed. In the case of the first meeting after an ordinary election, a volunteer, who may or may not later be formally appointed as Secretary, will begin to take the Minute.

## **Minutes**

The Minute should begin by stating the name of the Community Council, the date and time of the meeting and the names of Community Councillors (and any officers of the local authority) present.

The names of any Elected or Co-opted Community Councillors not at the meeting and whose apologies have been submitted, also need to be recorded at the start of the Minute.

The Minutes of a Community Council meeting do not require to be detailed, but they should record when and where the meeting was held, the names of those members present, any apologies submitted, the outcome of any votes taken and any formal decisions agreed at the meeting. In particular, decisions regarding any expenditure to be incurred, should be detailed in the Minute, together with a reference as to how such expenditure is to be met. A Community Councillor or member of the public not present at the meeting should, from a reading of the Minutes, be able to get a reasonable idea of what business was conducted and what decisions were taken.

A Model Minute is provided at Section 9.2(A) of this guide.

## **Chair**

In the case of a newly-established Community Council, the Chair would be taken initially by a representative of the Council's Committee Services section. He/she will call for office bearer nominations. For the first meeting following an ordinary Community Council meeting, the previous Chair or another former office bearer would normally call for nominations from those Community Councillors present.

Where there are no nominations for the position of Chair, or where a potential nominee is not present, the Community Council will normally appoint an interim Chair to chair the remainder of the meeting and continue consideration of the appointment of a Chair to the next ordinary meeting.

In the unlikely event of more than one nomination for the position of Chair or interim Chair, Community Councillors present will be asked to vote and the nominee with the highest number of votes would be declared appointed. In the even rarer case of two or more such nominees receiving the same number of votes, the matter would be settled by the drawing of lots.

See Section 4.4 of this guide on the Roles of Office Bearers.

## **Secretary**

Once a Chair or interim Chair has been appointed, he or she will call for nominations for the position of Secretary. The procedure is the same as for the appointment of the Chair/interim Chair in terms of the calling for nominations and, if necessary, voting.

Once appointed, the Secretary immediately begins to take a formal record of the meeting. (See Section 4.4 of this guide on the Roles of Office Bearers).

## **Treasurer**

Again, a Treasurer is appointed in the same way as the other office bearers (see above).

Following an initial election of a new Community Council, the representative of the Council's Committee Services section will give a brief explanation of the financial support provided to Community Councils by the local authority and explain the process for the Treasurer to make contact with the Council's Finance Service to arrange the payment of the annual grant and discuss the keeping of accounts.

Following an ordinary election for an established Community Council, the new Treasurer will receive the accounts of the Community Council from the outgoing Treasurer, together with information on the financial support provided to Community Councils by the Council and arrangements for the keeping of accounts. (See Section 4.4 of this guide on the Roles of Office Bearers).

**N.B. Only Elected or Co-opted Community Councillors can be office bearers. Appointed Advisors and *ex officio* members cannot hold office. An Elected or Co-opted Community Councillor who is not present at the meeting where appointments are being considered can still be appointed as an office bearer (subject to them formally accepting the position at a later date).**

## **Constitution**

After an initial election for a newly-established Community Council, the Chair may wish to postpone consideration of a constitution until the next meeting. The representative of the Council's Committee Services section present will provide a copy of a Model Constitution (see Section 9.3 of this guide), which the Chair may wish to have copied and sent to all Community Councillors for their consideration and discussion at the next meeting. In the meantime, the Community Council is still bound by the terms of the Community Council Scheme regardless of whether or not it has its own constitution in place.

After an ordinary election for an established Community Council, the Chair will refer to the constitution which is already in place and may call for any amendments which Community Councillors would wish to make to it. Amendments can be made, provided the requisite number of members is present and in agreement. (See Section 4.6 of this guide on the Constitution).

### **Standing Orders**

*Standing Orders* are the rules a Community Council agrees will apply to the conduct of its meetings.

After an initial election for a newly-established Community Council, the Chair may wish to postpone consideration of Standing Orders until the next meeting. The representative of the Council's Committee Services section present will provide a copy of Model Standing Orders (see Section 9.4 of this guide), which the Chair may wish to have copied and sent to all Community Councillors for their consideration and discussion at the next meeting. In the meantime, the decision of the Chair shall be final in terms of the conduct of the meeting. (See Section 4.7 of this guide on Standing Orders).

After an ordinary election for an established Community Council, the Chair will refer to any *standing orders* which are already in place and may call for any amendments which Community Councillors would wish to make to them. In the event of any disagreement on amendments, the Community Councillors present will vote and the Chair will have the *casting vote*, if required. (See Section 4.5 of this guide on voting procedures).

**N.B.** It is not compulsory for Community Councils to adopt Standing Orders. However, they are a useful tool for making sure that meetings are conducted in a consistent and fair way.

### **Other Business**

The Chair can then call for any other business to be discussed and his or her decision shall be final as to which items of business are considered. In any event, the meeting would not normally close until arrangements had been made for the next meeting to be held.



## 4.2 Ordinary Meetings

### Minimum Number of Meetings Per Year

Each Community Council must meet on no fewer than **6** occasions in any one calendar year. There is no maximum number of meetings, although it should be noted that the local authority guarantees a maximum of 15 free lets per year. Commonly, Community Councils meet on a monthly basis, with some having a recess (during which no meetings are held) during the Christmas and/or summer period.

### Agenda/Notice of Meetings

**Three clear days** before the meeting is to be held, the Secretary must issue a notice of the Community Council meeting detailing the date, time and venue and providing an Agenda for the meeting, including a copy of the Minute of the last meeting.

The notice must be issued to all members of the Community Council, including *ex officio* members and the press, as well as being posted on a local notice board(s).

The meeting can, however, take place even if an individual Community Council fails to receive his/her copy of the calling notice.

### Quorum

The *quorum* for each Community Council is as follows:

<b>Ardrossan Community Council</b>	<b>3</b>
<b>Arran Community Council</b>	<b>3</b>
<b>Beith &amp; District Community Council</b>	<b>3</b>
<b>Cumbræ Community Council</b>	<b>3</b>
<b>Dalry Community Council</b>	<b>3</b>
<b>Dreghorn Community Council</b>	<b>3</b>
<b>Fairlie Community Council</b>	<b>3</b>
<b>Girdle Toll Community Council</b>	<b>4</b>
<b>Irvine Community Council</b>	<b>5</b>
<b>Kilbirnie &amp; Glengarnock Community Council</b>	<b>3</b>
<b>Kilwinning Community Council</b>	<b>5</b>
<b>Largs Community Council</b>	<b>3</b>
<b>Saltcoats Community Council</b>	<b>3</b>
<b>Skelmorlie Community Council</b>	<b>3</b>
<b>Springside Community Council</b>	<b>3</b>
<b>Stevenston Community Council</b>	<b>3</b>
<b>West Kilbride Community Council</b>	<b>3</b>

Put simply, if the minimum number of Community Councillors is not present, the meeting cannot go ahead. In such circumstances, however, the Community Councillors present could proceed to meet informally to discuss such matters as might be later considered formally at the next *quorate* meeting.

## **Minutes**

The Minute should begin by stating the name of the Community Council, the date and time of the meeting and the names of Community Councillors (and any officers of the local authority) present.

The names of any Elected or Co-opted Community Councillors not at the meeting and whose apologies have been submitted, also need to be recorded at the start of the Minute. The Chair would normally call for any apologies for absence first so that these can be recorded in the Minutes. The calling for apologies also provides a reminder to ensure that there are enough Community Councillors present for the meeting to go ahead.

The Minutes of a Community Council meeting do not require to be detailed, but they should record when and where the meeting was held, the names of those members present, any apologies submitted, the outcome of any votes taken and any formal decisions agreed at the meeting. In particular, decisions regarding any expenditure to be incurred, should be detailed in the Minute, together with a reference as to how such expenditure is to be met.

A Community Councillor or member of the public not present at the meeting should, from a reading of the Minutes, be able to get a reasonable idea of what business was conducted and what decisions were taken.

A Model Minute is provided at section 9.2(B) of this guide.

## **Minutes of Previous Meeting**

The Chair would refer to the minutes of the previous meeting and ask for them to be approved as a correct record, subject to any suggested amendments. At this point, an Elected or Co-opted Community Councillor who was present at the previous meeting would move that the Minutes be approved and another such Community Councillor would second that motion. The Secretary would record that the Minutes had been approved as a correct record, subject to any amendment agreed.

## **Matters Arising**

The next logical item of business would be any matters arising from the last meeting, usually by way of an update on the position at the last meeting or perhaps something which was considered at the previous meeting, but continued for further information or more consideration.

## **Other Business**

Other items might include local issues raised with the Chair or Secretary by Community Councillors or members of the public and put on the Agenda for discussion.

Some examples of possible Agenda items are as follows:-

- **Report by the Treasurer on a grant or some expenditure**
- **Report by the Secretary would normally report on correspondence received**
- **Consideration of planning applications (see Section 6.3 of this guide)**
- **Consideration of consultation documents received**
- **Report by the local Elected Members**
- **Presentation by an invited officer of the Council or other public body,**
- **Public forum allowing members of the public to speak/raise issues**

In short, because the role of Community Councils is so wide-ranging, the list of items which might form part of the Agenda for the meeting, is potentially vast. The Chair would normally have the final decision as to which items appear on any particular Agenda and which Agenda items might have to be continued to a future meeting where it is felt that there is not enough time (or information perhaps) to consider them fully.

### **4.3 The Annual General Meeting**

East Community Council should, as a matter of good practice, hold an Annual General Meeting (AGM). The timing of the AGM of the Community Council is generally set out in the Community Council's constitution.

In addition to any other business which might be considered at the AGM, the following are common Agenda items:

- **approval of the draft accounts of the preceding financial year**
- **the Chair's annual report on the preceding year (and perhaps the Community Council's aims and objectives for the coming year)**
- **the appointment of office bearers if the constitution requires this to be done annually**
- **the calendar of ordinary meetings of the Community Council**

## 4.4 The Roles of Office Bearers

Community Councils should appoint a Chair, Secretary and Treasurer from among the membership of Elected and Co-opted Community Councillors. **Appointed Advisors and *ex officio* Community Councillors are not eligible to become office bearers.** In some cases, particularly with smaller Community Councils, a single person may perform more than one role, e.g. Chair/Secretary.

In addition, some Community Councils may decide to appoint a Vice-Chair to deputise for the Chair or assist in the duties of the Chair. Similarly, some Community Councils may have a Minutes Secretary whose sole function is to produce the Minutes of Community Council meetings, leaving the Secretary to perform the other tasks associated with that role. Such appointments are at the discretion of individual Community Councils and should be set out in the Community Council's constitution.

Office bearers are usually appointed for a period of four years, until the next ordinary election of the Community Council. However, interim appointments can be made where necessary and shorter appointment periods can be specified within the Community Council's constitution.

### Training

Often, office bearers are appointed on the basis of previous experience in that type of role. However, training is available from the Council on request for anyone less familiar with their new role or, subject to availability, for those interested in becoming office bearers in the future. For further information on office bearer training, either contact the Council's Connected Communities Service (Education and Youth Employment) on telephone number 01294 310000 or enquire via the Committee Services section (Chief Executive's) on tel: 01294 324131.

### The Chair

As indicated earlier, the principal role of the Chair of a Community Council is to preside over meetings of the Community Council. He or she will, usually in consultation with the other office bearers, determine what business will appear on the Agenda for each meeting and how much time will be permitted for debate on any issue. The Chair may also, at his or her discretion, determine if an item of business which does not appear on the Agenda should be considered as a matter of urgency. He or she will be expected to preserve order during the course of the meeting and all debate should be addressed through the Chair. If there are *standing orders* in place, the Chair will ensure that these are observed. Similarly, he or she will ensure that those present comply with the Code of Conduct set out at Section 9.1 of this guide.

At the end of any debate, the Chair will either summarise the mood of the meeting on a particular item and seek formal agreement as to the decision which has been reached or, if he or she feels that more than one view has been expressed and received support, they will call for motions to be formally proposed and seconded by Elected or Co-opted Community Councillors.

Where two or more motions are proposed and seconded, the Chair will ensure that a voting is undertaken according to the procedure set out in Section 4.5 of this guide. In the event of an equality of votes, the Chair can determine the matter using his/her casting vote.

A good Chair will not seek to impose their will on a meeting, but rather attempt to ensure that each Community Councillor has an opportunity to be heard and that any debate is conducted in a fair manner. A good Chair will try to balance this with the desirability of avoiding unnecessarily protracted debate which is not productive. It is inevitable that individual Community Councillors will not always agree on every issue, but the role of the Chair is to ensure that each view has been aired and the decision of the meeting as a whole reached.

The Chair will also be called upon to act as *Returning Officer* for Ordinary Elections of the Community Council in terms of Annexe 4 of the Community Council Scheme (which is provided at Section 9.5 of this guide).

In the absence of the Chair at any meeting, the chair will normally be taken by the Vice-Chair if one exists and, if not, an interim Chair will be appointed from the Elected or Co-opted Community Councillors present. In the latter case, the interim Chair will require to be proposed and seconded by Elected or Co-opted Community Councillors. In the rare event of more than one Community Councillor wishing to act as interim Chair, the matter would be decided by the drawing of lots.

**In summary, the role of the Chair is to:**

- **Set the Agenda for meetings, including the late addition of urgent items**
- **Preside over meetings of the Community Council and preserve order**
- **Ensure compliance with the Constitution, the Community Council Scheme , any *Standing Orders* and the Code of Conduct**
- **Ensure debates are conducted fairly and within a reasonable timeframe**
- **Take votes on motions, including the use of a casting vote, if necessary**
- **Ensure the Community Council's decisions are informed by the views of the local community**
- **Liaise effectively with the other office bearers**
- **Assume the role of Returning Officer for ordinary elections of the Community Council**

## **Secretary**

The Community Council Secretary is the official correspondent of the Community Council. He or she receives correspondence on behalf of the Community Council from a variety of bodies and from members of the public. The Secretary should liaise with the Chair to establish which matters require to be considered and determined by the Community Council and then respond as appropriate following the formal decision of the Community Council.

In some cases, consultation responses may be required before the next ordinary meeting of the Community Council. In these circumstances, the Secretary will liaise with the Chair to determine if the issue merits a special meeting of the Community Council to consider the consultation document and, if so, he or she will make the necessary arrangements for such a meeting. In other instances, the constitution of a Community Council may have provision for a Sub-Committee of the Community Council to consider urgent issues (e.g. planning applications) and, if this is the case, the Secretary will make arrangements for the matter to be considered by the appropriate Sub-Committee. Finally, it may be necessary, following consultation with the Chair (and perhaps informal consultation with Community Councillors individually), for the Secretary to respond to the consultation document on behalf of the Community Council and then report this to the next ordinary meeting of the Community Council for ratification, or *homologation*.

The role of the Secretary is also to undertake the administrative arrangements associated with meetings of the Community Council. He or she will make necessary venue bookings, ensure that meetings are publicised, circulate Agendas to Community Councillors and other interested parties, take Minutes of meetings, ensure decisions are actioned and circulate Minutes.

The Minutes of a Community Council meeting do not require to be detailed, but they should record when and where the meeting was held, the names of those members present, any apologies submitted, the outcome of any votes taken and any formal decisions agreed at the meeting. In particular, decisions regarding any financial expenditure to be incurred, should be detailed in the Minute, together with a reference as to how such expenditure is to be met.

A Community Councillor or member of the public not present at the meeting should, from reading of the Minutes of the meeting, be able to get a reasonable idea of what business was conducted and what decisions were taken. A copy of the Minutes should be available for public inspection and it is good practice to lodge a copy of the Minutes with the local library.

Where a decision is taken by a Community Council to undertake a community consultation exercise or similar initiative, the Secretary will often play a central role in administrative arrangements such as preparing, posting and analysing questionnaires, perhaps assisted by a working group of other Community Councillors.

Other administrative tasks associated with the role of Community Council Secretary include keeping the local authority informed about any changes in the membership of the Community Council, including providing contact details for new office bearers, details of any co-options to the Community Council and the appointment of any Appointed Advisors. The Secretary should also make the local authority aware of any potential difficulties arising from falling membership levels so that support and advice can be offered to prevent dissolution of the Community Council.

**In summary, the role of the Secretary is to:**

- **Act as the official correspondent of the Community Council**
- **Liaise with the Chair to compile the Agenda for Community Council meetings**
- **Ensure correspondence/consultation documents are appropriately dealt with**
- **Make venue bookings for meetings**
- **Ensure Agendas and Minutes are issued to Community Councillors (including *ex officio* members), the local authority and the local press, as well as being posted on a public notice board(s)**
- **Take the Minute of Community Council meetings and ensure decisions are actioned**
- **Take an active role in the administrative arrangements associated with community consultation exercises and other projects**
- **Keep the local authority advised of any changes in the membership of the Community Council**
- **Advise the local authority of any difficulties in terms of falling membership or the lack of attendance of individual Community Councillors.**

### **Treasurer**

In the case of a newly-established Community Council, one of the first actions of the Treasurer will be to instigate the setting up of a bank account on behalf of the Community Council, ensuring that one or more of the other office bearers acts as a counter-signatory(ies) for the account. In the event of a new appointment to an existing Community Council, the new and former Treasurers will liaise to ensure that the Community Council's bank account signatories are updated as necessary. Similarly, the Treasurer will take action to update the bank account in the event of changes to the signatories as a result of resignations, etc.

It is also the responsibility of the Treasurer to keep accounts of all financial transactions of the Community Council using a cashbook and make sure that accounts are presented to the Assistant Chief Executive (Finance), the appointed Auditor for all Community Councils in North Ayrshire, at the end of the Community Council's financial year.



It is important that, when releasing any funds from the Community Council's account, the Treasurer either receives a receipt for the expenditure incurred or, exceptionally, if no receipt can be provided, a 'voucher' from the Community Councillor in question, i.e. a slip signed by the Community Councillor and counter-signed by a second Community Council detailing the date, amount and purpose of the expenditure.

The Treasurer may also have responsibility for the financial management of any projects for which funding has been obtained and/or fundraising activities carried out. This will include completing and returning any financial monitoring documentation which might be required by the local authority or external bodies as a condition of grant funding. The Treasurer will also make the necessary arrangements to return any grant funds which may be left unspent following completion of a project for which funding has been awarded.

The Treasurer is also responsible for ensuring that a register of the Community Council's assets (e.g. computing equipment) is maintained and that suitable insurance is in place to cover the loss of, or damage to, assets. Likewise, the Treasurer will ensure that the issue of public liability insurance is taken into account when projects are being planned by the Community Council.

It is vital that a Treasurer, in incurring any expenditure on behalf of the Community Council, obtains a formal, Minuted approval to incur that expenditure, together with the Community Council's decision as to how the expenditure will be met. Any Treasurer failing to obtain such Minuted approval risks being deemed personally responsible for the unauthorised expenditure.

In the rare event of a Community Council requiring to be dissolved (See Section 7.3 of this guide), the Community Council should ensure that the Community Council's bank account is closed and any funds returned to North Ayrshire Council. Advice on what paperwork should be completed in such an event can be obtained by contacting the Council's Finance Service (Finance and Corporate Support) on tel: 01294 310000.

Further information and advice on the preparation and management of Community Council accounts is contained at Section 5 of this guide and additional advice is available by contacting the Council's Finance Service (Finance and Corporate Support) on tel: 01294 310000.

**In summary, the role of the Treasurer is to:**

- **Maintain a records of the Community Council's income and expenditure in terms of Section 5.1 of this guide**
- **Timeously present the Community Council's accounts to the local authority for auditing purposes**
- **Act as the principal signatory for the Community Council's bank account**
- **Ensure receipts are obtained for all expenditure**
- **Assume responsibility for the financial management of projects/fundraising**
- **Maintain a register of the Community Council's assets**
- **Consider the need for public liability insurance**
- **Wind up the Community's Councils financial affairs in the event of dissolution**

## 4.5 Voting

Most Community Council decisions are reached by consensus. However, where it is clear that more than one view persists, the Chair will call for a formal motion to be put before the meeting. Any Elected or Co-opted Community Councillor may decide to put forward a motion, provided that he/she is seconded by another Elected/Co-opted Community Councillor.

Subsequent motions are referred to as amendments and, likewise, they must be seconded by Elected/Co-opted Community Councillors. Any motion which fails to find a seconder automatically falls.

### **Motion and One Amendment**

The Chair will call for votes for the amendment. The amendment, together with the number of votes cast, will be recorded by the Secretary. The Chair will then call for votes for the motion and the motion, together with the number of votes cast, will be recorded by the Secretary.

Whichever of the above has the highest number of votes is declared carried and becomes the decision of the Community Council. If both receive the same number of votes, the Chair will decide the matter by using his/her *casting vote*.

### **Motion and Two or More Amendments**

The Chair will call for votes for each of the amendments in turn. These, together with the number of votes cast for each, will be recorded by the Secretary. The Chair will then call for votes for the motion and the motion, together with the number of votes cast, will be recorded by the Secretary.

Whichever of the above has the highest number of votes is declared carried and becomes the decision of the Community Council. If two or more receive the same number of votes, the Chair will decide the matter by using his/her *casting vote*.

**NB.** In the absence of the Chair, the Community Councillor who has been appointed to chair the meeting will have the right to exercise the *casting vote*, should this be required.

Appointed Advisors and *ex officio* Community Councillors shall not be entitled to vote on any matter. However, the Chair, at his/her discretion, may informally ask for a general show of hands to gauge the feeling of all those present at a meeting in cases where there is no formal vote before the Community Council.

## **Abstention and Dissent**

Any Elected/Co-opted Community Councillor may decide not to take part in, or abstain, from a vote and, if they so wish, have that fact formally Minuted.

Similarly, any Elected/Co-opted Community Councillor who strongly disagrees with a decision of the Community Council – whether or not they have moved a motion or amendment – may ask to have their dissent recorded in the Minute.

## 4.6 The Constitution

Each Community Council may draw up its own constitution tailored to meet its own particular needs. The terms of the constitution must not, however, conflict with any element of the Scheme itself. For instance, if the Scheme says that the *quorum* for meetings of a particular Community Council should be 4, then that Community Council can choose to set a higher *quorum* if it so wishes, but not a lower one.

The constitution must be formally agreed by the Community Council and then submitted to the local authority for approval. The date on which the constitution was agreed by the Community Council is normally noted at the bottom of the document which should also be signed by two office bearers.

A basic Model Constitution is provided at Section 9.3 of this guide and further advice can be obtained by contacting the Council's Committee Services Service on tel: 01294 324131.

## 4.7 Standing Orders

As stated in earlier sections of this guide, the adoption of *standing orders* by a Community Council is not compulsory, but can be a useful tool in helping to govern how meetings will be conducted. *Standing orders* typically include items such as:-

- **when a special meeting can be called**
- **notice to be given for meetings**
- **order of business**
- **acceptable conduct at meetings**

Basic Model *Standing Orders* are provided at Section 9.4 of this guide and further advice can be obtained by contacting the Council's Committee Services Service on tel: 01294 324131.

## 4.8 Community Council Committees

The Scheme provides for the possibility of Community Councils establishing Committees for particular purposes, e.g. to consider Planning application consultation. Such Committees and their composition must be set out in the Community Council's constitution, together with a clear indication of the extent of their remit. Regardless of the powers granted to such Committees, their actions should be reported to the next ordinary meeting of the full Community Council for formal approval.

Each Committee must be made up mainly of a set number of Elected/Co-opted Community Councillors (as determined by the Community Council itself), but the Community Council may also appoint to it non-members or Appointed Advisors, provided that the number of such persons is no greater than half the number of Elected/Co-opted Community Councillors.

### **Example**

***Community Council A has a total membership of 12. It sets up a Committee for Young People's Interests and appoints 6 of its Elected/Co-opted Community Councillors to serve on it. The remaining membership of 3 consists of young people from the local community, selected to represent the three secondary schools in the Community Council's area. The quorum for meetings of the Committee is set at 3 in the Community Council's constitution, 2 of whom must be Elected/Co-opted Community Councillors.***

## **5. Financial and Other Support**

### **5.1 Accounts**

Each year, the Community Council Treasurer must prepare a set of accounts of the Community Council. The accounts will show all income and expenditure of the Community Council over the Community Council's financial year. Different Community Councils have different financial years for the purposes of submitting accounts (generally tied in with the date of their establishment as Community Councils).

Receipts (or, where no receipts are available, vouchers signed by two Community Councillors) shall account for all expenditure incurred.

Guidance on the preparation of accounts is available at Appendix 9.5 of the Guide.

Accounts and receipts must be submitted to the Council's Finance Service (Finance and Corporate Support) as the appointed Auditor for all Community Councils in North Ayrshire, at the end of the Community Council's financial year. The annual grant awarded by the Council is paid when the audit has been completed by Finance and the accounts signed off.

The audited accounts should be also presented by the Treasurer to the Annual General Meeting of the Community Council or, this failing, to an ordinary meeting of the Community Council.

Further advice or information of the preparation of accounts or audit arrangements can be obtained by contacting the Council's Finance Service (Finance and Corporate Support) on tel: 01294 310000.



## 5.2 The Annual Grant

A large part of the usually modest income of a Community Council comes via the Annual Grant (otherwise known as the Administrative Grant) awarded to each Community Council by the local authority. The amount awarded is determined from time to time by the local authority and is usually based upon a base level, supplemented by a rate based on population.

The maximum grant payable is calculated at a rate of £200 per Community Council, plus £30 per thousand of population. The initial allowance for each community council is as follows, payable following the audit of the community council's accounts:

<b>Ardrossan Community Council</b>	<b>£620</b>
<b>Arran Community Council*</b>	<b>£410</b>
<b>Beith Community Council</b>	<b>£480</b>
<b>Cumbræ Community Council</b>	<b>£270</b>
<b>Dalry Community Council</b>	<b>£445</b>
<b>Dreghorn Community Council</b>	<b>£375</b>
<b>Fairlie Community Council</b>	<b>£270</b>
<b>Girdle Toll and Bourtreehill Community Council</b>	<b>£725</b>
<b>Irvine Community Council</b>	<b>£900</b>
<b>Kilbirnie and Glengarnock Community Council</b>	<b>£480</b>
<b>Kilwinning Community Council</b>	<b>£795</b>
<b>Largs Community Council</b>	<b>£620</b>
<b>Saltcoats Community Council</b>	<b>£620</b>
<b>Skelmorlie Community Council</b>	<b>£305</b>
<b>Springside Community Council</b>	<b>£270</b>
<b>Stevenston Community Council</b>	<b>£550</b>
<b>West Kilbride Community Council</b>	<b>£410</b>

\*Additional expenses are available to Arran Community Council to reflect significant travel costs likely to be incurred by members

In years following the initial grant allowance mentioned above, payment of the annual grant will be on the basis of a "top up", to reimburse Community Councils for actual expenditure on approved items, up to the maximum levels indicated above. The local authority may review its arrangements for grant funding from time to time.

The annual grant may be used to meet the following types of expense:-

- **Publishing notices**
- **Stationery**
- **Copying**
- **Postage**
- **Remembrance Day wreaths**
- **Community consultation exercises**
- **Out-of-pocket expenses incurred by Community Councillors (with the knowledge and approval of the Community Council)**
- **Other expenses not covered by the above but approved by the local authority as acceptable administrative expenses**

Payment of the annual grant is conditional upon:-

- **the auditing of accounts**
- **the local authority having received copies of all Community Council Minutes**
- **on the minimum requirement for at least six *quorate* meetings have been met**

### **5.3 Other Funding**

Community Councils may apply for other types of funding for particular projects, including funding from bodies external to the local authority. Most will require a copy of the Community Council's constitution, bank statement and audited accounts in support of any application. In addition, Community Councils, like other voluntary organisations, may undertake a variety fundraising initiatives within the local community to raise funds for community events and initiatives.

The Council administers a number of sources of grant funding, including Common Good Funds and Trusts, and can provide advice on potential sources of external funding. For advice, please contact the Council's Performance/Grants Information Officer (Economy and Communities) on tel. number 01295 608041.

A Treasurer seeking additional funding on behalf of the Community Council should seek the formal, Minuted approval of the Community Council before making any application and should ensure that any funding requests are also signed by another office bearer.

## **5.4 Meeting Accommodation**

The local authority will provide each Community Council with meeting accommodation for up to 15 free lets each year. This provision will be subject to availability and to the exigencies of the Service, but every effort will be made to accommodate Community Councils. The number of free lets provided should be sufficient to meet the needs of Community Councils in terms of ordinary and special meetings.

In the event that further lets are required for special meetings of the Community Council, application may be made to the local authority to request that it be provided free of charge; however, dependent upon the circumstances, the local authority may require to impose a charge, which may be met from the annual grant as an acceptable administrative expense.

Community Councils may also apply for accommodation for community events for which it might be responsible. The cost of such accommodation will, however, require to be met by the Community Council and is not generally covered by the annual grant.

## **5.5 Legal Liability and Insurance**

### **Legal Liability**

Community Councils are created by statute (Part IV of the Local Government (Scotland) Act 1973), but their legal status is not defined within that legislation. (Legal status is important because that is what creates the uniqueness of an organisation and makes it a separate legal entity from the members of that organisation.)

The Community Council is effectively the collection of the individual elected Community Councillors and any liability incurred by the Community Council can fall personally, collectively or individually on the Community Councillors.

The statutory foundation for Community Councils is set out in the 1973 Act where it states “in addition to any other purposes 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”. The Council funds Community Councils on the basis that they will represent such views to the Council and consequently feed back to the local area matters arising within the Council. Any other action which the Community Council might wish to take is regarded as being incidental to this principal purpose of communication flow.

The current funding regime whereby the Council provides an administration grant to cover a Community Council’s costs of photocopying, postage, etc. is intended to cover any reasonable liability which a Community Council might need in carrying out its statutory duties.

The legal status of a Community Council is such that it is the individual members who have the legal status and are entitled to sue or be sued on behalf of that Community Council. As the personal liability of a Community Councillor is almost identical whether an activity falls within or outside the Community Council’s statutory objective, the difference is more to do with whether the Community Council can continue to call itself a Community Council and should be regarded as a Community Council if it strays outside the activities which are established under statute as shown above. Accordingly, if the Community Council were to stray outside the objectives, it would be acting outwith the powers and the individual Community Councillors would be personally liable for that activity.

It is recommended that Community Councillors obtain appropriate personal and public liability insurance (for relevant perils) in respect of their activities when acting as a Community Councillor.

## **Insurance**

Community Council meetings held in Council-owned premises are covered by the local authority's public liability insurance for negligence on the Council's part, e.g. unsafe premises through faulty equipment. However, in common with every organisation meeting in such premises, the Community Council must bear some responsibility for activities at the meeting. For instance, it is the responsibility of the local authority to keep the premises safe for public use; however, if a situation arises where perhaps water has been split on the floor, the Community Council would be expected to ensure Community Councillors and members of the public present do not endanger themselves by stepping on the area in question until the problem can be resolved. If the Community Council was organising and running the event and an adverse event occurred a claim may be directed to the Community Council.

In 2017, the Council secured access to a good-value insurance policy for community councils which covers the key areas of public liability, employer's liability, fidelity guarantee cover, money cover, libel and slander, and personal accident. In its initial year, the Council was able to meet the cost of providing this insurance cover (or upgrading existing community council policies to match this level of cover), on the basis that the cost of subsequent years' cover would be met by individual community councils in terms of their administrative allowance.

Community Councils should also take the issue of additional insurance into consideration when costing and planning events such as galas. The Council's Insurance and Risk Manager can be contacted on tel: 01294 310000 for any information and advice on general insurance matters. Please note the Council cannot act as a direct advisor or broker and the ultimate responsibility for ensuring liability is covered lies with the Community Council. In this regard Community Councils may wish to take independent advice.

It should be noted that insurance has limitations and often there are exclusions and it may not cover, for example, potential claims for contracts which a Community Council entered into without sufficient money to pay, or claims of defamation against the Community Council.

## 5.6 Data Protection

### Background

The Data Protection Act 1998 is the legislation that governs how we capture, process and manage individual's **personal** data. The governing body that oversees and ensures compliance with this Act is the UK Information Commissioner's Office (ICO). Due to the rapid increase in the use of technology in our day to day lives and to enhance the rights of individuals, the European Union recognised that an update of the current data protection law was required.

The General Data Protection Regulation (GDPR) is an EU wide directive that affects all organisations and individuals within EU countries and beyond. The UK government has reacted to the introduction of this new directive by creating the Data Protection Bill 2018 which, once approved, will replace our current Data Protection Act. This means that although the UK is set to come out of the European Union (Brexit), the GDPR will still apply when it comes into force on the 25 May 2018.

### Why do we need data protection legislation?

The purpose of data protection legislation is to protect the rights and privacy of living individuals which includes ensuring that their personal data is not processed without their knowledge.

### What is personal data?

In short, personal data is information relating to an identifiable living individual. Community Councils will not normally be in a position to handle a great deal of personal data, but the Secretary and other office bearers will routinely hold community councillors' contact information for the purposes of calling meetings, undertaking community projects, etc. It is important that such information is kept secure; not shared with other parties without the individual's permission; and only used for the purposes specified. For instance, a community councillor who happens to run a business cannot use their community councillor email contact list for unsolicited marketing purposes. Similarly, when community council correspondence containing personal data is disposed of, this should be done securely, by shredding.

### What does data protection legislation say we should do with personal data?

Data protection legislation is built around a set of principles which control the way in which information is managed. These principles are:

- ✓ Processed fairly, lawfully and in a transparent manner
- ✓ Collected for specified, explicit and legitimate purposes
- ✓ Adequate, relevant and limited to what is necessary
- ✓ Accurate and where necessary kept up to date

- ✓ Kept in a form which allows identification of data subjects for no longer than is necessary for the purposes for which the data was collected
- ✓ Processed in a manner that ensures appropriate security of the personal data

### **What is changing as a result of the General Data Protection Regulation (GDPR)?**

The majority of the GDPR is similar to the current Data Protection Act however there are some new elements being introduced. Here is a list of some of the key changes coming in on the 25<sup>th</sup> May 2018 (please note: this list is not exhaustive):

- Notification of public data breaches will become mandatory from 25 May 2018
- The ICO will now be able to fine organisations up to £17 million or 4% of annual turnover where there has been a data breach
- Individuals have more rights under the regulation including:
  - **The right to erasure** – also known as the right to be forgotten. This means individuals have the right to request the deletion or removal of their personal data where there is no justification for its continued processing.
  - **The right to be informed** – under the GDPR, individuals will have to be given “fair processing information”, through a privacy/data protection notice. This should be a short statement, in plain terms, setting out what you will do with their personal data, how you will look after it and who you intend to share it with (if applicable).
  - **The right to access** – individuals have the right to request a copy of the data that you hold on them. This is called a Subject Access Request and under the GDPR will have to be provided free of charge and within one month from date of request.
  - **The right to rectification** – individuals can ask to have their personal data corrected if it is inaccurate or incomplete. If the data is shared with 3<sup>rd</sup> parties then you must also tell them of the correction.

### **What do you need to do as a Community Council?**

As a Community Council you will process personal data and as such, will need to register OR renew your registration with the Information Commissioner’s Office (ICO) as a data controller.

Follow this link to register: <https://ico.org.uk/for-organisations/register/>



If you are already compliant with the Data Protection Act 1998, then you should be in good stead for the introduction of the GDPR. The checklist attached details some of the areas that need to be reviewed in preparation for the GDPR and may help identify areas for improvement.

As a Data Controller, Community Councils are responsible for compliance with data protection legislation and must be able to demonstrate this to data subjects and to the UK Information Commissioner. Failing to comply with data protection laws can result in sanctions and financial penalties being imposed.

More information on the GDPR and data protection can be found on the ICO website at <https://ico.org.uk/>

CHECKLIST – Get Data Protection Ready

	Why should I review this?	Actions required?	Date completed
Check registration with the ICO	<p>As a data controller you must be registered with the Information Commissioner’s Office.</p> <p>Follow this link and select <b>Register Now</b> to complete:  <a href="https://ico.org.uk/for-organisations/register/">https://ico.org.uk/for-organisations/register/</a></p> <p>There is a registration fee of £35</p>		
Check what personal data you hold	<p>It is a good opportunity to have an overview of all the personal data that you collect as a Community Council. This can take the form of a simple spreadsheet detailing:</p> <ul style="list-style-type: none"> <li>- What type of data you hold?</li> <li>- Is it personal/personal-sensitive information?</li> <li>- Why is it being held?</li> <li>- Who holds the data and who can access it?</li> <li>- How long is kept for?</li> <li>- Any action required?</li> </ul>		
Do you have an up to date privacy notice?	<p>This can be a short statement that gives more information to individuals about how you use their personal data. The ICO has comprehensive guidance available on their website for more information on what privacy notices are and how to write one:  <a href="https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-notice-transparency-and-control/">(https://ico.org.uk/for-organisations/guide-to-data-protection/privacy-notice-transparency-and-control/)</a></p> <p>If you already have a privacy notice, take some time to review what you currently say in your notice and make sure it is updated regularly if how you process personal data changes at any point.</p>		

<p>Do you rely on consent for any of your processes?</p>	<p>If you rely on consent from individuals to process their personal data e.g. collecting personal data for surveys, you will need to readdress how you collect and control this in the future. You cannot rely on pre-ticked boxes in forms or assume consent in any way. It must be freely given and allow the individual to remove their consent at any point.</p>		
<p>Do you need to review your processes?</p>	<p>It is a good opportunity to ensure that you are able to respond to any requests from individuals relating to the rights mentioned in the previous page. Could you delete individual's data if they asked you to or make corrections where there are errors?</p>		
<p>Do you know what to do if there was a data breach?</p>	<p>Ensure that you know what to do if there was a personal data breach e.g. who to report it to, how long you have to report it. If there is not a process in place, now is the time to introduce one. Under the GDPR, you will have 72 hours to report a breach to the ICO. In certain circumstances, the individuals whose data has been breached will also need to be notified.</p>		

## **6. Communications**

### **6.1 Consulting with the Community**

Section 51(2) of the Local Government (Scotland) Act 1973 which established Community Councils states that the main purpose of a Community Council is “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.”

If Community Councils are to fulfil their statutory purpose, it is vital that they consult as fully as possible with the local community and give local people the opportunity to make their views known. Advice from the Scottish Government emphasises the importance of Community Councillors resisting any temptation simply to assume that their own personal views reflect those of the wider community and instead make an active effort to represent the interests of their community as a whole.

Community Councils can consult the local community in a variety of ways. Making local people aware of Community Council meetings and encouraging them to attend is a good start. As a minimum requirement, the Scheme asks Community Councillors to post a notice advertising all meetings on local notice boards and in the local press. (The local authority would not expect the Community Council to take out costly advertisements in the local press, but rather try to have information on meetings included in any “district news” section of the local paper). Minutes of meetings must also be available for public inspection, if not in the local library, then by contacting the Secretary directly.

Community Councils might wish to consider other ways to publicise their meetings and encourage attendance, such as a notice in the local supermarket, newsagent or leisure facility. Some Community Councils whose members have the necessary expertise, set up their own websites, giving details of meetings, copies of Agendas and Minutes and information on important issues, while others issue a regular newsletter.

Some Community Councils routinely have an “open forum” section on their Agendas, during which members of the public can speak in order to raise matters of concern or interest. It is important for the Chair to manage this part of the meeting effectively, however, particularly to avoid discussion of personal issues which might be better suited to elected Member surgeries. It is also a good idea to consider setting a limit on the time devoted to the “open forum”.

Where there is a particularly important or contentious matter to be discussed, the Community Council may wish to consider more extensive publicity for its meetings, perhaps by putting up notices in relevant extra venues or, subject to budget considerations, leafleting relevant households in the area. It is up to each Community Council to find the best means of involving their local community and balance this with good financial management of a limited budget.

In cases where the Community Council has been asked to respond to some form of consultation on a particularly contentious issue, it lends credibility and authority to the Community Council's submission if it can be demonstrated that an effort has been made to consult the local community. This might entail questionnaires targeted at relevant sectors of the community and/or canvassing the views of local households. At the meeting, the Chair may also call for an informal show of hands from the members of the public present. For issues covering more than one Community Council area, consideration might even be given to working in partnership with a neighbouring Community Council to pool expertise and resources in terms of consulting the communities affected.

All of the above entails a significant effort and commitment from Community Councillors. However, the rewards, in terms of raising the profile of the Community Council and lending credibility and authority to the views it expresses, are also considerable.

For further information or advice on carrying out community surveys, contact the Council's Connected Communities Service (Education and Youth Employment) on tel: 01294 310000. The section is happy to work with Community Councils, Community Associations and other community groups and organisations to identify particular training requirements and design courses to develop "community engagement" and "capacity building".

**In summary, Community Councils should consider:**

- **Widely publicising meetings**
- **Mechanisms for encouraging the public to attend meetings**
- **Different ways to make Minutes more accessible to the local community**
- **The use of community surveys, questionnaires and canvassing on important issues**
- **Issuing a regular newsletter**
- **Incorporating a public "open forum" in meetings**

## 6.2 Communicating with North Ayrshire Council

Clearly, it is interests of both the local authority and individual Community Councils to share a positive and constructive dialogue. Community Councils should seek to involve local Elected Members (Councillors) and aim to develop useful links with local authority officers. The local authority, in turn, should ensure that Community Councils are properly consulted on initiatives and issues affecting their local area, as well as involving Community Councils in Community Planning.

Please note that the Elected Members for a Community Council's area may not always be in a position to attend Community Council meetings on a regular basis because of other commitments but, as *ex officio* members of the Community Council, they should always receive a copy of the Agenda and Minutes of the meetings and, when in attendance, should be given an opportunity to address the meeting.

A 'key contacts' sheet will be produced for each Locality area, giving community councils in that area up-to-date contact information for the Council, Elected Members, Locality Partnerships and fellow Community Council office bearers. This will be circulated by Committee Services at regular intervals.

In terms of basic information to be exchanged between Community Councils and the local authority, the following will apply:-

### **The Council will:-**

- **Advise the community council of any changes in terms of local Elected Members**
- **Seek to liaise with the community council on matters of local interest and issues**
- **Specifically consult community councils on all planning applications in their area**

### **The Community Council will:-**

- **Supply free of charge one copy of the Minutes within 3 weeks of each meeting**
- **Keep the Council's Committee Services section apprised of any changes in the Community Council's membership, including any changes to office bearers**
  - **Give the press and local Elected Members notice of all Community Council meetings and invite them to attend**

## **Writing to North Ayrshire Council**

Where a Community Council requires any specific information from the local authority, the Secretary should submit a written request c/o North Ayrshire Council Headquarters, Cunninghame House, Irvine KA12 8EE, for the attention of the Chief Officer of the Service concerned or, if it is not clear which Service might be involved, then the request should be directed instead to the Chief Executive.

The Council's website at [www.north-ayrshire.gov.uk](http://www.north-ayrshire.gov.uk) provides an up-to-date organisational chart showing the main functions and Services of the Council which should be of assistance in helping to direct correspondence. (See <http://www.north-ayrshire.gov.uk/Documents/CorporateServices/LegalProtective/ChiefExecutive/OrganisationalChart.pdf>)

On receipt of an information request from a Community Council, the local authority will either supply the information requested or, if this is not possible for a legal or other reason, provide an explanation as to why the information is not available.

Any general questions about the operation of Community Councils or your relationship with the Council should be directed to Committee Services at tel. number 01294 534131 ([committeeservices@north-ayrshire.gov.uk](mailto:committeeservices@north-ayrshire.gov.uk)).

## **Meeting with North Ayrshire Council**

If a Community Council wishes to meet with the local authority to discuss an issue in more detail, the first point of contact will normally be the local Elected Members for that area. The local Member(s) may wish to call on an officer from the appropriate Service of the Council to accompany them. The Community Council may also send an invitation directly to a particular Service of the local authority to send an appropriate officer to a Community Council meeting to speak on a particular matter.

Whilst the local authority will try to accommodate such requests for officer attendance, there may not be the resources available to accept every invitation. Where convenient to both parties, the Community Council may instead wish to make arrangements for office bearers/ selected Community Councillors to meet with an officer of the Council outwith a Community Council meeting, during office hours, and simply report the outcome to the next meeting of the Community Council.

## 6.3 Consultation on Planning Applications

Community Councils receive a copy of the weekly list, prepared by the Council's Development Management, of planning applications which have been submitted for consideration. In response Community Councils may request to be consulted on certain applications of interest to the community. The applications can be viewed online at: <http://www.eplanning.north-ayrshire.gov.uk/OnlinePlanning/>

If, having discussed a particular planning application, a Community Council wishes to make representations, it must submit its representation in writing at to the Council's **Planning Service (Economy and Communities), Cunninghame House, Irvine KA12 8EE** or online at [www.north-ayrshire.gov.uk](http://www.north-ayrshire.gov.uk). Community Councils would not normally be expected to engage in applications for planning permission of a minor nature, e.g. alterations to domestic properties, but should focus on proposals which may have a more significant community interest.

The timescale for submitting any representation will usually be specified as a period of two weeks. It is appreciated that this timescale may not always allow Community Councils to consider planning applications at their next ordinary meeting and, for significant applications, Community Councils may wish to call a special meeting at short notice to debate the matter. Alternatively, some Community Councils also have in place arrangements for considering planning applications at short notice, whether through a standing remit to a small sub-group of Community Councillors (see section 4.8 of this guide) or by allowing the Chair, perhaps in consultation with other office bearers, to submit an initial objection on behalf of the Community Council, for *homologation* at a later date by the Community Council as a whole.

Community Councils may wish to take into account a number of factors in considering a planning application:

- **the impact on adjacent properties and the local area, in terms of noise, nuisance, small, daylight, privacy and visual appearance;**
- **the impact on traffic movement, including increased traffic, road safety and access, parking problems and the effect on pedestrians and cyclists;**
- **the needs of the area in terms of employment, commercial/social/community facilities and opportunities for leisure and recreation.**



Section 25 of the 1997 Town and Country Planning (Scotland) Act states that a Planning Authority's decision on a planning application must be made in accordance with the Development Plan (information on which is available by contacting Planning Services (Economy and Communities) on tel: 01294 324131 or online at [www.north-ayrshire.gov.uk](http://www.north-ayrshire.gov.uk)), unless "material considerations" indicate otherwise. There is no defined list of what is, and what is not, a material consideration. It is possible, however, to give general guidance on the kinds of issues which are generally accepted as being "material considerations" and also some issues which are definitely not. Factors which are "material considerations" are:-

- **policies in the emerging Development Plan (even if still in draft and not yet "adopted" or "approved");**
- **National Planning Policy Guidance (NPPG) and Scottish Planning Policy (SPP);**
- **Suitability of the site for the proposed development, e.g. contamination/flooding issues;**
- **visual appearance of the proposed development and its relationship to its surroundings;**
- **nuisances caused by the development;**
- **adverse safety impact;**
- **compatibility with existing uses;**
- **economic benefits;**
- **the needs of an area, e.g. employment, affordable housing;**
- **provision of suitable access and transportation;**
- **adequacy of the infrastructure;**
- **pollution and contamination;**
- **impact on archaeology and conservation;**
- **creation of an undesirable precedent;**
- **planning history of the site.**

Items which are **not** "material considerations are:-

- **personal circumstances of the applicant, including boundary and access disputes;**
- **private interests, e.g. loss of view or competition between businesses;**
- **moral considerations;**
- **political considerations or ideological dislikes, e.g. private hospitals;**
- **cost of the development;**
- **title restrictions;**
- **the applicant's lack of ownership of the site;**
- **issues covered by other legislation, e.g. health and safety regulations, licensing or building control;**
- **any factor indicating that there is a lack of any reasonable prospect of the development proceeding.**

Please note that the above lists are not exhaustive and you may wish to discuss matters further with the Council's Planning Service (Economy and Communities) (tel: 01294 310000).

## 6.4 Consultation on Licensing Matters

There are two Council bodies which deal with Licensing:

- (A) "North Ayrshire Council Licensing Committee" (Taxis, Street Traders and many other Licences)
- (B) "North Ayrshire Licensing Board" (alcohol and gambling)

Both are made up of Councillors and operate from the Council NAC Headquarters at Cunninghame House, Irvine KA12 8EE (tel No. 01294 324305) (email: [licensing@north-ayrshire.gcsx.gov.uk](mailto:licensing@north-ayrshire.gcsx.gov.uk)).

The Committee are part of the normal NAC structure, like the Committees dealing with Planning, Roads and Education. The Board are legally separate from the Council, but use the same staff.

There is no single set of Licensing legislation. There are many Acts of Parliament or Acts of the Scottish Parliament dealing with Licensing.

All legislation is freely available on a Government website [www.legislation.gov.uk](http://www.legislation.gov.uk)

In relation to alcohol licensing there is a consultative body called the "Local Licensing Forum" at <http://www.north-ayrshire.gov.uk/business/licences-and-permits/food-alcohol-gambling-licences/local-licensing-forum.aspx>

Community Councils can be represented on this.

### (A) Licensing Committee

This deals with Licences under many different Acts of Parliament. The main Act is the Civic Government (Scotland) Act 1982. This covers:

- Taxis and Private Hire Cars, and their Drivers
- Late Hours Catering
- Public Entertainment
- Street Traders
- Second Hand/Metal Dealers
- Tattoo Parlours

The Licensing Committee also deals with other kinds of Licences and Registrations, such as

- Houses in Multiple Occupancy
- Cinemas
- Landlord Registration
- Licensing of animal premises

For a full list of the various types of Licence covered, please see the Council's website at <http://www.north-ayrshire.gov.uk/business/licences-and-permits/licences-and-permits.aspx>

The Applications which are currently pending are listed at <http://www.north-ayrshire.gov.uk/business/licences-and-permits/current-applications/other-licence-applications.aspx>

### Objections under the Civic Government (Scotland) Act 1982

Most of the Committee's business is under this Act, so this guidance concentrates on that. Some of the other Acts allow for objections, but any entitlement to object, and the possible grounds of objection, depend on the particular Act.

There are four kinds of Licence or Permission under the 1982 Act:

- (1) 'full' Licence (valid for up to 3 years, and renewable)
- (2) Temporary Licence (valid for a maximum of 6 weeks, and not renewable)
- (3) Public Processions under Part V (Sections 62 - 66) ("Marches or Parades")
- (4) Public Charitable Collections (Section 119)

(1) is often used for a regular occupation, e.g. a Taxi Driver may have worked for years but the Licence is only granted for a maximum of 3 years, and then renewed periodically for 3 years at a time.

(2) is commonly used for events lasting a day or two, like galas or concerts, e.g. an Ice Cream vendor might usually work in Glasgow, but want to operate for one day in NA, so he/she would apply for a Temporary Street Trader's Licence from NAC.

(3) is not a 'Licence', in the sense that people who wish to hold a Public Procession do not need permission. However, they have to notify the Council and the Police of their proposals, and the Council can prohibit the Procession on the basis of Police concerns about public order. It is very rare for the Council to prohibit a march.

(4) a Collection requires a Permission from the Council.

Objections are possible only with (1) so this Guidance only deals with these. If you want to object to (2), (3) or (4) you can write to the Committee, but there is no guarantee that your Objection will be considered or that there will be a Hearing.

## Objections or Representations for 'full' Licences

The 1982 Act gives no special status to Community Councils.

Your comment must satisfy all of these:

- (a) be in writing;
- (b) specify your objection (see "Grounds for Refusal" below)
- (c) specify your name and address;
- (d) be signed by or for you (see "Objecting by email" below)
- (e) be sent to the Licensing Office within 28 days after the date stated on the Council website advertisement (or, where a Site Notice is displayed at or near the premises, within 28 days after that date). If you send a late objection, you should give the reason why it is late. The Committee might look at a late objection, but do not have to.

Your objection should be delivered personally, or posted, so as to arrive before the 28 day period expires:

***Licensing Section, North Ayrshire Council, Cunninghame House,  
Irvine, KA12 8EE, Tel No. 01294-324345)***

The Council are required to send a copy to the applicant.

### Objecting by email

The Licensing Office email is [licensing@north-ayrshire.gov.uk](mailto:licensing@north-ayrshire.gov.uk).

If you use an email, you must follow this with a signed letter. Otherwise your comment cannot be taken into account.

### Grounds for Refusal

Petitions are unlikely to be accepted as sufficiently specific, and it is better for individuals to send in their own signed and written comments.

Your objection must state one or more of the Grounds for Refusal stated in 1982 Act, Schedule 1, Paragraph 5(3). These are:

- (a) that the applicant (or Director, partner, or other person responsible for its management) has been disqualified from holding the Licence or is not a fit and proper person to be the holder of the Licence;

- (b) the activity to which the Licence relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant of a Licence if he/she had made the application themselves;
- (c) any premises, vehicle or vessel to be used is not suitable or convenient for the conduct of the activity having regard to
  - (i) the location, character or condition of the premises or the character or condition of the vehicle or vessel;
  - (ii) the nature and extent of the proposed activity;
  - (iii) the kind of persons likely to be in the premises, vehicle or vessel;
  - (iv) the possibility of undue public nuisance; or
  - (v) public order or public safety; or
- (d) there is other good reason for refusing the application.

It is unlikely that the Licensing Committee will accept complaints which relate to another Council Committee or an external Authority, such as complaints based on

- Planning or Roads (other Council Committees)
- Parking or Traffic (Police)

## **(B) Licensing Board**

The Licensing Board deal with alcohol licensing in North Ayrshire under the Licensing (Scotland) Act 2005. Their website is:

<http://www.north-ayrshire.gov.uk/business/licences-and-permits/food-alcohol-gambling-licences/licensing-board.aspx>

Any decision of the Board must be based on principles called "Licensing Objectives". These are set out in Section 4 and are:-

- (a) preventing crime and disorder,
- (b) securing public safety,
- (c) preventing public nuisance,
- (d) protecting and improving public health, and
- (e) protecting children from harm.

An important document is the Board's "Licensing Policy Statement". This sets out the Board's views on many things, like licensed hours and what events are (or are not) acceptable for "Occasional Licences". The LPS is published on the Board's website and is reviewed at intervals of 3 to 5 years.

There are 3 main types of Licence:

- (a) Premises Licence
- (b) Personal Licence
- (c) Occasional Licence

Where there is a Hearing, it must be in public. Licence (a) needs a Hearing but most (b) and (c) Licences do not have Hearings.

- (a) Premises Licence

This is the Licence for premises like a Public House, Off-Sales shop, Restaurant, Club or Hotel. There are about 400 Premises of all types in NA. Clubs used to be Registered at the Sheriff Court, but the 2005 Act meant that they are Licensed by the Board. Some of the rules that apply to other Premises do not apply to some Clubs.

When a person applies for a Premises Licence:

- the application is copied to Community Councils (as well as the Police, Fire and Rescue, and the Health Board)
- neighbours living within 4 metres of the site are also told
- the Applicant has to display a Site Notice at or near the Premises (often tied to a lamp-post)
- the Board puts a Notice on their website at <http://www.north-ayrshire.gov.uk/business/licences-and-permits/current-applications/beer-premises-and-occasional-licence-applications.aspx>

Everyone (including Community Councils) can write to the Board setting out an objection or representation. If someone objects to a Licence, he/she should state which of the Grounds for Refusal in Section 23(5) apply.

These are:

- (a) "Excluded Premises" (garages)
- (b) automatic refusal grounds (no repeat applications; no 24-hour Licences; no Off-sales Application before 10 a.m. and/or after 10 p.m.)

- (c) inconsistent with one or more of the "Licensing Objectives"
- (d) the Premises are unsuitable
- (e) overprovision (see the LPS - this is the objection "there are too many Premises"; the Board are likely to refuse a new Off-sales shop, but less likely to refuse a new restaurant, although either decision is not automatic.)

Any letter must be sent to the Board within 21 days (not 28 days) of the date stated in the notification (it used to be that objections went to the Applicant, but this is not now done. The Board now gets the objections and copies them to the Applicant).

The LPS Annex H, part (f) ("Third Party Comments and Complaints") gives advice about making objections. A Petition signed by many people is likely to be rejected as insufficiently specific. It is better that individuals prepare and sign separate letters. 'Standard form' letters are likely to be disregarded for the same reason as petitions. If an objection uses email, it should be followed by a signed and written letter.

(b) Personal Licence

With one exception:

- Premises are not allowed to sell alcohol unless a person with a Personal Licence either carries out the sale or supervises the sale
- Premises need a "Premises Manager".

The exception is that some Clubs are exempt (not all).

A PM needs a Personal Licence. Other members of staff might also have Personal Licences, but they do not need to. All that they need is two hours training, which can be given by someone who does hold a Personal Licence.

Only the Police can object to an Application for a Personal Licence.

The training for Personal Licences is given by external organisations, not the Board. A Personal Licence lasts 10 years, and can be renewed. The Licence Holder needs to be re-trained every 5 years.

It is common for Premises to have two people with Personal Licences, to allow for one of them being absent due to illness or holidays.



(c) Occasional Licence

This is a temporary Licence available for Premises which are not normally licensed. For example, a person might apply for a Licence to cater for a wedding or party in a Community Hall. Often the Applicant is not the organiser of the event, but the person providing the bar (such as a local publican or an off-sales shop).

When a person applies for an Occasional Licence, the Application is

1. copied to the Police,
2. copied to the Board's Licensing Standards Officer, and
3. advertised on the Board's public website for 7 days.

If there are no objections from anyone, the Licence is granted. If there are objections, the Board must decide whether or not to grant the Application. The Board expects these Applications to be made at least 28 days before the event. If there are objections, the Board might hold a Hearing but don't have to. Sometimes the decision is made by the Convenor of the Board or another Member.

**Licensing Board (Gambling)**

The Board also grant Premises Licences and some Permits under The Gambling Act 2005 for things like betting shops and bingo clubs. See:

<http://www.north-ayrshire.gov.uk/business/licences-and-permits/food-alcohol-gambling-licences/gambling-premises-licence.aspx>

The Licensing Board have published their "Statement of Principles" (on that website).

The Gambling Act 2005 also deals with Personal Licences, but the U.K. Gambling Commission deals with these, not local Boards.

## 6.5 Communicating with Elected Members

The table below shows which North Ayrshire Council Elected Members are *ex officio* members of which community council(s). Contact information for Elected Members is available by contacting Member Services on tel: 01294 324172

Community Council	North Ayrshire Council Elected Members (ex officio members of the community council) (with no voting rights)	
Ardrossan Community Council	Ward 5 Ward 6	Cllrs Billings, Gurney, McMaster Cllrs Barr, Brahim, Ferguson
Arran Community Council	Ward 5	Cllrs Billings, Gurney, McMaster
Beith & District Community Council	Ward 6 Ward 7	Cllrs Barr, Brahim, Ferguson Cllrs Bell, Dickson, Donald L. Reid
Cumbrae Community Council	Ward 8	Cllrs Gallagher, Hill, Marshall, Murdoch
Dalry Community Council	Ward 6 Ward 8	Cllrs Barr, Brahim, Ferguson Cllrs Gallagher, Hill, Marshall, Murdoch
Dreghorn Community Council	Ward 10	Cllrs Foster, George, Larsen
Fairlie Community Council	Ward 8	Cllrs Gallagher, Hill, Marshall, Murdoch
Girdle Toll Community Council	Ward 2 Ward 10	Cllrs Burns, Easdale, Stephen Cllrs Foster, George, Larsen
Irvine Community Council	Ward 1 Ward 10	Cllrs Clarkson, Gallacher, Macaulay, McPhater Cllrs Foster, George, Larsen
Kilbirnie & Glengarnock Community Council	Ward 6 Ward 7	Cllrs Barr, Brahim, Ferguson Cllrs Bell, Dickson, Donald L. Reid
Kilwinning Community Council	Ward 3	Cllrs Cullinane, Davidson, Glover, Donald Reid
Largs Community Council	Ward 8	Cllrs Gallagher, Hill, Marshall, Murdoch
Saltcoats Community Council	Ward 4 Ward 6 Ward 9	Cllrs McTiernan, Miller, Sweeney Cllrs Barr, Brahim, Ferguson Cllrs McClung, McNicol, Montgomerie
Skelmorlie Community Council	Ward 8	Cllrs Gallagher, Hill, Marshall, Murdoch
Springside Community Council	Ward 10	Cllrs Foster, George, Larsen
Stevenston Community Council	Ward 4	Cllrs McTiernan, Miller, Sweeney
West Kilbride Community Council	Ward 6	Cllrs Barr, Brahim, Ferguson

## 6.6 Communicating with MPs and MSPs

Cunninghame North	Cunninghame South
<p>Patricia Gibson MP (SNP) MP for North Ayrshire and Arran Constituency Office 79 Princes Street Ardrossan KA22 8DF</p> <p>patricia.gibson.mp@parliament.uk</p>	<p>Philippa Whitford MP (SNP) MP for Central Ayrshire Constituency Office 14 Eglinton Street Irvine KA12 8AS</p> <p>philippa.whitford.mp@parliament.uk</p>
<p>Kenneth Gibson MSP (SNP) Constituency Office 15 Main Street Dalry KA24 5DL</p> <p>Kenneth.Gibson.msp@parliament.scot</p>	<p>Ruth Maguire MSP (SNP) Constituency Office 14 Eglinton Street Irvine KA12 8AS</p> <p>Ruth.Maguire.msp@parliament.scot</p>

West of Scotland Region	
<p>Neil Bibby MSP (Labour) Parliamentary Office M1.03 The Scottish Parliament Edinburgh EH99 1SP</p> <p>Neil.Bibby.msp@parliament.scot</p>	<p>Mary Fee MSP (Labour) Parliamentary Office MG.10 The Scottish Parliament Edinburgh EH99 1SP</p> <p>Mary.Fee.msp@parliament.scot</p>
<p>Maurice Corry MSP (Conservative) M3.15 The Scottish Parliament Edinburgh EH99 1SP</p> <p><a href="mailto:Maurice.Corry.msp@parliament.scot">Maurice.Corry.msp@parliament.scot</a></p>	<p>Jamie Greene MSP (Conservative) M2.20 The Scottish Parliament Edinburgh EH99 1SP</p> <p><a href="mailto:Jamie.Greene.msp@parliament.scot">Jamie.Greene.msp@parliament.scot</a></p>
<p>Maurice Golden MSP (Conservative) M2.05 The Scottish Parliament Edinburgh EH99 1SP</p> <p><a href="mailto:Maurice.Golden.msp@parliament.scot">Maurice.Golden.msp@parliament.scot</a></p>	<p>Ross Greer MSP (Scottish Green) MG.21 The Scottish Parliament Edinburgh EH99 1SP</p> <p><a href="mailto:Ross.Greer.msp@parliament.scot">Ross.Greer.msp@parliament.scot</a></p>
<p>Ken Macintosh MSP (Labour) M1.13 The Scottish Parliament Edinburgh EH99 1SP</p> <p>Ken.Macintosh.msp@parliament.scot</p>	

## 6.7 Communicating with other Public Bodies

Community Councils will have occasion from time to time to contact other public bodies about matters relating to their local area. Below, is a list of some of the main bodies Community Councils may need to contact:-

North Ayrshire Community Planning Partnership  
[www.north-ayrshire.gov.uk](http://www.north-ayrshire.gov.uk)

North Ayrshire Community Planning Partnership is led by North Ayrshire Council, NHS Ayrshire and Arran, Strathclyde Police, Strathclyde Fire and Rescue, Scottish Enterprise Ayrshire and Communities Scotland. Many other public and community/voluntary organisations also support the Partnership's work. The Partnership works together to plan and deliver better public services for people in North Ayrshire. Its remit includes engaging with communities to identify needs and priorities to inform serve planning and delivery.

Awards for All Scotland  
Pacific House  
70 Wellington Street  
Glasgow G2 6UA  
Tel: 0300 123 7110  
[advicescotland@biglotteryfnd.org.uk](mailto:advicescotland@biglotteryfnd.org.uk)

Partnership between 4 organisations which share out Lottery funds – the Scottish Arts Council, the Heritage Fund, sportscotland and the Big Lottery Fund

Community Funds Gateway  
Scottish Government  
<http://www.gov.scot/Topics/Built-Environment/regeneration/communityfunds>

Includes a variety of funding options for community groups

Scottish Water  
PO Box 8855  
Edinburgh EH10 6YQ *or*  
Head Office, Castle House  
Castle Drive  
Carnegie Campus  
Dunfermline KY11 8GG  
tel: 0800 0778 778  
[customer.services@scottishwater.co.uk](mailto:customer.services@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Water supply issues

Scottish Public Services Ombudsman  
4 Melville Street  
Edinburgh EH3 7NS  
Tel: 0870 377 7330  
[www.spsso.org.uk](http://www.spsso.org.uk)

Final stage for complaints about councils, the NHS, housing associations, colleges and universities, prisons, most water providers, the Scottish Government and its agencies and departments, and most Scottish authorities

Planning Aid for Scotland  
3<sup>rd</sup> Floor  
125 Princes Street  
Edinburgh EH2 4AD  
tel: 0845 603 7602  
[www.pas.org.uk](http://www.pas.org.uk)

Charitable organisation which provides information and advice on how the planning system works

Scottish Natural Heritage  
South West Scotland Region  
Strathclyde & Ayrshire Area  
19 Wellington Square  
Ayr KA7 1EZ  
Tel: 01292 262168  
[www.snh.org.uk](http://www.snh.org.uk)

Remit includes care and protection of natural beauty and wildlife of Scotland

## **Communicating with other Community Councils**

Community Councils may find it helpful to establish contact with their neighbouring Community Councils, particularly to discuss matters of common interest, such as large-scale developments which cross Community Council boundaries. New Community Councils may also wish to benefit from the experience of their longer-established counterparts.

In some authority areas, informal groupings of Community Councils have emerged in an effort to pool a variety of resources, e.g. in terms of experience or achieving certain economies of scale for particular projects.

Regularly updated contact details for Community Council office bearers are also provided on the Council's website at [www.north-ayrshire.gov.uk](http://www.north-ayrshire.gov.uk) at:-

<https://north-ayrshire.cmis.uk.com/North-Ayrshire/YourRepresentatives/CommunityCouncils.aspx>

or by contacting the Council's Committee Services section of tel: 01294 324131.

## **Scottish Community Councils Website**

The Scottish Community Councils website ([www.communitycouncils.scot](http://www.communitycouncils.scot)) was created to support and promote Scottish community councils through advice and resources. The website is a valuable resource to new and experienced community councillors alike and has information on news, events, guidance, grants and other community councils.

## 7. If Things Go Wrong

### 7.1 Inquorate Meetings

For a Community Council meeting to be valid, a minimum number of Elected/Co-opted Community Councillors, the *quorum*, must be present. The quorum for each Community Council is:

<b>Ardrossan Community Council</b>	<b>3</b>
<b>Arran Community Council</b>	<b>3</b>
<b>Beith &amp; District Community Council</b>	<b>3</b>
<b>Cumbræ Community Council</b>	<b>3</b>
<b>Dalry Community Council</b>	<b>3</b>
<b>Dreghorn Community Council</b>	<b>3</b>
<b>Fairlie Community Council</b>	<b>3</b>
<b>Girdle Toll Community Council</b>	<b>4</b>
<b>Irvine Community Council</b>	<b>5</b>
<b>Kilbirnie &amp; Glengarnock Community Council</b>	<b>3</b>
<b>Kilwinning Community Council</b>	<b>5</b>
<b>Largs Community Council</b>	<b>3</b>
<b>Saltcoats Community Council</b>	<b>3</b>
<b>Skelmorlie Community Council</b>	<b>3</b>
<b>Springside Community Council</b>	<b>3</b>
<b>Stevenston Community Council</b>	<b>3</b>
<b>West Kilbride Community Council</b>	<b>3</b>

If a *quorum* of Community Councillors is not present, the meeting is deemed *inquorate* and no formal business can take place (although the Community Councillors present are free to discuss any business informally prior to its later consideration at a *quorate* meeting).

The Secretary should, for completeness, write a brief note for the Minutes file, noting the date, time and Community Councillors present and recording that, “due to the want of the necessary quorum”, the meeting did not proceed.

Arrangements should be made for an alternative date and the Secretary should write out to confirm arrangements to all members (including Additional Community Councillors and *ex officio* members), as well as arranging for public notices to be posted and the press notified.

**N.B.** *Inquorate* meetings do not count towards the required minimum of 6 Community Council meetings per year.

## **7.2 Removing a Community Councillor/ Office Bearer**

It is important to stress that it is highly unusual for a Community Councillor or office bearer to require to be removed from the Community Council.

### **Removal of a Community Councillor**

In the case of a Community Councillor, failure to attend any meetings of the Community Council for a period of 6 months would mean that the individual would cease to be a member of the Community Council, unless approval of that absence (for instance, due to a prolonged or serious illness) has been granted by the Community Council before the end of the six month period.

A Community Councillor would also cease to be a member of the Community Council if he/she is no longer able to meet the residency criteria, i.e. if he/she moves outwith the area of the Community Council. Such a former member may, however, be appointed subsequently as an Additional Community Councillor (see section 2 of this guide) if appropriate, on the basis that he/she still has close links to the area and can make a meaningful contribution to the work of the Community Council.

Otherwise, a Community Councillor who has been elected or co-opted to serve on the Community Council for a period of usually four years and who has attended one or more Community Council meeting in any six month period, would be expected to complete that period of appointment unless he/she resigns in the interim.

A Community Council might, in terms of any *standing orders* in place, be required by the Chair to leave an individual meeting of the Community Council due to highly disruptive or inappropriate conduct. In such an unusual circumstances, the Chair would take the decision to ask the Community Councillor to leave the meeting only as a last resort and would generally take into consideration the views of other members prior to any such instruction.

### **Removal of an Office Bearer**

A Community Councillor may be removed from office as an office bearer (while continuing to be a member of the Community Council) if he/she is the subject of a vote of no confidence being carried by a majority of the current membership of Elected/Co-opted Community Councillors. In practical terms, such a motion would either be submitted in writing by a named (elected/co-opted) Community Councillor and seconded by another such member, or else moved and seconded verbally at a meeting. More than half of the (elected/co-opted) membership of the Community Council would have to support such a motion for it to be carried.



Once an office bearer has been removed from office, he/she would be required to hand over their remit (and any associated paperwork) to a new office bearer once one has been appointed. The former office bearer would continue to be a member of the Community Council, unless he/she was no longer eligible to do so for reasons outlined above in "Removal of a Community Councillor".

### 7.3 Dissolution of the Community Council

A Community Council would be dissolved if it failed to meet the minimum requirement as set out above, in terms of the number of *quorate* meetings which must be held in any one calendar year, i.e. 6.

Dissolution would also occur if the number of vacancies within one term of office exceeded one half of the Elected membership of the Community Council. In other words, if the membership of the Community Council (comprising Elected and Co-opted **but not** including Appointed Advisors) **falls below** the levels shown below, the Community Council would cease to exist:

<b>Ardrossan Community Council</b>	<b>6</b>
<b>Arran Community Council</b>	<b>6</b>
<b>Beith &amp; District Community Council</b>	<b>5</b>
<b>Cumbræ Community Council</b>	<b>4</b>
<b>Dalry Community Council</b>	<b>4</b>
<b>Dreghorn Community Council</b>	<b>4</b>
<b>Fairlie Community Council</b>	<b>4</b>
<b>Girdle Toll Community Council</b>	<b>8</b>
<b>Irvine Community Council</b>	<b>10</b>
<b>Kilbirnie &amp; Glengarnock Community Council</b>	<b>4</b>
<b>Kilwinning Community Council</b>	<b>9</b>
<b>Largs Community Council</b>	<b>6</b>
<b>Saltcoats Community Council</b>	<b>7</b>
<b>Skelmorlie Community Council</b>	<b>4</b>
<b>Springside Community Council</b>	<b>4</b>
<b>Stevenston Community Council</b>	<b>5</b>
<b>West Kilbride Community Council</b>	<b>4</b>

As stressed elsewhere in this guide, the local authority is reluctant to see the unnecessary dissolution of a Community Council. It has discretion to decide to allow the Community Council to co-opt further members in order to avoid dissolution, but is under no obligation to do so. It is important that any Community Council whose membership is approaching the minimum number for any reason, informs the Council of this at an early date so that help and advice can be offered to avoid the unnecessary dissolution of the Community Council.

#### **Funds and Assets**

If a Community Council is, unavoidably, dissolved, its funds transfer to the local authority, which shall apply those funds to the benefit of the local community.

If any funds have been granted to the Community Council (either by the local authority or another body) for a specific project, but have not been fully expended at the time of dissolution, then such funds will normally require to be returned to the awarding body.

Any assets which have been purchased solely through local fundraising can, subject to consultation with the Council's Committee Services section (tel: 01294 310000), be disposed of for the benefit of the local community by the outgoing Community Council. Arrangements for disposal will normally be the subject of formal discussion by the Community Council prior to its dissolution.

## 8. Glossary of Terms

<b><i>By-election</i></b>	Election held in the period between two ordinary elections to fill one or more vacancy on a Community Council, but not to elect the whole membership of the Community Council
<b><i>Casting Vote</i></b>	When there is an equality of votes cast by Elected/Co-opted Community Councillors, the Chair (or interim Chair) has the power to decide the outcome by casting a further vote in addition to the one he/she has already cast (N.B. the casting vote does not apply in Community Council elections)
<b><i>Enumerator</i></b>	Person appointed by the Chair/ <i>Returning Officer</i> at a Community Council election to assist in the counting of ballot papers (votes). An <i>enumerator</i> can be any member of the public present at the meeting, but would not normally be one of the nominees for election (unless no other volunteers can be found).
<b><i>Ex Officio</i></b>	This refers to local elected Members (Councillors), MPs and MSPs who, because of the office they hold, are entitled to attend and speak at Community Council meetings, although their presence does not count towards the <i>quorum</i> of the meeting, they are not entitled to vote and they cannot be appointed as an office bearer on the Community Council.
<b><i>Extended village</i></b>	This term applies to settlements in Arran. <i>Extended villages</i> are settlements and their surrounding rural areas as shown on a map which forms part of the Scheme.
<b><i>Homologation</i></b>	Formal approval by the Community Council of a decision or action taken outwith a Community Council meeting
<b><i>Honorarium</i></b>	Small payment made to Community Council office bearers in recognition of expenses incurred in carrying out their duties (Plural “honoraria”)
<b><i>Local electors</i></b>	<p>These are members of the public whose names appear on the Electoral Register maintained by the Ayrshire Valuation Joint Board, 9 Wellington Square, Ayr (tel: 01292 612221).</p> <p>Being registered to vote is a useful way of proving that a person lives within the local area and so is entitled to become a Community Councillor, propose someone else as a Community Councillor or vote at a Community Council election.</p> <p>At the Council’s discretion, someone who is not a <i>local elector</i> but who can otherwise prove that they live in the local area, can be nominated to stand as a Community Council.</p>

<b><i>Quorum</i></b>	Minimum number of Community Councils who must be present in order for a meeting to go ahead. If a <i>quorum</i> of Community Councillors is not present, the meeting cannot go ahead and had no formal status
<b><i>Returning Officer</i></b>	Chairs the Community Council election proceedings and announces the results.
<b><i>Standing Orders</i></b>	These are the rules agreed by a Community Council which govern how its meetings will be conducted. A set of model <i>standing orders</i> is provided at section 9 of this guide as an example, but it is for each Community Council to decide on its own. In the absence of an agreed set of <i>standing orders</i> the Chair's decision on how the meeting is to be conducted, is final.

## **9. Supporting Documentation**

### **9.1 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.



## 9.2(A) MODEL MINUTE OF MEETING – INITIAL MEETING

\_\_\_\_\_ **COMMUNITY COUNCIL**

Minutes of a post-election meeting held in \_\_\_\_\_ at \_\_\_\_\_ p.m. on \_\_\_\_\_

### **Present**

*Insert the names of Community Councillors (in alphabetical order by surname)*

### **In Attendance**

*Enter names of others present, e.g. officers of the Council*

### **Apologies**

*Enter names of Community Councillors who have submitted their apologies*

### **1. Results of Initial Election**

\_\_\_\_\_ welcomed those present to the meeting and confirmed that the results of \_\_\_\_\_ Community Council's election held earlier in the evening were as follows-

<b>Community Councillor</b>	<b>Address</b>
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*Enter names and addresses*

\_\_\_\_\_ confirmed that the above Community Councillors have been elected to serve for an initial period of four years in accordance with the Council's current Scheme for the Establishment of Community Councils in North Ayrshire.

Noted.

### **2. Appointment of Chair**

\_\_\_\_\_, seconded by \_\_\_\_\_, moved that \_\_\_\_\_ be appointed to the Chair for a period of four years. There were no opposing views expressed and, accordingly, \_\_\_\_\_ was appointed as Chair and assumed the Chair for the remainder of the meeting.

### **3. Appointment of Secretary**

\_\_\_\_\_, seconded by \_\_\_\_\_, moved that \_\_\_\_\_ be appointed to the position of Secretary for a period of four years. There were no opposing views expressed and, accordingly, \_\_\_\_\_ was appointed as Secretary.

### **4. Appointment of Treasurer**

\_\_\_\_\_, seconded by \_\_\_\_\_, moved that \_\_\_\_\_ be appointed to the position of Treasurer for a period of four years. There were no opposing views expressed and, accordingly, \_\_\_\_\_ was appointed as Treasurer.

### **5. Administrative and Other Arrangements**

\_\_\_\_\_ responded to questions about a number of issues associated with the Community Council's role within the local community, administrative arrangements associated with its future meetings, provisions for consulting with North Ayrshire Council on matters relevant to the local community and financial support arrangements.

Noted.

### **6. Any Other Competent Business**

### **7. Next Meeting**

It was agreed that:

- (a) subject to venue availability, the next meeting of the Community Council take place at \_\_\_\_\_ p.m. on \_\_\_\_\_ in \_\_\_\_\_; and
- (b) the Secretary make the necessary arrangements for the meeting, advising Community Councillors and local Elected Members accordingly, and publicising the meeting arrangements locally.

The meeting ended at \_\_\_\_\_ p.m.

## **9.2(B) MODEL MINUTE OF MEETING – ORDINARY MEETING**

\_\_\_\_\_ **COMMUNITY COUNCIL**

Minutes of a \_\_\_\_\_ held in \_\_\_\_\_ at \_\_\_\_\_  
p.m. on \_\_\_\_\_

### **Present**

*Enter names of Community Councillors*

### **In Attendance**

*Enter names of others present, eg. officers of the Council*

### **Apologies**

*Enter names of Community Councillors who have submitted their apologies*

### **1. Minutes of the Last Meeting**

Submitted the Minutes of the last meeting held on \_\_\_\_\_.

Agreed to approve the Minutes of the last meeting (*subject to any amendments agreed*).

### **2. Matters Arising**

*Insert a subject heading and summary of any discussion and decisions on matters arising from the last Minute.*

### **3. Chair's Report**

*Include as appropriate*

### **4. Treasurer's Report**

*Include as appropriate*

### **5. Correspondence**

*Insert brief list of correspondence received, including any planning application consultations, together with details of any decisions arising from consideration of this.*

**6. Any Other Competent Business**

*Insert summary of discussion and any decision in respect of any matters not otherwise covered on the Agenda.*

**7. Date of Next Meeting**

The next meeting of the Community Council will be held on \_\_\_\_\_ at \_\_\_\_\_ p.m. in \_\_\_\_\_.

The meeting ended at \_\_\_\_\_ p.m.

## 9.3 MODEL CONSTITUTION

### CONSTITUTION OF

### COMMUNITY COUNCIL

#### 1. Name

The name of the Council shall be \_\_\_\_\_ Community Council.

#### 2. Objectives

The objectives of the Council shall be (a) to ascertain, co-ordinate and express to local and public authorities and others the views of the community of \_\_\_\_\_ and (b) to take such action in the interests of the community as appears to the Community Council to be expedient and practicable.

#### 3. Composition

The Council shall be composed primarily of \_\_\_\_\_ Elected/Co-opted Community Councillors.

The Community Council shall also be entitled to co-opt up to \_\_\_\_\_ (*i.e. 50% of the maximum number of Community Councillors*) Appointed Advisors to represent local organisations or groups or organisations in the community in an advisory capacity only. Additional Community Councillors shall have no voting rights, are not entitled to hold office and their attendance shall not form part of the quorum of Community Council meeting.

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. They shall be entitled to attend and address all meetings of the Community Council, but their attendance shall not form part of the quorum and they shall not be entitled to vote.

#### 4. (a) Qualifications for Election, or Service as an Elected Community Councillor

Elected/co-opted Community Councillors must be 16 or over and must live within the boundary of the Community Council.

Additional Community Councils appointed over and above the membership of the Community Council do not require to be aged 16 or over, nor must they live within the boundary of the Community Council.

#### 5. Term of Office of Community Councillors

Elected Community Councillors are appointed to serve for \_\_\_\_\_ years (*no more than four years*) until the next election. Community Councillors can serve for more than one term and there is no limit to the number of times a person can serve as a Community Councillor.

Community Councillors co-opted to fill vacancies are also appointed for up to \_\_\_\_\_ (*no more than four years*) until the next election. Regardless of when they are appointed, they must retire at the time of the next election. Co-opted

Community Councillors can serve for more than one term. They can be co-opted again, or stand for election as Elected Community Councillors.

Appointed Advisors can be appointed for up to \_\_\_\_\_ years (*no more than four years*) until the next election. Regardless of when they are appointed, they must retire at the time of the next election. Appointed Advisors can serve for more than one term or can be co-opted or elected as full Members in the future, provided that they can satisfy the qualifications for election.

#### 6. Method of Election, Timetable for and Procedure at Ordinary Elections of Community Councillors

An ordinary election shall be held every \_\_\_\_\_ years (*no more than four years*) during the month of September/October/November (*delete as appropriate*). The election shall be conducted in accordance with Paragraph 11 of the Community Council Scheme.

#### 7. Appointment of Community Council Office Bearers

A Community Council Chair, Secretary and Treasurer shall be appointed for up to \_\_\_\_\_ years (*no more than four years*). Each nomination shall be proposed by a Community Councillor and seconded by another. In the event of there being more than one nomination for a post, the Community Councillors present will be asked to vote and the nominee with the highest number of votes shall be declared elected. In the event of an equality of votes, the matter shall be settled by the drawing of lots.

Office Bearers shall be entitled to stand for further periods of appointment and there is no limit to the number of times a person can be appointed as an office bearer.

#### 8. Accounts

The Community Council's accounts shall be presented by the Treasurer to the Council's Finance Service (Finance and Corporate Support) for auditing purposes in \_\_\_\_\_ of each year (*month of the year is determined by the date of establishment of the Community Council*).

#### 9. Dissolution

The Community Council may be dissolved if it fails to meet the minimum requirement of 6 quorate meetings per year or if its membership falls below half of the maximum number of \_\_\_\_\_ provided for within the Community Council Scheme. In the event of either of these situations arising it shall be the duty of the Secretary to alert the local authority in order that a decision can be taken on the future of the Community Council.

If the Community Council is, unavoidably, dissolved, its funds shall transfer to the local authority which can apply those funds to the benefit of the local community. And funds granted to the Community Council for a specific project shall normally require to be returned to the awarding body. Any assets purchased solely through local fundraising can, subject to consultation with the local authority, be disposed of for the benefit of the local community.

10. Meetings

The Council shall meet no fewer than six times a year and all meetings of the Community Council shall be open to the public and press but, save with the consent of the Community Council, no person other than an Elected/Co-opted Community Councillor, Additional Community Councillor or ex officio member shall be allowed to speak at the meeting and no person other than an Elected Community Councillor or an Additional Community Councillor shall be entitled to move any motion or amendment or to vote on any matter.

An Annual General Meeting of the Community Council shall be held in \_\_\_\_\_ each year.

11. Committees

- (a) The following Committee(s) shall be appointed to be concerned with, and report regularly to the Community Council on, the parts of the affairs of the Community indicated -

<u>Name of Committee</u>	<u>No. of Councillors</u>	<u>Part of Affairs of Community</u>
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- (b) The following Committee(s) shall be appointed to be concerned with and to report regularly to the Community Council on the parts of the area of the Community indicated -

<u>Name of Committee</u>	<u>No. of Councillors</u>	<u>Part of Area of Community</u>
--------------------------	---------------------------	----------------------------------

- (c) In addition the Community Council may at any time appoint a Standing or Special Committee for any purpose specified by the Community Council.

12. Community Council Chair

The Community Council Chair shall preside at all meetings of the Community Council at which he/she is present and at all Community Meetings (and he/she shall ex officio be a member of all Committees of the Council). The Chair shall also act as Returning Officer for all ordinary elections of the Community Council.

13. Community Council Secretary

The Community Council Secretary shall -

- (a) make all necessary arrangements for meetings of the Community Council and Committees and for Community meetings;
- (b) prepare and timeously distribute to all Councillors in a manner to be prescribed by Standing Orders, summonses to all meetings;

- (c) give the press and local elected Members of North Ayrshire Council copies of all summonses sent to Councillors;
- (d) timeously give the public in a manner to be prescribed by Standing Orders notice of all meetings;
- (e) prepare accurate and sufficient Minutes of all meetings and send one copy thereof to the Corporate and Democratic Support Service, Chief Executive's Section, North Ayrshire Council and one copy to the local elected Member(s); and
- (f) conduct all correspondence on behalf of the Council.

14. Community Council Treasurer

The Community Council Treasurer shall receive all monies due to the Community Council, meet all expenditure authorised by the Community Council, keep proper financial records, fully vouched, and prepare annual accounts for the approval of the Council and submission to North Ayrshire Council in \_\_\_\_\_ of each year.

15. Amendment of Constitution

This Constitution may be amended at any time by the Community Council with the approval of North Ayrshire Council (which approval is, in terms of the approved Scheme, not to be unreasonably withheld).

Adopted by \_\_\_\_\_ Community Council

\_\_\_\_\_ Community Council Chair

\_\_\_\_\_ Community Council Secretary

Date \_\_\_\_\_



## 9.4 MODEL STANDING ORDERS

### *Standing Orders of*

### *Community Council*

1. The Community Council shall meet at the close of each Community Meeting held to conduct an Ordinary Election of Elected Community Councillors provided the necessary quorum of members is present. In addition, Ordinary Meetings of the Community Council shall be held on the \_\_\_\_\_ of each calendar month with the exception of the months of \_\_\_\_\_ when no ordinary meetings shall be held.
2. A special meeting may be called at any time by the Chair or on the requisition of at least one-fourth of the whole number of elected/co-opted members of the Community Council and, in the latter event, shall be held within fourteen days of the receipt of the requisition by the Chair.
3. Meetings of the Community Council shall be held in \_\_\_\_\_ (*venue*) at \_\_\_\_\_ (*time*) or at such other place or time as the Community Council may from time to time direct.
4. Three clear days at least before a meeting of the Community Council, a summons to attend the meeting, specifying the business to be transacted and signed by the Secretary shall, with a copy of the Minutes of any previous meeting or meetings of the Community Council to be confirmed at the meeting, be left at or sent by post to the usual place of residence of every member of the Community Council, include *ex officio* members. At the same time, a copy of the summons shall (i) be sent to the local press, (ii) be posted on a notice board in the local public library or other suitable local venue(s) and (iii) be sent to North Ayrshire Council.
5. Want of service of a summons on any Member of the Community Council shall not affect the validity of a meeting of the Community Council.
6. No business shall be transacted at a meeting of the Community Council unless at least one-fourth of the whole number of members of the Community Council is present (see Scheme for quorum figure)  
  
If, after the time appointed for a meeting of the Community Council, a quorum of members is not present, the Chair may adjourn the meeting.
7. At a meeting of the Community Council, the Chair of the Community Council shall preside. If he/she is absent from a meeting of the Community Council, another Member of the Council chosen by the members of the Community Council present shall preside.
8. The order of business at every meeting of the Community Council shall be as follows:-
  - (a) The names of the Community Council members present at the meeting and any apologies for absence shall be recorded;

- (b) The Minutes of previous meetings of the Community Council circulated with the summons to attend the meeting shall be held as read with a view to confirmation, and, if confirmed, signed by the Chair;
  - (c) Business remaining from the last meeting, if any;
  - (a) Any correspondence, communications, memorials, petitions or other business, except such as relates to any matter appropriate to a Committee;
  - (b) Notices of Motion given to the Secretary at least six days prior to the Meeting and set forth in the summons;
  - (c) Reports of Committees, being Minutes of their meetings.
  - (d) The Community Council may at any meeting vary the order of business so as to give precedence to any business of special urgency.
9. Except in the case of any business brought before a meeting as a matter of urgency, no business shall be transacted at a meeting of the Community Council other than that specified in the summons.
10. Deference shall at all times be paid to the authority of the Chair. When he/she rises to speak the Community Council member, if any, who is addressing the meeting shall resume his/her seat. It shall be the duty of the Chair to preserve order and to secure that members obtain a fair hearing. He/she shall decide all matters of order, competency and relevancy and conduct the meeting strictly in terms of the Standing Orders. His/her ruling shall be final and shall not be open to discussion. He/she shall be entitled, in the event of disorder arising, to adjourn the meeting to a time he/she may then or afterwards fix and his/her quitting the Chair shall be the signal that the meeting is adjourned.
11. The Chair shall in his discretion with or without discussion determine all questions or procedure in reference to which no express provision is made under these Orders.
12. No motion to rescind any resolution which has been passed within the preceding six months nor any motion to the same effect as any motion which has been negative within the preceding six months shall be in order unless a motion to suspend Standing Orders to allow reconsideration of a decision is passed in terms of Standing Orders.
13. Every motion or amendment shall be moved and seconded, shall be minuted and, if required by the Community Council, read by the Secretary before it is further discussed or put to the meeting.
14. A Member of the Community Council shall address his/her motion through the Chair and, before speaking to it, shall read the motion or amendment he/she is to propose. If two or more members rise together, the Chair shall call upon one to speak.
15. A Community Council member who speaks shall direct his/her speech strictly to the motion or amendment under discussion or to a question of order. No member shall be entitled to speak more than once on the same motion or amendment except the mover of a motion or amendment speaking in reply to the debate.

16. No one speaking to a motion or amendment shall speak for more than five minutes unless with the sanction of the Meeting.
17. The mover of an amendment and, following him/her, the mover of the original motion shall have the right to speak for five minutes in reply to the debate, each strictly confining him/herself to answering previous speakers and not introducing any new matters. After the replies are concluded, the discussion shall be held to be closed, after which no Community Council member shall be permitted to speak, except with regard to the manner of taking a vote and the question under discussion shall thereupon be put to the meeting by the Chair.
18. Every amendment shall be relevant to the motion on which it is moved.
19. When an amendment upon an original motion has been moved and seconded, no further amendment may be moved until the previous one has been disposed of but any member of the Community Council (other than the mover and seconder of the motion, the mover and seconder of the amendment under discussion and the mover and seconder of any amendment previously rejected) may at any time give notice that he/she intends to move a further amendment in particular terms.
20. If an amendment is rejected other amendments may be moved on the original motion.
21. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the question upon which further amendments may be moved.
22. Any member of the Community Council may at the conclusion of any speech move that the Council adjourns for a specific period. Such a motion must be seconded but need not be minuted. The mover and seconder shall not speak beyond formally moving and seconding it.
23. A second motion that the Community Council adjourns shall not be made within a period of half an hour unless it be moved by the Chair.
24. It shall be competent for any Community Council member at the close of any speech to move without comment that the Community Council proceeds to take the next business and if the motion be seconded it shall be put forthwith. When a motion is carried that the Community Council proceeds to the next business, the question under discussion shall be considered as abandoned.
25. A second motion that the Council proceeds to the next business shall not be made within half an hour while the same business is under discussion.
24. At the close of any speech, any Community Council member who has not spoken to the question before the meeting may move "that the question be now put".
25. All questions coming or arising before the Community Council shall be decided by a majority of the members of the Community Council present and voting thereon at a meeting of the Community Council.
26. In the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote.

27. Any one or more of the Standing Orders may, in any case or urgency and upon a motion duly made and seconded, be suspended at any Meeting provided that the motion receives the votes of two-thirds of the members of the Community Council present.
28. Any Member moving the suspension of Standing Orders shall be entitled to speak for a period of not more than five minutes and shall confine his/her remarks to the reasons for the proposed suspension. The seconder of any such motion shall not speak beyond formally seconding the motion. Where any amendment against suspension shall be moved, the mover of such amendment shall likewise be entitled to speak for the period of not more than five minutes and shall confine his/her remarks to the reasons against suspension. The seconder of such amendment shall not speak beyond formally seconding the amendment. No other member shall be entitled to speak either to the motion or to the amendment.
29. All meetings of the Community Council shall end at \_\_\_\_ p.m. and any business not dealt with at that time shall be continued to the next Meeting.
30. Accurate and sufficient Minutes of the proceedings at any meeting shall, as soon as possible after the meeting, be prepared by the Secretary and a copy of these shall immediately be posted on a notice board in the local public library or other suitable local venue(s) and a copy sent to the Corporate and Democratic Support Service, Chief Executive's Section, North Ayrshire Council and to the local elected Member(s) of the area of the Community Council.
31. These Orders shall apply to meetings of Committees and Sub-Committees of the Community Council as they apply to meetings of the Community Council.
32. The Community Council may at any time amend these Standing Orders on a motion of which all members have had at least 14 days' notice and which obtains the votes of two-thirds of the members present.

Adopted by \_\_\_\_\_ Community Council

\_\_\_\_\_ Community Council Chair

\_\_\_\_\_ Community Council Secretary

Date \_\_\_\_\_

## 9.5 Guidance on the Preparation of Accounts

Fill in the Community Council name and the closing date of the financial year at the relevant points in the template (headings and declaration).

The Administration Account should include the items to be covered by the Administration Grant from North Ayrshire Council, as described at section 18 (i) of the Scheme for the Establishment of Community Councils. All other items should be included in the Project Account.

Follow the same process for the Administration Account and for the Project Account. If you do not have a project account, leave that part of the template blank:

Input the opening balances (i.e. the closing balances from the previous period) for the bank account and cash in hand. Also any cheques you issued in the previous period that had not been presented to the bank by the start of the new period should be totalled and included as a minus figure as “Uncashed Cheques”.

On the left hand side list out money you have received during the financial year. Some common headings have been included in the template. You can group similar items under a single heading but they shouldn't be too general e.g. “Miscellaneous” would not be appropriate. If you have held any fundraising activities (on the Project Account) you should include all the takings in the receipts side and any expenditure incurred e.g. raffle prizes, refreshments, room hire in the payments side.

On the right hand side list out items of expenditure during the financial year. This should include cheques you write during the period, even if they are not presented to the bank. Following the same logic, any cheques you wrote in the previous year and included in the opening balance of uncashed cheques should not be included even if they come out of your bank account during the period. As with the payments, some common headings have been included in the template and you can group similar items together under a single heading which isn't too general.

If you have issued a cheque and the recipient still hasn't banked it a year after you issued it, you should write it off as the bank wouldn't honour it. To do this, you should show the amount of the cheque in the receipts side of your account, and reduce the amount of uncashed cheques at the end of the year by the same amount.

At the bottom of each account input the closing balances (i.e. the balance at close of business on the last day of the period) for the bank account and cash in hand. Also any cheques you issued during the period that had not been presented to the bank by the end of the period should be totalled and included as a minus figure as “Uncashed Cheques”.

If everything has been included correctly, the balance at the bottom of the receipts side of each account should be equal to the balance at the bottom of the payments side of that account. If they do not match, you need to go back through the accounts to identify the reason for the difference. The amount of the difference might help you to identify what has gone wrong. If you are unable to identify the reason for the difference, call the North Ayrshire Council Internal Audit team on (01294) 324-564 for advice.

Once you have balanced the accounts, the Treasurer should sign and date the accounts and then send them in, together with the required backup documents, to the North Ayrshire Council Internal Audit team at:

Paul Doak,  
Senior Manager (Internal Audit, Risk and Insurance),  
Finance and Corporate Support  
North Ayrshire Council,  
Cunninghame House,  
Irvine,  
KA12 8EE

The checklist at Appendix A lists out the required backup documents. Please send all the items listed at Appendix A in for audit at least 1 calendar month before you require them and include a copy of the checklist. Please also notify us of the number of copies of the audited accounts you require.

### Checklist of documents to be submitted for audit

Accounts prepared in template	<input type="checkbox"/>
Bank statements (for all accounts held) covering the whole financial year <u>including the closing date of the financial year.</u>  If the final statement is not available, the bank should produce a transaction listing from the date of the last available statement up to and including the closing date of the financial year. The dates covered should be clearly marked on the listing and if it is not letterheaded, then the branch should be asked to stamp it to show that they produced it.	<input type="checkbox"/>
Pass book for savings accounts (where one exists)	<input type="checkbox"/>
Community Council's Cash book or equivalent Treasurer's records	<input type="checkbox"/>
Cheque books	<input type="checkbox"/>
Deposit book (where one exists)	<input type="checkbox"/>
Receipts for all items of expenditure (if no receipt available for Councillor's expenses, a slip signed by two other Councillors)	<input type="checkbox"/>

Document Control Summary:-		
Location:	I:\CEPUBLIC\01 Committee Services\02 Community Councils\01 General Community Council Files\10 Scheme of Establishment\Guidance to Scheme	
Last Revised:	Revised By	Nature of Revision
Nov 2017	MJA	Amendment to guidance on insurance
Dec 2017	MJA	Addition of guidance on Data Protection
April 2018	MJA	Addition of guidance on GDPR