

FALKIRK COUNCIL SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

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 to establish a community council in their area.

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 Falkirk Council, 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, Falkirk Council will provide support to community councils to allow them to communicate effectively, 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, Falkirk Council 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 Falkirk Council and other agencies.

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

Each community council is required to adopt a Constitution, based upon the Model Constitution (Appendix I), which has been produced for national use, together with Model Standing Orders (Appendix II), 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 Falkirk 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: -

- Inform the community of the work and decisions of the community council 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.
- Ensure that Agendas and draft minutes of community councils' meetings are presented to Falkirk Council within 14 days from the date of that meeting and are circulated to community council members, relevant elected members and other interested parties.
- Seek to broaden both representation and expertise by promoting the Associate Membership of the community council of persons for specific projects/issues.

- 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.
- Maintain proper financial records and present financial reports at community council meetings.
- Inform Falkirk Council of any change in membership (resignations, Associate Membership, etc.) and circumstances, as soon as is practicable.

4. Community Council Areas within Local Authority Areas

Falkirk Council has produced a list of named community council areas and a map that defines their boundaries. The list of community areas is attached as Appendix III to the Scheme.

5. Membership of Community Councils

There shall be minimum and maximum membership numbers of elected community councillors in a community council. A table of membership specific to each community council can be found in Appendix IV.

The minimum age to stand for election as a community councillor is 18 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 18 years of age. Such persons will not be counted in terms of meeting a quorum, or towards the total number of community council members.

6. Establishment of Community Councils under the Model Scheme

Upon Falkirk Council'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 Falkirk Council.

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.

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 Falkirk Council, or the Scottish, UK or European parliament shall be ineligible to remain a community councillor, or to stand for election to a community council.

Nominations and Elections

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

Subsequent elections will be held on a four-yearly-cycle, outwith local government election years, on dates to be determined by Falkirk Council. 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.

Falkirk Council will administer all elections.

Returning Officer

Falkirk Council will appoint an Independent Returning Officer. The Independent Returning Officer must not be a current elected member of any community council nor intending to stand for election to any 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 and submitted on/before the date set down in the election timetable. No nomination forms submitted after that date will be accepted.

If the number of nominations exceeds the places on a Community Council, an election shall be held.

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 maximum elected 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 maximum elected membership as specified for the community council area, arrangements for a postal ballot shall be implemented. 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 maximum elected membership, as specified for the community council area, no community council will be established at that time. However, that does not preclude Falkirk Council 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 take place across the whole Falkirk Council area at the same time. Community councils shall be elected on a simple majority basis. Members appointed at elections shall hold office for the period until midnight on the day before the next ordinary election. Members shall hold office for a period of four years and shall be eligible for re-election.

Areas with no Community Council

If an area is not represented by a Community Council, they may petition to form one. The petition must be signed by at least 20 electors from within the area, and submitted to Falkirk Council, who will call elections, and follow the election process.

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 Falkirk Council. 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 elected membership, Falkirk Council 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.

Local Organisation Membership

Each community council may appoint a certain number of extra members from organisations within their community. Full details of how many each community council can appoint can be found in Appendix IV.

Notice must be posted publically 28 days in advance of an appointment date, to allow relevant Local Organisations to nominate a candidate who would be prepared to sit on a community council. Appointment of Local Organisation representatives must take place no more than 3 months after the election/establishment of the community council.

If the number of Local Organisation nominations is equal or less than the number allowed, nominees should be declared elected. If the nominations are more than the number allowed, this must be decided by elected community councillors in a show-of-hands vote.

Local organisation members of the Community Council shall not be appointed to hold office as Convener or other office bearer of the full Community Council, but will have full voting rights, and may be appointed to represent the Community Council on any committee or other body formed by 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 an independent Returning Officer approved by Falkirk Council and will take place within 32 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 Convener, Depute Convener, Secretary and Treasurer, 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 9 ordinary meetings being held in public each year. The annual general meeting shall be held in September of each year as determined by Falkirk Council.

All meetings will be held in public and advertised locally. Notification of meetings should be sent to relevant elected members, MSPs, MPs, and MEPs.

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, Falkirk Council has identified an officer to act as a Community Council Liaison Officer. Unless there is a specific agreement or an issue is a specific departmental issue, all correspondence between Falkirk Council and the community councils should be directed through that officer.

Community councils may make representations to Falkirk Council 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 Falkirk Council officer. On issues where a Falkirk Council 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 Falkirk Council's named officer.

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 1st April to 31st 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 an independent auditor appointed by Falkirk 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 officer of Falkirk Council.

The named officer 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 Falkirk Council grant system.

Falkirk Council will provide an annual administrative grant to community councils to assist with the operating costs of the community council. The administrative grant shall be fixed at a minimum flat rate, with additional funding per head of population.

Falkirk Council shall determine any additional support services/resourcing, such as: photocopying and distribution of community council minutes, agendas and free lets of halls for community council meetings, to suit local requirements. Falkirk Council will review the level of annual administrative grant and other support to community councils following each local government electoral cycle.

Falkirk Council'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 Falkirk Council and other relevant topics.

13. Liability of Community Council Members

Community Councils are required to arrange liability insurance cover. This can be arranged through Falkirk Council or through an insurance broker.

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 Falkirk Council have taken action to address the situation), Falkirk Council shall take action to dissolve that community council.
