

FALKIRK COUNCIL**SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS (APPROVED – 28 MARCH, 2000)**

In terms of Part IV of the Local Government (Scotland) Act 1973 (hereinafter referred to as “the 1973 Act”), Falkirk Council (hereinafter referred to as “the Local Authority”) being a Local Authority within the meaning of that part of the Act, HEREBY makes a scheme for the establishment of Community Councils within its Administrative Area, as defined in paragraph 1 hereof and lays down the following code of procedure in accordance with which Community Council shall be constituted and managed:-

1. ADMINISTRATIVE AREA

The Administrative Area of the Local Authority is the Falkirk local government area as defined in Part I of Schedule 1 of the Local Government (etc) (Scotland) Act 1994 (hereinafter referred to as ‘the 1994 Act’) and shown outlined on the map docketted and executed as relative hereto and submitted herewith (hereinafter referred to as “the map”).

2. DESIGNATIONS & BOUNDARIES

The Local Authority, having considered observations received from organisations representing particular sectors of the community and interested individuals and having taken into account the characteristics of their administrative area, has determined that local views are best reflected and local needs best served by the establishment of Community Councils in accordance with those areas named, defined and more particularly described in Schedule 1 annexed hereto and shown outlined and numbered on the Map.

3. GENERAL PURPOSES OF COMMUNITY COUNCILS

In addition to any other assumed function, the general purposes of a Community Council shall be:-

- (a) to safeguard and promote the best interests of the community in its area; and
- (b) to ascertain, co-ordinate and express to Falkirk Council 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.

4. COMPOSITION OF COMMUNITY COUNCILS**4.1 Initial Community Council Election**

In respect of each initial Community Council election after the commencement date of this Scheme, the total number of members shall be based on the population it represents in accordance with the numbers detailed in Schedule 1.

4.2 Community Council Elections from September 2005

The Local Authority has determined that in order to ensure that each Community Council is best suited to the size and needs of the area it represents, as from the first statutory meeting following the September 2001 elections, each Community Council shall by its constitution determine the composition of that council, with effect from September 2005, but that in accordance with the following provisions:-

- (a) each Community Council shall comprise not less than 9 and not more than 18 members.
- (b) each Community Council shall comprise not less than 6 and not more than 12 elected members (but with a minimum of two-thirds of its full membership being elected), which members shall be elected in the manner specified in paragraphs 6 and 7 hereof.
- (c) in any case where the number of candidates is equal to the number of members specified for the area concerned, no election shall be held and, on the date on which the election would have taken place had an election been necessary, those candidates shall be declared to be duly elected.
- (d) Where the number of candidates is less than the number of members to be elected for an area by the closing date for receipt of nominations, the Local Authority may allow the Community Council, after the date on which the election would have been held, to treat such vacancies as casual vacancies or may, notwithstanding the provisions of this Scheme, take such action as they deem appropriate.
- (e) Each Community Council shall provide for the appointment of additional members from nominations submitted by local organisations, the number of such additional members in relation to the number of elected members to be in accordance with the numbers detailed in Schedule 1.
- (f) Where the number of candidates does not exceed the number of vacancies for nominated members, such candidates shall be declared to be nominated members of the Community Council. Where the number of candidates is less than the number of vacancies, the Community Council shall forthwith inform the Local Authority which may allow such vacancies to remain unfilled or, notwithstanding the provisions of this Scheme, issue such direction to the Community Council or take such action as they may deem appropriate.
- (g) every Community Council shall invite to all meetings of the Community Council the Falkirk council members who represent the wards, or parts thereof within the area covered by the Community Council.
- (h) In addition, every Community Council shall be empowered and may resolve at any of its meetings to invite to any meeting or meetings of the Council for any specific purpose any person who in the opinion of the Council could offer advice which would be of assistance to the Council in considering any particular matter of Council business.
- (i) Casual vacancies occurring in a Community Council between elections shall be filled by co-option to full membership and any persons so co-opted shall hold office until the day of the next election. In the event of the number of casual vacancies occurring in any Community Council within one term of office exceeding one-third of the elected membership of the Community Council, the Community Council shall forthwith inform the Local Authority which may allow or refuse to allow the Community Council to co-opt a further member of members or, notwithstanding the provisions of this Scheme, issue such direction to the Community Council or take such action as they deem appropriate.

5. QUALIFICATION FOR ELECTION OR APPOINTMENT TO COMMUNITY COUNCILS

Qualification for election in terms of paragraph 4(b) above and appointment in terms of paragraph 4(e) above to a Community Council shall be restricted to persons resident within the area which that Community Council represents and whose names appear in the relative electoral registers.

6. NOMINATION OF PERSONS FOR ELECTION TO COMMUNITY COUNCILS

6.1 Quadrennial Elections

- (a) At least six weeks in advance of the election date, the Local Authority shall publish a Notice seeking nominations and detailing the time, place and arrangements for the election and qualification of candidates.
- (b) Persons seeking election to a Community Council shall be nominated for election by nominations made by a proposer, a seconder and two assentors, all being persons whose names appear in the electoral registers for the respective Community Council's area and lodged with the Returning Officer, who shall be the Chief Executive of the Local Authority, at least 14 clear days before the date fixed for the election to take place. Proposers, seconders and assentors may not subscribe to more than one candidate's nomination.
- (c) Every nomination so made shall be endorsed by each person so nominated. If the number of nominations exceeds the places on a Community Council, an election shall be held.

6.2 Elections within the Normal Term

Where an area is not represented by a Community Council elected at the quadrennial election date on receipt of an application from 20 electors from within the area, in accordance with Section 52(7) of the 1973 Act, the Local Authority shall fix a day for the initial election to the Community Council for that area, with the election being carried out following the procedure in paragraphs 6.1(a) to 6.1(c) and 7.

7. METHOD OF ELECTION

- (a) the first quadrennial election in September 2001, and all subsequent elections, shall be by means of a postal ballot within the Community Council area, subject to the provision of 7(b).
- (b) subsequent elections will be held in accordance with the constitution of each Community Council, as approved by the Local Authority.
- (c) elections shall be conducted in accordance with the Scottish local elections rules 1986, except where otherwise provided in this scheme or the Community Council election procedure of the Local Authority.

8. APPOINTMENT OF REPRESENTATIVES OF LOCAL ORGANISATIONS

It shall be the first duty of the Convener of each Community Council, following his/her election in terms of paragraph 11(a) hereof, to put in hand arrangements for the appointment of additional members from nominations submitted by local organisations in the manner following:-

- (a) He/she shall arrange for public notice to be given either by press advertisement or by the posting of notices in public places inviting all local organisations to nominate, within 28 days, a candidate who would be prepared to serve on the Community Council.
- (b) He/she shall arrange that, on receipt of all nominations, so as to ensure fair representation of varied interests, they be grouped under headings according to the branch of the community they represent, the number of headings to be in accordance with the number of members to be appointed. All nominations and the headings under which they have been grouped shall be submitted to the Local Authority for approval.

- (c) He/she shall then arrange for a list of the nominations grouped under the headings as approved by the Local Authority to be sent to all organisations which had submitted nominations as stated above so that voting on the list may take place, subject to each organisation being able to cast only one vote in respect of each group of nominations.
- (d) He/she shall then arrange for a meeting of the Community Council not later than three months after the date of the last election of elected Community Councillors for the purpose of receiving all votes and, following a count, the persons to be elected shall be so declared. In the event of two or more nominations in any one group having received an equal number of votes, the Convener shall call for a show of hands from those elected members of the Community Council present.

Nominated members of the Community Council shall not be appointed or hold office as Convener or other office bearer of the full Community Council but may be appointed to represent the Community Council on any committee or other body formed by the Community Council.

Nominated members shall retire at midnight on the day before the Community Council election following their appointment and members so retiring shall be not entitled to be re-nominated for the following four-year term.

9. FREQUENCY OF ELECTIONS OF MEMBERS

Members appointed at the initial elections organised by the Local Authority in September 2001 shall hold office for the period until midnight on the day before the next ordinary election. Members appointed at subsequent quadrennial elections shall hold office for a period of four years and shall be eligible for re-election. Members appointed at an election within the normal four-year period shall hold office until the date of the next quadrennial election. No Community Council elections will be held within nine months before a quadrennial election.

10. CONSTITUTION OF COMMUNITY COUNCILS

- (a) Each Community Council shall itself draw up, within the terms of this Scheme, a Constitution for its establishment and management, which Constitution shall include *inter alia* the following:-

1. The name of the Community Council.
2. The objects of said Council.
3. The area covered by the Council.
4. The size and composition of the Council.
5. Provision for the inclusion of youths between 16 and 18 years of age.
6. Election and/or appointment of the Council.
7. Election and duties of office holders.
8. Provision for removal of office holders from office.
9. Size and composition and functions of any Committees of the Council.
10. Finance and accounts.
11. Alterations to the Constitution, and
12. Dissolution Clause.

(b) Approval of Constitution

Every Community Council shall submit its proposed Constitution, framed in accordance with the preceding sub-paragraph, for approval by the electorate within the Council's area and such approval shall be deemed to have been ordained by a majority of the electorate present voting accordingly at a public meeting convened by the Community Council for that purpose.

(c) Ratification by Local Authority

When approval of a Constitution has been obtained in terms of the preceding sub-paragraph, the relative Community Council shall then submit its approved Constitution to the Local Authority for ratification and, on said Constitution being so ratified, it shall become the Constitution of that Community Council.

(d) Amendment of Constitution

Every Community Council shall include in its Constitution regulations for the alteration or amendment of said Constitution and, in particular, provide that any proposed alterations or amendment shall be considered and voted on either at an Annual General Meeting of the Council or at a special meeting convened for that purpose in terms of paragraph 12(c) hereof and it is further declared that no alteration or amendment so approved shall become effective until such time as it has been ratified by the Local Authority.

11. APPOINTMENT OF OFFICERS AND STAFF

(a) Convener and Depute Convener(s)

Every Community Council at its first meeting, which shall be convened by the Returning Officer or his/her appointed depute for a date within 21 days after the election of Members (i) shall elect one of its members to be Convener of the Council; (ii) shall elect one or more of its members to be Depute Convener(s) of the Council; and (iii) shall elect or appoint a Secretary and Treasurer, as provided at 11(b).

(b) Secretary and Treasurer

Every Community Council shall be empowered to elect a secretary and/or treasurer from among its elected members but persons so elected shall not receive a salary from the Community Council. Every Community Council shall be empowered, as an alternative, to appoint a salaried secretary and/or treasurer from outwith their elected membership. The posts of secretary and treasurer may be combined in either case.

(c) Term of Office

The convener, depute convener(s), secretary and treasurer shall hold office until the date of the quadrennial election following their appointment, subject to the provision of their Community Council's constitution regarding (1) removal of office bearers and (2) the proceedings at annual general meetings.

(d) Auditor

The Local Authority shall appoint a qualified accountant, or accountants, to act as auditor or auditors from year to year in respect of the accounts of the finances of all Community Councils set up in accordance with the procedure specified in this Scheme and shall pay the auditor the usual professional remuneration for services on behalf of the Community Council.

12. MEETINGS OF COMMUNITY COUNCILS

(a) Annual General Meeting

Every Community Council shall in September each year following the year of the quadrennial election, convene an annual general meeting of the Council. The agenda for each annual general meeting shall include items for receiving the Council's annual report and the audited annual statement of accounts; a report of the Council's activities during the preceding year; provisions, when necessary, for considering and voting on proposals for amendment of the Council's constitution and any other business which can be competently dealt with at an annual general meeting. The constitution of a Community Council may provide for the annual election of the Convener, Depute Convener(s), Secretary and Treasurer at their annual general meeting.

(b) Ordinary Meetings

Every Community Council shall be bound to convene at least nine ordinary meetings of the council within each twelve month period for the purpose of conducting business.

(c) Special Meetings

The Convener of each Community Council, in consultation with at least one other office bearer or as provided for in the constitution of the Community Council, shall have the right to convene a special meeting of the Council to consider any particular matter or matters. Further, every Community Council shall be empowered to convene a special meeting of the electorate within the Council's area for the purpose of approving any amendment of the Council's Constitution or considering any urgent item of business.

(d) Meetings Open to the Public

The Constitution of every Community Council shall provide that all meetings of the Council shall be open to members of the public.

13. FINANCIAL ASSISTANCE

(a) Initial Expenses

Until full annual budgets and allowances for Community Councils are prepared and approved by the Local Authority, the Local Authority shall make available the sum of £250, subject to annual review, to each Community Council set up in terms of the Scheme to cover its initial administrative and running expenses.

(b) Annual Budget

The Local Authority agrees in principle that financial assistance shall be given to Community Councils. Community Councils shall prepare and submit to the Local Authority by 1 April each year details of their ordinary annual income and expenditure including administrative costs such as accommodation, stationery, postage and salaried assistance and, having considered such estimates, the Local Authority shall then allocate in such proportion as it may decide the monies to be set aside for this purpose.

(c) Specific Grants

Community Councils shall also have the right to submit requests for assistance in connection with specific projects and needs and, having considered all such requests made in respect of

any one year, the Local Authority may then allocate in such proportion as it may decide any monies available for this purpose.

(d) Accounts

The treasurer of a Community Council shall keep proper accounts of the finances of this Council in such form as may be approved by the appointed auditor and the Director of Finance of the Local Authority.

(e) Audit of Accounts

Accounts of the finances of a Community Council shall be audited by the auditor or auditors to be appointed in terms of paragraph 11(d) hereof.

(f) Submission of Audited Accounts to Annual General Meeting

An audited statement of accounts for the past financial year shall be submitted by each Community Council to the Annual General Meeting of such Council and immediately thereafter a certified abstract of same shall be transmitted to the Local Authority for information.

14. EXCHANGE OF INFORMATION

(a) Code of Practice

The Local Authority agrees that an efficient and comprehensive exchange of information between the Local and Public Authorities and the Community Councils within its area should be established and will arrange for a Code of Practice to be framed making provision for (i) the supply of information by the Local and Public Authorities on matters falling within the responsibility of these Authorities to all or any of the Community Councils within its administrative area both before decisions are taken and after they have been taken as far as this is practicable, and (ii) the supply of information by the Community Councils as to their views, opinions and activities by the provision of reports and recommendations and the circulation of copies of their minutes.

(b) Approval of Code of Practice

The Local Authority shall arrange such consultations as may be necessary with representatives of Falkirk Council, appropriate Public Authorities and each established Community Council for the purpose of considering and approving the terms of the said Code of Practice and the Local and Public Authorities and each Community Council within its administrative area shall agree to adhere to the terms so approved.

(c) Liaison Officer

The Local Authority shall also identify an officer who shall be responsible for ensuring that a satisfactory system for exchange of information is established and maintained.

15. AMENDMENT OF SCHEME

Having regard to changing circumstances and to any representations made to them, the Local Authority shall, from time to time, review this scheme and where it considers that the scheme ought to be amended, it shall proceed in accordance with the provisions contained in Section 53 of the 1973 Act.

16. COMMENCEMENT DATE

- (a) This scheme shall come into operation on such date as the same is approved by the Local Authority in accordance with sub-section 3(d) of Section 22 of the 1994 Act.
- (b) Notice of said date shall be published in accordance with sub-section 3(e) of Section 22 of the 1994 Act.

Date: 28 March 2000