

# EAST AYRSHIRE COUNCIL

## SCHEME FOR COMMUNITY COUNCILS

### 1. Introduction

- 1.1 Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994, which produced the current system of unitary local authorities, also made provision for the continuation of Community Council. This legislation provides the legal framework for Community Councils.
- 1.2 This Scheme provides for the establishment of Community Council across East Ayrshire and is based on the national model scheme endorsed by the Scottish Government, COSLA and the Association of Scottish Community Councils. The scheme reflects local circumstances and has been produced following consultation with all active Community Councils and all other interested parties.
- 1.3 To accompany this scheme, and support Community Councils, there will be provided:
- Community Councillors' Code of Conduct;
  - A Model Constitution;
  - Model Standing Orders; and
  - Guidance Notes.

These will be updated regularly as required.

### 2. Statutory Purposes

- 2.1 The statutory purposes of Community Councils established under this Scheme are set out in Section 51 (2) of the Local Government (Scotland) Act 1973, as follows:-

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

### 3. The Role and Responsibilities of Community Councils

- 3.1 The General purpose of Community Councils is to act as a voice for their local area. This will involve them articulating the views and concerns of local people in their area on a wide range of issues of public concern and make representations to East Ayrshire Council, other public sector bodies and private agencies on matters within their sphere of interest.
- 3.2 It is essential that these views be demonstrated to be accurately representative of the community. Accordingly, the Community Council will have in place appropriate consultative mechanisms which will ensure that all sectors of their community can be informed, involved and represented.

- 3.3** Community Councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objects of their Constitution and the terms of the Council's Scheme for the Establishment of Community Councils.
- 3.4** Overall, Community Councils should engage with and establish positive working relationships with East Ayrshire Council and other agencies. In carrying out their activities Community Councils must at all times adhere to the law, the terms of the Council's Scheme for the Establishment of Community Councils and the **Community Councillors' Code of Conduct**.
- 3.5** Each Community Council is required to adopt a **Constitution, based upon the Model Constitution** which has been produced for national use, together with **Model Standing Orders**, to encourage and maintain consistency for all Community Councils and to facilitate their proceedings being properly structured and regulated, to ensure that items of business relevant to the community are properly debated and decisions reached in a democratic manner. The Community Council's Constitution is required to be approved by East Ayrshire Council.
- 3.6** Community Councils have a duty under statute to represent the views of their local community. It is vital therefore, that they reflect the broad spectrum of opinion and interests of all sections of the community. In order to fulfil their responsibilities as effective and representative, Community Councils shall:-
- Inform the community of the work and decisions of the Community Council by posting agendas and minutes of meetings in public places, such as libraries and notice boards and, subject to the provisions contained within the Data Protection Act 1998, provide contact details of Community Council members.
  - Minutes of Community Council meetings should be submitted to East Ayrshire Council's Administration Manager, Democratic Services, within 14 days of them being adopted by the Community Council. Agendas should be submitted at the same time as the minute of the meeting to which it relates.
  - Submit, to the Head of Democratic Services or his representative, a distribution list and method for circulating agendas and minutes to Community Council member, ex-officio members and other interested parties, that complies with the Community Council's Constitution and standing orders.
  - Seek to broaden both representation and expertise by promoting the Associate Membership of the Community Council of persons for specific projects/ issues.
  - Make particular efforts to encourage young people and other under-represented groups to attend/participate in Community Council meetings and to ensure equality of opportunity in the way the Community Council carries out its functions.
  - Maintain proper financial records and present financial reports at Community Council meetings.
  - Inform East Ayrshire Council's Head of Democratic Services or his representative of any change in membership (resignations, Associate Membership, etc.) and circumstances, as soon as it is practicable and record any such changes in membership within council minutes.

- 3.7** The general purpose of a Community Council is to act as a voice for its local area and to that end a Community Council requires to reflect the broad spectrum of opinion and interests of all sections of its community and should not in any way be influenced by any particular political group or ideology.

#### **4. The Role of a Community Councillor**

- 4.1** Community Councillors are required to represent the views of their local community. To do this Community Council members will have to ascertain the views of people in the community on particular topics. The views of the community may, from time to time, conflict with the personal views of individual Community Council members. When this situation arises a Community Council is required to ensure that the view of the community takes precedence over the personal views of individual members.

- 4.2** Community Councillors are also required to abide by the Code of Conduct for Community Councillors and adhere to the general principles contained in the code.

#### **5. Community Council Areas**

- 5.1** East Ayrshire Council is divided up into 35 Community Council areas and Community Councils may be established to serve and represent these areas as set out in the Annexation to the Scheme. The boundaries of the Community Council areas are detailed on maps which are available for inspection at Democratic Services, Council Headquarters, London Road, Kilmarnock, KA3 7BU, or on the Council's Website at [www.east-ayrshire.gov.uk](http://www.east-ayrshire.gov.uk).

#### **6. Membership of Community Councils**

##### **Elected and Co-opted Members**

- 6.1** There shall be minimum and maximum membership numbers of elected Community Councillors in a Community Council. There shall be a minimum of 10 members to represent a population of up to 500 and 1 additional member per 500 of population.
- 6.2** The membership numbers of Each Community Council, including the maximum number that may be co-opted during any yearly elected cycle period of a Community Council, are as detailed in the Annexation to this Scheme.
- 6.3** The minimum age to stand for election as a Community Councillor is 16 years. Qualification for membership is by residency within the specific Community Council area. Community Councillors and candidates for Community Council membership must also be named on the Electoral Register for the Community Council area in which they reside. Some young people who are 16-17 years old may not appear on the Electoral Register so qualification can be confirmed by other means such as confirmation in writing from parent, guardian or school.

##### **Ex Officio Members**

- 6.4** East Ayrshire Councillors, MPs, MSPs and MEPs, whose wards or constituencies fall wholly or partly within the geographical area of the Community Council area shall be ex-officio members of the Community Council.

- 6.5** Ex-officio members shall not be eligible to be elected or co-opted representatives and shall have no entitlement to vote, move motions or amendments or hold office.

### **Associate Members**

- 6.6** Associate members may be appointed by a Community Council where there may be a need for individuals with particular skills or knowledge. Associate members have no entitlement to vote, move motions or amendments or hold office. They may serve for a fixed period as determined by the Community Council or for the term of the office of the Community Council that has appointed them. Associate members may also include for example someone with experience on IT or environmental issues.

## **7. Community Council Elections**

### **Eligibility**

- 7.1** Candidates wishing to stand for election to a Community Council must reside in the local area and be named on the Electoral Register for that area. The same criteria shall apply to voters in a Community Council election.
- 7.2** Sixteen and seventeen year-olds residing in the Community Council area and named on the Electoral Register for that area and subject to the provision of paragraph 6 above, are also entitled to both stand for the Community Council and vote in any election. A supplementary Electoral Register may be compiled in circumstances relative to 16 and 17 year olds and new residents.
- 7.3** Any Community Council member who no longer resides within that Community Council area will have their membership terminated from the date their residency ceases from that Community Council.
- 7.4** Any individual who is elected to serve on East Ayrshire Council, or the Scottish, UK or European Parliament shall be ineligible to remain a Community Councillor, or to stand for election to a Community Council. Such persons, upon taking office, become ex-officio members of the Community Councils contained in whole or part of their electoral constituency.

### **Elections**

- 7.5** The first elections to be held under the scheme shall be held on a date or dates to be determined by East Ayrshire Council's Head of Democratic Services.
- 7.6** Subsequent elections will be held on a four-yearly-cycle, outwith local government election years, on dates to be determined by East Ayrshire Council's Head of Democratic Services. Should Community Councils' election cycle fall in the year of Scottish Local Government or Parliamentary Elections, the electoral proceeding will be held the following year.
- 7.7** All elections will be administered by East Ayrshire Council.
- 7.8** The Chief Executive of East Ayrshire Council or her/ his nominees shall act as Returning Officer for elections administered by East Ayrshire Council and shall be responsible for regulating the conduct of these elections. The decision of the

Returning Officer or her/his nominee on all matters of election and nomination procedures shall be final.

### **Nominations**

- 7.9** Individuals seeking election to a Community Council require to be nominated by a proposer and seconder, both of whom must be on the Electoral Register for that Community Council area. Each elector may propose one nominee and second one nominee. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.
- 7.10** A nomination form should be completed and submitted by the date set down in the election timetable. No nomination forms submitted after that date will be accepted.

### **Process**

- 7.11** At the end of nomination period:
1. Should the number of candidates validly nominated equal or exceed **HALF**, but be less than or equal to the total maximum permitted membership as specified for the Community Council area in Annexation of the Scheme, the said candidates will be declared to be elected and no ballot shall be held.
  2. Should the number of candidates validly nominated exceed the number of available places, a ballot will take place. At the ballot, each voter shall be entitled to vote for candidates up to the number of vacancies on the Community Council, but cast no more than one vote for each candidate. For example, if there are 21 candidate and 14 vacancies, each voter can vote for up to 14 candidates but cast only one vote for each candidate.
  3. Should the number of candidates elected, be below **HALF** of the total maximum permitted membership, as specified for the Community Council area, no Community Council will be established at that time. However, that does not preclude the Local Authority from issuing a second call for nominates for the Community Council area failing to meet the minimum membership requirement within six months of the closing date for the registration of the first call for nominations.

### **Method of Election**

- 7.12** Elections shall be conducted by secret ballot of local electors, organised by East Ayrshire Council, as determined appropriate by East Ayrshire Council's Head of Democratic Services. Community Councils shall be elected on a simple majority basis.

### **Filling of Casual Places/ Vacancies between Elections**

- 7.13** Casual vacancies on a Community Council may arise in the following circumstances:
- Death of an elected Community Council member;
  - When an elected Community Council member submits her/his resignation
  - When an elected Community Council member ceases to be resident within that Community Council area;

- When an elected Community Council member has her/his membership disqualified in accordance with paragraph 9 of this scheme.

**7.14** Should a vacancy or vacancies arise on a Community Council between elections, it shall be a requirement that the Community Council undertake appropriate election arrangements, in consultation with East Ayrshire Council. Filling a vacancy can be undertaken either through the process of an interim election or by co-option. However, should circumstances arise that lead to the number of elected Community Councillors falling below **HALF** of the maximum permitted membership, East Ayrshire Council shall be informed and shall undertake arrangements for an interim election to be held, as described within the Guidance Notes.

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

**7.15** Co-opted members must be eligible for membership of the Community Council as detailed in Section 6 of the Community Council Scheme. They must be elected onto the Community Council by a two-thirds majority of the elected (general and interim) Community Councillors present and voting. Such co-opted members shall have full voting rights, **with the exception of voting on co-option of members**, and will serve until the next round of elections (general and interim). Notice of any proposed co-option procedure is required to be intimated to all of that Community Council's members at least 14 days prior to the meeting when the matter will be decided.

**7.16** The number of co-opted members may not exceed a **THIRD** of the Community Council membership. Should the ratio of co-opted to elected Community Councillors become greater than one third, due to any circumstances, an interim election process shall be triggered.

### **Additional Membership**

#### *Associate Representatives*

**7.17** Associate members may be appointed by a Community Council where there may be a need for individuals with particular skills or knowledge. Associate representatives have no entitlement to vote, move motions or amendments or hold office. They may serve for a fixed period as determined by the Community Council or for the term of office of the Community Council that has appointed them. Associate representatives may also include for example someone with experience in IT, or environmental issues.

#### *Ex-Officio Members*

**7.18** East Ayrshire Councillors, MPs, MSPs, and MEPs whose wards or constituencies fall wholly or partly within the geographical area of the Community Council area shall be deemed ex-officio members of the Community Council. Ex-officio members have no entitlement to vote, move motions, or amendments or hold office.

## **8. Equalities**

**8.1** Recognition should be given to the contribution of everyone participating in the work of the Community Council. Community Council must comply with Equal Opportunities legislation and ensure that equality of opportunity be given to every

participant to have their knowledge, opinion, skill and experience taken into account.

## **9. Disqualification of Membership**

**9.1** Membership of a Community Council is invalidated should a Community Councillor's residency qualification within that Community Council area cease to exist.

**9.2** If any member of a Community Council fails to attend any Community Council meeting, with or without submitting apologies, throughout a period of 6 months, the Community Council may terminate their membership. However, at the discretion of individual Community Councils and at the request of the individual member of the Community Council, a period of leave of absence of up to 3 consecutive months may be granted at any meeting of the Community Council.

## **10. Meetings**

**10.1** The first meeting of a Community Council following a Community Council election, will be called by the Returning Officer or her/his nominee and will take place within 21 days of the date of the election, or as soon as practicable thereafter. The business of that meeting will include adoption of a Constitution and Standing Orders, appointment of office bearers and any outstanding business matters from the outgoing Community Council.

**10.2** The frequency of meetings will be determined by each Community Council, subject to a minimum of one annual general meeting and 6 ordinary meetings being held each year. The annual general meeting shall be held no later than 31 October each year to which the Annual Report and Financial Accounts of the Community Council for the previous year should be submitted.

**10.3** The quorum for Community Council meetings shall be one third of the current voting membership of a Community Council or 3 voting members, whichever is greater.

**10.4** An outline for the content of business that Community Councils should adhere to when holding ordinary special and annual general meetings is contained within the Model Standing Orders.

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

**11.1** In order to facilitate the effective functioning of Community Councils, the local authority has identified that the Administration Manager, Democratic Services to act as a Liaison Officer with Community Councils. Unless there is a specific agreement or an issue is a specific departmental issue, all correspondence between the local authority and the Community Council should, in the first instance, be directed through that official.

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

**11.3** Community Councils shall provide copies of their agendas and minutes within prescribed timescales to East Ayrshire Council's Administration Manager, Democratic Services.

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

**12.1** The financial year of each Community Council shall be provided for in the constitution of each Community Council and shall be from 1 April to 31 March in each succeeding year to allow for the proper submission of audited statement of accounts to the Community Council's Annual General Meeting.

**12.2** The Annual Accounts of each Community Council shall be audited by a person or persons appointed by the Executive Director of Finance and Corporate Support. It shall be the duty of each Community Council to hand over to those person(s) appointed by the Executive Director as requested by him/her to allow the audit to be carried out.

**12.3** The Head of Democratic Services, in consultation with the appointed auditors or the Council's Finance Service, may require the Community Council to produce such records, vouchers and account books, as may be required, to satisfy the Council that the financial affairs of the Community Council are in order.

**12.4** Each Community Council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions.

**12.5** Each Community Council shall be eligible to apply for grants for suitable projects through the Council's local grant system or other such sources as the Council may intimate from time to time.

**12.6** East Ayrshire Council will provide an annual grant towards the administrative and general running costs of Community Council's to allow them to promote their activities, to be paid following satisfactory review of previous grant expenditure. Such funding cannot be used for any political purposes or for supporting any political activities. Guidance notes on expenditure of the annual grant will be provided by the Head of Democratic Services and will be subject to review from time to time.

**12.7** East Ayrshire Council shall determine any additional support services/resourcing, such as: photocopying and distribution of Community Council minutes, agendas and free lets of halls for Community Council meetings, to suit local requirements.

**12.8** East Ayrshire Council shall make available to Community Council an accommodation allowance in the form of up to 15 lets per annum of East Ayrshire Council premises free of charge to enable the Community Council to meet. If a Community Council can demonstrate a need for further lets for Community Council business, the Council may, through the appropriate department, consider an application for further free lets. Community Councils may access Council premises for other purposes, such as social functions, which would be charged at the appropriate rate.

**12.9** The Head of Democratic Services shall facilitate advice and assistance to Community Council and arrange for the establishment of a training programme for Community Councils on the duties and responsibilities of Community Council office bearers, the role of the Community Councils, the functions of East Ayrshire Council and other relevant topics.



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

The terms for dissolution of a Community Council are contained within the Community Councils' Constitution.

If a Community Council fails to hold a meeting for a period of 3 consecutive prescribed meeting dates, or its membership falls below the prescribed minimum for a period of 3 consecutive prescribed meeting dates, during which time the Community Council has taken action to address the situation, East Ayrshire Council may take action to dissolve that Community Council.

East Ayrshire Council  
Council Headquarters  
London Road  
KILMARNOCK KA3 7BU

24 February 2011

First Adopted: 27 March 1997  
Previously Revised: 24 September 1998  
Previously Revised: 25 October 2001

**ANNEXATION**

<u>Names of Community Councils</u>	<u>Description</u>	<u>Population of Area</u>	<u>Maximum No of Members</u>	<u>Minimum No of Members</u>	<u>Maximum No of Co-opted Members</u>
(1)	(2)	(3)	(4)	(5)	(6)
Auchinleck	Auchinleck District	3971	17	9	5
Bellfield Kilmarnock	Bellfield	3972	17	9	5
Bonnyton	Bonnyton/Kilmarnock Central West	3067	16	8	5
Catrine	Catrine District	2209	14	7	4
Crosshouse	Crosshouse District	2558	15	8	5
Cumnock	Cumnock	6843	23	12	7
Dalmellington	Dalmellington District, including Bellsbank, Waterside, Dunaskin	3275	16	8	5
Dalrymple	Dalrymple District, excluding Polnessan	1823	13	7	4
Darvel and District	Darvel District	3921	17	9	5
Drongan, Rankinston & Stair	Drongan, Rankinston & Stair	4135	18	9	6
Dunlop and Lugton	Dunlop & Lugton District	1316	12	6	4
Fenwick	Fenwick District	1257	12	6	4
Galston	Galston District	5149	20	10	6
Gatehead	Gatehead District	262	10	5	3
Grange/Howard Kilmarnock	Grange/Howard	5695	21	11	7
*Hurlford and Crookedholm	Hurlford & Crookedholm District	5393	20	10	6
Kilmaurs	Kilmaurs District	3081	16	8	5
Knockentiber	Knockentiber District	649	11	6	3
Lugar and Logan	Lugar & Logan District	1509	13	7	4
Mauchline	Mauchline District	4427	18	9	6
Moscow and Waterside	Moscow & Waterside District	741	11	6	3
Muirkirk	Muirkirk District	1768	13	7	4
Netherthird & District	Netherthird & Skerrington	2499	14	7	4
New Cumnock	New Cumnock District	3481	16	8	5
New Farm Loch Kilmarnock	New Farm Loch	6661	23	12	7
Newmilns and Greenholm	Newmilns & Greenholm District	3258	16	8	5
Northwest Kilmarnock	Northwest Kilmarnock including Longpark	7510	25	13	8
Ochiltree	Ochiltree District & Skares	1373	12	6	4
Patna	Patna, Doonbank & Polnessan	2402	14	7	4
Piersland/Bentinck Kilmarnock	Piersland/Bentinck	4371	18	9	6
Riccarton Kilmarnock	Riccarton	3443	16	8	5
Shortlees Kilmarnock	Shortlees	3509	17	9	5
Sorn	Sorn District	618	11	6	3
Southcraigs/Dean	Southcraigs, Wardneuk, Beansburn & Dean	6356	22	11	7
Stewarton and District	Stewarton District	7598	25	13	8

Membership of Community Councils in the Scheme is based on the figures extracted from the 2008 small area population estimates issued by the General Register Officer for Scotland. Community Councils or other parties may approach the Council to request that population figures are reviewed, in light of perceived population change. Population statistics will be updated on a regular basis in accordance with the provisions of the Scheme.

Above descriptions are indicative of areas. However, definitive boundaries are provided in maps which are available for inspection at Council Headquarters, London Road, Kilmarnock, or on the Council's website at [www.east-ayrshire.gov.uk](http://www.east-ayrshire.gov.uk).

\* For electoral purposes Hurlford shall have 15 members and Crookedholm shall have 5. Where nominations from one community are under subscribed, the vacancies attributed to that community may be filled by any excess nominations from the other community up to the total available.

**NB: The information featured in this Annexation is subject to change depending upon the outcome of the initial expression of interest received from residents of Crossroads to create a new Community Council for that area.**