

# WEST DUNBARTONSHIRE COUNCIL SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS 2011

## 1. Introduction

Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994, which produced the current system of unitary local authorities, made provision for the continuation of community councils. Under the legislation, every local community in Scotland is entitled to petition their local authority to establish a community council in their area.

The Model Scheme for Community Councils in Scotland is designed to enable the establishment of community councils across Scotland to provide a common minimum basic framework governing their creation and operation.

## 2. Statutory Purposes

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

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

## 3. The Role and Responsibilities of Community Councils

The general purpose of community councils is to act as a voice for their local area. This will involve them articulating the views and concerns of local people in their area on a wide range of issues of public concern and make representations to their local authority, other public sector bodies and private agencies on matters within their sphere of interest.

It is essential that these views be demonstrated to be accurately representative of the community. Accordingly, the community council will have in place, in consultation with the local authority, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sectors of the community.

Community councils have a statutory right to be consulted on planning applications. Licensing matters and any other matters may also be jointly agreed between community councils, the local authority and other public sector and private agencies.

Community councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objects of their Constitution and the terms of the Council's Scheme for the Establishment of Community Councils.

There should be mutual engagement in the establishment of working relationships with the local authority and other agencies.

In carrying out their activities community councils must at all times adhere to the law, the terms of the Council's Scheme for the Establishment of Community Councils and the Community Councillors' Code of Conduct (Appendix 1).

Each community council is required to adopt a Constitution, based upon the Model Constitution (Appendix 2), which has been produced for national use, together with Model Standing Orders (Appendix 3), to encourage and maintain consistency for all community councils and to facilitate their proceedings being properly structured and regulated, to ensure that items of business relevant to the community are properly debated and decisions reached in a democratic manner. The community council's Constitution is required to be approved by the Head of Legal, Administrative and Regulatory Services of West Dunbartonshire Council.

Community councils have a duty under statute to represent the views of their local community. It is vital therefore, that they reflect the broad spectrum of opinion and interests of all sections of the community. In order to fulfil their responsibilities as effective and representative, community councils shall: -

- Community councils must inform the community of its work and decisions by posting agendas and minutes of meetings in public places, such as libraries and notice boards and, subject to the provisions contained within the Data Protection Act 1998, provide contact details of community council members.
- Agendas for meetings of the community council should be sent to the local authority in advance of the meeting. Draft minutes of community councils' meetings must be presented to the local authority within 14 days from the date of that meeting and be circulated to community council members, relevant elected members and other interested parties.
- Community councils should seek to broaden both representation and expertise by promoting the Associate Membership of the community council of persons for specific projects/issues.

- Community councils should make particular efforts to encourage young people and other under-represented groups to attend/participate in community council meetings and to ensure equality of opportunity in the way the community council carries out its functions.
- Community councils must maintain proper financial records and present financial reports at community council meetings. An example of a standard format for community councils' financial record-keeping is featured in the Scottish Government's Guidance Notes which will be reviewed from time to time. See <http://www.scotland.gov.uk/Topics/Government/local-government/CommunityCouncils/GoodPracticeGuidanceVer2> .
- Community councils must Inform the local authority of any change in membership (resignations, Associate Membership, etc.) and circumstances, as soon as is practicable.

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

The local authority has produced a list of named community council areas and a map or maps that define their boundaries. A list of community councils is attached as Appendix 4 to the Scheme, while a description of their boundaries is attached as Appendix 5.

#### **5. Membership of Community Councils**

There shall be minimum and maximum membership numbers of elected community councillors in a community council. The formula to apply in West Dunbartonshire is as follows:-

All community councils will have a base number of seven elected community councillors, plus one community councillor for every 1,000 of the population up to five thousand plus 1 community councillor thereafter for every 2,000 of the population. In this way, a community council with a population of 7,000 would have 13 community councillors (7, plus 5, plus 1).

The minimum age to stand for election as a community councillor is 16 years. Qualification for membership is by residency within the specific community council area. Community councillors and candidates for community council membership must also be named on the electoral register for the community council area in which they reside. There shall be provision made for non-voting Associate Membership for purposes as defined by each community council, for example, for persons under 16 years of age. Such persons will not be counted in terms of meeting a quorum, or towards the total number of community council members.

Elected members of the local authority and members of the Scottish, United Kingdom and European Parliaments are entitled to become *ex-officio* members of community councils, with no voting rights. A broad outline of the remit and responsibilities of each of these institutions is featured in the Guidance Notes prepared by the Scottish Government.

See <http://www.scotland.gov.uk/Topics/Government/local-government/CommunityCouncils/GoodPracticeGuidanceVer2>

## **6. Establishment of Community Councils under the Model Scheme**

Upon the local authority's revocation of its existing Scheme for the Establishment of Community Councils and decision to make a new Scheme, it shall publish a Public Notice, which shall invite the public to make suggestions as to the areas and composition of the community councils. Thereafter, a consultation process shall be undertaken prior to its formal adoption by the local authority.

## **7. Community Council Elections**

### **Eligibility**

Candidates wishing to stand for election to a community council must reside in the local area and be named on the Electoral Register for that area. The same criteria shall apply to voters in a community council election.

Sixteen and seventeen year-olds residing in the community council area and named on the Electoral Register for that area are also entitled both to stand for the community council and to vote in any election. A supplementary electoral register may have to be compiled for 16 and 17 year-olds and for new residents.

Any community council member who no longer resides within that community council area is deemed to have resigned from that community council.

Any individual who is elected to serve on this local authority, or the Scottish, UK or European Parliament shall be ineligible to remain a community councillor, or to stand for election to a community council. Such persons, upon taking office, become *ex-officio* members of the community councils contained in whole or in part of their electoral constituency.

### **Nominations and Elections**

The first elections to be held under the Scheme shall be held on a date to be determined by the local authority.

Subsequent elections will be held on a four-yearly-cycle, outwith local government election years, on dates to be determined by the local authority. Where the number of established community councils exceeds a level to be determined by the local authority, elections for a proportion of the total number of established community councils within the 4-yearly cycle may be arranged. Should community councils' election cycle fall in the year of Scottish local government or parliamentary elections, the electoral proceedings will be held in the following year.

The local authority will administer all elections.

## Returning Officer

The local authority will appoint an Independent Returning Officer. The Independent Returning Officer must not be a current elected member of that community council nor intending to stand for election to that community council.

## Nominations

Individuals seeking election to a community council require to be nominated by a proposer and seconder, both of whom must be on the Electoral Register for that community council area. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.

A nomination form should be completed, the style of which will be prescribed by the local authority. Nomination forms require to be submitted on the date set down in the election timetable. No nomination forms submitted after that date will be accepted.

## Process

On the expiry of the period for lodging nominations:

1. Should the number of candidates validly nominated equal or exceed **HALF**, but be less than or equal to the total maximum permitted membership as specified for the community council area in Appendix IV of the Scheme, the said candidates will be declared to be elected and no ballot shall be held.
2. Should the number of candidates validly nominated exceed the total maximum permitted membership as specified for the community council area, arrangements for a Poll shall be implemented. At the Poll, each voter shall be entitled to vote for candidates up to the number of vacancies on the community council.
3. Should the number of candidates elected, be below **HALF** of the total maximum permitted membership, as specified for the community council area, no community council will be established at that time. However, that does not preclude the local authority from issuing a second call for nominations for a community council area failing to meet the minimum membership requirement within 6 months of the closing date for the registration of the first call for nominations.

## **Method of Election**

Elections will be based on whole local authority areas or devolved administrative areas, as deemed appropriate. Community councillors shall be elected on a simple majority basis.

## **Filling of casual places/vacancies between elections**

Casual vacancies on a community council may arise in the following circumstances:

- When an elected community council member submits her/his resignation;
- When an elected community council member ceases to be resident within that community council area;
- When an elected community council member has her/his membership disqualified (Clause 9).

Should a vacancy or vacancies arise on a community council between elections, it shall be a requirement that the community council undertake appropriate election arrangements, in consultation with the local authority. Filling a vacancy can be undertaken either through the process of an interim election or by co-option. However, should circumstances arise that lead to the number of elected community councillors falling below **HALF** of the maximum permitted membership, the local authority shall be informed and shall undertake arrangements for an interim election to be held.

## **Co-option to Community Councils**

Co-opted members must be eligible for membership of the community council as detailed in Section 5 of the Community Council Scheme. They must be elected onto the community council by a two-thirds majority of the elected (general and interim) community councillors present and voting. Such co-opted members shall have full voting rights, with the exception of voting on co-option of members, and will serve until the next round of elections (general and interim). Notice of any proposed co-option procedure is required to be intimated to all of that community council's members at least 14 days prior to the meeting when the matter will be decided.

The number of co-opted members may not exceed a **THIRD** of the current elected (general and interim) community council membership. Should the ratio of co-opted to elected community councillors become greater than one third, due to any circumstances, an interim election process shall be triggered.

## **Additional Membership**

### *Associate Members*

Associate members may be appointed by a community council where there may be a need for individuals with particular skills or knowledge. These individuals do not have voting rights. Associate members may serve for a fixed period as determined by the community council or for the term of office of the community council that has appointed them. Associate members may also include representation from other constituted local voluntary organisations.

### *Ex-Officio Members*

Local Authority Councillors, MPs, MSPs and MEPs whose wards or constituencies fall wholly or partly within the geographical area of the community council area shall be deemed ex-officio members of the community council. Ex-officio members shall have no voting rights on the community council.

## **8. Equalities**

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

## **9. Disqualification of Membership**

Membership of a community council is invalidated should a community councillor's residency qualification within that community council area cease to exist. If any member of a community council fails to attend any community council meeting, with or without submitting apologies, throughout a period of 6 months, the community council may terminate their membership. At the discretion of individual community councils, a period of leave of absence for community council members may be granted at any meeting of the community council.

## **10. Meetings**

The first meeting of a community council following a community council election, will be called by the independent Returning Officer approved by the local authority and will take place within 21 days of the date of the election, or as soon as practicable thereafter. The business of that meeting will include adoption of a Constitution and Standing Orders, appointment of office bearers and any outstanding business matters from the outgoing community council.

The frequency of meetings will be determined by each community council, subject to a minimum of one annual general meeting and 6 ordinary meetings being held each year. The annual general meeting shall be held in a month of each year to be determined by the local authority.

The quorum for community council meetings shall be one third of the current voting membership of a community council, or 3 voting members, whichever is the greater.

An outline for the content of business that community councils should adhere to when holding ordinary, special and annual general meetings is contained within the Model Standing Orders.

## **11. Liaison with the Local Authority**

In order to facilitate the effective functioning of community councils, the local authority has identified an official to act as a Liaison Officer with community councils. Unless there is a specific agreement or an issue is a specific departmental issue, all correspondence between the local authority and the community councils should, in the first instance, be directed through that official.

Community councils may make representations to the local authority and other public and private agencies, on matters for which it is responsible and which it considers to be of local interest. Representations should be made, in the case of statutory objections, such as planning or licensing matters, to the appropriate local authority official. On issues where a local authority department is consulting with community councils, representations should be made to the appropriate departmental officer.

Community councils shall provide copies of their agendas and minutes within prescribed timescales to the Council via the local authority's named official.

## **12. Resourcing a Community Council**

The financial year of each community council shall be provided for in the constitution of each community council and shall be from 1 April to 31 March in each succeeding year to allow for the proper submission of audited statement of accounts to the community council's annual general meeting on a specified date.

The Annual Accounts of each community council shall be independently examined by at least two examiners appointed by the community council, who are not members of that community council. A copy of the independently examined statement of accounts/balance sheet shall be forwarded immediately thereafter the statement is approved at the community council's annual general meeting, to a named official of the local authority.



The named official may, at their discretion and in consultation with the Council's Chief Financial Officer, require the community council to produce such records, vouchers and account books, as may be required.

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

Each community council shall be eligible to apply for grants for suitable projects through the local authority's grant system.

The local authority may provide an initial administrative grant to community councils to assist with the operating costs of the community council. The grant shall be made up of a minimum flat rate and an additional per capita allowance. The amounts to be applied shall be reviewed on an annual basis.

The local authority will determine any additional support services/resourcing to suit local requirements. The local authority will review the level of annual administrative grant and other support to community councils following each local government electoral cycle.

The local authority's Liaison Officer shall facilitate advice and assistance to community councils and arrange for the establishment of a training programme for community councils on the duties and responsibilities of community council office bearers, the role of community councils, the functions of the local authority and other relevant topics.

### **13. Liability of Community Council Members**

A national scheme of insurance liability cover has been arranged. The insurance liability cover becomes effective upon the local authority advising the insurance underwriter of the establishment of a community council.

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

The terms for dissolution of a community council are contained within the Model Constitution.

Notwithstanding these terms, should a community council fail to hold a meeting for a period of 3 consecutive prescribed meeting dates, or its membership falls below the prescribed minimum for a period of 3 consecutive prescribed meeting dates (during which time the community council and the local authority have taken action to address the situation), the local authority shall take action to dissolve that community council.

### **CODE OF CONDUCT FOR COMMUNITY COUNCILLORS**

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

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

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

#### **Service to the Community**

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

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

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

#### **Selflessness**

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

## **Integrity**

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

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

## **Objectivity**

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

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

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

## **Accountability and Stewardship**

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

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

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

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

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

## **Openness**

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

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

## **Honesty**

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

## **Leadership**

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

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

## **Respect**

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

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

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



## MODEL CONSTITUTION FOR COMMUNITY COUNCILS

### 1. Name

The name of the COMMUNITY COUNCIL shall be ..... (referred to as “the COMMUNITY COUNCIL” in this document).

### 2. Area of the Community Council

The area of the COMMUNITY COUNCIL shall be as shown on the map attached to the local authority’s Scheme for the Establishment of Community Councils.

### 3. Objectives

The objectives of the COMMUNITY COUNCIL shall be:

- (a) to ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of the people;
- (b) to express the views of the community to the local authority for the area to public authorities and other organisations;
- (c) to take such action in the interests of the community as appears to it to be desirable and practicable;
- (d) to promote the well-being of the community and to foster community spirit;
- (e) to be a means whereby the people of the area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.

### 4. Role and Responsibilities

In the discharge of their functions and the conduct of their business, the COMMUNITY COUNCIL and its membership shall have regard to their role and responsibilities as set out in paragraph 3 of the Scheme for the Establishment of Community Councils, approved by the local authority and the Community Councillors’ Code of Conduct.

### 5. Membership

The COMMUNITY COUNCIL’S membership is as governed by paragraph 5 of the Scheme for the Establishment of Community Councils and as determined from time to time by the local authority.

## 6. Method of Election

Election procedures shall be governed by the method of election laid down in paragraph 7 of the Scheme for the Establishment of Community Councils.

## 7. Casual Vacancies on the Community Council

Where a vacancy arises which does not result in the number of COMMUNITY COUNCILLORS falling below the minimum number as specified in paragraph 5 of the Scheme for the Establishment of Community Councils, and at least 6 months has passed since the last election, the COMMUNITY COUNCIL may, if it considers it to be desirable, agree to:-

- (a) an extraordinary general meeting be held in order that the vacancy (and any other outstanding vacancies) can be filled, on the basis that such vacancies would be publicised, nominations invited and an election held where the number of candidates exceeded the number of places available. Interim elections will be administered by the local authority.
- (b) the filling of a vacancy by co-option with voting rights to a maximum of one quarter of the total membership of the community council as governed by paragraph 7 of the Scheme for the Establishment of Community Councils.
- (c) the vacancy to be left unfilled until local public interest is expressed or until the next set of regular elections.

## 8. Voting Rights of Members of the Community Council

The right to vote at any meeting of the COMMUNITY COUNCIL or any committee thereof, shall be held by all COMMUNITY COUNCILLORS whether elected or co-opted, but not by Associate Members appointed for specific issues on a temporary basis, or *ex-officio* members. With the exception of circumstances which may arise under the **Scheme for the Establishment of Community Councils**: Clause 7 – Community Council Elections [Co-option]; and **Constitution**: Clause 16 – Alterations to the Constitution and its Clause 17 – Dissolution, all decisions of the COMMUNITY COUNCIL will be decided by a simple majority of those eligible to vote and present and voting.

In the event of a vote of the community councillors that results in a majority not being achieved, the chairperson shall have a casting vote.

## 9. Election of Office-Bearers

- (a) At the first meeting of the COMMUNITY COUNCIL after elections in the year when elections are held and at the Annual General Meeting in **(to be determined locally)** in the year when elections are not held, the

COMMUNITY COUNCIL shall appoint a Chair, Secretary, Treasurer and other such office-bearers as it shall from time to time decide.

- (b) All office-bearers shall be elected for one year, but shall be eligible for re-election, without limitation of time.
- (c) Without the express approval of the local authority, no one member shall hold more than one of the following offices at any one time: Chairperson, Secretary or Treasurer.

## 10. Committees of the Community Council

The COMMUNITY COUNCIL may appoint representatives to committees of the COMMUNITY COUNCIL and shall determine their composition, terms of reference, duration, duties and powers.

## 11. Meetings of the Community Council

- (a) The quorum for COMMUNITY COUNCIL meetings shall be at least one third of the current eligible voting membership, or 3 eligible voting members, whichever is the greater.
- (b) Once in each year in the month of **(to be determined by the local authority)** the COMMUNITY COUNCIL shall convene an annual general meeting for the purpose of receiving and considering the Chairperson's annual report on the COMMUNITY COUNCIL, the submission and approval of the independently examined annual statement of accounts and the appointment of office bearers.
- (c) Including the annual general meeting, the COMMUNITY COUNCIL shall meet not less than 7 times throughout the year.
- (d) Dates, times and venues of regular meetings of the COMMUNITY COUNCIL shall be fixed at the first meeting of the COMMUNITY COUNCIL following ordinary elections and thereafter at its annual general meeting. Special meetings shall require at least 10 days public notice, either called by the Chairperson, or on the request of not less than one-half of the total number of COMMUNITY COUNCIL members. An officer of the local authority has the discretion to call a meeting of the COMMUNITY COUNCIL.
- (e) Copies of all minutes of meetings of the COMMUNITY COUNCIL and of committees thereof shall be approved at the next prescribed meeting of the COMMUNITY COUNCIL, but the draft minute shall be circulated within 14 days from the date of that meeting, to COMMUNITY COUNCIL members, other appropriate parties and the local authority's liaison officer for COMMUNITY COUNCILS.
- (f) The COMMUNITY COUNCIL shall abide by its Standing Orders for the proper conduct of its meetings.



- (g) The COMMUNITY COUNCIL has a duty to be responsive to the community it represents. Should the COMMUNITY COUNCIL receive a written request (petition), signed by at least 20 persons resident within the COMMUNITY COUNCIL area to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting within 14 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings called by the COMMUNITY COUNCIL.
- (h) The COMMUNITY COUNCIL can meet to discuss items of business in private where it considers it appropriate to do so. The decision to meet in private will be agreed in advance and decided by a majority vote. Notice of such a meeting will be given to the public in the usual way. However, the Notice will record that the meeting, or a part thereof, shall be held in private.

## **12. Public Participation in the Work of the Community Council**

- (a) All meetings of the COMMUNITY COUNCIL and its committees (subject to 11(h), above) shall be open to members of the public. Proper provision is to be made for the accommodation of members of the public and the opportunity should be afforded at each meeting to permit members of the public to address the COMMUNITY COUNCIL, under the guidance of the Chairperson.
- (b) Notices calling meetings of the COMMUNITY COUNCIL and its committees shall be posted prominently within the COMMUNITY COUNCIL area for a minimum period of ten days before the date of any such meeting, and, where possible, be advertised by other suitable means.

## **13. Information to the Local Authority**

The local authority's liaison officer shall be sent an annual calendar of the COMMUNITY COUNCIL'S prescribed meeting dates, times and venues, which should be agreed at the COMMUNITY COUNCIL'S annual general meeting, minutes of all meetings, the annual report, the annual financial statement and any other such suitable information, as may from time to time be agreed between the COMMUNITY COUNCIL and the local authority. When special meetings of the COMMUNITY COUNCIL are to be held, the local authority's liaison officer should be advised of the date, time venue and subject(s) of debate of such meetings, at least 10 days in advance of the meeting date.

## **14. Control of Finance**

- (a) All monies raised by or on behalf of the COMMUNITY COUNCIL or provided by the local authority and other sources shall be applied to further the objectives of the COMMUNITY COUNCIL and for no other purpose. The monies provided by the local authority in the annual

Administrative Grant for administrative and other approved purposes shall be used only as prescribed. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the community council), or in the absence of such terms, for the furtherance of the objectives of the COMMUNITY COUNCIL.

- (b) The treasurer shall undertake to keep proper accounts of the finances of the community council.
- (c) Any two of three authorised signatories, who would normally be office-bearers of the community council, may sign cheques on behalf of the COMMUNITY COUNCIL. Authorised signatories may not be co-habitees.
- (d) A statement of accounts for the last financial year should be independently examined by two examiners appointed by the COMMUNITY COUNCIL, who are not members of that COMMUNITY COUNCIL. The accounts shall be submitted to an Annual General Meeting of the COMMUNITY COUNCIL and shall be available for inspection on application to the secretary.
- (e) The financial year of the COMMUNITY COUNCIL shall be from **(to be determined by the local authority)** until **(to be determined by the local authority)** the succeeding year. Examined accounts as received and approved by the COMMUNITY COUNCIL at the annual general meeting shall be submitted to the local authority following approval at the community council's annual general meeting.

## **15. Title to Property**

Property and other assets belonging to the COMMUNITY COUNCIL shall be vested in the Chair, Secretary and Treasurer of the COMMUNITY COUNCIL and their successors in these respective offices.

## **16. Alterations to the Constitution**

Any proposal by the COMMUNITY COUNCIL to alter this Constitution must be first considered by a meeting of the COMMUNITY COUNCIL and the terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued not less than ten days prior to the meeting. Any proposed alterations may not prejudice the terms and objectives contained within the Scheme for the Establishment of Community Councils.

If the proposal is supported by two-thirds of the total voting membership of the COMMUNITY COUNCIL and is approved in writing by the local authority, the alteration shall be deemed to have been duly authorised and can then come into effect.

## **17. Dissolution**

If the COMMUNITY COUNCIL by a two-thirds majority of the total voting membership decides at any time that it is necessary or advisable to dissolve, it shall agree a date for a public meeting to be held to discuss the proposed resolution to dissolve. It is a requirement that not less than ten days prior to the date of such meeting a public notice be given by means of notification in the local newspaper. If the resolution is supported by a majority of those persons present and qualified to vote and is approved by the local authority, the COMMUNITY COUNCIL shall be deemed to be dissolved and all assets remaining, subject to the approval of the local authority, after the satisfaction of any proper debts or liabilities shall transfer to the local authority who shall hold same in Trust for a future COMMUNITY COUNCIL representing that area.

In the event that the COMMUNITY COUNCIL is dissolved under the above procedure, and twenty or more electors subsequently wish the re-establishment of a COMMUNITY COUNCIL for the area, these electors shall submit a requisition to the local authority in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which the Returning Officer shall arrange for elections to be held in accordance with the Scheme for the Establishment of Community Councils.

Where for any reason, the number of COMMUNITY COUNCIL members falls below the minimum specified in the Scheme for the Establishment of Community Councils the local authority may, by suspending the Constitution of the COMMUNITY COUNCIL, cause the COMMUNITY COUNCIL to be dissolved and in this event, the procedures for the establishment of a new COMMUNITY COUNCIL being those identified in the immediately preceding paragraph hereof, shall be initiated.

**18. Approval and adoption of the Constitution**

This Constitution was adopted by .....  
COMMUNITY COUNCIL, on

.....

Signed: Chairman

.....

Member

.....

Member

.....

Date

.....

and was approved on behalf of ..... Council on

.....

Signed

.....

Date

.....



## MODEL STANDING ORDERS

### 1. Meetings (all held in public)

- (a) Ordinary meetings of the COMMUNITY COUNCIL shall be held in the months of ..... [to be entered]. Special Meetings may be called at any time on the instructions of the Chairperson of the community council on the request of not less than one-half of the total number of COMMUNITY COUNCIL members; or the receipt of a common written request (petition), signed by at least 20 persons, resident within the COMMUNITY COUNCIL area, to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting. A special meeting shall be held within 14 days of the receipt of the request made to the Secretary of the COMMUNITY COUNCIL. Annual general meetings are held annually.
- (b) The notice of ordinary and annual general meetings of the COMMUNITY COUNCIL, featuring the date, time and venue, shall be provided to each COMMUNITY COUNCIL member and the local authority's named official by the Secretary of the COMMUNITY COUNCIL, at least 10 days before the date fixed for the meeting.

### 2. Minutes

Minutes of the proceedings of a meeting of the COMMUNITY COUNCIL shall be drawn up within fourteen days from the date of that meeting, distributed in accordance with paragraph 3 of the Scheme of Community Councils and shall, following their approval, be signed at the next meeting of the COMMUNITY COUNCIL by the person presiding thereat and retained for future reference.

### 3. Quorum

A quorum shall be one-third of the current voting membership of the COMMUNITY COUNCIL, or 3 voting members, whichever is the greater.'

### 4. Order of Business

#### (i) Ordinary Meeting

The order of business at every ordinary meeting of the COMMUNITY COUNCIL shall be as follows: -

- (a) Recording of membership present and apologies received.
- (b) The minutes of the last meeting of the COMMUNITY COUNCIL shall be submitted for approval.
- (c) Any other item of business, which the Chairperson has directed, should be considered.

- (d) Any other competent business.
- (e) Questions from the floor.
- (f) Chairperson to declare date of next meeting and close meeting.

**(ii) Annual General Meeting**

It will not be uncommon that the COMMUNITY COUNCIL has arranged for an ordinary meeting of the COMMUNITY COUNCIL to begin at the close of the annual general meeting, to enable any outstanding reporting on business matters to be heard; and for COMMUNITY COUNCIL members and members of the public to have an opportunity to bring matters to the attention of the COMMUNITY COUNCIL, possibly for inclusion on a future agenda.

The order of business at every annual general meeting of the COMMUNITY COUNCIL shall be as follows: -

- (a) Recording of membership present and apologies received.
- (b) The minutes of the last annual general meeting of the COMMUNITY COUNCIL shall be submitted for adoption.
- (c) Chairperson's Annual Report (and questions from the floor).
- (d) Secretary's Annual Report (and questions from the floor).
- (e) Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).
- (f) Demit of current office bearers/election of office bearers.
- (g) Chairperson to declare date of next annual general meeting and close meeting.

**(iii) Extraordinary General Meeting**

The order of business at every extraordinary general meeting of the COMMUNITY COUNCIL shall be as follows: -

- (a) Recording of membership present and apologies received.
- (b) Business for debate, as described in the calling notice for the special meeting.
- (c) Chairperson to close meeting.

## **5. Order of Debate**

- (a) The Chairperson shall decide all questions of order, relevancy and competency arising at meetings of the COMMUNITY COUNCIL and her/his ruling shall be final and shall not be open to discussion. In particular, the Chairperson shall determine the order, relevancy and competency of all questions from the public in attendance at meetings of the COMMUNITY COUNCIL raised at 4, above. The Chairperson in determining the order, relevance and competency of business and questions shall have particular regard to the relevance of the issue to the community and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Chairperson shall have the power, in the event of disorder arising at any meeting, to adjourn the COMMUNITY COUNCIL meeting to a time he/she may then, or afterwards, fix.
- (b) Every motion or amendment shall be moved and seconded.
- (c) After a mover of a motion has been called on by the Chairperson to reply, no other members shall speak to the question.
- (d) A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- (e) A motion or amendment which is contrary to a previous decision of the COMMUNITY COUNCIL shall not be competent within six months of that decision.

## **6. Voting**

- (a) Voting shall be taken by a show of hands of those present and eligible to vote, with the exception that, at an annual general meeting, the election of office bearers may be held by secret ballot.
- (b) The Chairperson of a meeting of the COMMUNITY COUNCIL shall have a casting vote as well as a deliberative vote.

## **7. Alteration of Standing Orders**

A proposal to alter these Standing Orders may be proposed to the local authority to be altered or added to at any time by the COMMUNITY COUNCIL, provided that notice of motion to that effect is given at the meeting of the COMMUNITY COUNCIL previous to that at which the motion is discussed. The local authority shall have final discretion on any proposed change.

## **8. Committees**

The COMMUNITY COUNCIL may appoint such committees as it may from time to time decide and shall determine their composition, terms of reference, duration, duties and powers.

## **9. Suspension of Standing Orders**

These Standing Orders shall not be suspended except at a meeting at which three-quarters of the total number of COMMUNITY COUNCIL members are present and then only if the mover states the object of his motion and if two-thirds of the COMMUNITY COUNCIL members present consent to such suspension.

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## Appendix 4

### COMPOSITION OF COMMUNITY COUNCILS

All community councils will have a base number of seven elected community councillors, plus one community councillor for every 1,000 of the population up to five thousand plus 1 community councillor thereafter for every two thousand of the population.

#### Example

For a community council with 7,000 of a population, 7 community councillors + 5 + 1 = 13 elected community councillors.

Community Council	Pop'n	Max No. Directly Elected	Var.	Non-Elected Members
1. Old Kilpatrick	2857	7 + 3 = 10		+ 1/3
2. Duntocher and Hardgate	7395	7 + 6 = 13		"
3. Faifley	5210	7 + 5 = 12		"
4. Dalmuir and Mountblow	8215	7 + 6 = 13	-1	"
5. Parkhall, North Kilbowie and Central	7480	7 + 6 = 13		"
6. Linnvale and Drumry	7024	7 + 6 = 13		"
7. Clydebank East	5750	7 + 5 = 12		"
8. Bowling and Milton	967	7 + 1 = 8		"
9. Dumbarton East and Central	4103	7 + 4 = 11		"
10. Dumbarton North	5005	7 + 5 = 12	+1	"
11. Silverton and Overtoun	4825	7 + 5 = 12		"
12. Dumbarton West	5962	7 + 5 = 12		"
13. Renton	3559	7 + 4 = 11		"
14. Bonhill and Dalmonach	9031	7 + 7 = 14		"
15. Alexandria	4840	7 + 5 = 12		"
16. Balloch and Haldane	6538	7 + 5 = 12		"
17. Kilmarnock	693	7 + 1 = 8		"

Date Source: Voluntary Population Survey 2003 (as amended to reflect changes to boundaries 2011)

**WEST DUNBARTONSHIRE COUNCIL**  
**COMMUNITY COUNCIL BOUNDARIES**

**Clydebank East Community Council**

Commencing at the junction of the south eastern Administrative Boundary and the River Clyde; then continuing north-westward along the River Clyde to a point south east of the former cable depot, on Cable Depot Road; then generally northeast in a straight line to a point in the centre of the Forth & Clyde Canal; then generally eastward along the said Canal to the eastern Administrative Boundary; then generally southward to the point of commencement.

**Dalmuir & Mountblow Community Council**

Commencing at the south-western boundary of Clydebank East Community Council then continuing generally north-westward along the River Clyde to the confluence of the River Clyde and the prolongation of the burn adjacent to Chivas Regal bonded warehouses; then generally north-eastward along the said burn and its culverted course to the centre of the roundabout at Freeland's Place; then generally westwards along Old Dalnotter Road to the junction with the boundary of the former MOD Tank Farm; then generally north-eastward, westward and north-eastward along said boundary to the junction with the A82 Great Western Road; then generally eastward along the said Road to its junction with Mountblow Road; then generally southwards on Mountblow Road to the access lane through the golf course adjacent to Littleholm Place; then generally north-eastward along said lane to the junction of the Duntocher burn; then generally southward and south-eastwards along the said burn to the junction with the Glasgow to Balloch/Helensburgh railway track; then generally eastward along the Singer line and south-eastward along the Clydebank line to the junction with the north-western boundary of Clydebank East Community Council; then generally southward to the point of commencement.

**Linnvale & Drumry Community Council**

Commencing at the junction of Duntreath Avenue and the Forth & Clyde Canal and continuing westward along the northern boundary of Clydebank East Community Council to Kilbowie Road; then generally northwards along Kilbowie Road to the Kilbowie Roundabout; then generally south-eastwards along Great Western Road to the point of commencement.

**Parkhall, North Kilbowie and Central Community Council**

Commencing at the junction of the northern boundary of Clydebank East Community Council and the western boundary of Linnvale & Drumry Community Council, then continuing westward, north-westward and northward along the northern boundary of Clydebank East Community Council and Dalmuir & Mountblow Community Council to the junction with Great Western Road; then generally south eastward along said Road to the western boundary of Linnvale & Drumry Community Council; then generally southward along said boundary to the point of commencement.

### **Duntocher & Hardgate Community Council**

Commencing at the junction of Great Western Road and the Administrative Boundary adjacent to GOALS “Five-a-Side” playing fields and continuing north-westwards along Great Western Road to the junction with the western boundary of Dalnottar Cemetery; then generally northwards to the landward area; then generally northwards, eastwards and southwards around the landward area to the junction of the Cochno burn; then generally southwards on the Cochno burn to the junction with Faifley Road; then generally southwards on said road to the centre of Hardgate roundabout; then generally north-eastward and eastward along an un-named burn through Knowes Park to the junction with an un-named footpath; then generally southward and south-westward along said footpath to the junction with Glasgow Road; then generally eastward along said road to the junction with the eastern Administrative Boundary; then generally southward along the Administrative Boundary to the point of commencement.

### **Faifley Community Council**

Commencing at the junction of Glasgow Road and the eastern Administrative Boundary then continuing generally westward, northward and eastward along the Duntocher & Hardgate Community Council boundary to the junction with the Administrative Boundary; then generally southward along the Administrative Boundary to the point of commencement.

### **Old Kilpatrick Community Council**

Commencing at the south-western corner of Dalmuir & Mountblow Community Council and continuing westward along the River Clyde to its confluence with an un-named burn west of Roman Crescent; then generally northwards along said burn to its junction with the northern carriageway boundary of the A82(T) Great Western Road; then generally eastward along said boundary to the western boundary of steading area of Gavinburn Farm; then generally northward, eastward and southward through the landward area to the western boundary of Dalnottar Cemetery; then generally southwards along said boundary to the western boundary of Dalmuir & Mountblow Community Council; then generally southwards, eastwards and southwards to the point of commencement.

### **Bowling & Milton Community Council**

Commencing at the south-western boundary of Old Kilpatrick Community Council then continuing along the River Clyde to the junction with the prolongation of the un-named lane to the east of the former Mitsui Babcock site; then generally north-eastward along the said lane crossing Dumbarton Road and in turn Stirling Road to a point at the north east corner of Barnhill housing estate; then generally westward along the northern boundary of Barnhill to the landward area; then generally northward and eastward through the landward area to the western boundary of Old Kilpatrick Community Council and the point of commencement.

### **Dumbarton East and Central Community Council**

Commencing at the south-western boundary of Bowling & Milton Community Council then continuing along the River Clyde to its confluence with the River Leven; then generally northwards and north-westwards along the River Leven to its junction with the Glasgow to Balloch/Helensburgh railway track; then eastwards along said railway track and Glasgow-Loch Lomond cycle track to the junction with Greenhead Road; then generally north-eastward along Greenhead Road, Strowanswell Road and Gruggies Burn to a point adjacent to the northern boundary of Barnhill housing estate; then generally south-eastwards along the northern boundary of Barnhill and south-westward along the western boundary of Bowling & Milton Community Council to the point of commencement.

### **Silverton & Overtoun Community Council**

Commencing at the junction of the Glasgow to Loch Lomond cycle track and Greenhead Road and continuing westward along the northern boundary of Dumbarton East Community Council to Townend Road then generally northward and north-eastward to the centre of Barloan Roundabout; then generally eastward along Stirling Road to its junction with Garshake Road; then generally north eastward along Garshake Road until just beyond the junction of Garshake Avenue and Garshake Road and then generally north-westwards until it meets with the Dumbarton North Community Council boundary line; and then through the landward area, joining Gruggies burn adjacent to the northern boundary of Barnhill housing estate; then continuing generally southward on Gruggies burn, Strowanswell Road and Greenhead Road to the point of commencement.

### **Dumbarton West Community Council**

Commencing at the south-western corner of Dumbarton East Community Council then continuing generally westward along the River Clyde to the south western corner of the Administrative Boundary; then generally northward on the said boundary to its junction with the Whitelees burn; then generally eastward and north-eastward along the Whitelees burn, the A82(T) slip road and the A82(T) Alexandria by-pass to its junction with the River Leven; then generally southward and eastward along said river to the point of commencement.

### **Dumbarton North Community Council**

Commencing at the south western corner of Silverton and Overtoun Community Council then continuing westward on the Glasgow to Balloch/Helensburgh railway track to the junction with the River Leven; then generally northwards along the river to its junction with the A82(T) Alexandria bypass; then generally eastward on said bypass to its junction with the Murroch Burn then generally north-eastward and continuing through the landward area to the junction with the western boundary of Silverton and Overtoun; then generally southward and westward to the point of commencement.

### **Renton Community Council**

Commencing at the north east corner of Dumbarton West Community Council then continuing along the northern boundary of Dumbarton West Community Council through the landward area to the western boundary of the Vale of Leven Cemetery then continuing southward, eastward and northward around the cemetery and eastward along the cemetery access road to the junction with the A82 (T) Alexandria by-pass then continuing generally northwards along the A82(T) Alexandria by-pass to the junction with the southern boundary of Christie Park; then generally eastward along said boundary to the junction with Main Street, Alexandria; then generally southward on Main Street and eastward and northward on Church Street to a point paralleled to Alexandria Railway Station; then generally eastward in a straight line to a point at Alexandria Railway Station and northwards on the Glasgow to Balloch railway line to the junction with the River Leven; then generally southwards following the River Leven to the point of commencement.

### **Alexandria Community Council**

Commencing at a point in Loch Lomond (Grid Ref: NS 39746 83867) then south westwards in a straight line to Duck Bay (Grid Ref: NS 37431 83354) and then generally south westwards to the end of Tank Wood and then south eastwards to Grid Ref: NS 36578 82414; then south westwards to the edge of Darleith Muir (Grid Ref: NS 36076 81982) then generally north westwards to Grid Ref: NS 34691 82640 and then south westwards to Grid Ref: NS 34238 82060; then following the Administrative Boundary of West Dunbartonshire Council to the boundary of Renton Community Council (Grid Ref: NS 36903 79669) and generally eastwards towards Vale of Leven Cemetery (Grid Ref: NS 38338 79743) and following the road until it meets the A82 By-Pass (Grid Ref: NS 38685 79916), then generally north following the A82 until Grid Ref: 38575 80279, then north eastwards along Park Street towards the junction of Main Street, Alexandria and then southwards down Main Street until the junction with Church Street to Grid Ref: NS 39325 79999, then due north following the railway line to Grid Ref: NS 39311 80276, and then following the River Leven north to the Bridge at Lomond Road, then west on Lomond Road until it reaches the Stoneymollan Roundabout, then northward along A82 until Grid Ref: NS 37927 81958, and then generally northeast to an un-named burn and then following the burn north eastwards to Drumkinnon Bay (Grid Ref: NS 38422 82361) and then generally north westwards until the point of commencement via Grid Ref: NS 38434 82955.

### **Balloch & Haldane Community Council**

Commencing at the northern shoreline boundary of Balloch Park and Loch Lomond, where Balloch Burn enters Loch Lomond, then generally south eastwards in a straight line to a point in Loch Lomond at Grid Ref: NS 38080 83671; then generally southwards to the confluence of an un-named burn and Loch Lomond at Grid Ref: NS 38424 82360; then generally south westwards and westwards along the said burn to its intersection with the A82(T) at Grid Ref: NS 37923 81969; then generally southwards in a straight line to the centre point of the Stoneymollan roundabout; then generally eastwards along the A811, dissecting the Balloch roundabout and continuing to the intersection with the River Leven at Lomond Bridge; then generally

southwards along the River Leven to the junction of the prolongation of Auchincarroch Road and said river; then following said road north-eastwardly to an un-named track to Mill of Haldane; following this track north-westwardly to the junction with the Carrochan Burn (Grid Ref: NS 41148 81559); then generally northwards following the track to the housing estate of Mill of Haldane at the junction with Dumbain Crescent, then north-eastwards along the rear curtilage of the estate and Haldane Terrace; then continuing generally north-eastwards along the A811 Stirling Road to Ballagan (Grid Ref: NS 40303 82968); then generally westwards on road to the access road to Balloch Park (North Lodge); then northwards on the Boturich Road to the northern boundary of Balloch Park; then following the northern boundary of said park to shoreline of Loch Lomond to the point of commencement.

### **Kilmaronock Community Council**

Commencing at the north western corner of Balloch & Haldane Community Council then continuing north-westwards in a straight line to the junction with the north-western Administrative Boundary; continuing along the Administrative Boundary to the junction with the northern boundary of Bowling & Milton Community Council; then generally westward and south-westward along said boundary to the north-eastern boundary of Bonhill & Dalmonach Community Council; then generally north-westward, northward and westward along the eastern and northern boundary of Balloch & Haldane Community Council to the point of commencement.

### **Bonhill & Dalmonach Community Council**

Commencing on the south-eastern corner of Renton Community Council at the River Leven and continuing generally northwards along said river to the junction with the prolongation of Auchincarroch Road and the River Leven; then generally north-eastward along the southern boundary of Balloch & Haldane Community Council, south-eastward and south-westward along the western boundary of Kilmaronock and Bowling & Milton Community Councils to the junction with the Murroch Burn; then generally south-westward along the Murroch burn to the point of commencement.