

ABERDEENSHIRE COUNCIL

Scheme for the Establishment of Community Councils



Aberdeenshire
COUNCIL



As at March 2007

LOCAL GOVERNMENT ETC. (SCOTLAND) ACT, 1994

ABERDEENSHIRE COUNCIL

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

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LOCAL GOVERNMENT ETC. (SCOTLAND) ACT, 1994

ABERDEENSHIRE COUNCIL

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

• Introduction

Aberdeenshire Council is committed to a decentralised pattern of local government and service delivery. The Council's Statement of Aims and Values highlights the importance of working with local communities:

“we will involve our many communities by consulting and working together”

Community Councils have a key role to play and the proposed Scheme provides a framework within which they and the Council can co-operate and work together. The Council is committed to ensuring successful consultation and working together with Community Councils in all areas of the Council's responsibilities.

The Scheme came into effect on 1st April 2001 and was reviewed in 2006.

All Community Councils shall be required to operate within the terms of the Scheme.

• Community Councils

Community Councils are voluntary bodies, which exist within a statutory framework, and which have been granted statutory rights of consultation. The general purpose of a community council is to ascertain, co-ordinate and express the views of the entire community within its agreed boundaries. Community Councils can help ensure that the Council is as fully informed as possible about the circumstances, needs and wishes of local communities.

Community Councils are non-party-political and non-sectarian in their discussions and in their decision-making.

Community councils, unlike other community organisations, are statutorily included in the consultation process for all planning applications affecting their area. There are also specific powers in relation to licensing.

As community planning develops, this will emphasise the need for the Council to develop its relationship with community councils as part of its engagement with our local communities.

As part of its commitment to working with Community Councils, the Council will do its best within available resources to make grants to assist Councils carry out their various responsibilities. Where practically and financially feasible, the Council will also make its premises available for use by Community Councils for their meetings.

The Council also believes that there are issues which benefit from shared discussion with a number of Community Councils. A Community Council Forum will be established in each of the Council's six administrative areas and be supported by the local Area Manager and their staff. This will provide a basis for the discussion of issues of mutual interest and a means by which the Area Plan for each area can be influenced.

• The Scheme

The Scheme sets out guidance for the mutual exchange of information between the Council and each Community Council and other administrative and practical matters.

The Scheme document sets out the procedures and provisions for the formation and operation of Community Councils. Schedule 1 lists, by Area, the name of each Council along with the recommended numerical composition. The various forms that are required in respect of election procedures (Schedule 2) are attached along with an *illustrative* Model Constitution that meets the requirements of the Scheme (Schedule 3). Model Standing Orders are

contained in Schedule 4. The Code of Conduct for Community Councillors is included at Schedule 5 with the Code of Practice for the Exchange of Information at Schedule 6.

A note in respect of the Single Transferable Vote system of voting is at Appendix 1.

The Scheme deals with the following matters:

1. Introduction

Sets out background to Scheme

2. Purpose of Community Councils

Describes the purpose of Community Councils

3. Procedure for Establishment of Community Councils

Defines how a new Community Council may be proposed

4. Composition of Community Councils

Indicates the membership of a Community Council as being comprised of elected, ex- officio (the local Aberdeenshire Councillor(s)) and co-opted members.

5. Method of Co-optation of Members

The formal process by which members may be co-opted onto the Community Council

6. Casual Vacancies

Defines the circumstances in which a casual vacancy may occur

7. Term of Office

Defines the minimum and maximum term of office for elected members as one year and four years respectively

8. Nomination of Candidates

Indicates the specific requirements of eligibility for nomination as an elected member and sets out the procedures to be followed

9. Returning Officer

Defines who the Returning Officer should be for first and subsequent elections after the establishment of a Community Council

10. Voting Arrangements

Describes the arrangements for voting where this is necessary. Voting may be conducted under the Single Transferable Vote system (10.4). Notes on this are appended (Appendix1)

11. General Provisions

This part describes the general procedures and provisions to be followed and, inter alia, specifies the minimum number of meetings to be held (11.4) and the quorum (11.7)

12. Constitutions

Requires that a Constitution be drawn up and describes the provisions to be contained therein. An illustrative Model Constitution that accords with the Scheme is appended (Schedule 3)

13. Financial Provisions

Sets out the financial requirements and provisions and indicates that Aberdeenshire Council will seek to make grants available to assist Community Councils

14. Common Election Date

Provides for a common election date if so determined

15. Mutual Exchange of Information

Sets out the information that will be made available between Aberdeenshire Council and each Community Council. Provides for the establishment of Community Council Forums in each of Aberdeenshire Council's administrative areas

16. Permitted Variations

Allows for certain variations to be made by Community Councils to voting arrangements and number of member's etc prior to amendment of the Constitution

17. Dissolution

Procedures and requirements for the dissolution of a Community Council

18. Amendments

Confirms that Community Councils will be consulted in respect of proposed changes to the Scheme

- **Community Council Areas**

Plans that show the boundary of Community Council areas are attached. Detailed plans that show the boundaries at a scale of 1:50 000 are also available for inspection

- **Advice and Assistance**

Copies of the Scheme and supporting information are available for inspection in the following Council offices and in each public library within Aberdeenshire. Copies are also available on the Aberdeenshire Council web site: www.aberdeenshire.gov.uk

- St. Leonards, Sandyhill Road, Banff AB45 1BH
- Arbuthnot House, Broad Street, Peterhead AB42 1 DA
- Formartine Area Office, 29 Bridge Street, Ellon AB41 9AA
- Gordon House, Blackhall Road, Inverurie AB51 3WA
- Viewmount, Arduthie Road, Stonehaven AB39 2DQ
- Area Office, School Road, Alford AB33 8TY

The Area Manager at each of the above addresses will be pleased to assist with any query in regard to the Scheme and provide any advice as may be required.

LOCAL GOVERNMENT ETC. (SCOTLAND) ACT, 1994

ABERDEENSHIRE COUNCIL

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

1.0 Introduction

- 1.1 The Aberdeenshire Council, hereinafter referred to as “the Council” in accordance with the terms of Section 22 of the Local Government etc. (Scotland) Act, 1994 has adopted the following Scheme for the establishment of Community Councils within the Aberdeenshire Council area, and has revoked the Schemes made by the former Gordon, Banff and Buchan and Kincardine and Deeside District Councils, with effect from midnight on 31st March, 2001.
- 1.2 Any assets, liabilities, bank accounts pertaining to any existing Community Councils as at 31st March 2001, whose boundaries shall be changed or amended shall transfer to any new Community Councils covering their area. Where more than one Community Council covers the area of a former Community Council then the assets, liabilities and bank accounts will be divided pro rata according to population figures, except where these assets etc. are specific and identifiable to a particular part of the Community Council area
- 1.3 Where it has been resolved by the Council that an existing Community Council shall continue to operate within existing boundaries, then with effect from 1st April, 2001, said Community Council shall be required to operate within the terms of the following Scheme.

2.0 Purpose of Community Councils

- 2.1 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 Authority 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. Community Councils shall be non-party-political and non-sectarian in their discussions and in their decision-making.

3.0 Procedure for Establishment of Community Councils

- 3.1 In the event of not fewer than twelve electors in any one of the areas listed in Schedule 1 to this Scheme, and shown delineated on the maps annexed to the principal copy of this Scheme, making written application for the establishment of a Community Council for that area in accordance with this Scheme, the Council shall, within six weeks from the date of the petition, invite nominations and thereafter, if necessary, organise an election for the establishment of a Community Council for that area, in a manner which shall be agreed by the Council as appropriate in terms of the foregoing scheme.

4.0 Composition of Community Councils

- 4.1 Community Councils shall be composed of:
 - (a) the number of Members specified for that Community Council as detailed in Schedule 1 hereto who have been elected in the manner aftermentioned;
 - (b) the Aberdeenshire Councillors for the area covered by the Community Council or part of it, who shall have ex officio membership of that Community Council during their period of office for the Authority but shall not be eligible to vote or hold office in the Community Council. No Member of

Aberdeenshire Council may simultaneously be a member of a Community Council other than in an ex officio capacity; and

- (c) may in addition include co-opted members in the following circumstances:-
- (i) Community Councils may co-opt further members with skills, knowledge and interests which the Community Council consider would be of assistance to the Community Council in carrying out its functions. Such co-opted members shall not have voting rights and shall not hold office within the Community Council but may be under eighteen years of age but over the age of fourteen. Members co-opted for this purpose will serve for such time as may be determined by the Community Council at the time of their co-option or until the Community Council decide that their services are no longer required.
 - (ii) Community Councils may, where their elected membership does not comprise the maximum number of elected members specified in Schedule 1 but is equal to or exceeds one-half of that number, or where casual vacancies arise during a term of office co-opt persons who would be eligible for election to the Community Council as members, in order to make up these members, subject to the number of members so co-opted not at any time exceeding one quarter of the maximum number of elected members specified for that Community Council in Schedule 1. Members so co-opted may serve until the next ordinary election to that Community Council, with full voting rights.
 - (iii) In addition, a Community Council may provide by co-option, two places in addition to its general membership, for persons aged 14 or more but less than 18 with such persons having full voting rights.

5.0 Method of Co-option of Members

- 5.1 A proposal to co-opt a person or persons to a Community Council under paragraph 4.1 (c)(ii) hereof shall require a Notice of Motion to that effect to be included on the Agenda for the appropriate meeting of the Community Council, and such Notice of Motion shall include the name and address of the person proposed to be co-opted, together with (where appropriate) that person's number on the current Electoral Register, and the names of the proposer and seconder who shall be Members of the Community Council.

6.0 Casual Vacancies

- 6.1 A casual vacancy shall be deemed to arise in any of the following circumstances:
- (a) when a member of a Community Council has failed to attend three successive meetings of that Community Council, unless leave of absence has been granted or other good reason accepted by that Community Council; or
 - (b) death of a member of the Community Council; or
 - (c) upon the receipt by a Community Council of a written notice of resignation from a member.

7.0 Term of Office

- 7.1 Elected members of a Community Council shall serve for a term of office to be specified in the Constitution of that Community Council, subject to that term of office being for a minimum of one year and a maximum of four years and shall be eligible for re-election.

8.0 Nomination of Candidates

- 8.1 A person seeking election to a Community Council must be aged 18 years or over and either:

- (a) appear on the Electoral Roll for that Community Council area at the date of being proposed for membership of the Community Council; or
- (b) have during a period of at least three months preceding date of nomination had their ordinary or principal place of residence within the Community Council area; or
- (c) the owner of a business located in a Community Council Area, although not personally resident there

Each candidate shall be nominated by a Proposer and a Seconder (neither of whom shall be the candidate), both being persons whose names appear at that time in the said Electoral Roll for the respective Community Council's area, or sub-division of that area, where applicable,

- 8.2 No person shall be entitled to nominate or second more than one candidate.
- 8.3 When instructed to do so by the Council in the case of initial elections, and by the Community Councils themselves following their establishment, the Returning Officer shall give public notice of an invitation to submit nominations for membership of Community Councils, in such form as the Council may prescribe, as illustrated in Schedule 2 hereto, within such period as is specified in the notice, being not less than 14 and not more than 28 days from the date of the public notice, allowing 7 days thereafter for withdrawals.
- 8.4 Where the number of valid nominations, after any withdrawals, exceeds the number of Community Council members specified in Schedule 1, a contested election shall be held in accordance with the procedure hereinafter prescribed.
- 8.5 Where the number of valid nominations, after any withdrawals, does not exceed the number of Community Council members specified in Schedule 1, the Returning Officer shall give public notice that the candidates validly nominated have been elected to the Community Council.
- 8.6 Where the number of valid nominations, after any withdrawals, is less than half the number of Community Council members specified in Schedule 1, no Community Council will be established and the Returning Officer shall give public notice that no Community Council shall be formed at that time. In such event the Returning Officer shall be entitled to recommence the procedures if he considers it likely that a sufficient number of nominations will be forthcoming to allow formation of a Community Council in terms of paragraph 8.5 above. If, after this second invitation, the number of valid nominations is still less than half the number of Community Council members specified in Schedule 1, no further applications for the establishment of a Community Council for that area shall be considered until the expiry of a period of at least *six* months after the date of public notice of that second invitation.
- 8.7 The Returning Officer shall publish not fewer than seven days prior to the election, whether through a newspaper or free sheet circulating within the Community Council area or in some other manner, details of the election procedure to be employed, including the names and addresses of candidates and the place, dates and times fixed for the conduct of the poll and the count.

9.0 Returning Officer

- 9.1 The Returning Officer for the first election to a Community Council shall be the Chief Executive of the Council, or his appointed nominee and, for all elections after the establishment of a Community Council shall be a person appointed by the Community Council concerned. The Returning Officer for a Community Council election shall not be an elected member of that Community Council or a candidate in that election to the Community Council. Aberdeenshire Council advice and assistance (including the role of Returning Officer) will be available to Community Councils for the organisation of elections through the respective Area Manager.

10.0 Voting Arrangements

- 10.1 Persons included in the section(s) of the Electoral Roll for the area applicable to a Community Council and who would be entitled to a vote in a Local Government election at the date of the Community Council election shall be entitled to vote in Community Council elections for that area.
- 10.2 Voting in a Community Council election shall take place by way of a secret procedure. The method of election shall be determined by the Returning Officer as:-
- (a) by ballot box, at a designated polling place or places using a simplified version of the prescribed procedure for Local Authority elections; or
 - (b) by post.
- Postal voting shall not be permitted as an adjunct to method (a) above. There shall be no provision for the issue of poll cards or voting by proxy for either method of election.
- 10.3 The ballot papers to be used in Community Council elections shall be laid out in a style approved by the Aberdeenshire Council.
- 10.4 Voting may be conducted on the Single Transferable Vote system, the procedures for which shall be prescribed by the Council.
- 10.5 The hours of polling for ballot box elections shall be determined for each Community Council area by the Returning Officer, taking account of local circumstances for the first election to a Community Council and during such period or periods between 8.00 a.m. and 9.00 p.m. and on such days as the Community Council may determine thereafter, subject however to polling being available from 6.00 p.m. to 8.00 p.m. on any day which it is to take place unless voting is by post, in which case the period shall be determined by the Returning Officer. The number of vacant seats available shall be filled by the corresponding number of candidates receiving the highest number of votes. In the event of more than one candidate receiving the same number of votes for the last available seat or seats on the Community Council, the successful candidate(s) shall be decided by lot.
- 10.6 A returned ballot paper shall contain only such information as is requested to identify the candidates chosen by the elector. Any ballot paper which at the counting of the votes is found to:-
- (a) contain any mark or other writing implying that the number of votes being cast is more than the designated number available to the elector; or
 - (b) does not clearly indicate the intentions of the voter,
- shall be deemed to be a spoilt paper and shall be disregarded in the count. For the avoidance of doubt a paper which through inadvertence identifies the elector, may be counted, if it otherwise clearly shows the intentions of the voter. The decision of the Returning Officer in such matters shall be final.
- 10.7 The Returning Officer shall appoint and instruct persons to supervise the ballot or open the postal votes as appropriate and to conduct the count.
- 10.8 The Returning Officer, immediately after the counting of votes, shall complete a return to Aberdeenshire Council and to the Community Council concerned, containing the names and addresses of members elected, details of the number of votes cast for each candidate, the number of ballot papers issued and returned, the number of spoilt papers and any other information as to the conduct of the election which may be required by Aberdeenshire Council.
- 10.9 The Returning Officer shall, as soon as possible after the election, give public notice of the names and addresses of members elected.

11.0 General Provisions

- 11.1 Within twenty-one days of the election of a Community Council, the Returning Officer shall convene the first public meeting of the Community Council. At this meeting, which shall be chaired, until a Chairperson has been elected, by the Returning Officer or his nominee (who shall normally be an ex officio member, if available) the Community Council shall elect from its eligible members a Chairperson and such other office-bearers as the Community Council shall deem necessary. Thereafter such office-bearers, who shall be eligible for re-election, shall be elected or re-elected at the Annual General Meeting of the Community Council. A Chairperson shall be entitled to hold office for a maximum of two terms of office, and each term of office shall last a maximum of four years.
- 11.2 Every Community Council may appoint a Secretary and a Treasurer (which offices may be combined) who shall hold office and may be eligible for re-appointment in accordance with the provisions of the Constitution to be prepared as aftermentioned. The Secretary and Treasurer (but no other office-bearers) may be appointed from outwith the membership of the Community Council and may receive such remuneration as the Community Council may determine from the resources available to them, there being no extra funding available from Aberdeenshire Council for this purpose. Such appointees from outwith the membership shall be entitled to speak only on matters relating to their function as office-bearers and shall have no voting rights. Every Community Council shall appoint a representative to the respective Community Council Forum who shall be entitled to vote in respect of any matters raised at a meeting of the Forum.
- 11.3 Following the first meeting after every election, each Community Council shall lodge with the Chief Executive of Aberdeenshire Council a return specifying the full names, designations and addresses of the Community Council's office-bearers and Examiner(s) or Auditors of their Accounts and subsequently advise him, in writing, of all changes thereof.
- 11.4 Meetings of each Community Council shall be convened at intervals of not more than four months and at least *four* meetings shall be held annually, excluding the Annual General Meeting. All meetings of the Community Council, shall be open to members of the public, unless it is necessary in terms of requirements of confidentiality in respect of a particular item of business for the item to be taken in private. Agendas and minutes of meetings shall be made available for public access within the Community Council area (e.g. in a library, public hall or post office) *at least 3 days* prior to the holding of any meeting. In so far as not inconsistent herewith, the terms of the Public Bodies (Admissions to Meetings) Act, 1960 and the Local Government (Access to Information) Act 1985 shall apply to meetings of Community Councils.
- 11.5 Community Council members shall be required, in advance, to declare pecuniary and non-pecuniary interests relating to matters which might be under discussion and after doing so shall take no part in their consideration and each Community Council shall agree a Code of Practice relating to the Declaration of such interests as may be thought likely to affect the views of members of the Community Council. Failure to observe this may lead to suspension and repeated failure to observe may lead to expulsion from the Community Council. A Model Code of Practice shall be made available by Aberdeenshire Council.
- 11.6 Only Community Council Members with full voting rights may vote at Community Council Meetings, excluding Annual General Meetings, the only exception being votes on the proposed contents of the Constitution and proposed amendments thereto, in which case all persons eligible to vote in local government elections and on the Electoral Roll for the Community Council area, or who are eligible to stand as candidates in that Community Council election, and in attendance at the meeting are entitled to vote. With the exception of the casting votes of Chairmen, no person shall have more than one vote at any Meeting. Proxy votes are not permitted.

- 11.7 The quorum for each Community Council shall be one-third of the Community Council Membership eligible to vote, subject to a minimum of three. Community Councils may specify a higher quorum within their constitutions, up to a maximum of half their members.
- 11.8 Every Community Council shall be empowered to convene special meetings as aftermentioned within the defined area of the particular Community Council for the purpose of considering matters of interest and importance.
- 11.9 Every Community Council shall, upon receipt of a requisition signed by twenty electors within the Community Council area, convene a special meeting, to be held within twenty-one days of receipt of that requisition, or such shorter period as may be specified in the Community Council Constitution, to consider the business which must be specified in the requisition and in the notice calling the meeting.

12.0 Constitutions

- 12.1 Within three months of the date of its first meeting, each Community Council shall draw up and submit to the Aberdeenshire Council for approval, a Constitution for the regulation and management of its affairs. Each Constitution shall be broadly in terms of the style annexed (Schedule 3 hereto) and in particular contain provision for the following:-
- (a) Name of the Community Council;
 - (b) Size, composition, purpose, functions and quorum (as defined in paragraph 11.7 above) of the Community Council and of any Committees or Sub-groups appointed by the Community Council;
 - (c) Frequency of holding meetings, of which there shall be at least **four** in any twelve month period, to be convened at intervals of not more than **4** months, including provision for an Annual General Meeting, which shall be held not later than 60 days after the end of the Community Council's financial year;
 - (d) The Agenda for the Annual General Meeting shall include items for receiving the following, namely:-
 - (i) a report on the Council's activities for the previous year;
 - (ii) the audited approved Annual Statement of Accounts; and
 - (iii) proposals for the amendment of that Council's Constitution, where appropriate;
 - (e) Rules whereby Community Council members shall be advised of the place, date and time of any meetings of the Community Council, Committees, Sub-Committees or Sub-groups by means of written agendas, specifying the business to be conducted and sent either to their normal residence or place of work (or as such other arrangement is made) at least five days before the due date of such meeting. Public notice shall be given by a copy of the agenda being affixed in a prominent and clearly visible position at the normal place where meetings of that Council are held and/or in such other manner or locations as may be prescribed in the Constitution;
 - (f) Rules for the keeping of Minutes (including those of Committees, Sub-Committees or Sub-groups) which shall also provide that such Minutes shall be circulated to members of the Community Council not later than with the issue of the agenda for the next meeting, and that adequate arrangements shall be made for Agendas, and Minutes of previous meetings not already published to be available for inspection by members of the public within the Community Council's area not later than three clear days prior to the next meeting of the Community Council;
 - (g) Method and procedure for the nomination of candidates in accordance with the Scheme;
 - (h) Term of office of members of the Community Council, recognising the right of Aberdeenshire Council to set a common election date for Community Councils each year as aftermentioned;

- (i) Arrangements governing the election and/or appointment of office bearers;
- (j) Appointment of ex officio (Aberdeenshire Council) and co-opted members;
- (k) Procedure for filling of casual vacancies;
- (l) Holding of heritable property;
- (m) Rules or Standing Orders for the conduct of the business of the Community Council;
- (n) Provisions regulating the Finance and Accounts, including a provision specifying the financial year;
- (o) Rules to ensure that each member of the Community Council is given a copy of the scheme at the commencement of membership, together with a copy of the Community Council's Constitution and Rules, or where applicable, Standing Orders;
- (p) Calling of extraordinary public meetings;
- (q) Rules for suspension or expulsion of members (including provision for an appeals process).
- (r) Rules governing alteration to the Constitution, including provision for agreement by the electors of the area at an Annual General Meeting or at a meeting convened for that purpose, prior to submission to Aberdeenshire Council for approval; and
- (s) A dissolution clause, covering in particular dissolution in the events of insufficiency of members, financial difficulties, lack of interest within the local community, amalgamation of the Community Council into another area, or division of the Community Council into different Community Council Units.

12.2 The Constitution to be adopted shall not conflict with the terms of this Scheme.

12.3 Any changes to a Community Council's Constitution, approved by a Community Council in terms of this scheme shall be submitted to the Council for approval, and shall not come into force until the Council has formally intimated its approval for the changes.

13.0 Financial Provisions

13.1 Aberdeenshire Council will do its best within its available resources to provide grants for the purpose of assisting and promoting the interests of Community Councils within its area. The amount to be made available to each Community Council and the form of grant shall be at the sole discretion of Aberdeenshire Council.

13.2 At the request of a Community Council the Aberdeenshire Council may make further grants or loans towards the expense of carrying out special projects subject to such terms and conditions as the Aberdeenshire Council deem appropriate.

13.3 In the event of any Community Council not being established, being in abeyance or becoming disestablished or dissolved, its share of any grant shall be retained by the Aberdeenshire Council and used at the Aberdeenshire Council's discretion.

13.4 Community Councils shall be empowered to raise funds for schemes, projects and other purposes within their stated objects. Funds may be accumulated and ring-fenced for particular projects.

- 13.5 All monies received by a Community Council, whether by way of grant, gift or loan shall be applied to maintain its administrative structure and/or to further the objects of such Council and/or in respect of any project within the Council's area.
- 13.6 Each Community Council shall keep an accurate record of its receipts and payments and the Treasurer or other nominated office-bearer shall prepare annually an Abstract of Accounts. The Books and Abstract of each Community Council shall be scrutinised by an independent examiner, duly appointed for that purpose, who shall not be a member of that Community Council. A copy of the approved Abstract for each Community Council shall be submitted to the Director of Finance of the Aberdeenshire Council or his nominee within 14 days of the Annual General Meeting.
- 13.7 The Aberdeenshire Council shall, so far as is reasonably and financially practicable, provide, accommodation to Community Councils within premises under the ownership and control of Aberdeenshire Council for the purposes of holding Community Council meetings, but where such accommodation is not available, shall not be obliged to contribute towards hire charges incurred.
- 13.8 A Community Council may lease or acquire heritable property, the title to which shall be taken in the names of such office-bearers as may be specified in the Constitution for that purpose, as Trustees for such Community Council and their respective successors in office.
- 13.9 In the event of the disestablishment or dissolution of a Community Council for any reason, such property and funds as are vested or under the control of said Community Council at the date of disestablishment or dissolution shall be transferred to and vested in Aberdeenshire Council and held until a new Community Council for the area is established, as further provided for in Clause 17.5 hereof.
- 13.10 A Community Council shall be required either to join the Council's Insurance Scheme in respect of Community Councils, or alternatively, demonstrate to the Council that sufficient and adequate insurance has been taken out to cover the Community Council in the event of any claim, of whatever nature, being made against the Community Council.

14.0 Common Election Date

- 14.1 Aberdeenshire Council reserve the right, if they in their sole discretion so determine, to establish a common election date in each year for Community Council elections and undertake to give to the Secretary of each Community Council appropriate prior written notice of their intention to exercise this right.

15.0 Mutual Exchange of Information

- 15.1 The Aberdeenshire Council shall, as soon as possible after the establishment of Community Councils in the Aberdeenshire area, consult each Community Council, with a view to drawing up a Code of Practice for the working relationship between the Authority and the Community Councils.
- 15.2 The Code will include provision for the supply of information by the Aberdeenshire Council to Community Councils on proposals and decisions which may affect the area concerned in order that the views of the Community may be ascertained.
- 15.3 Aberdeenshire Council will send to each Community Council within its area:-
- (a) Agendas of Area Committee Meetings and such other meetings as the Council may agree;
 - (b) Copies of the Minutes of the appropriate Area Committee; and
 - (c) Copies of such consultative documents as the Authority may from time to time decide.
 - (d) Copies of documents as requested by a Community Council, where these are in the public domain
- 15.4 Each Community Council shall submit to Aberdeenshire Council's Area Manager or Managers covering their area a copy of the approved Minutes of its meetings no later than within 21 days of the meeting at which

they were approved and copies of the agenda for the subsequent meeting of the Community Council when being issued.

- 15.5 A Community Council Forum shall be established within each administrative area of Aberdeenshire. Each Community Council within the area shall be entitled to attend and vote on matters raised and discussed thereat.
- 15.6 Aberdeenshire Council will undertake to provide each Community Council with Agendas, Minutes and other relevant papers relating to the work of the appropriate Area Forum.

16.0 Permitted Variations

- 16.1 Notwithstanding the foregoing, the Aberdeenshire Council may, following receipt of representations from a Community Council, amend the number of elected and co-opted Members of that Community Council in terms of Schedule 1 and paragraph 4.1(c)(ii) respectively either temporarily or for the purposes of the next and subsequent elections of that Community Council, may introduce or vary sub-division areas and may allow variations to nomination procedures in terms of paragraph 8.1 and to the number of votes available to each elector in terms of paragraph 10.4, in both cases to take account of any sub-divisional representation system that the Community Council wish to operate, provided that the Constitution of that Community Council shall be amended accordingly at their next Annual General Meeting, or meeting held within the provision of Clause 12.1(q) hereof.

17.0 Dissolution

- 17.1 In terms of clause 12.1(r) hereof each Community Council shall have a clause in its constitution making provision with regard to dissolution of the Community Council in particular where a Community Council fails to have sufficient members to be quorate.
- 17.2 The Council shall have, in addition, powers to dissolve a Community Council in the event of insufficiency of members, financial irregularities, failure to meet agreed quality standards, loss of confidence of the Council electorate in the Community Council or such other circumstances which the Council in its discretion considers reasonable.
- 17.3 Before taking action in terms of powers under 17.2 the Council shall first, by notice in writing to the Secretary and other known office bearer of the Community Council give notice that the matters of concern are attended to within a reasonable, specified period. The Council shall also offer the Community Council an opportunity to make representation regarding the proposed dissolution to an Area Committee meeting of the Council, and any dissolution under these provisions shall not take place until any decision of the Area Committee is approved by the Full Council. Public notice of dissolution, with effect from a stated date shall then be given in a newspaper circulating within the area of the Community Council.
- 17.4 Notwithstanding the foregoing the Council may impose such other sanctions against the Community Council, short of dissolution, as it may consider appropriate, including withdrawal of recognition for a specified period, withdrawal of financial or other support, or otherwise as the Council may resolve.
- 17.5 In the event of a Community Council being dissolved Aberdeenshire Council shall take custody of any papers, minute books and other assets, together with any outstanding funds in trust until a new Community Council is set up for the area, after which all of the foregoing shall be delivered to the safe keeping of the new Community Council.

18.0 Amendments

- 18.1 Amendments to this scheme shall be subject to the Council consulting with Community Councils and thereafter obtaining the approval of the Council at a meeting of its Policy and Resources Committee.

Schedule 1
COMMUNITY COUNCILS

BANFF & BUCHAN AREA

COMMUNITY COUNCIL AREA	NO. OF ELECTED MEMBERS	ALLOCATION OF SEATS ON COMMUNITY COUNCIL AND SUB-DIVISION OF AREAS AS ON MAP WHERE APPROPRIATE
Banff & Macduff	14	Banff Buchan & Hilton 8 Macduff 6
King Edward-Gamrie	20	Gardenstown 6 Longmanhill 2 King Edward 3 Alvah 1 Dunlugas 1 Crudie 5 New Byth 2
Fordyce, Sandend & District	12	Fordyce 4 Sandend 4 Fordyce (Rural) 4
Portsoy & District	Not more than 15 Not less than 6	Town 5 – 12 Country 1 – 3
Whitehills & District	9	Whitehills 7 Boyndie 2
Aberchirder & Marnoch	9	Burgh Area 6 Landward Area 3
Alvah & Forglen	9	Alvah 5 Forglen 4
Fraserburgh	Not more than 21 Not less than 11	
Rathen	Not more than 7	
Invercairn	Not more than 15 Not less than 9	
Aberdour & Tyrie	12	New Aberdour 4 Tyrie/Boyndlie 4 Pennan 4
Sandhaven & Pitullie	12	Sandhaven 8 Pitullie 2 District 2
Rosehearty	Not more than 12 Not less than 6	
Cornhill-Ordiquhill	9	Cornhill 5 Landward 4

Schedule 1

COMMUNITY COUNCILS

BUCHAN AREA

COMMUNITY COUNCIL AREA	NO. OF ELECTED MEMBERS	ALLOCATION OF SEATS ON COMMUNITY COUNCIL AND SUB-DIVISION OF AREAS AS ON MAP WHERE APPROPRIATE
Boddam & District	Not more than 10 Not less than 5	
Cruden	Not more than 12 Not less than 6	
Deer	Not more than 26	
Longside & District	Not more than 14 Not less than 11	
Mintlaw & District	Not more than 20 Not less than 8	
New Pitsligo	Not more than 12 Not more than 8	
Peterhead	Not more than 20 Not less than 10	
St. Fergus/Crimond & Lonmay/St Combs combined to form Buchan East	Not more than 20	
Strichen & District	Not more than 20 Not less than 10	

Schedule 1

COMMUNITY COUNCILS

FORMARTINE AREA

COMMUNITY COUNCIL AREA	NO. OF ELECTED MEMBERS	ALLOCATION OF SEATS ON COMMUNITY COUNCIL AND SUB-DIVISION OF AREAS AS ON MAP WHERE APPROPRIATE
Auchterless & Inverkeithny	12	Fisherford 3 Inverkeithny 4 Auchterless 5
Turriff	15	
Udny	12	
Fyvie/Rothie/Monquhitter	24	Fyvie 8 Rothienorman 8 Monquhitter 8
Foveran	9	
Tarves	12	
Meldrum & Bourtie	18	
Ellon	12	
Ythan	8	
Belhelvie	Not less than 8 Not more than 15	
Methlick	9	
Slains	8	

Schedule 1

COMMUNITY COUNCILS

GARIOCH AREA

COMMUNITY COUNCIL AREA	NO. OF ELECTED MEMBERS	ALLOCATION OF SEATS ON COMMUNITY COUNCIL AND SUB-DIVISION OF AREAS AS ON MAP WHERE APPROPRIATE
Cluny, Midmar & Monymusk	9	
Echt & Skene	6	
Fintray & Kinellar	10	
Garioch	8	
Inverurie	12	
Kemnay	15	
Kintore	9	
Newmachar	9	
West Garioch	21	
Westhill	12	

Schedule 1
COMMUNITY COUNCILS

KINCARDINE & MEARNS AREA

COMMUNITY COUNCIL AREA	NO. OF ELECTED MEMBERS	ALLOCATION OF SEATS ON COMMUNITY COUNCIL AND SUB-DIVISION OF AREAS AS ON MAP WHERE APPROPRIATE
Crathes, Drumoak & Durris	Not more than 13 Not less than 7	Crathes 2-4; Drumoak 3-5; Durris 2-4
North Kincardine Rural	Not more than 12 Not less than 6	Maryculter up to 5 Banchory-Devenick up to 3 Netherley/Cookney up to 4
Portlethen & District	Not more than 20 Not less than 10	Portlethen Station up to 6 Portlethen Village up to 2 Findon up to 2 Downies up to 2 Hillside & Marywell up to 2 Bourtreesbush up to 6
Newtonhill, Muchalls & Cammachmore	12	Muchalls 3; Newtonhill 7; Cammachmore 2
Royal Burgh of Inverbervie	Not more than 10 Not less than 5	
Gourdon	Not more than 9 Not less than 5	
Benholm & Johnshaven	Not more than 9 Not less than 5	
St. Cyrus	Not more than 12 Not less than 9	
Catterline, Kinneff & Dunnottar	9	Kinneff 3; Catterline 3; Dunnottar 3
Mearns	Not more than 20 Not less than 7	Auchenblae up to 3 Fettercairn up to 3; Fourdon up to 2 Glenbervie up to 2; Laurencekirk up to 6; Luthermuir up to 2; Marykirk up to 2
Stonehaven & District	Not more than 20 Not less than 12	
Arbuthnott	9	Arbuthnott 6 Reps from Arbuthnott Community Association 3

Schedule 1
COMMUNITY COUNCILS

MARR AREA

COMMUNITY COUNCIL AREA	NO. OF ELECTED MEMBERS	ALLOCATION OF SEATS ON COMMUNITY COUNCIL AND SUB-DIVISION OF AREAS AS ON MAP WHERE APPROPRIATE
Ballater & Crathie	Not less than 7 Not more than 12	Ballater 6 Crathie 3 Glenmuick 1 Tullich 1; Glengairn 1
Banchory	12	
Braemar	9	
Cluny, Midmar & Monymusk	Not less 7 Not more than 12	
Crathes, Drumoak & Durris	Not less than 7 Not more than 13	Crathes 2 min, 4 max Drumoak 3 min, 5 max Durris 2 min, 4 max
Cromar	9	Tarland 4; Logie Coldstone 3; Coull 2
Donside	23	Alford 6; Keig 2; Tough 2; Tullynessle 2 Lumsden 2; Kildrummy 2; Towie/Glenkindie 2 Glenbuchat-Corgarff & Strathdon 3 Craigievar, Leochel Cushnie, Muir of Fowlis 2
Mid-Deeside	Not less than 10 Not more than 15	Dinnet 1 Aboyne 9 Glen Tanar 2 Kincardine O'Neil 3
Feughdee West	Not less than 7 Not more than 9	
Tap O' Noth	14	Clatt 3; Gartly 3; Kennethmont 3; Rhynie 5
Huntly	12	
Lumphanan	Not less than 9 Not more than 18	
Strathbogie	15	Forgue 3; Cairnie 3; Glass 3; Drumblade 3 Huntly Landward 3
Torphins	Not less than 5 Not more than 12	

Finzean (New)	Not less than 5 Not more than 12	
Ballogie & Birse (New)	Not less than 5 Not more than 12	

Schedule 2

**ABERDEENSHIRE COUNCIL
COMMUNITY COUNCIL ELECTIONS**

NOMINATION FORM

..... **COMMUNITY COUNCIL**
(note 1)

Please read notes overleaf and then complete Sections 1 and 2 in typescript or BLOCK CAPITALS

SECTION 1 - CANDIDATE

SURNAME (AS IN ELECTORAL REGISTER)	OTHER NAMES (AS IN ELECTORAL REGISTER)	MR/MRS/ MS/MISS	ELECTORAL NUMBER (NOTE 2) Letter or Electoral Number	ADDRESS (AS IN ELECTORAL REGISTER)

If candidate is not on Electoral Register state here qualification:-

.....

SECTION 2 - PROPOSER AND SECONDER

	SURNAME (AS IN ELECTORAL REGISTER)	OTHER NAMES	MR/MRS/ MS/MISS	ELECTORAL NUMBER (NOTE 2) Letter or Electoral Number	ADDRESS (AS IN ELECTORAL REGISTER)
PROPOSER					
SECONDER					

WE hereby nominate as a candidate for election the person named in Section 1 above, who, to the best of our knowledge and belief is eligible for such election, as a member of

..... Community Council
(Note 1)

in the Sub-Division.
(Note 3)

Signature of Proposer

Signature of Seconder.....

ABERDEENSHIRE COUNCIL COMMUNITY COUNCIL ELECTIONS

ACCEPTANCE OF NOMINATION

I, the nominee for election, named in Section 1 above, consent to be nominated as a candidate for the abovementioned Community Council and, if elected, will accept office as a member of the said Community Council.

Signature of Candidate Date
.....

NOTES

1. Please insert the name of the Community Council.
2. Please insert in the first column the distinctive number and letter if any, from the Register of Electors (e.g.) 21A. The number will be found next to "Polling District".
Please insert in the second column the elector number which can be found next to the elector's name in the Register of Electors.
3. Where, in terms of the new Scheme for the Establishment of Community Councils, a Community Council area consists of a number of sub-divisions the name of the sub-division should be given.

QUALIFICATIONS FOR ELECTION

A person seeking election to a Community Council must be aged 18 years or over and either:

- (a) appear on the Electoral Register for that Community Council area at the date of being proposed for membership of the Community Council; or
- (b) have during a period of at least three months preceding date of nomination had their ordinary or principal place of residence within the Community Council area and be eligible to have their name added to the Register at its next update; or
- (c) the owner of a business located in a Community Council Area, although not personally resident there

Each Candidate shall be nominated by a Proposer and a Seconder (neither of whom may be the candidate), both being persons whose names appear in the said Electoral Register for the respective Community Council area, or sub-division of that area, where applicable. A Proposer or Seconder may only nominate one candidate. The Returning Officer shall not accept a nomination form where the Proposer or Seconder has been the Proposer or Seconder on a nomination form already accepted.

COMPLETED NOMINATION FORMS SHOULD BE LODGED WITH

.....
.....
.....

By no later than

Schedule 3

MODEL CONSTITUTION

This Model Constitution has been prepared to assist Community Councils in drawing up a Constitution which accords with the requirements of the Scheme and the circumstances particular to each Community Council. It is illustrative and not prescriptive in its content.

XXX COMMUNITY COUNCIL CONSTITUTION

NAME 1. The name of the Community Council shall be XXX COMMUNITY COUNCIL

OBJECTS AND FUNCTIONS 2. The objects and function of the Community Council shall be:

- (a) (i) To ascertain, co-ordinate and express to statutory and public authorities and bodies including the Aberdeenshire Council, the views of the community which it represents in relation to matters for which those authorities and/or bodies are responsible, and to take such action in the interests of the community as appears to its members to be desirable and practicable.
- (ii) To promote the well-being of the community resident within the Community Council boundaries (hereinafter referred to as "the Community Area") without distinction of sex or of political, religious or other opinions, by associating with Aberdeenshire Council.
- (iii) To be a means whereby the people of the Community Area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.

(b) The Community Council shall be non-party in politics and non-sectarian in religion.

MEMBERSHIP OF COMMUNITY COUNCIL 3. The Community Council shall consist of:

- (i) Not fewer than X and not more than X persons elected by and from all persons resident within the Community Area (a) whose names appear on the relevant Electoral Register or Registers for that Community Council area, (b) have during a period of at least three months preceding date of nomination had their ordinary or principal place of residence within the Community Council area and be eligible to have their name added to the Register at its next update; or (c) the owner of a business located in a Community Council area, although not personally resident there.
- (ii) *[Alternatively state any geographical split affecting the Community Council]*
- (iii) Two persons aged 14 or more but less than 18 and resident

within the Community Area

**ANNUAL
GENERAL
MEETING**

4. During the month of XXX in each year the Community Council shall convene an Annual General Meeting, the Agenda for which shall include items for receiving the Community Council's Annual Report and the Audited Annual Statement of Accounts, Reports on any Elections, provision when necessary for considering and voting on proposals for amendment of the Community Council's Constitution.

**ORDINARY
MEETINGS**

5. (a) The Community Council shall meet throughout the year at intervals [*here state frequency, not less than four in any twelve month period*]; the dates of regular meetings during the remainder of the year shall be agreed at the first meeting of the Community Council following ordinary elections.
- (b) The Community Council may from time to time convene Special Meetings for the purpose of considering matters of interest or importance. Any three members may requisition a Special Meeting of the Community Council.
- (c) The quorum for any General or Special Meeting shall be X.
- (d) The Community Council shall invite to its meetings, and if considered appropriate, to all meetings of the Committees and Sub-Committees, the Members for the Community Area elected to the Aberdeenshire Council, which Members so invited shall not be entitled to vote.
- (e) The Community Council may invite to any or all of its meetings and to meetings of its Committees or Sub-Committees any other party, including officers of Aberdeenshire Council, depending upon subject matters to be discussed. Individuals so invited shall not be entitled to vote at any meeting.
- (f) The Community Council may invite a member of the public to address any meeting of the Community Council, Committees, Sub-Committees or Sub-groups thereof.
- (g) All meetings of the Community Council shall be open to members of the public, except that the Community Council may by resolution agree to go into private session for the consideration of any items of business of a particularly private or confidential nature, where in the interests of the community it appears to the Community Council that it would be advisable to do so.

**NOTICES
CALLING
MEETINGS**

6. (a) Notices calling meetings of the Community Council and all Committees thereof specifying the items of business to be discussed together with the Minutes of the previous meetings to be approved shall be sent to each member of the Community Council, either to their normal residence or their place of work, and to the appropriate Councillors of Aberdeenshire Council five days before the date of any such meeting.
- (b) Notices calling meetings of the Community Council and Committees thereof shall be posted prominently at the normal meeting place of the Community Council and/or within the

Community Area for a minimum of three days before the date of any such meeting.

- (c) Copies of all Minutes of meetings of the Community Council and Committees thereof shall be circulated to members no later than with agenda papers for the meeting next following and approved at the meeting next following of the Community Council, and shall be sent to the Area Manager(s) for the Area of Aberdeenshire in

which the Community Council is located and shall also be available for inspection by the public at a suitable place or places within fourteen days of the meeting of the Community Council at which such Minutes were approved.

ELECTIONS

- 7. (a) Ordinary elections shall be held usually in the month of XXX, unless a common election date is subsequently prescribed by Aberdeenshire Council. Except as otherwise provided by this paragraph, members shall hold office for XXX years.
- (b) The Community Council shall at the commencement of the election period, appoint a Returning Officer, who may be independent of the Community Council or may be a member co-opted member or office-bearer of the Community Council, but shall not be seeking election or re-election during the particular election being held.
- 8. (a) Persons seeking election to the Community Council shall be nominated as prescribed in the Aberdeenshire Council Scheme for the Establishment of Community Councils and nominations shall be lodged with the Returning Officer by a prescribed time and date.
- (b) In the event of the number of persons remaining validly nominated for election to the Community Council (after any withdrawals) exceeding the number of vacancies, elections shall be by a secret ballot paper containing a list of the persons validly nominated. The said elections shall be arranged by the Community Council with such assistance as may be requested from Aberdeenshire Council in terms of the Scheme.
- (c) Elections may be by way of the Single Transferable Vote System.
- (d) In the event of any casual vacancy or vacancies the Community Council shall arrange to hold an election in the prescribed way. The Community Council shall have power to co-opt, in such manner and by such majority as the Community Council shall determine, a person or persons to fill a vacancy or vacancies. Members so co-opted may serve until the next ordinary election to that Community Council, with full voting rights.
- (e) The Community Council may also co-opt to the Community Council any person or persons (resident either within or without the Community Area) who in the opinion of the Community Council has or have interests in the Community Area and whose views, advice and professional or technical skills might be of assistance in the promotion or advancement of any matter or

project falling within the objects of the Community Council, provided:

- (i) Such persons shall be co-opted only for such period or respective periods as shall be agreed by the Community Council not exceeding an initial period of one year, and
- (ii) such person or persons shall not be entitled to vote.

**OFFICERS OF
COMMUNITY
COUNCIL**

- 9. (a) The Community Council, at its first meeting after the initial and subsequent elections, shall elect one of its members to be Chairman and may elect one of its members to be Vice-Chairman.
- (b) The Chairman and Vice-Chairman shall continue in office until their respective successors are elected.
- (c) The Community Council shall appoint and shall have power to dismiss a Secretary and a Treasurer whether or not from among its elected members. The offices of Secretary and Treasurer may be combined.
- (d) The office of Chairman shall not be combined with any other nor shall one person hold more than two positions.
- (e) The member or members of the Community Council appointed as Secretary or Treasurer or Secretary/Treasurer shall not be entitled to remuneration but the Community Council may, at its discretion, award honoraria to such members together with expenses actually incurred and supported by receipts or vouchers. The Community Council may pay appropriate remuneration to a Secretary and Treasurer or Secretary/Treasurer appointed outwith its own membership.

STAFF

- 10. In addition to the offices of Secretary and Treasurer or Secretary/Treasurer the Community Council shall have power to appoint and dismiss such other staff as it may from time to time determine, subject in appropriate cases to observance of Employment Law.

**COMMITTEES
AND SUB-
COMMITTEES**

- 11. The Community Council shall have powers to appoint such Committees and/or Sub-Committees or Sub-groups as it may from time to time decide and shall determine their terms of reference, powers, duration and composition.

**STANDING
ORDERS**

- 12. (a) The Community Council shall have powers to draw up Standing Orders for the proper conduct of the business at all meetings of the Community Council and meetings of Committees, Sub-Committees or Sub-groups thereof.
- (b) In the absence of its own Standing Orders, the Standing Orders of Aberdeenshire Council shall, where relevant, apply to all meetings of the Community Council and to meetings of all Committees, Sub-Committees and Sub-groups thereof.
- (c) Copies of Aberdeenshire Council's Community Council Scheme,

together with the Community Council's Constitution, Rules and Standing Orders, shall be given to each member of the Community Council at the commencement of their membership

FINANCE

13. (a) All monies raised by or on behalf of the Community Council shall be applied to further the objects of the Community Council and to maintain its administrative structure.
- (b) The Community Council shall be entitled to seek and hold loans as provided for in appropriate circumstances.
- (c) The Treasurer or Secretary/Treasurer shall arrange for a bank account(s) to be held in the name of the Community Council and shall have responsibility for:
- (i) The proper management of the Community Council's financial affairs; and
 - (ii) Keeping proper books of account showing the finances of the Community Council.
- (d) The Community Council shall appoint an independent Auditor or Auditors acceptable to Aberdeenshire Council to audit the Accounts of the Community Council annually.
- (e) An Audited Statement of Accounts of the Community Council for the last financial year shall be submitted by the Community Council to the Annual General Meeting. The Community Council's financial year shall run from *[insert dates]*.
- (f) The Title to all and any heritable property which may be acquired by or for the purpose of the Community Council shall be taken and shall thereafter stand in the name of the Chairman, and Secretary of the Community Council and their successors in their respective offices as Trustees for the Community Council.
- (g) The Community Council shall take out such Insurance Cover as is necessary, at least to the extent and value prescribed by Aberdeenshire Council.

RETURN OF OFFICE-BEARERS AND OTHERS

14. Following the first meeting after each election the Community Council shall lodge with the Area Manager for the Area of Aberdeenshire Council in which located a Return specifying the full names, addresses and designations of:
- (a) Office-bearers;
 - (b) Elected, nominated and ex-officio and co-opted members; and
 - (c) Auditor/Auditors.

And shall thereafter give notice to the said officials in writing of all changes in such office-bearers, members and Auditor/Auditors.

AMENDMENT OF CONSTITUTION

15. (a) Any proposal to amend the Constitution must be delivered in writing to the Secretary of the Community Council at least twenty-eight days before the date of the meeting at which the proposal is first to be considered.

- (b) Subject to the provisions of paragraph 4 any alterations to the Constitution will require approval of:
 - (i) A majority of two-thirds of those present and voting in favour thereof at an Annual General Meeting or Special Meeting convened inter alia for that purpose, and
 - (ii) Aberdeenshire Council.
- (c) Notice of any General Meeting at which a proposal to change the Constitution of the Community Council is to be considered shall be given fourteen days prior to the date of the meeting and such notice shall detail the wording of the proposed alteration.

DISSOLUTION

- 16. (a) If at any time it seems to the Community Council necessary or desirable that the Community Council be dissolved or amalgamated with an adjoining Community Council in the event of insufficiency of members, financial difficulties, or lack of interest within the local community it shall have power to call a Special General Meeting to consider the matter.
- (b) A resolution being carried by two-thirds of the members present voting in favour thereof, shall have power to transfer any assets, heritable or moveable, or the proceeds from the sale thereof, remaining after the satisfaction of proper debts and liabilities, to either the amalgamated Community Council or which failing to Aberdeenshire Council to hold assets in trust pending formation of a new Community Council for the area.

SCHEME OF ESTABLISHMENT

- 17. The Community Council shall not do anything which is inconsistent with Aberdeenshire Council's Scheme for the Establishment of Community Councils and in the event of any inconsistency therewith, the Scheme for Establishment shall take precedence.

DISCIPLINARY PROCEDURES

- 18. 1. In the event of a complaint by a member of the Community Council or a third party that a member of the CC is in serious breach of the Community Councillors' Code of Conduct or has otherwise brought the CC into disrepute it shall at first instance be for the Chair of the CC, or as may be appropriate the Vice-chair or other Office Bearer to set a date for a hearing by the CC to consider the matter. In the event that the matter is considered sufficiently serious the member may be suspended from the CC pending the hearing taking a decision. The CC may also arrange for legal advice to be available to the hearing.
- 2. (a)The hearing shall normally take place within 4 weeks of the complaint being made. (b)The hearing shall comprise the full membership of the Community Council, excepting the complainer who will however be entitled to state a case at the hearing. (c)The member subject to the complaint if a Community Councillor shall also be entitled to be heard and both complainer and member shall also be entitled to ask questions to the other party with regard to the matter complained of and the submissions made to the hearing. (d)The chair of the hearing may also permit members taking part in the hearing to question either party. (e)The member against whom a complaint has been

made shall also be entitled to have present witnesses as to the facts who may also be required to answer questions, and also a character witness who would not normally be subject to questions except to clarify any points made (f) the member against whom the complaint has been made will be permitted legal or professional representation.

3. The hearing shall decide in private with neither complainer or member complained about being present. Thereafter the parties involved shall be called back to the hearing and advised of the decision which shall be confirmed in writing within seven days.
4. The decision shall normally be either (a) that no breach of the Code of Conduct has occurred and/or that the CC has not been brought into disrepute or (b) that the hearing finds that the complaint has been substantiated either in whole or in part.
5. If the complaint is substantiated the Hearing may either (a) censure or warn the member as to his/her future conduct or (b) suspend the member from the Community Council for any period up to a maximum of six months.
6. Following any decision in this regard the member may lodge an appeal within 14 days of the date of confirmation of the initial decision with the local Area Manager of Aberdeenshire Council who shall arrange for the appeal to be heard and a final decision reached.
7. In the event of any member being sentenced for whatever reason and thereafter commencing a period of imprisonment of 12 months or more his membership of the CC will be automatically terminated and the CC shall immediately proceed to fill the vacancy. The member involved shall not be permitted to stand for the CC for a period of 12 months beyond the end of his/her sentence.

Schedule 4 Model Standing Orders

STANDING ORDERS

1. CHAIR

- (1)
 - (a) At a meeting of the Council (which term shall hereinafter be held to include a Committee or Sub-Committee of the Council), the Chair, if present, shall preside.
 - (b) If the Chair is absent from a meeting of the Council, the Vice-Chair, whom failing another member of the Council chosen by a majority of the members present, shall preside as Chair.
- (2) The Chair shall, inter alia, -
 - (a) preserve order and ensure that every member of the Council shall have a fair hearing;
 - (b) if a member of the public or a member of the Council disrupts the proceedings at any meeting, warn him or her; if he or she continues to interrupt, the Chair shall order his or her removal from the Council Chamber or meeting room; in the case of a general disturbance in any part of the Chamber or meeting room open to the public, the Chair shall order that part to be closed;
 - (c) decide all matters of order, competency and relevancy;
 - (d) decide between two or more members of the Council indicating a wish to speak by calling on the member who has first caught his or her eye;
 - (e) see that due and sufficient opportunity is given to members of the Council who wish to speak to express their views on the subject under discussion; and
 - (f) ensure that the sense of the meeting is properly ascertained with regard to any matter which is properly before the meeting.
- (3) The ruling of the Chair on all matters within his or her jurisdiction as Chair shall be final and shall not be open to question or discussion.

2. GENERAL CONDUCT OF MEETINGS

- (1) At meetings of the Council -
 - (a) every member of the Council shall address the Chair;
 - (b) when the Chair is speaking he or she shall be heard without interruption; and

In the event of a member disregarding the authority of the Chair or being guilty of obstructive or offensive conduct, a motion may thereupon be moved and seconded to suspend such person for the remainder of the meeting; the motion shall be put without discussion and if it be carried, such person shall leave the meeting room and, if refusing to do so, the meeting should be suspended either until the member agrees to leave, or to a later date.
- (2) Members of the Council must comply with the terms of the Code of Conduct annexed hereto.

3. MEETINGS OF COUNCIL

- (1) Following an election, a meeting of the Council shall be held within 21 days from the date of the election.
- (2) The Council shall, not later than 31 December in each year, determine location, dates and times of meetings to be held by the Council during the 12 months commencing on 1 January following. A special meeting of the Council may be called at any time by the Chair of the Council, or on the signed requisition of at least one-fourth of the full number of members of the Council, which meeting shall be held within 14 days of the receipt of the requisition by the Secretary of the Council and the requisition and notice of business shall specify the business to be transacted.

4. NOTICE OF MEETINGS OF COUNCIL

- (1) Five clear days at least before a meeting of the Council -
 - (a) notice of the time and place of the intended meeting shall be published and, where the meeting is called by members of the Council, the notice shall name those members and shall specify the business proposed to be transacted thereat; and
 - (b) notice and agenda of meeting shall be left at or sent by post or electronically to the usual or nominated place of residence of every member of the Council. It shall also be posted prominently at the normal meeting place.
- (2) Inadvertent failure to deliver a meetings notice to any member of the Council shall not affect the validity of a meeting of the Council.

5. BUSINESS AT MEETINGS OF COUNCIL

- (1) The business of the Council at any meeting shall proceed in the order of the agenda except that the Chair may, at his or her discretion, alter the order of business at any stage. Agendas and minutes of the Council shall be made available in advance at (specify Library, Post Office or Village Hall).
- (2) No item of business shall be transacted at a meeting of the Council unless it is specified in the notice calling the meeting, or any supplementary notice, unless the Chair is of the opinion, by reason of special circumstances which shall be specified in the Minutes, that an additional item should be considered at the meeting as a matter of urgency.

6. ADJOURNMENT OF MEETING

- (1) The Chair shall be entitled, in the event of disorder arising at any meeting of the Council, to adjourn the meeting to a time he or she may then or afterwards fix.
- (2) The Council may, at any of their meetings as a Council, adjourn the same to such time as the Chair may then or afterwards fix.
- (3) A motion for the adjournment of the meeting may be made at any time and shall have precedence over all other motions. It shall be moved and seconded without speeches or discussions and shall be put at once to the meeting by the Chair. The vote shall be taken by means of a show of hands.
- (4) When an adjourned meeting is resumed, proceedings shall (subject to the discretion given to the Chair under Standing Order No. 5) be commenced at the point at which they were broken off at the adjournment.

7. QUORUM

- (1) The quorum of the Council shall be one-third of the whole number of members of the Council.

- (2) If, during any meeting of the Council, a quorum is not present, the Chair shall direct that the meeting be adjourned for 5 minutes and if, after a lapse of 5 minutes, the Chair shall find that there is not a quorum present, the meeting shall thereupon terminate; but if, before or upon the lapse of the said 5 minutes, a quorum is present, the Chair shall direct that the business of the meeting be forthwith resumed.
- (3) The Chair shall have power to direct that a special meeting of the Council be called to transact any business which has not been disposed of at a prior meeting which has terminated because of the lack of a quorum; if a special meeting is not convened in such a case, such adjourned business shall, at the next ordinary meeting of the Council, be considered immediately after the approval of Minutes of the previous meeting or meetings of the Council and shall (subject to the discretion given to the Chair under Standing Order No. 5) be commenced at the point at which it was broken off at the termination of the previous meeting.

8. APPROVAL OF MINUTES

- (1) At each ordinary meeting of the Council, the Minutes of the previous ordinary meeting, and (when practicable) of any intervening special meeting, having been printed and previously circulated, shall be submitted and shall be held as read. No motion or discussion shall be allowed in the Council on these Minutes, except as to their accuracy as a record of the meeting to which they relate. Any objection as to accuracy must be made by motion and, if necessary, the matter shall be decided by vote in the ordinary manner, provided that, for this matter, discussion and voting shall be restricted to those members who were present at the meeting to which the Minute relates. After the Minutes are approved, subject to or without amendment, they shall be signed by the Chair.
- (2) The Minutes of any special meeting of the Council, if not submitted for approval at the next ordinary meeting of the Council, shall be submitted for approval at the earliest subsequent ordinary meeting at which it is practicable so to do and shall be disposed of as hereinbefore in this Standing Order provided.

9. DISSENTS

- (1) Any member of the Council who at any meeting of the Council has taken part in a vote or has proposed a motion or amendment which has not been seconded may at such meeting enter his or her dissent from the resolution adopted, which dissent shall be recorded in the Minute of the meeting, without giving reasons therefor.
- (2) No member shall be entitled to enter his or her dissent from a resolution of the Council except at the meeting at which such resolution is adopted.
- (3) Except as herein provided, no reservation or qualification by any member with respect to a particular resolution shall be recorded in the Minutes of Meetings of the Council.

10. QUESTIONS

- (1) Written Questions - any member of the Council may, at any ordinary meeting of the Council, put a question to the Chair of the meeting concerning any relevant or competent matter provided that the member shall have given notice of the question in writing, duly signed, to the Chair and Secretary not later than seven working days before the date of the meeting.

In respect of minutes of meetings that are circulated to the Council for approval at less than three working days' notice, members may raise oral questions on matters arising from those minutes.

- (2) Any such question shall be expressed without argument or reasons and shall be allowed only so far as deemed relevant and competent by Chair of the meeting. It shall be read out by the Chair at the meeting.
- (3) No discussion shall be allowed on any question so put or any answer given but a supplementary question by the original questioner shall be allowed to clarify the content of the answer.

- (4) Questions and answers thereto shall be recorded in the Minutes of Meetings of the Council.

11. RECEPTION OF DEPUTATIONS

- (1) Any individual or group of individuals or deputation wishing to be heard by the Council shall apply in writing to the Secretary of the Council and shall state (a) the subject on which they desire to be heard and (b) the action, if any, that the Council is requested to take.
- (2) Every such application should be in the hands of the Secretary of the Council at least 10 days prior to the Council meeting concerned and shall, if the subject, in the opinion of the Chair of the Council is competent be put on the agenda of the next ordinary meeting of the Council. Thereafter, the party or parties shall be accorded the opportunity of being heard.
- (3) Not more than two members of any such deputation shall be permitted to address the meeting and the total time allotted to such members at any one meeting shall not normally exceed 15 minutes. It shall be competent for any member of the Council, with leave of the Chair, to put any relevant questions to the deputation, but no member shall express an opinion upon the subject, nor shall the Council discuss the subject on which the deputation has been heard, until the deputation has withdrawn to the public benches.

12. NOTICES OF MOTION

- (1) Not less than 14 days before an ordinary meeting of the Council, notice of motion in writing, duly signed, may be given by any member of the Council for consideration at that meeting of the Council provided that before submitting such notice of motion, the member shall have taken all reasonable steps to have the subject matter dealt with through the normal channels and shall not have been satisfied with the action taken. Such notice, which shall set forth the proposal without argument or reasons, shall be submitted to the Secretary.
- (2) The Chair of the Council shall decide as to its competence or relevance.
- (3) If a member of the Council or who has given a notice of motion is absent when it falls to be considered by the Council, that member may appoint another member to speak to the subject of the motion, otherwise it shall, unless the Council so decides, be put on the agenda of the next ordinary meeting of the Council. If, at the next ordinary meeting, the member is again absent, the notice of motion shall fall.

13. MOTIONS AND AMENDMENTS

The following provisions shall apply to motions and amendments directly and competently arising in connection with any subject before the Council:-

- (1) Every motion or amendment on any question shall be moved and seconded and shall, if the Chair so requires, be given to the Secretary in writing and read to the meeting before the motion or amendment is further discussed.
- (2) All amendments must be relative to the motion and no member shall be at liberty to move or second (a) more than one amendment to any motion or (b) an amendment if he or she has moved or seconded the motion. If an amendment is withdrawn, the mover and seconder thereof shall be at liberty to move or second another amendment or to speak in support of such amendment.
- (3) No motion to which an amendment has been moved and seconded shall be altered in substance or withdrawn without the leave of the mover and seconder.
- (4) After an amendment has been moved and seconded, it shall not be withdrawn or altered in substance without the leave of the mover and seconder.

- (5) A motion for the approval of a Minute of a meeting of the Council, or of any part of such Minute, shall be considered as the motion and any form of proposal which implies mere negation or otherwise if moved, shall be dealt with as an amendment thereto.
- (6) If any motion or amendment is, in the opinion of the Chair, irrelevant or incompetent, he or she shall rule the same out of order.
- (7) No matter in the Minute of a meeting of a meeting competently before the Council shall be withdrawn by the Chair of that Committee except with the consent of the member.

14. ORDER OF DEBATE

- (1) Every member of the Council who indicates a wish to speak at any meeting of the Council shall address the Chair and shall direct his or her speech (a) to the matter before the meeting by proposing, seconding or supporting the motion or any amendment relative thereto or (b) to a point of order or information. No member shall speak supporting the motion or any amendment until the same shall have been seconded.
- (2) Subject to the right of reply vested in the mover of a motion, no member shall speak more than once in the same debate at any meeting of the Council except on a point of order.
- (3) The mover of the motion shall have a right of reply but he or she shall introduce no new matter and, after he or she has commenced his or her reply, no other member shall speak on the question except as provided in the immediately preceding paragraph of this Standing Order.
- (4) In moving a motion a member shall not speak for more than 5 minutes and every other speaker, and the mover of the motion in reply, shall not speak for more than 3 minutes. The foregoing limits of time may be exceeded with the consent of the majority of the members present and voting, such vote to be by means of a show of hands.

15. POINTS OF ORDER

- (1) Any member of the Council may at any time at any meeting of the Council speak upon a point of order suddenly arising if he or she does so as soon as possible and if he or she declares that he or she is making a point of order and refers to the particular Standing Order which, in his or her opinion, is being infringed.
- (2) The member who is then addressing the Council shall remain silent.
- (3) The Chair shall thereupon decide the question and, thereafter, allow or prohibit the member who was addressing the Council at the time the point of order was raised to continue his or her speech.

16. CLOSURE OF DEBATE

- (1) At any meeting of the Council, any member of the Council who has not spoken on a matter being discussed, may move (without making a speech), "That the question be now put", where at least 5 members (excluding the movers and seconders of the original motion and any amendments) have spoken on the matter.

On the motion being seconded, the Chair shall put the same to the meeting without speeches or discussion, and the vote shall be taken by a show of hands. If the motion for closure of debate be carried, the mover of the original motion shall have the right of reply and thereafter the matter under discussion shall be voted on in the ordinary way; if the motion for closure is not carried, the debate shall be resumed.

- (2) Such a motion may be competently moved a second time after not fewer than 3 additional members have spoken and so on after every 3 additional members have spoken.

17. VOTING AT MEETINGS OF COUNCIL AND COMMITTEES

- (1) The following provisions shall apply as to voting:-
 - (a) When there is only one amendment to the motion, the vote shall be taken between the motion and the amendment and whichever is carried shall become the finding of the meeting and the Council shall be deemed to have resolved accordingly.
 - (b) When there are more amendments to the motion than one, then, unless the Chair decides otherwise, in order to avoid inconsistency in voting, the last amendment shall be put against that immediately preceding and then the amendment which is carried shall be put against the next preceding and so on until there remains only one amendment, between which and the motion the Council shall divide, and whichever is carried shall become the finding of the meeting and the Council shall be deemed to have resolved accordingly.
 - (c) If, however, one of a number of amendments is any form of proposal which clearly indicates negation of the motion, the first division shall be taken between it and the motion. If the amendment is carried, the Council shall proceed to the next business. If the amendment is not carried, it shall be eliminated from the amendments which, with the motion, shall be voted on in the usual way.
 - (d) Where there is an equality of votes, the Chair of the meeting shall have a second or casting vote.
- (2) Except where otherwise directed by these Standing Orders, the vote shall be taken by calling the roll and the names for and against the motion or amendment shall be taken down in writing and recorded in the Minute. Where the vote is taken by show of hands, the names shall not be recorded in the Minute.

18. ALTERATION OR RESCISSION OF PREVIOUS RESOLUTION

No resolution of the Council may be reconsidered, altered or revoked within six months of its adoption, unless the Council decides that the resolution so taken cannot be implemented or its effect has been substantially altered by subsequent circumstances.

19. ADMISSION TO MEETINGS

- (1) Meetings of the Council shall be open to the public except to the extent (a) that the public shall be excluded during consideration of an item of business whenever it is likely that, if they were present, confidential or exempt information would be disclosed. For the purposes of defining confidential and exempt information, Section 50A of the Local Government (Scotland) Act shall apply. (See Appendix annexed) On a motion for adoption of such a resolution being duly moved and seconded, the Chair shall put the same to the meeting without speeches or discussion and, on such a motion being carried, all members of the public present (including representatives of the press but not including members of the Council) shall be directed to leave the meeting.

Notwithstanding the exclusion of the public as aforesaid, the Council may permit any person to remain in attendance at any meeting for so long as they consider necessary and on the basis that such persons respect the confidentiality of the proceedings.
- (2) Information as to the proceedings at any meeting from which the public and press are excluded shall not be given to representatives of the press or to any other person except by the Chair of the meeting or by a person authorised by him so to do.
- (3) No person or body shall be permitted, without the permission of the Council, to tape record, photograph, video, film or use any other form of electronic, digital or computerised sound or visual recording system during Council meetings.

20. EXECUTION OF DOCUMENTS

Deeds relating to actions and transactions previously authorised by the Council shall be signed by any two of the Chairman, Vice-Chairman and Secretary of the Council.

21. SUSPENSION AND ALTERATION OF STANDING ORDERS

- (1) Any one or more of the Standing Orders (except Orders numbers 3(1) and 4) in any case of urgency or upon motion made on a notice duly given may be suspended at any meeting provided that two-thirds of the members of the Council present and voting shall so decide. Any motion to suspend Standing Orders shall be made with a short explanation and, on such motion being seconded, the Chair shall put the same to the meeting without speeches or discussion. Any vote on such motion shall be by a show of hands.
- (2) No alteration to the Standing Orders shall be made without notice given at one meeting of the Council to be discussed at the following one. Alterations require to be approved by Aberdeenshire Council.
- (3) These Standing Orders shall apply insofar as applicable and appropriate to any Sub-Committee or Working Group which may be set up by the Council.

22. DISSOLUTION

- (1) Where the number of members of the Community Council is less than a quorum of the Council, then the Council will be deemed to be dissolved. The Chairman, Secretary or remaining membership shall ensure that the appropriate Area Manager of Aberdeenshire council is advised accordingly and assets of the Council shall be passed to said Area Manager to be held in trust pending formation of a new Council.

Code of Conduct

MODEL CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

1. INTRODUCTION TO THE CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

- 1.1 Aberdeenshire Council is committed to a decentralised pattern of local government and service delivery. Community Councils have a key role in that process but must work within Aberdeenshire Council's Scheme for the Establishment of Community Councils and their own constitution.
- 1.2 Community Councils are voluntary bodies, which exist within a statutory framework, and which have been granted statutory rights of consultation. The general purpose of a community council is to ascertain, co-ordinate and express the views of the entire community within its agreed boundaries. Community Councils can help ensure that the Council is as fully informed as possible about the circumstances, needs and wishes of local communities.
- 1.3 Community Councils are non-party-political and non-sectarian in their discussions and in their decision-making.
- Community Councils, unlike other community organisations, are statutorily included in the consultation process for all planning applications affecting their area. There are also specific powers in relation to licensing.
- 1.4 As community planning develops, this will emphasize the need for the Council to develop its relationship with community councils as part of its engagement with our local communities.
- 1.5 The Members of Community Councils – "Community Councillors" are not covered by the Codes of Conduct, enforced by the Standards Commission for Scotland, which apply to Councillors elected to Local Authorities and MSP's. However it is expected by Aberdeenshire Council that Community Councils adopt the following Code of Conduct as applying to their members.

2. KEY PRINCIPLES OF THE CODE OF CONDUCT

- 2.1 The public has a high expectation of its representatives including members of Community Councils and the way in which they should conduct themselves in undertaking their duties. You must meet those expectations by ensuring that your conduct is above reproach at all times.
- 2.2 As a Community Councillor, it is your responsibility to make sure that you are familiar with, and that your actions comply with, the provisions of this code.
- 2.3 The general principles upon which this Code of Conduct is based are:-

Duty

You have a duty to act in the interests of the Community Council as a whole and of all members of the communities served by it. You should be accessible to all the people of the area for which you have been elected or adopted to serve, and to represent their interests conscientiously.

Selflessness

You should take decisions solely in terms of the public interest. You must not act in order to gain financial or other material 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 the performance of your duties, or the taking of decisions at Council meetings.

Accountability and Stewardship

You are accountable for your decisions and actions to the public. You should consider issues on their merits, taking account of the views of others, and you must ensure that the Community Council uses its resources prudently and in accordance with the law.

Openness

You must be as open as possible about your decisions and actions, giving reasons for your decisions (and restricting information only when the wider public interest clearly demands).

Honesty

You must act honestly. You must declare any private interests which affect your public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

You should lead by example, and maintain and strengthen the public's trust and confidence in the integrity of the Community Council and its Councillors in conducting public business.

3. GENERAL CONDUCT

- 3.1 The principles of good conduct in this section must be observed in all situations where you act as a Community Councillor, including representing the Community Council on official business.
- 3.2 You must respect all Aberdeenshire Councillors and Council employees and the role they play, and treat them with courtesy at all times. It is expected that they will show the same consideration in return.
- 3.3 You must respect the Chair, your colleagues, invited guests and any members of the public present during meetings of the Community Council or other formal proceedings of the Council whether or not you agree with their views and treat them with courtesy at all times. You must comply with rulings from the Chair in the conduct of the business of the Community Council
- 3.4 You must not, at a meeting of the Community Council raise your voice unduly, shout, interrupt other speakers, use offensive language, assault other members or members of the public, disregard the authority of the chair, or otherwise disrupt the proceedings at a meeting.

- 3.5 Community Council proceedings and printed material are generally open to the public. This should be the basis on which you normally work but there may be times when you will be required to treat discussions, documents or other information relating to the Community Council in a confidential manner in which case you must observe such requirements for confidentiality. Members should in particular be mindful of the need to protect confidential personal information to which they may have access to avoid breaching the Data Protection Act.
- 3.6 You may be appointed or nominated by the Community Council as a member of another body or organisation. If so, you will be bound by the rules of conduct of these organisations and your responsibility for any actions taken by you as a member of such an organisation will be through the organisation in question. You must also continue to observe the rules of this code in carrying out the duties of that body. In the event of a conflict of interest between the two bodies or organisations the principles set out in Section 4 shall apply.

4. DECLARATION OF INTERESTS

- 4.1 The key principles of the code, especially those that specify integrity, honesty and openness are given further practical effect by the requirement for you to declare interests (either personal or financial, at meetings which you attend). The rules on declaration of interest are intended to produce transparency in regard to interests which might influence, or be thought to influence, your actions as a Community Councillor.
- 4.2 It is your responsibility to make decisions about whether you have to declare an interest or make a judgement as to whether a declared interest prevents you from taking part in any discussions or voting. You are in the best position to assess your personal circumstances and to judge how these circumstances affect your role as a Community Councillor in regard to a particular matter. In making decisions for which you are personally responsible you are advised to err on the side of caution. In the event of a clear conflict of interest, for example, if you have a personal interest as applicant or close relative of an applicant, owner of land, or neighbouring proprietor or occupier in a planning issue being discussed, then you should withdraw from the meeting so as not to inhibit discussions.

5. SUSPENSION FROM COMMUNITY COUNCILS

- 5.1 Community Councils may within their constitution introduce provisions whereby members who consistently or flagrantly breach an adopted Code of Conduct for Community Councillors (including repeated non-declaration of interests) or may be suspended as a member of the Community Council for a period not exceeding six months.
- 5.2 Additionally the Community Council constitution may provide for permanent expulsion or suspension for a stated period of time of a member who is guilty of theft of Community Council assets, or who is guilty of any other offence which is deemed to affect their ability to participate in the activities of the Community Council or who may have brought the Community Council into disrepute by their actions or activities.

Schedule 6: Code of Practice for Exchange of Information

Code Of Practice for the Exchange of Information between Community Councils and Aberdeenshire Council

Preamble

It is for the mutual benefit of Aberdeenshire Council (the Council), Community Councils in the Aberdeenshire area and the communities they serve that constructive discussion, consultation and information exchange takes place in a positive and meaningful way. This Code of Practice for the Exchange of Information between the Council and Community Councils is intended to help ensure that these organisations exchange reliable information, explanations and guidance in a way that will be beneficial for the whole community.

This Code of Practice shall be monitored by the Council and representatives of Community Councils. A review will be carried out on an annual basis.

Aberdeenshire Council : Checklist of Good Practice

The Council shall :

1. Consult directly with Community Councils on all issues where consultation with the public is a statutory requirement.
2. Advise a Community Council directly, and in advance of press advertisement, of planning applications within a Community Council's area, through circulation of the Weekly List of Applications.
3. Advise a Community Council of major works proposed by the Council, or of major utility works of which the Council are aware and of any changes to timing or duration of those works, within a Community Council's area.
4. Agree to receive representations from Community Councils on matters of concern to their community.
5. Allow Community Councils to have access to information (other than information of a confidential or exempt nature as defined by the Local Government (Access to Information) Act (1985), the Data Protection Act (1998) and the Freedom of Information (Scotland) Act (2002) on matters of concern to enable informed decisions, sensible comment and meaningful consultation.
6. Provide Community Councils with updated lists of councillors, officials and calendars of meetings.
7. Provide Community Councils with relevant Area Committee agendas and minutes and copies of other Council agendas and minutes when requested.
8. Nominate an officer of the Council to act as Liaison Officer between the Council and Community Councils.

9. Endeavour to meet reasonable requests for officer attendance at Community Council meetings.
10. Encourage effective, full and careful consultation with Community Councils over matters of common interest by providing sufficient information in adequate time to allow a considered response.
11. Ensure that Community Councils are provided, where requested, with reasons for decisions taken (this would be consistent with the Code of Guidance on Openness which COSLA has developed), and that in all cases they are informed about reasons for decisions on cases where they have expressed a view.
12. Involve Community Councils in any consultations arranged through public meetings.
13. Acknowledge written communications from Community Councils within 5 working days, and reply within 28 days.
14. Give Community Councils the opportunity to participate in the processes that lead to decision making on issues relating to their areas.
15. Ensure that Community Councils continue to be involved effectively in decentralisation schemes and that decentralised structures are complementary to the role of Community Councils.

Community Councils : Checklist of Good Practice

Community Councils shall :

1. Advise Aberdeenshire Council on local opinion concerning matters of interest to that authority.
2. Bring to the attention of Aberdeenshire Council matters requiring their attention or action.
3. Actively seek the views, opinions and aspirations of the full cross-section of the Community and be able to demonstrate that steps have been taken to consult the local community when appropriate, and in all cases be sure as far as possible that the views they express are representative of those of the community they serve.
4. Express the views of their community on proposed plans or projects for that community and applications going before Aberdeenshire Council, its Committees or Sub-Committees and to Licensing Boards. This should include positive support for acceptable schemes as well as criticism for those which are opposed by the local community. Where appropriate, suggestions for changes should also be put forward.
5. Provide Aberdeenshire Council's Library Service with copies of all minutes of meetings of the Community Council.
6. Advise Aberdeenshire Council of changes of names or addresses of the officer bearers or voting members within 14 days of these occurring.
7. Inform Aberdeenshire Council in advance of any consultations being arranged through public meetings.
8. Invite representatives of statutory bodies and other organisations, when appropriate, to attend meetings of the Community Council.
9. Encourage the public to use their Community Council as a vehicle of communication with Aberdeenshire Council.
10. Contact Aberdeenshire Council as soon as practicable regarding matters where the information/action required cannot be provided by the Community Council alone.
11. Respond to written communications from Aberdeenshire Council within a reasonable time and encourage the use of an initial acknowledgement system of reply.
12. Identify a contact point through whom consultation on planning, licensing etc. can be co-ordinated

Appendix 1

COMMUNITY COUNCIL ELECTIONS

SINGLE TRANSFERABLE VOTE (STV) SYSTEM

1. THE VOTING SYSTEM

STV is at least as simple a form of voting, if not simpler, than first past the post because it is actually easier for the voter than the traditional "Multiple X" system where there are a number of positions to be filled. For example, in the case of a Community Council where there are, say, 20 candidates for 12 places, a voter would have to put 12 X's and would have to stop every so often to check how many they had put. With STV, Electors start by putting "1" against their favourite candidate and by continuing to use numbers will, therefore, know when they have used their allocation.

2. THE BENEFITS OF STV

STV is fairer than the first past the post system because it avoids two major problems involved in the "Multiple X" system in relation to votes for a number of places, as is the case for Community Council Elections.

To show what is meant, take the simplified example of an election where there are 10 places to be filled, 20 candidates and 100 voters.

- (a) One problem is that a voter may have a particular favourite candidate to whom he gives his first "X" but adds a further nine "X"s for less preferred candidates. These latter "X"s may mean that his preferred candidate is beaten by his less preferred votes.
- (b) The other problem is that if 40 of the voters get together and agree to back the same 10 candidates they may succeed in getting all of them elected. If the other 60 electors do not organise, and give some of their "X"s to the "organised" candidates whom they prefer less, they may not get any of their preferred candidates in. Thus an organised minority can dominate an election result, which I am sure everybody would deplore, particularly in the case of non-political Community Councils.

STV prevents both these problems. This means that all voters are treated fairly and are more likely to obtain the representatives of their choice.

3. THE COUNTING METHOD

The only way in which STV is more complicated than "First past the post", is in the method of counting, but this is a problem for the officials rather than the public.

However, the public need to have a broad understanding as to how counting operates and there needs to be a simple statement of the method involved. I would suggest something along the following, taken verbatim from a leaflet entitled "Questions and Answers on PR" produced by the Electoral Reform Society: -

What happens in the count?

First the total number of valid votes is counted and the quota is worked out. Then the voters are sorted according to the first preferences of the voters. That is, each candidate is allocated every ballot paper on which there is a 1 against his name. Any candidate who is then found to have reached the quota of votes is elected. Some candidates may then have a surplus over the quota. Others may have so few votes that they can be eliminated from the contest. The remaining stages of the count are occupied in transferring these unused votes to other candidates, in accordance with the preferences of the voters, to make sure they are not wasted. The surplus votes of candidates who reach the quota are transferred first. Then the lowest candidate is eliminated and his votes transferred. Then any new surplus is distributed. Then another low candidate is eliminated and his votes

transferred, and so on, until all the seats are filled. When there are no more preferences expressed on a ballot paper it is retired from the count as "non-transferrable" and that voter ceases to have any influence on the result.

What's the Quota

The quota is the number of votes a candidate needs to be elected. People often assume that if there are say, 5 candidates to be elected, the quota must be one-fifth of the total votes cast, or if not, that there is something mysterious and complicated about the whole thing. In fact the quota in this case is one-sixth of the total votes cast, plus one vote, and it is clear and this must be so if we think what the quota would be in a single-seat constituency. To be sure of being elected a candidate needs only one more than half the total votes. Similarly, in a 2-seat constituency a candidate needs one-third of the total vote plus one to be sure of being elected. In a 3-seater, one-fourth plus one, and so on. In other words, to find the quota you simply divide the total votes by one more than the number of seats to be filled, and add one vote to the result.

How will the results be shown?

A statement will be published for each area showing exactly what happened at each stage of the count. It will show the number of "first preference" votes for each candidate, and the number of votes transferred to each of them when a surplus is distributed or another candidate is eliminated. It will also show the number of papers which at each stage become "non-transferrable" because the voters had not expressed enough preferences.

The voter will, therefore, be able to follow, as it were, the progress of his vote through the count and see how it is working to affect the final result.



- | | | | |
|--|--------------------------|--|---------------------------|
| 1. Aberchirder - Marnoch | 21. Donside | 45. New Pitsligo | 66. Torphins |
| 2. Aberdour & Tyrie | 22. Echt & Skene | 46. Newmachar | 67. Turriff & District |
| 3. Alvah & Forglen | 23. Ellon | 47. Newtonhill, Muchalls & Cammachmore | 68. Udney |
| 4. Arbuthnott | 24. Feughdee West | 48. North Kincardine Rural | 69. West Garioch |
| 5. Auchterless - Inverkeithny | 25. Fintray & Kinellar | 49. Peterhead | 70. Westhill |
| 6. Ballater & Crathie | 26. Finzean | 50. Portlethen & District | 71. Whitehills & District |
| 7. Ballogie & Birse | 27. Fordyce & Sandend | 51. Portsoy & District | 72. Ythan |
| 8. Banchory | 28. Foveran | 52. Rathen | |
| 9. Banff & Macduff | 29. Fraserburgh | 53. Rosehearty | |
| 10. Belhelvie | 30. Fyvie - Monquhitter | 54. Royal Burgh of Inverbervie | |
| 11. Benholm & Johnshaven | 31. Garioch | 55. Sandhaven & District | |
| 12. Boddam & District | 32. Gourdon | 56. Slains | |
| 13. Braemar | 33. Huntly | 57. St Combs | |
| 14. Catterline, Kineff & Dunnottar Rural | 34. Invercairn | 58. St Cyrus | |
| 15. Cluny, Midmar & Monymusk | 35. Inverurie | 59. St Fergus, Crimond & Lonmay | |
| 16. Cornhill - Ordiquhill | 36. Kemnay | 60. Stonehaven & District | |
| 17. Crathes, Drumoak & Durris | 37. King Edward & Gamrie | 61. Strathbogie | |
| 18. Cromar | 38. Kintore & District | 62. Strichen & District | |
| 19. Cruden | 39. Longside & District | 63. Tap o' Noth | |
| 20. Deer | 40. Lumphanan | 64. Tarves | |
| | 41. Meldrum & Bourtie | 65. The Mearns | |
| | 42. Methlick | | |
| | 43. Mid Deeside | | |
| | 44. Mintlaw & District | | |