



a voice for **your** local area

GOOD PRACTICE GUIDELINES

For Community Councils

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Overview

Introduction

These Good Practice Guidelines have been produced for Community Councils across East Ayrshire to assist them to carry out their role as effectively and successfully as possible. This pack should be used in conjunction with other governing documents which include:

- The Scheme
- Constitution and Standing Orders
- Code of Conduct for Community Councillors.

It is a Community Councillor's responsibility to ensure that they are aware of the rules and guidelines necessary to carry out their role. As a group they have responsibility to ensure that their organisation is operating well, is financially sound and complies with all requirements.

East Ayrshire have also produced the following documents which will assist Community Councillors in their role:

- Induction Pack
- Good Practice Guidelines
- Quick Word About
- Q and A: Community Councils
- Community Council Handy Checklist

This document will continue to be developed and any content suggestions should be discussed with the Federation and Community Council Development Officer.

Federation and Community Council Development Officer
East Ayrshire Council
Civic South
16 John Dickie Street
Kilmarnock
KA1 1HW
Tel: 01563 578123
Email: vibrantcommunities@east-ayrshire.gov.uk

Background to Community Councils

A Community Council is a group of people who give their time to, and have a genuine interest in, the well-being of their community. It is a public representative body and acts as a voice for the local community.

Community Councils were introduced through the Local Government (Scotland) Act 1973 and their purpose is defined as:

“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.”

Community Councils:

- ascertain, co-ordinate and reflect the views of the community which it represents, liaises with other community groups within the area and fairly expresses the diversity of opinions and outlooks of local people;
- expresses the views of the Community to the Local Authority, Public Authorities and other organisations;
- acts in the interests of its community;
- promotes the well-being of the community and fosters community spirit;
- are a means whereby local people shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.

Role of the Community Council

Community Councils can achieve this through a variety of methods including:

- writing letters following a meeting of the Community Council in order to highlight an issue;
- attend meetings with public officials;
- hold a public meeting either at regular intervals or in response to a specific issue, or to find out what are the areas of concern within the community;
- carry out surveys in the area, typically by using questionnaires;
- meet with other community councils or community groups;
- write in response to a draft policy report or consultation document;
- receive and respond to enquiries and problems raised by members of the public;
- send representatives to attend EAC meetings;
- attending an advisory group or regeneration partnership;
- produce a newsletter and distribute it to all homes in the area, or have a website or social media page;
- arrange for public officials or others to attend meetings of the Community Council;
- negotiate Codes of Practice with local authorities

Community Councils meet at least seven times per year to address matters relevant to them and their community. They have a duty to not only represent the views of their community but also to inform the community of the work and decisions they have taken.

In addition to this statutory function, Community Councils can undertake a range of other activities which can enhance their effectiveness for example organising community events or becoming involved in Community Led Action Plans.

Criteria and types of membership

Qualification to become a Community Councillor is by residency within the specific Community Council area. The minimum age to stand is 16. All candidates must be named on the Electoral Register. Associate members may be appointed where there is a need for a particular skill or knowledge. They need not live within the area but are not entitled to vote, make motions or amendments or hold office.

Casual vacancies can be filled by co-opted members who will become full members at the next full election. They can hold office and vote on anything apart from voting on the co-option of members.

East Ayrshire Councillors, MPs, MSPs and MEPs whose wards or constituencies fall wholly or partly within the geographical area of the Community Council area are ex-officio members and are unable to become full or co-opted members and have no voting rights.

Community Councillors are not eligible to be members if they no longer reside within the Community Council boundaries or they become an elected member. The Community Council has the discretion to terminate a Community Councillor's membership in accordance with the Scheme (Section 9 - Disqualification of Membership).

East Ayrshire Council

The first point of call for Community Councils should be the Federation and Community Council Development Officer who is part of the Vibrant Communities team. The role of the Federation and Community Council Development Officer is to assist Community Councillors to ensure that their Community Council operates as successfully and efficiently as possible. The role is not to support individual Community Councils but rather supporting them all to share the good practice which already exists within Community Councils and to look at new ways of working. This will include developing systems to ensure that best practice is shared across Community Councils, providing training sessions, facilitating networking opportunities and encouraging Community Councils to ensure that they are inclusive and fully representative of their areas.

The role of Democratic Services is to run interim and full elections as required by Community Councils.

Information to run Community Councils Effectively

Running Elections

Election Process

Elections are administered by East Ayrshire Council's Democratic Services supported by Vibrant Communities. Elections are held:

- when the Community Council is first set up;
- on a four yearly basis; or
- to fill vacancies when the vacancy is contested or there are no co-opted memberships available.

Initial Election

An Initial Election to set up a Community Council will be undertaken following the submission, in writing, of no less than 20 local electors and will be arranged as soon as is practicable and in no more than 6 weeks from the date of the application.

Ordinary (4-Yearly) Election

Community Councils will normally operate for a period of 4 years, following which an Ordinary Election will take place, **whereby all Community Councillors are required to stand down (but may stand for re-election, if they so wish)**. Ordinary Elections will be held on dates to be determined by the Head of Democratic Services in consultation with individual Community Councils.

Interim Election

An Interim Election is to fill vacancies on a Community Council when a vacancy cannot be filled by co-option. (See flowchart page 8).

An Interim Election will also take place when a Community Council falls below half their maximum membership or ceases to function.

Election Procedure for Initial/ Ordinary / Interim Elections

Initial, Ordinary and Interim Elections will be administered by Democratic Services, with the Chief Executive, or her nominee acting as Returning Officer. In practice the Returning Officer will be an officer from the Administration Section within Democratic Services.

For Ordinary Elections, Democratic Services will contact individual Community Councils at the start of the calendar year within which the Ordinary Election is due to take place, to confirm a date for the Election. In most cases the Election will take place the same evening as, and immediately following, the Community Council's Annual General Meeting, and will be held in the venue normally used by the Community Council for its meetings

At least 21 clear days prior to the Election, Democratic Services will promote the election by placing posters in public notice boards and / or other locations within the area. The notice of election will advise the date, time and venue of the Election and invite submission of nomination papers. Nomination Papers must be submitted to Democratic Services, no later than 5.00pm one week prior to the election, and any proposer and seconder must also reside in the area and be named on the electoral register for the area.

Eligibility

Anyone wishing to stand for election to a Community Council, must be 16 years or older, reside in the local area and be named on the Electoral Register for the area

(separate arrangements apply in relation to the confirmation of the residency and age of those under 18 years of age who may not be included within the Register). The same criteria applies for voters in a Community Council election, and for those proposing or seconding a candidate

Ballot

Should the total number of valid nomination papers received exceed the number of places available (for an Initial and Ordinary Election, the maximum number of places for the Community Council, and for an Interim Election, the number of vacancies), then an election with a ballot of local electors will take place. In this instance, the meeting venue will then become a Polling Place, with the appropriate number of Polling Booths set up. Those members of the community who are eligible to vote are welcome to come and cast their vote for who they wish to represent them on the Community Council. Each voter is entitled to vote for candidates up to the number of vacancies on the Community Council, but cast no more than 1 vote per candidate.

Deemed Elected

Should the total number of valid nomination papers received be less than or equal to the number of places available (for an Initial and Ordinary Election), then there is no requirement for a ballot to take place, and candidates will be appointed to the Community Council on the night of the election.

Co-option

A Community Councillor can be co-opted on to a Community Council where a vacancy arises between elections. Each Community Council has a total number of co-opted places available to them and the total number of co-opted places must not exceed 1/3 of the existing elected Community Council membership. Community Councils should check with the Federation and Community Council Development Officer to ensure that the co-optee is eligible to join the Community Council.

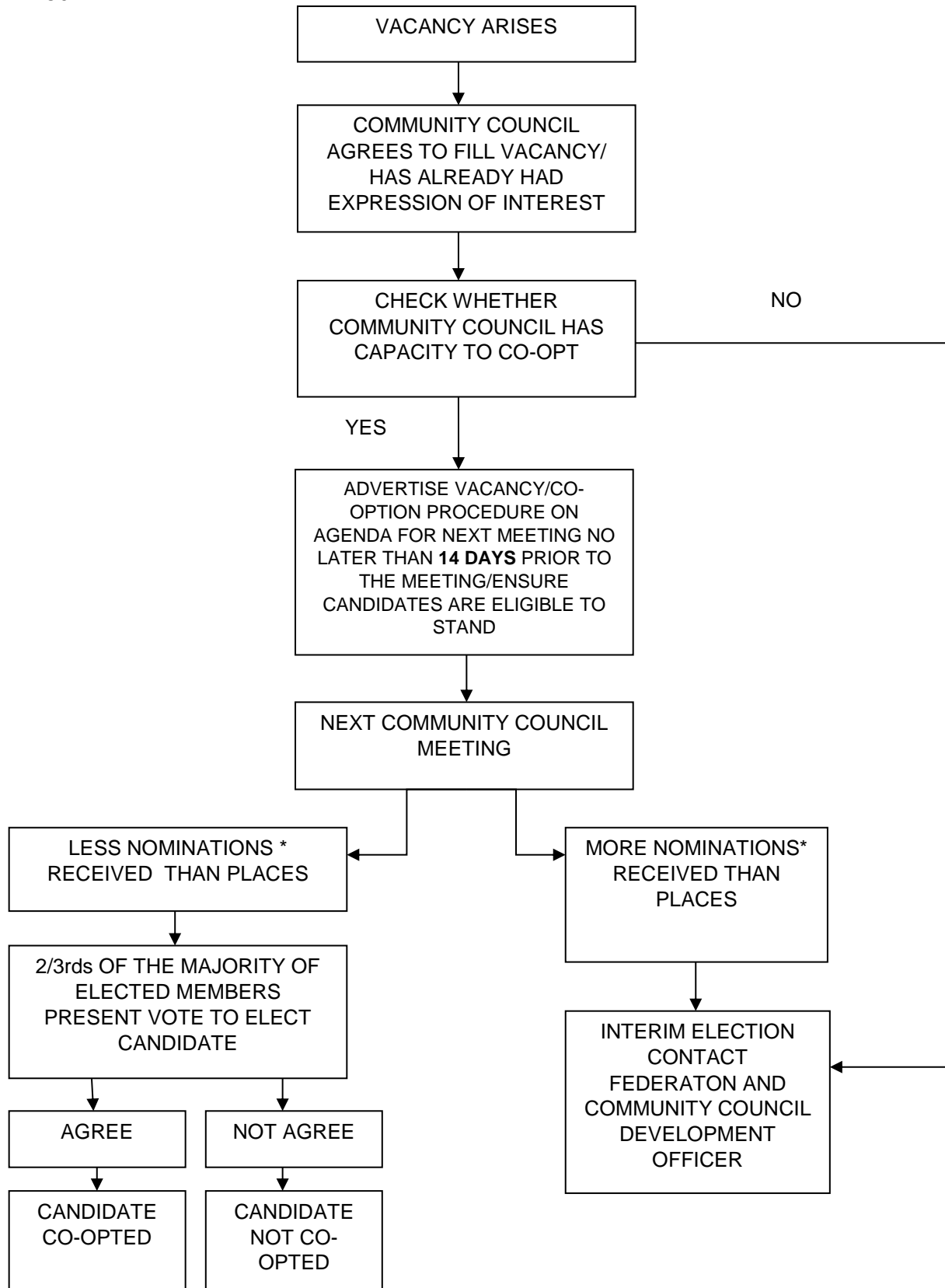
Co-opted members must be elected onto the Community Council by a 2/3rds majority of the elected membership (excluding other co-opted members), and notice of any proposed co-option procedure is required to be intimated to all of the members at least 14 days prior to the meeting when the matter is to be addressed.

AGM

It should be noted that new full members cannot be elected at the Annual General Meeting. Co-opted members may be co-opted at any meeting, not just an AGM as long as the correct procedures are followed.

FILLING OF VACANCIES

A vacancy on a Community Council can be filled by either Co-option or an Interim Election. The following flowchart provides a guide as to how a vacancy should be filled:



Running successful meetings

Meetings Best Practice

Pre Meeting

- Members will be given 21 days' notice of any election.
- The first meeting following the election will take place within 21 days of the election date.
- A minimum of one Annual General Meeting (AGM) and six ordinary meetings will be held each year.
- The AGM will be held no later than 31st October each year.
- Meeting dates, including times and venue, for the year should be set at the AGM. A minimum of 10 days' notice should be given for each meeting.
- Meetings should be at accessible locations, in rooms of an adequate size and at times which do not obviously inconvenience a reasonable proportion of members or members of the public who may wish to attend.
- Templates to assist meeting preparation can be found in the Template Section (Meeting Agenda page 23; Meeting Minutes page 25, suggested room layout page 27)

Meeting

- Quorum for meetings shall be one third of the current voting membership of the Community Council or 3 voting members, whichever is greater.
- Meetings should adhere to the standing orders.
- If possible, Community Councillors should have badges or signs with their name on them to ensure members of the public can identify Community Council Members.
- The Chairperson should be neutral in all debates, and if the Chairperson appointed for the meeting wishes to speak, they must relinquish the Chair for someone who has not previously spoken on the issue under discussion.
- Meetings must be conducted with respect, and the Chairperson shall not refuse to call members because of their point of view. The Chairperson may call for a member to cease speaking or refuse to call them if they believe that the member will be offensive or slanderous in their contribution, but this power must not be abused.
- Every motion and amendment should be moved and seconded.
- Any votes should be properly recorded with abstentions noted, particularly those relating to conflict of interest. Only full members or co-opted members (apart from co-option votes) are allowed to vote. The Chairperson has a casting as well as a deliberative vote.

Post Meeting

- Copies of all minutes should be sent to East Ayrshire Council within 14 days of them being adopted. Agendas for that meeting should be submitted at the same time.
- Post agendas and minutes in public places to inform the community of your work.

AGM Best Practice

Pre Meeting

- Arrange date for AGM and finalise venue. AGM should be held by 31st October each year.
- Notices should be sent out at least 10 days before the meeting.
- Invite any guests or speakers.
- Collate reports to be presented at the meeting eg Chairperson's report, Secretary's report.
- Ensure accounts have been independently examined and are in a format suitable to be presented at the AGM.
- Prepare agenda and copy minutes from previous meeting. Templates to assist meeting preparation can be found in the Template Section (Meeting Agenda page 23; Meeting Minutes page 25)

Meeting

- Quorum for meetings shall be one third of the current voting membership of the Community Council or 3 voting members, whichever is greater;
- Adopt minutes from previous meeting.
- Elect office-bearers.
- It should be noted that new full members cannot be elected at an AGM this can only be carried out at full or interim elections (see page 6 for more details)

Post Meeting

- Copies of all minutes should be sent to East Ayrshire Council within 14 days of them being adopted. Agendas for that meeting should be submitted at the same time.
- Ensure EAC, members of the public and other stakeholders are informed of changes to office bearers.
- The AGM minutes should be presented to the next ordinary meeting of the Community Council following the AGM for the purposes of establishing accuracy, although they remain in draft form until approved at the next following AGM.

Sub Committees Best Practice

Community Councils have the power to set up sub groups or sub committees to carry out specified pieces of work. It is the duty of the full Community Council to determine membership, terms of reference, duties, duration and powers. It is important that all Community Councillors are aware of these decisions.

Community Council should decide:

- number of members for group; what will the quorum be;
- who can be appointed to the group and how will they be identified;
- what the group is set up to do;
- whether it is a decision making group or if decisions should revert back to the main group;
- who can vote, how many votes are required to carry a motion;
- what powers, if any, it will have;
- if there is to be a set chair for the subcommittee eg Treasurer is often the chair of a finance subcommittee;
- if the group will control any finances and if so how they will be accounted for and by whom if the Treasurer is not part of the subcommittee;
- how often the group will meet, is it for a set period of time or open ended;
- how will minutes be recorded, who has responsibility for ensuring minute taking and reporting back to the main group. Will reports to the Community Council be written or verbal?

The Community Council should ensure that:

- All sub committees supply the Community Council with minutes and financial reports within 14 days of each meeting;
- Finances from sub committees are included in end of year finances.
- All finances, including those from sub committees are presented for independent examination by East Ayrshire Council's appointed auditor.

Policies and Procedures

To ensure the ongoing smooth running of the Community Council and to protect Community Councillors it is recommended that all Community Councils adopt appropriate policies and procedures. Each Community Council will have different needs but some suggestions are:

- Equalities and Community Council (an explanation can be found on page 12);
- Data Protection (an explanation can be found on page 14);
- Communication and Social Media Policy (further information can be found on page 17);
- Risk Assessment
- Health and Safety (further information can be found on page 17);

Equalities and Community Councils

The Equality Act 2010 covers:

- Age
- Disability
- Sexual orientation
- Marriage and civil partnership
- Religion and belief
- Pregnancy and maternity
- Sex
- Race
- Gender re-assignment

As the main purpose of a Community Council is to find out the views of their community and clearly express them, Community Councils therefore have both a duty and responsibility to ensure that they represent all within their community irrespective of race, disability, gender, age, sexual orientation, religion and/or belief. Every Community Councillor has the responsibility of ensuring that groups or individuals are not discriminated against. Equality is not about treating everyone the same but ensuring that everyone has the same access to opportunities.

How Community Councils can help promote equalities in their areas?

- Find out about the makeup of the area - how many people of different races, with disabilities or of different genders live in the area.
- Make sure that any advertising is accessible to all, and that meetings take place in accessible buildings at times that suit everyone.
- Try to engage 'hard-to reach' groups - help to do this is available from your Community Council Development Officer or your local Council for Voluntary Service.
- Run local events in partnership with local ethnic groups, disability and other community groups.
- Always consult about how any plans would affect all members of the community.
- Act in an inclusive manner when inviting speakers from ethnic, disability and community groups to discuss difficulties they are experiencing in the community with the Community Council.
- Make it clear that the Community Council will not support any discrimination, harassment or victimisation.

Data Protection

Introduction

The Data Protection Act 1998 governs the use of personal data. It imposes important obligations on any persons or organisations, including Community Councils, which acquire, store, use or deal with personal data either electronically or within certain paper records. Whilst failure to comply with the Act's requirements can have serious legal consequences, Community Councillors should be reassured that most breaches are likely to simply require remedial action to be undertaken and would not be deemed to be criminal offences.

Personal Data and Sensitive Personal Data

- Special rules govern the processing of sensitive personal information;
- "Personal data" means any information by which it is possible to identify a living individual (referred to in the Act as a "data subject"). Information on individuals who have died, or on companies or other corporate bodies, is not personal data;
- "Sensitive personal data" means information regarding such things as an individual's racial or ethnic origin, political or religious beliefs, physical or mental health, sexual life and commission of a criminal offence. Special rules apply to sensitive personal data and Community Councils should seek advice if they hold any sensitive personal data (other than that which is in the public domain such as the political affiliation of local elected members or the denominations of clergy);
- The Act regulates the processing of personal data. "Processing" means acquiring data, storing it, amending or augmenting it, disclosing it to third parties, deleting it – i.e. doing anything with it at all. An individual or organisation which processes personal data is known as the "data controller";
- The Act applies to personal data which is held in any kind of storage system, whether electronic or manual.

The Data Protection Principles

The Act sets out some basic rules regarding processing personal data, known as the Data Protection Principles. These include:

- Data must be processed fairly and lawfully;
- Data must be obtained for one or more specified and lawful purposes, and must not be processed in any manner incompatible with those purposes;
- Data must be adequate, relevant and not excessive;
- Data must be accurate and kept up to date;
- Data must not be kept longer than necessary;
- Data must be processed in accordance with the data subject's rights; and
- Appropriate technical and organisational measures must be taken against the data's unauthorised or unlawful use and their accidental loss, damage or destruction.

Data Protection

The Act gives important rights to data subjects, including the right:

- to be informed that their personal data is being processed by the data controller;
- to be given access to their personal data;
- to require their personal data not to be used for direct marketing purposes; and
- to require the data controller to stop any processing of their personal data which is causing substantial and unwarranted damage or distress.

Contravention of the Act

- A breach of the Data Protection Principles is not a criminal offence in itself although this may change in the near future. Current offences include the unlawful obtaining, disclosing or selling of information, a failure to follow a Notice from the Commissioner and the failure to notify the Commissioner of processing which takes place. These offences are punishable by the payment of a fine.
- Compensation may be payable to any person who suffers damage and distress as a result of a contravention of the Act. Such compensation is awarded by the Court.

The Information Commissioner

The Data Protection Act is regulated and enforced by the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF and applies throughout the UK. The Commissioner has powers under the Act to issue Notices to data controllers, requiring them to provide him with information regarding their compliance with the Act, or to carry out certain steps under the Act; as indicated above, failure to comply with a Notice is a criminal offence. He also has power to carry out investigations, including the power to enter data controllers' premises.

The Commissioner publishes detailed guidance on various aspects of the Act on his website at www.ico.gov.uk. Advice can also be obtained from the ICO's Scottish office in Edinburgh at Scotland@ico.gsi.gov.uk or 0131 301 5071 (The Information Commissioner should not be confused with the Scottish Information Commissioner, who enforces the Freedom of Information (Scotland) Act 2002.)

Notification to the Information Commissioner

All data controllers are obliged by the Act to notify the Information Commissioner of the classes of personal data which they are processing, the purposes for which they are processed and the recipients to which the data may be disclosed. Community Councils only need to notify if personal data are processed electronically. This information is included in the Commissioner's Register of Notifications, which is open to public inspection. Unless within an exempt category, it is a criminal offence to process personal data without first notifying the Commissioner. It is likely that only a few Community Councils will be covered by an exemption.

Complying with the Data Protection Act

Community councils must comply with the Data Protection Act because they process personal data as defined under the Act. For example, it is likely that the Secretary of

Community Councils will hold electronic records of contact details of its members, of some local residents and of elected members or employees of the local authority. These may be within databases, minutes of meetings or in correspondence

In order to comply with the Act, Community Councils should take the following steps:

- Nominate someone (e.g. the Secretary) as the person responsible for data protection;
- If collecting personal data from individuals, you should explain the purpose for which the data is being collected as well as giving them the name of the Community Council and the name of the person nominated as being responsible for data protection;
- Ensure that personal data are properly protected – if data are stored electronically, ensure that they are password-protected and (in sensitive cases) encrypted. If they are stored manually (e.g. a paper filing system), ensure that the files are kept in a secure place;
- Ensure that personal data are never disclosed to any unauthorised third party, whether accidentally or on purpose. Do not discuss personal issues in public or leave papers or computer files unsecured at home;
- Periodically review the personal data that are held, making sure that they remain accurate and up to date - where necessary dispose of or shred data that are no longer needed;
- **VERY IMPORTANT:** notify the Information Commissioner of the personal data which are being processed, the purposes for which they are processed and the recipients to which the data may be disclosed. It is a criminal offence to process personal data without having first notified the Commissioner;
- Before notifying, identify what personal data are held and who the data subjects are; ascertain the purposes for which the data are to be used; identify where and how the data are stored or recorded. This will assist in completing the notification template;
- Notification can be done on-line at the Commissioner's website, by going to www.ico.gov.uk/what_we_cover/data_protection/notification.aspx and then by following the step-by-step directions given there. The website includes standard templates for different types of organisations, including a set of local and central government templates; this includes, in turn, standard template N958 – Scottish Community Council. By clicking on that template, the standard classes and uses of personal data for Community Council are automatically included in the notification. Check the details and modify the form before printing it off, signing and posting to the Commissioner;
- Alternatively, a Community Council may send the required information, as shown below, to - notification@ico.gov.uk, and ask for a template for a Scottish Community Council to be completed. The Information Commissioner's Notification Department will then provide a draft for the Community Council to approve/amend as necessary; and
- Community Councils can also phone the Information Commissioner's Notification Helpline on **01625 545 740** and ask for a draft template for a Scottish Community Council to be completed. The required information (as shown below) should be given over the phone.

The information needed is as follows:

- Community Council name;
- Community Council address;
- Contact name and role in the Community Council (i.e. Chair/Secretary/Treasurer);
- Contact address;
- Contact telephone number;
- Contact fax (if available); and
- Contact e-mail address.

Notification currently costs £35 and must be renewed annually.

Communication and Publicity

The role of the Community Council is to act as the voice for their local area. This involves articulating the views and concerns of local people on a wide range of issues and concerns. Community Councils need to be able to present these views to East Ayrshire Council, other public sector bodies and private agencies. To achieve this, Community Councils need to think carefully about not only how they communicate with different bodies but also how members of the public can share their concerns with the Community Council. The following tips will give Community Councils some ideas on how they can achieve this.

Communication Tips:

- Ensure your message is clear, concise and consistent;
- Ensure you use different methods of communication to reach as many people as possible;
- Be clear about who is responsible for communication, whether it is the same person or different people for different media and how much they can say without referring to the Community Council;
- Be respectful of other people's opinions
- Ensure that members of the public can share their views with you easily.
- If using social media sites ensure you have a policy in place to ensure that members of the public understand how you will deal with offensive / inappropriate posts.
- Where possible use generic email accounts (eg communitycouncil@). Ensure that the account has several administrators to allow continuity if a Community Councillor resigns.

Health and Safety

Community Councils have a responsibility to ensure that they protect themselves and members of the public when undertaking duties relating to their role. Community Councillors are encouraged to ensure that meetings take place in safe and secure environments and any hazards are dealt with appropriately. They should also ensure the members of the public are aware of fire exits and Community Councillors are aware of how to deal with and report accidents or incidents. When putting on events or carrying out projects eg litter picks, Community Councillors should ensure that they have carried out a risk assessment.

Insurance and Liabilities

Community Councillors have responsibility for ensuring that they have adequate insurance cover. In general they should ensure cover is available for all assets, the actions of the Community Council and the Community Councillors. The specific type of insurance required will depend on activities undertaken and levels of risk but may include:

- Public liability;
- Property and / or equipment;
- Events insurance;
- Trustee indemnity insurance.

Community Councils do not have limited liability therefore any assets, including property will be held in the names of the main office bearers (Chairperson, Secretary and Treasurer). This is an added risk to office bearers therefore areas such as the acquisition of property should be considered carefully, not only from the point of view of current office bearers but also those in the future.

Consulting with your Community

You have a responsibility to communicate with all the residents living in your community. You should do this regularly and effectively to be able to claim that you represent their views and needs, and not the personal opinions of Community Councillors. There are two parts to this duty – seeking their views and keeping them informed of your work as their elected representatives.

This is a positive duty. Fulfilling it will immensely improve the service you give to the community. Here are some examples:

- Include main contact details in every piece of paper, email, etc that is issued by your Community Council. Always invite contact and encourage feedback.
- Whenever possible, re-state the ways constituents can contact you. Make this as easy as possible for them.
- Create a website, or get a section on the Local Authority website. List contact details for all Community Councillors, including pictures where possible. Show the date, time and venue of meetings, and the agenda. Include the minutes of all previous meetings.
- Collate a database of e-mail addresses for constituents. Ask for permission to send them e-mail bulletins seeking their views and reporting your actions.
- Display Community Council contact details in all public buildings. Include information on what you do and how you can help.
- Secure space in any local newsletters. Publicise your work, and invite comments.
- Where practicable, get space in all publications sent out by the Local Authority such as Local Authority magazines. You might do this collectively among all your Community Councils. Make sure you collaborate what is said about your Community Council in any publication.
- Invite and encourage the local press to attend meetings. Issue press releases on matters of local interest. Seek training on media relations. Consider appointing a Press Liaison Community Councillor.
- Whenever you have a change of office bearers, ask the Community Council Development Officer to send out a mailing to all contacts, indicating the new office bearers and reinforcing the status, work and approachability of your Community Council. Do the same after every Community Council election.
- Hold surgeries for the community in public venues. These could be community premises, or local supermarkets, libraries and the like. Advertise these well in advance and again closer to the time. Experiment with times, days and venues, and with the format of the surgery. Always have at least two Community Councillors present.
- Create and deploy surveys at least once per year. Ask questions about the Communities perceptions of you, of their community and their quality of life. Ask what you can do to improve the community. Find out what their priorities are. Be sure to include questions on the issues that will be important to your constituents in the future even if the details are not fully known.
- Consider shorter, faster surveys on individual issues of significant local importance. The responses will be very important in helping you demonstrate how you speak for the community.

- Hold public meetings (in the true sense – all meetings of Community Councils are by law open to the public) whenever there is an issue of sufficient local importance. Monitor the attendance in terms of whether it representatively reflects the community – age, gender, area of residence, overall numbers and so on.
- Place suggestion boxes in prominent, busy local venues. Leave pencil and paper for ease of use. Explain these are for citizens to make comments and/or suggestions on how to tackle a local issue or generally better the community. Always respond to comments left when the person gives contact details. Regularly report comments at full Community Council meetings.
- If possible, deliver flyers or leaflets door to door. This is also an excellent way for Community Councillors to get to know their constituents, and vice versa.
- If there is a local community radio station, consider using it to promote the awareness and work of the Community Council. However, do be aware that Community Councils should take a non-political approach on all subject matters.
- Word of mouth and informal personal contact is a common practice, and has its place. It is the least objective method of discovering the community's views and should not be relied upon wholly when the Community Council make important decisions.
- Ensure your authority is giving you the support you need to fulfil your duty.

Remember:

- Always make it easy for the public to contact you.
- Always seek comments and opinions from the Community.
- Always evaluate your effectiveness or otherwise regularly by results.
- Never let the personal opinions of individual Community Councillors replace the views of your Community.
- Always adhere to the principles of the Councillors Code of Conduct.

Representing your Community

Communities want to see how their views are being reflected in the decisions made on their behalf by Community Councils. This can be achieved in a number of ways:

- Minutes of Community Council meetings - minutes should accurately reflect the business at a meeting and the decisions that were reached. This decision should be made on the basis of known community opinion (evidenced where possible) to clearly show to both the local community and other outside bodies, such as the Local Authority, that the community have been listened to and their view(s) accurately reflected.
- Community Council meetings - this is the clearest way for Community Councils to share the known views of the community and to demonstrate to those in attendance that they are being listened to.
- Public (subject specific) meetings - where these reflect areas of local concern it demonstrates to the community that they are being listened to and consulted their concerns are being acknowledged and action taken where appropriate on their behalf

- Attendance at public sector agency meetings - such attendances should be reflected in the minutes to identify where the meetings of the Community Councillors have attended on behalf of their community. Issues/opinions expressed by the Community Councillor should be reported back to the community through the Community Councils minute.
- Newsletters/public notices – these are good means to engage and share information but also to gather local views and identify how local views have shaped the views/work of the Community Council.
- Membership - encourage membership from across the geographical Community Council area reflecting the make-up of the community it represents.
- Communication channels - a Community Council should make sure that it has the communication channels in places to pass on local opinion to decision makers. These are usually established by public sector organisations who are required to consult/engage with the community but such channels may not have been set up between local groups where the representation of local opinion is just as important. Examples of communication media include notice boards, local shops, suggestion boxes and on the internet.
- Consultation - it is important for Community Councils to represent local views through various mechanisms including consultations where possible.
- All information produced should be available as widely as possible and easily accessible. It is also important that the Community Council seeks out the most effective ways to engage with the residents. Members of the public can inform the Community Council of points which they would like to be discussed and make their views known.
- When establishing views, Community Councillors should canvass local opinion but be careful not to be perceived as orchestrating campaigns unless endorsed by the Community. Community Councils are aware that it is often only a vocal minority who make representations. The Community Council should seek to represent the views of the whole Community.

Campaigning On the Issues

How a Community Council might decide which issues it will consider, and how to pursue them:

You will be presented with a large variety of issues and problems. Some will affect a single member of the community, some the entire community and beyond. Your Community Council must try its best to make a balanced decision on what issues it will tackle and how.

- Start by applying the “community benefit” test. Your actions should be directed towards securing the most positive results for the greatest number of local people, so long as the minority does not suffer in the process. When faced with a number of issues, give first and most attention to those that affect the most people and on which you can realistically have a positive effect.
- Begin by gathering information. Decisions made without information, by prejudging the issue or by making assumptions are bad for your community and your reputation. Find out the key points and then find out what local people feel about it.
- Base your Community Council’s position on the views of or benefit to the majority of citizens.

- Be honest and realistic about whether you can do something about the issue. What influence can you have on the issue and those involved? Can you secure professional advice on technical aspects that would help you make your case? Research the person/organisation you want to influence? How can you engage with them to reach the desired outcome for the Community?
- Decide what results you want. Be specific. Know why you want each of these results and exactly how they will meet the conditions above about benefit to the community.
- Figure out how to reach these objectives, and monitor your activity. Assess how you can tell when you have achieved your objectives.
- An issue does not need to have only two opposing sides. Could your Community Council be an independent mediator bringing opposing factions together?
- Avoid allowing the Community Council to become the vehicle for any campaign that is not the evident will of the majority of Community. When that is established, maintain that position, and do not let your Community Council become the venue for constant debate about the issue's merits. Nor should any single issue overwhelm your meetings.
- When you have determined the official position of your Community Council on an issue, you should not alter it unless there is a material change in evidence or circumstances.
- A Community Councillor who becomes publicly associated with a particular position in a way that may be seen to prejudice the Community Council on an issue must declare their interest to the Community Council and not take part in any activity associated with it.
- You may choose to appoint a special Committee to co-ordinate your action on a particular issue with appropriate delegated authority. Make sure the committee has a clear remit and set clear instructions on what it may do or not do without prior approval of the whole Community Council.

Templates

Sample Meeting Agenda – Page 23

Sample AGM Agenda – Page 24

Sample Minutes – Page 25

Room Layout – Page 27

SAMPLE AGENDA

An Agenda does not have to be complicated. It should simply reflect what the Community Council wishes to cover in the meeting.

The Agenda below is an example of how an Agenda could be set out and what it could contain.

XXX COMMUNITY COUNCIL

AGENDA

MEETING OF XXX COMMUNITY COUNCIL TO BE HELD ON XXX AT XXX HOURS IN XXX

B U S I N E S S

- 1. WELCOME, INTRODUCTION AND APOLOGIES**
- 2. MEMBERS OF THE PUBLIC / COMMUNITY INPUT**
- 3. MINUTES OF MEETING OF PREVIOUS MEETING HELD ON XXX**
 - 3.1 MATTERS ARISING**
- 4. REPORTS**
 - 4.1 POLICE**
 - 4.2 LOCAL COUNCILLORS**
 - 4.3 OTHERS**
- 5. TREASURER'S REPORT**
- 6. CORRESPONDENCE**
 - 6.1 FOR ACTION**
 - 6.2 FOR NOTING**
- 7. PLANNING ISSUES**
- 8. ANY OTHER COMPETENT BUSINESS**
- 9. DATE OF NEXT MEETING**

Sample AGM Agenda

XXX COMMUNITY COUNCIL

2015 Annual General Meeting Agenda

AGM OF XXX COMMUNITY COUNCIL TO BE HELD ON XXX AT XXX HOURS IN XXX

B U S I N E S S

- 1. Apologies**
- 2. Adoption of the minutes from XXXX (insert date)**
- 3. Matters Arising**
- 4. Annual Reports (and questions from the floor)**
 - **Chairperson**
 - **Secretary**
 - **Treasurer including submission of balance sheet and independently examined accounts**
 - **Sub Committees**
- 5. Election of Office Bearers***
- 6. Appoint subcommittee members**
- 7. Appointment of representatives to external groups which the Community Council would normally attend**
- 8. AOCB**
- 9. Date of next AGM**

*With regards to the Demit of current office bearers, calls for nominations for new office bearers can be called for by an independent person, in some instances an Elected Member who is present at the meeting, or an officer of EAC if present.

SAMPLE MINUTES

Minutes must be taken of all regular meetings, AGM's and EGM's. You must record the date of the meeting, time and location, those present, apologies received, who was in the Chair, all Elections, appointments, votes, agreed expenditure, topics discussed and agreed actions.

As a permanent record of the Community Council business, they are very important documents for historical purposes.

The format of the Minutes follows closely that detailed for the Agenda with sub-headings corresponding to Agenda items and each topic discussed. Copies of the approved Minutes should be circulated to Members, the Local Authority and to the local community via copies placed prominently in the Community Council area.

Minutes of all meetings must be retained for future reference and passed on to each new Secretary for safe keeping.

The Minute below is an example of how a Minute could be set out and what it could contain.

XXX COMMUNITY COUNCIL MEETING OF XX COMMUNITY COUNCIL ON XX AT XX HOURS IN XX

PRESENT

MEMBERS

XXX – CHAIR, XXX – SECRETARY, XXX – TREASURER, XXX – MEMBER, XXX – MEMBER, XXX – MEMBER, XXX – MEMBER, XXX - MEMBER

APOLOGIES

XXX - MEMBER

IN ATTENDANCE

XXX - LOCAL ELECTED MEMBER

XXX - COMMUNITY POLICE

XXX – Member of the public (or recorded on a separate list)

1. APOLOGIES FOR ABSENCE

2. Members of the Public / Community Input

The following was discussed:

3. MINUTES OF MEETING HELD ON XXX

3.1 Agreed as a true record proposed by XXX and seconded by XXX.

3.2 MATTERS ARISING FROM MINUTE

There were no matters arising from the Minutes.

or

The undernoted items were raised:-

4. REPORTS

4.1 POLICE REPORT

The Police reported as follows:-

4.2 LOCAL COUNCILLORS REPORT

Councillor(s) XXX reported as follows:-

4.3 OTHERS

Report by XXX as follows:-

5. TREASURER'S REPORT

5.1 The Treasurer reported and expenditure was agreed as follows:-

6. CORRESPONDENCE

6.1 FOR ACTION - The following correspondence was circulated and agreed as follows:-

6.2 FOR NOTING - The following correspondence was circulated for information.

7. PLANNING ISSUES

7.1 Planning issues were raised as follows:-

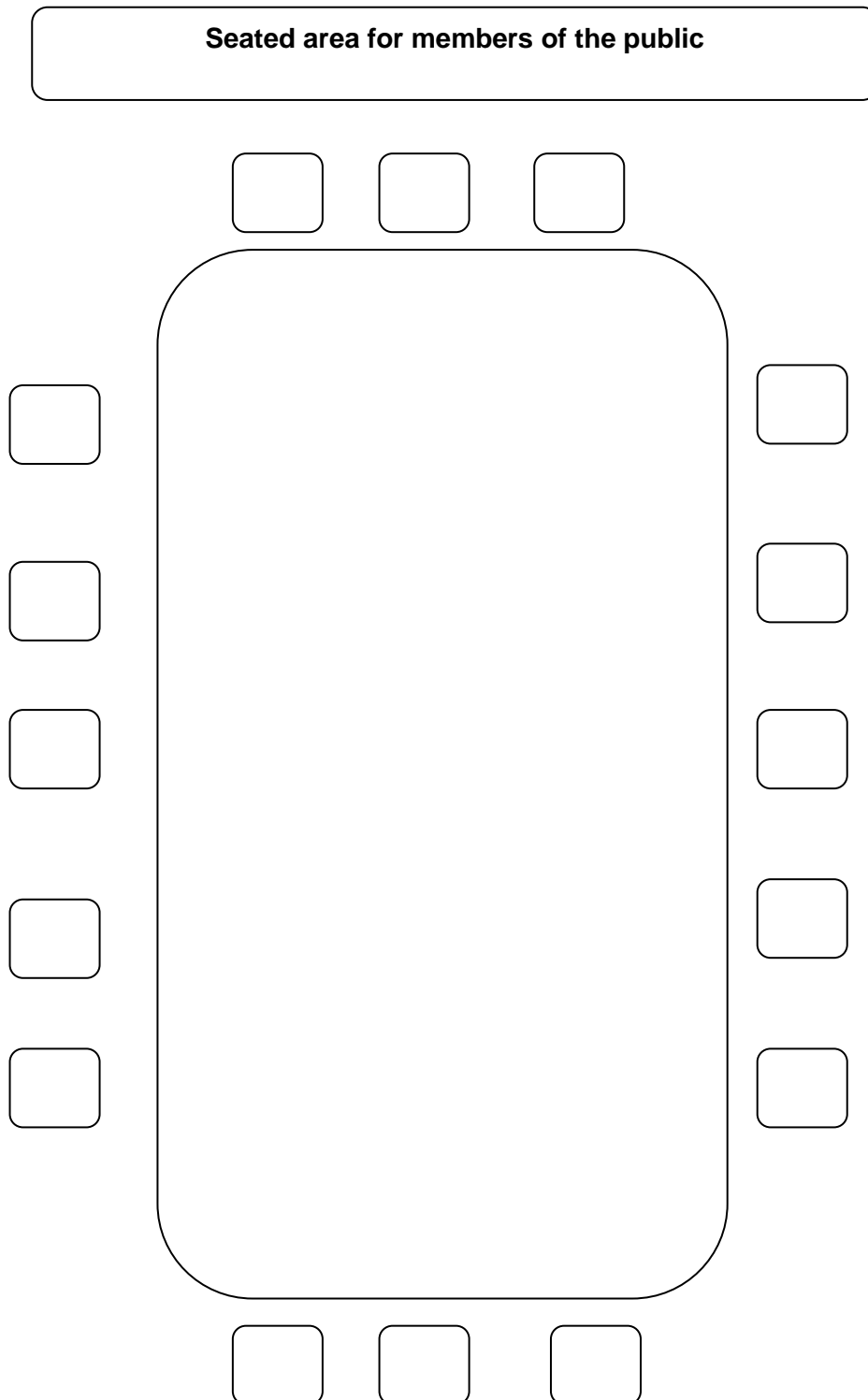
8. ANY OTHER COMPETENT BUSINESS

9. DATE OF NEXT MEETING

MEETING ROOM LAYOUT

Community Council meetings are open to the public and as such provision should be made within a Community Council agenda for “questions from the floor” and also for a public gallery within the meeting venue.

Therefore, Community Council meetings should be set out boardroom style with a separate seated area available for members of the public.



Information for Effective Community Councillors

ROLE OF COMMUNITY COUNCIL MEMBERS

The task of any Community Council is to identify the needs and aspirations of its community and to take decisions that will lead to appropriate action in that community. At some point, this might involve setting priorities on the competing or conflicting needs of different sections of the community.

As a Community Council Member, you need to represent the views of your community, or your section of the community. In practice, this involves discussing issues with people in the community to clarify their views and measuring the strength of their feelings on different topics.

You should take a pro-active approach. Encourage people to bring issues to you so that you can take them up at Community Council meetings. Try to check out the facts, however, and if there are two sides to the story, make sure that both of them are put forward. There is little point in taking up time at meetings to discuss problems that are based simply on misunderstandings or misrepresentations of the facts.

At some point, you may find some conflict between your personal views and interests and those of the community that you represent. If such a situation does arise, the views of the community take precedence. Experience shows that if the views of individuals on the Community Council are allowed to take precedence then the community will very quickly lose confidence in the Community Council and its work may be devalued.

Competition and conflict are normal, healthy aspects of any vibrant community, so you shouldn't think of them as something that can be altogether avoided. What is important is that you approach competition or conflict in a fair and reasonable manner. This means taking a balanced view of your community's needs and aspirations and giving a fair hearing to representatives from different interest groups in your community. In particular, you should try to avoid being influenced by prejudice, whether in the sphere of race, religion, gender or any other of the labels which get attached to people.

Tasks For Community Councillors	
Ongoing	<ul style="list-style-type: none"> • Ensure that the Community Council operates effectively both in terms of legal requirements and responsibilities being carried out in a timeous manner, this is not just a task for the Office Bearers. • Ensure that you understand and are committed to the constitution and other governing documents of the organisation • Ensure that the organisation is accountable as required to for example: <ul style="list-style-type: none"> ○ East Ayrshire Council. ○ The non-statutory auditors.

	<ul style="list-style-type: none"> ○ Grant Funders or donors. ○ HMRC etc. ● Ensure that the organisation manages its finances and other resources prudently and efficiently and is able to account for all income, expenditure, investments etc. at any time and is financially stable. ● Ensure that you understand the Community Council's financial affairs and that they are kept in order. ● Ensure that all the assets of the organisation are well managed and maximised where possible. ● Take responsibility for strategic planning, and for ensuring policy formulation, goal setting, monitoring and evaluation performance and service delivery takes place. ● Assist with seeking opportunities for fund raising and sponsorship. ● Ensure that new activities and projects are developed in keeping with the views of the community. ● Promote the organisation where possible. ● Adhere to the Code of Conduct. ● Attend meetings on a regular basis and read all the papers, contribute to the discussions and make decisions ● Contribute to sub committees and advisory groups where appropriate. ● Ensure that actions assigned and minuted at Community Council or sub committee meetings are undertaken within agreed time scales. If unable to carry out these tasks, contact either the Secretary or the Chairperson ASAP. ● Keep informed on issues which affect the organisation and promote the organisation externally. ● Assist with obtaining and representing the views, concerns, queries and suggestions of the community and ensure their consideration in the formulation of all Community Council strategy and policy. ● Contribute to all publications and reports as practical and/or necessary. ● Act at all times in the best interests of the Community Council and its members and safeguard the good name and values of the Community Council. ● Participate in tasks as required over and above Community Council meetings. ● To declare any conflicts of interest as soon as they are known. ● Participate in training events which are relevant to the role.
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Monthly Tasks	<p>Pre Meeting:</p> <ul style="list-style-type: none"> • Prepare for the meeting, ensuring that any agenda items are submitted to the Secretary timeously and all papers are read. <p>During Meeting:</p> <ul style="list-style-type: none"> • Help to ensure the meeting is productive by, for example, keeping contributions focussed; listening and being respectful of others opinions. • Take part in discussions and decision making. • Assist all committee members to be involved. • Offer information and suggestions. • Provide clarification. • Accept other relevant responsibilities eg sub committees, preparing newsletter etc. <p>Post Meeting:</p> <ul style="list-style-type: none"> • Carry out any delegated tasks.
Annual	<ul style="list-style-type: none"> • Ensure that all licences and insurances are in place. • Ensure all necessary policies and procedures are in place.
4 Yearly Tasks	Work with Democratic Services and other office bearers to ensure the 4 Yearly Elections run smoothly.
Skills of a Good Community Council Member	<ul style="list-style-type: none"> • Written and/or verbal communication skills. • Understanding of issues faced by the local Community

ROLE OF THE CHAIRPERSON AND VICE-CHAIRPERSON

The Chairperson

The Chairperson has the most important role to play in making sure that Community Council meetings run smoothly. But even a good Chairperson will find the task exhausting unless the role is respected by all members of Community Councils.

The Chairperson is elected in line with the rules set out in the Community Council's Constitution. Your Secretary should be able to provide you with a copy. The Constitution is very important because it provides the framework of procedures that govern the work of your Community Council.

The Chairperson's job is to make sure that decisions are taken on all of the items which are on the Agenda. This usually means that they have to make judgements about how much time to allocate to each Agenda item. It also means that he or she may occasionally have to bring speakers back to the Agenda and encourage people to make their contributions brief and to the point.

In regular meetings, all speakers will be expected to address their comments to the Chairperson. This helps the Chairperson to keep control of the discussion. In Committee meetings where proceedings do not need to be so formal, the Chairperson may be happy simply to steer the general direction of the discussion.

Decision Making and Voting

- Before discussions start ensure that any conflicts of interests are dealt with according to guidelines.
- Look for areas of agreement.
- Test to see if there is agreement.
- Decide when to vote.
- Conduct the vote.
- Make sure decisions are taken and agreed.
- Make sure that the responsibility for action is allocated and recorded.

Rules

It is important to recognise that the Chairperson's role extends outwith the meeting itself. He or she may be called upon to act on behalf of the Community Council between meetings, or to represent the Community Council in dealing with outside bodies.

Perhaps most importantly of all, the Chairperson is expected to know the rules by which the Community Council operates, and make sure that at all stages of its work it is operating in line with any formal procedures. In this context, the Chair can be called upon to act as an arbiter when there is a disagreement about how the rules should be interpreted.

The Vice-Chairperson has no specific duties other than standing in for the Chairperson when he or she is unable to be present. Often, this year's Vice-Chairperson is next year's Chairperson in waiting.

Tasks for a Chairperson

Ongoing

- Ensure that the Community Council operates effectively both in terms of legal requirements and responsibilities being carried out in a timeous manner.
- Lead the Community Council, ensuring that members are inducted, take part in appropriate training, are aware of their roles and responsibilities and ensure that the Committee operates as a team.
- Organise meetings in conjunction with the secretary ensuring that they are called in line with your rules.
- Ensure all sub committees commissioned by the Community Council have clearly defined, understood and agreed Terms of Reference.
- Take an active part in resolving conflict within the Committee bearing in mind the best interests of the organisation and its beneficiaries.
- Ensure that all actions agreed to are carried out.
- Represent the Community Council at external meetings or delegate this responsibility to other Community Council Members.

Monthly Tasks

Pre Meeting:

- Meet with Vice Chair, Treasurer and Secretary before meetings to set agenda and confirm financial report. Allocate approximate times to each agenda item to ensure that the meeting doesn't run over time but also each item can be fully discussed.

During Meeting:

- Perform introductions and welcome, ensuring that members of the public understand when and how they can participate.

	<ul style="list-style-type: none"> • Introduce all agenda items and ensure that they run to time. • Be familiar with all agenda items. • Remain neutral. • Ensure that all Community Council members are involved in discussions and the decision making process don't allow the same people to dominate. • Help the group to take responsibility for what it wants to accomplish. • Be prepared to rule on points of order. • Aim for consensus during the meeting, votes should be organised according to your rules and the casting vote should be used as sparingly as possible. Best practice is for the casting vote to be for the status quo. • Ensure that the Community Council is reflecting the views of the wider community. • Help to clarify goals. • Have an overview of the task/goals of the meeting. • Ensure that Community Councillors adhere to the Code of Conduct. • Stay in control. <p>Post Meeting</p> <ul style="list-style-type: none"> • Ensure that all action points agreed on at the last meeting have been achieved.
Annual	<ul style="list-style-type: none"> • Organise AGM in conjunction with the secretary. • Prepare an annual report and give chairman's report at the AGM on the past year's work and any initiatives, goals etc for the next year. • Chair AGM.
4 Yearly Tasks	Work with Democratic Services and other office bearers to ensure the 4 Yearly Elections run smoothly.
Skills of the Chairperson	<ul style="list-style-type: none"> • An understanding of the aims and objectives of the Community Council.

	<ul style="list-style-type: none">• Ability to lead and manage meetings.• Speaks clearly and succinctly;• Is sensitive to the feelings of members and ensures that members treat each other with respect.• Is impartial and objective.• Has good time-keeping skills, ensuring that meetings start and finish on time.• Ability to delegate duties.• Ability to ensure that decisions are taken, recorded and carried out.• Has local knowledge including groups operating in the area, the views of residents and an understanding of how East Ayrshire Council operates.
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ROLE OF THE SECRETARY

To be successful, a Community Council must have an energetic and conscientious Secretary prepared to put in the necessary time and effort. It is more than desirable for all Members, but especially the Chair, to spread the Secretary's workload by, for instance, delegating some of his or her responsibilities to others, either individually or to small Sub-Committees. It is bad policy to overload your Secretary - you might find difficulty getting volunteers! The duties may be allocated to more than one person, for instance, having someone to act as Minute Secretary - taking Minutes at meetings.

It is essential that the Secretary has access to word-processing and photocopying facilities.

Tasks For the Secretary	
Ongoing	<ul style="list-style-type: none"> • Ensure that the Community Council operates effectively both in terms of legal requirements and responsibilities being carried out in a timeous manner. • Organise meetings in conjunction with the Chairperson ensuring that they are called in line with your rules. • Act as the first point of contact for those seeking information about the Community Council, want to share information with the wider community or want to share their views with the Community Council. Be the main point of contact for East Ayrshire Council. In some cases, the Secretary will also deal with the press, TV and radio. However, this role can be the responsibility of the Chairperson or a specially appointed Media Liaison Officer. Deal promptly with all outgoing and incoming correspondence and keep copies. • Keep all Community Council records accurate and up to date. • Take advice from other sources including legal and financial advice where this is necessary and where the committee does not have the required expertise. • Ensure that any delegated responsibilities eg minute taking, correspondence, newsletters etc are carried out timeously and effectively. • Signatory for all the Community Council financial expenditure.

	<ul style="list-style-type: none"> • Keep contact lists for committee members, members of the community and volunteers interested in the work of the CC, and lists of individuals and organisations which may be useful to the committee. • Keep an organised file of minutes and reports – ideally both hard and soft copies. This should also include any publications or printed documents the committee has produced (e.g. flyers, leaflets, brochures). • Keep a record of the CCs projects and activities, and write up short summaries of them if possible. This will be useful to look back on. It could also be beneficial to report these to members, the press and the public. • Ensure that new members receive and sign for Induction Pack and Good Practice Guidance. • Make it easy for others to take over by keeping clear records.
<p>Monthly Tasks</p>	<p>Pre Meeting:</p> <ul style="list-style-type: none"> • Meet with Vice Chair, Treasurer and Secretary before meetings to set agenda and confirm financial report. Allocate approximate times to each agenda item to ensure that the meeting doesn't run over time but also each item can be fully discussed. • Ask members if they have any agenda items to be included. • Ensure members receive all papers before each meeting. • Book the venue. • Look after invited visitors and guest speakers. <p>During Meeting:</p> <ul style="list-style-type: none"> • Ensure the meeting is quorate. • Take minutes. <p>Post Meeting:</p> <ul style="list-style-type: none"> • Ensure minutes are written up and any correspondence arising from the meeting is dealt with. • Ensure that minutes are sent to Vibrant Communities within the set timescales.

Annual	<ul style="list-style-type: none"> • Organise AGM in conjunction with the Chairperson. • Prepare a report for the AGM. • Set the dates for meetings for the next year.
4 Yearly Tasks	Work with Democratic Services and other office bearers to ensure the 4 Yearly Elections run smoothly.
Skills of a Good Secretary	<ul style="list-style-type: none"> • An understanding of the aims and objectives of the Community Council. • Management skills. • Administrative skills. • Well organised and conscientious with a good eye for detail. • Have tact and discretion. • Communication skills. • Be able to maintain confidentiality. • Be able to react to opportunities and make decisions. • Ability to record meetings accurately and concisely.

ROLE OF THE TREASURER

While the Treasurer has responsibility to record financial transactions, the Community Council as a group has responsibility to ensure that income and expenditure conforms to the rules and regulations of the Community Council. A written financial report should be provided at each monthly meeting and the Treasurer should be happy to answer any questions which may arise.

Tasks For the Treasurer	
Ongoing	<ul style="list-style-type: none"> • Ensure that the Community Council operates effectively both in terms of legal requirements and responsibilities being carried out in a timeous manner. • Implement and adhere to a financial protocol. • Maintain accurate and up-to-date financial records for the Community Council • Signatory for all the Community Council financial expenditure. • Issue all cheques and make payments on behalf of the Community Council in a timely manner. • Where possible do not pay bills using cash and never use money waiting to be paid in to pay for bills or expenses. • Ensure that all payments have been agreed by the Community Council, has been minuted and is fully recorded in the accounts. • Ensure all cash is banked as quickly as possible. • Prepare and issue receipts for monies received. • Deal with financial related correspondence. • Do not allow anyone to “borrow” money to be repaid at a later day. All expenditure must be covered by appropriate invoices / receipts. • If any tasks are delegated ensure that they are completed eg responsibility for sub group financial reporting; • Manage debtors. • Ensure that reserved and unreserved funds are properly accounted for. • Make it easy for others to take over by keeping clear records.
Monthly Tasks	<p>Pre Meeting:</p> <ul style="list-style-type: none"> • Prepare a financial report outlining income and expenditure, ensuring that reserves and unreserved funds are clearly accounted for. This should also include any sub committees appointed by the Community Council • Meet with Vice Chair, Treasurer and Secretary before meetings to set agenda and confirm financial report.

	<p>Allocate approximate times to each agenda item to ensure that the meeting doesn't run over time but also each item can be fully discussed.</p> <p>During Meeting:</p> <ul style="list-style-type: none"> • Report financial position to the Community Council by way of monthly Income and Expenditure accounts. • Advise the Community Council of financial constraints, obligations and opportunities at the regular Community Council meetings. • In conjunction with other Community Councillors ensure that funds are spent appropriately. <p>Post Meeting:</p> <ul style="list-style-type: none"> • Deal with any expenses claims or other financial requests arising from the meeting.
Annual	<ul style="list-style-type: none"> • Establish and maintain Community Council bank/building society account(s) and banking arrangements and ensure that they are still fit for purpose. • If telephone banking or online banking is used ensure that the same safeguards are in place that you would have on any other bank account. • Produce and monitor the annual budget including sub group budgets. • Ensure all Community Council insurance commitments are understood and acted upon. • Prepare end of year financial report for AGM including sub groups. • The standard wording for the Treasurer's Certificate is: <i>"I certify that the above accounts have been prepared by me and accurately reflect the financial provisions relating to the period"</i> • Prepare required information for the auditors and East Ayrshire Council including sub group information. • Confirm cheque signatories and ensure that they still meet the criteria laid down in Community Council rules.
4 Yearly Tasks	<p>Work with Democratic Services and other office bearers to ensure the 4 Yearly Elections run smoothly.</p>
Skills of a Good Treasurer	<ul style="list-style-type: none"> • An understanding of the aims and objectives of the Community Council. • Methodical and reliable. • Ability to communicate effectively. • Maintain confidentiality. • Be numerate – capable of handling figures and cash • An understanding of a balance sheet and Income and Expenditure account.

	<ul style="list-style-type: none">• Have experience of handling finances, financial control and of budgeting.• Be able to explain financial matters to non-financial people when asked.• Ability to use spreadsheets and/or alternative presentation tools.
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Conflict of Interest

Community Councillors should be mindful of their role as statutory consultees when meeting organisations or applicants such as Wind Farm Developers, Housing Developers or individual applicants as this could preclude the Community Council from undertaking its statutory function. It must be remembered that planning application decisions may be overturned by East Ayrshire Council if irregularities are discovered. Community Councillors should also remember that they are elected to represent the views of their community and not their own views or those of any other groups they may sit on. If you are appointed to sit on another group by the Community Council you must be aware of your responsibilities to the Community Council when taking decisions on behalf of your other group.

What is a Conflict of Interest?

There are many different types of Conflict of Interest, these are only a few examples:

For individual Community Councillors

- A direct business or contractual link to a planning application.
- A nomination or appointment to another group, sub group or trust that requires a decision by the Community Council.
- A community group, which has members on the Community Council, stands to benefit from a decision taken by the Community Council.
- A family member or friend works for an organisation which the Community Council is considering buying services from.

For the Community Council

- When the Community Council has accepted gifts or donations from those who will be applying for planning permission or a licence.
- When the Community Council accepts hospitality or room space from a company or business.
- When the Community Council agrees to distribute community funds on behalf of an external organisation.

When should Conflicts of Interest be declared?

Conflicts of Interest should always be declared to ensure that all actions of the Community Council remain open and transparent. The important thing to remember is whether other people may think that your interest could influence a decision. Conflicts of interests should be recorded in the minutes.

How can Community Councils handle Conflicts of Interest?

- Keep a register of interests for all Community Councillors detailing both financial and non-financial interests.
- Ensure all conflicts of interest are declared before the matter is discussed.
- Decide whether the Councillor involved may stay in the room to listen to the discussion; take part in the discussion or must leave the room.
- Note in the minutes the Conflict of Interest, whether it affects the Community Council as a whole or a named individual and whether those involved left the room during the discussion, remained but did not take part in the discussion or vote and / or took part in the discussion.

- If it is a Conflict of Interest affecting the Community Council ensure that it is properly documented. If funds are involved ensure that satisfactory systems are in place to safeguard Community Councillors and to keep the transactions open and transparent.

Information for Effective Financial Management

Financial responsibility rests with all Community Councillors and not just the Treasurer. While the Treasurer has responsibility for providing financial statements to each monthly meeting, Community Councillors must ensure that funds are being properly accounted for. Any sub group must have arrangements to record financial transactions which should be presented at each monthly meeting of the full Community Council.

Bank Accounts

The Community Council should open a bank account with a minimum of three authorised signatories, these will usually be the office bearers. However, the signatories should not be co-habitees. Procedures should be put in place to reflect these safeguards if the Community Council chooses to bank online. It is preferable to have one bank account with clear accounting procedures rather than utilising several bank accounts.

All Community Council expenditure must be agreed and recorded at meetings. Proof of expenditure must be retained and recorded on a monthly basis. A written financial report must be presented to each Community Council meeting. Sub groups with financial responsibilities should also follow this procedure. Templates are available to support Treasurers carry out their tasks. (See page 108). Treasurers should also compile a register of assets annually.

End of Year Accounts

The Community Council financial year runs from 1st April to 31st March each year. The financial accounts should be submitted to members at each AGM. The East Ayrshire Council Scheme states that EAC will arrange for Community Council accounts to be independently examined by external Auditors. Prior to the end of the financial year the Finance Department will issue guidance on the information to be provided to EAC's appointed Auditor. As well as the financial information, Community Councils are required to provide minutes from all meetings which took place during this financial year. Information from sub committees should be included in minutes of full Community Council meetings and all financial transactions carried out by the subcommittee should also be provided to the Auditor.

Annual Allowance

Under the Scheme for Community Councils, East Ayrshire Council provides an annual administrative allowance to each Community Council. This can be spent on areas such as stationery; subsistence and travel expenses; telephone costs, postage; office equipment; Wreath for Remembrance Day; subscriptions and affiliation fees; insurance costs, Data Protection costs. Further details are available on the Annual Allowance Expenditure Form. The Annual Allowance can also be used to raise awareness of the Community Council for example advertising; publishing newsletters; websites etc. Each Community Council will be sent an Expenditure Summary Document annually. When this is completed and returned to East Ayrshire Council it will be reviewed and payment released. If funds from the previous year have not been spent, the full amount may not be disbursed.

Community Council may also apply for other grants to carry out addition work in their community or fundraise to support specific projects. It is important that any funds are

utilised for the purpose that they were applied for and that all income is properly accounted for in the monthly and annual accounts.

Governance Arrangements

Accounting Policy Bulletin 27B (APB27B) is the financial framework produced by East Ayrshire Councils Finance Department and is produced for groups/organisations that are in receipt of support, financial or otherwise, from East Ayrshire Council.

Community Councils receive both financial and in-kind support from East Ayrshire Council in terms of the Annual Administrative Allowance and also the availability of 15 free lets per year to East Ayrshire Council premises. As a result of this, and in terms of best practice, Community Council Treasurers should:

- Report regularly the Community Councils financial position
- Ensure that all accounts and financial statements are prepared for inspection

Monthly Reporting

A monthly income and expenditure sheet should be submitted to the community council meetings for consideration, questions, approval and for further decision making. It will also allow for the ability to track where money is coming from and going to enable the Community Council to make decisions.

The monthly income and expenditure sheet must be fully reported and recorded in the minutes.

An example of a monthly income and expenditure report is attached.

Sub-Groups

Some Community Councils may operate a sub-group for a specific purpose, such as a Gala Day or newsletter. Where the sub-group has no separate constitution but has separate accounts, in terms of governance, regular reports must be submitted to the Community Council meeting for reporting and recording.

Also, any separate accounts must also be submitted to the external accountant for scrutiny.

As well as submitting regular financial reports of sub-groups, minutes from sub-group meetings must also be submitted for reporting and recording.

Additional advice can be found in the External Funding: Notes of Guidance for External Bodies in the Appendices (page 116).

Honorarium

An **honorarium** is an *ex gratia* payment (i.e., a payment made without the giver recognizing themselves as having any liability or legal obligation) made to a person for their services in a volunteer capacity or for services for which fees are not traditionally required.

Some Community Councils have traditionally paid honoraria to office-bearers, however this practice is not encouraged by HMRC. If a payment is non-recurring and unexpected then it is possible that it will not be taxable, however it is difficult to demonstrate that this is the case if a payment is made annually to office bearers. The honoraria currently being paid out by Community Councils, therefore, are likely to be taxable. HMRC considers these payments as taxable and the onus is on the recipient to prove otherwise, which can be difficult.

If honoraria payments are made the Community Council should have a clear policy covering:

- The circumstances under which payment will be made;
- Who is eligible to receive payment;
- Who is authorised to make a payment, decisions should be made by the whole Community Council and not the office bearers on their own;
- How much will be paid – a maximum amount should be stated which can be paid out as honoraria. This should not be the majority of the Administrative Allowance;
- A register of payments made should be created to record the following:
 - the reason for payment;
 - the date authorised;
 - the financial year the payment relates to;
 - whom the payment is made to;
 - why the payment was made;
 - when the payment was accepted;
 - whether the recipient has informed HMRC;
 - any other relevant information;
 - it should be signed by two members of the Community Council, one of whom should be the Chairperson unless they are the recipient)
 - no-one should sign their own payment.

Records must be kept for five years and all decisions must be recorded in the Community Council minutes.

In order not to be taxable, honoraria payments should be:

- Non-recurring
- Not expected
- With no precedent

HONORARIUM AWARD FORM

Financial period claim relates to:

Name & Position:

REASON FOR HONORARIUM

ANY OTHER RELEVANT INFORMATION

Authorised at Community Council meeting held on:

.....

Signature of recipient

Date

Please note it is the responsibility of the recipient to contact HMRC

Authorised by:

Signed: Date:

Position held

Signed: Date:

Position held

Expenses

East Ayrshire Council would recommend that Community Councillors should not be out of pocket while carrying out agreed tasks on behalf of the Community Council. As an alternative to honoraria, Community Councils should consider paying expenses. These costs may be travelling expenses to meetings to represent the Community Council or buying stationery or equipment for example. Community Councils should have a policy on expenses and ensure that all members are familiar with it. A template expenses claim form is shown below.

All expenses should be authorised by two Community Councillors, normally the Chairperson and the Treasurer, unless they are the recipients.

Template

Anytown Community Council
Volunteer Expense Claim

NAME:	POSITION:
--------------	------------------

DATE	DESCRIPTION OF EXPENSE	TRAVEL			SUBSISTANCE	OTHER	RECEIPT Attached	
		Car Mileage + Allowance	Public Transport Total Fare(s)	Sub Total	Agreed Allowance	Actual Costs	Yes	No
dd/mm/yy <i>(example)</i>	(For travel state start/finish points and times. Other expenses describe in full. Receipts should be attached for ALL expenses being claimed) Travel to training 9.30-12.30 Kilmarnock to Cumnock(Return) - <i>(example)</i>	33 @ 40p <i>(example)</i>	Nil <i>(example)</i>	£13.20 <i>(example)</i>	Nil <i>(example)</i>		✓ <i>(example)</i>	

							Sub Totals	
							Total	

I, claimant, certify that all expenses claimed above have been necessarily incurred and accurately recorded by me on the business of Anytown Community Council.

Claimant Name (Print) _____ Signature _____ Date _____

I authorise the above payment:

Name (Print) _____ Signature _____ Date _____

Position Held (Print) _____

Received by (Print) _____ Signature _____ Date _____

Community Council Handy Checklist

“Do’s”

- Do remember that your Federation and Community Councils Liaison Officer (F&CCDO) is there to help and support you
- Conduct and minute all meetings in accordance with the Community Council’s Standing Orders, ensuring that all conflicts of interest are declared and properly dealt with. Submit minutes and reports to the Council promptly.
- Ensure that Authorised Signatory arrangements are in place, and have been approved by a meeting of the Community Council. Two signatories are required to authorise expenditure. Family members and cohabitees should not be on the same signatory list.
- Ensure that the activities of all sub-groups are visible within the accounts of the Community Council.
- EAC should be advised if a sub group intends becoming a separate legal entity.
- Ensure that all amounts in the accounts are shown gross and not netted off, so that all income and expenditure is stated at the full amount.
- Ensure that finance reports are presented to the Community Council at every meeting. These should include a recent bank balance reconciliation which has been reviewed by an office bearer other than the Treasurer who prepared it. This review should include verifying the bank balance shown in the reconciliation to the bank statement, and the cash book balance shown in the reconciliation to the cash book. Templates are available to aid Treasurers.
- Ensure that year-end returns provided to the auditors include complete information and are submitted timeously to allow the preparation of the annual accounts
- Ensure that the number of bank accounts in use is minimised, that all bank accounts are included in the finance reports, and that bank accounts no longer in use are closed and balances transferred. Obtain statements for all bank accounts at the year-end date and provide them with year-end documentation.
- Ensure there are receipts to support all payments, and that the source of all income is properly documented

“Don’ts”

- Don’t use cash income as a source of petty cash – bank everything intact as soon as possible after receipt and use cheques wherever possible for expenses – a separate petty cash float (of up to £50) can be operated on an imprest basis, if needed
- Don’t have a bank account which only one person can access or accept a bank account which comes with a card which one person can use on their own
- Never pre-sign blank cheques
- Don’t let office bearers use the bank accounts for personal purchases.

Templates (see appendices)	Page
• Income and Expenditure Summary	109
• Income Sheet	110
• Expenditure Form	111
• Petty Cash Book	112
• Bank Reconciliation	114

Useful Information

Planning

What is planning?

Planning is a statutory function of East Ayrshire Council. There are three parts to the planning process:

- Development Planning
- Development Management
- Enforcement

The planning system is used to make decisions about the future development and use of land in our towns, cities and countryside. It considers where development should happen, where it should not and how development affects its surroundings. The system balances different interests to make sure that land is used and developed in a way that creates high quality, sustainable places.

Part of East Ayrshire Council's role is to look at development opportunities and to ensure that developers are attracted to work within the Authority. This investment both financial and in terms of employment opportunities has to be balanced by the impact it may have on the environment and those already living, working or using that area.

Each Local Authority in Scotland is required to prepare a local development plan which provides a vision for growth and development over the longer term. The aim of the plan is to provide a level of certainty to both communities and developers about where future development can take place and identify any restrictions or infrastructure requirements. A development plan also aims to balance what may be competing demands from local communities and developers. In preparing their local development plans, Councils are required to take into account the National Planning Framework which is the Scottish Government's strategy for Scotland's long term spatial development. The East Ayrshire Local Development Plan will also reflect the aims set out in the Council's Community Plan with particular emphasis on the Action Plan relating to 'Delivering Community Regeneration'.

The Scottish Government recommends that plans are evidenced based and that Main Issue Reports (MIR) are produced. The MIR is the first stage in a local development plan process and provides Community Councils with an opportunity to consult on the plans for their area. An MIR should concentrate on:

- key changes that have occurred since the previous plan;
- An Authority's big ideas for future development.

The report should identify a preferred option and reasonable alternatives and be informed by a sound evidence base.

A Local Development Plan can cover a wide range of topics including:

- housing;
- the natural and built environment;
- energy;
- infrastructure;
- retail;
- business and industry.

It is important that Community Councils familiarise themselves with these plans as they are used to inform decisions taken for planning applications.

Communities play an important role in the development plan process. The successful operation of the planning system will only be achieved if those involved, including planning authorities, agencies and consultees, communities, representative organisations, public bodies, the Government and the general public, commit themselves to engaging as constructively as possible in the process. Community Councils will be consulted on the development of future Local Development Plans which are reviewed on a five year rolling programme.

East Ayrshire Council Development Plan Framework

Existing Development Plan

Currently, East Ayrshire Council's strategic plan called the Ayrshire Joint Structure Plan covers the whole of Ayrshire and will operate until August 2016. The structure plan can be found on the Ayrshire Joint Planning Steering Group website (<http://www.ayrshire-jsu.gov.uk/structureplan.html>).

The joint structure plan is supported by the adopted East Ayrshire Local Plan 2010 which is structured in three sections:

- Introduction & Strategic Approach (Part 1) - an introduction to the Local Plan Alteration and sets out the overall strategy on a topic by topic basis.
- Strategic and General Development Management Policies (Part 2) - strategic and general policies used by the Council to promote new development throughout East Ayrshire
- Settlement & Rural Area Development Opportunities (Part 3) - Part 3 incorporates a series of Local Plan maps and details various development opportunity sites

The final document is the Opencast Coal Subject Plan 2003 which looks specifically at coal.

These documents can all be found in the planning section of the Council's website. (<http://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/Development-plans/LocalAndStatutoryDevelopmentPlans/LocalPlan2010.aspx>)

Proposed Development Plan

The emerging East Ayrshire Local Development Plan and the Minerals Local Development Plan will, once adopted, replace the Ayrshire Joint Structure Plan, East Ayrshire Local Plan 2010 and the Opencast Coal Subject Plan 2003.

East Ayrshire Proposed Local Development Plan (EAPLDP)

The EAPLDP consists of two volumes:

- Volume 1 contains the strategy, placemaking and policy
- Volume 2 consists of all Local Development Plan settlement maps

The EAPLDP is accompanied by:

- A draft Action Programme which supports the delivery of the Plan by setting out the actions and partnerships that are necessary to implement the strategy and proposals of the plan.
- An Environmental Report which provides an assessment of the likely environmental impacts of all aspects of the EAPLDP sets out which particular sites, policies or strategies that are likely to have significant environmental impacts and provides mitigation measures for these where appropriate.
- An Equalities Impact Assessment of the EAPLDP has also been carried out and a summary of this is available.

The EAPLDP and Environmental Report cover all planning policy matters with the exception of coal and mineral extraction which will be the subject of a future separate Minerals Local Development Plan.

Supplementary Guidance has also been published for consultation. These provide further detail on how EALDP policies will be implemented and will eventually become a formal part of the adopted EALDP. These are:

- Planning for Wind Energy
- Affordable Housing
- Financial Guarantees

These documents can be found on the EAC website at:

<http://www.eastayrshire.gov.uk/PlanningAndTheEnvironment/Developmentplans/LocalAndStatutoryDevelopmentPlans/EALDP-Proposed-Plan.aspx>

All of the above documents are available to view at all Council libraries and hard copies of the Proposed Plan and Environmental Report have been deposited at the following Council Offices:

- Johnnie Walker Bond, 15 Strand Street Kilmarnock
- Cumnock Area Office, Rothesay House, 1 Greenholm Road, Cumnock

The following background information documents supporting the EAPLDP are also available:

- Summary of responses made to the Main Issues Report
- Local Housing Strategy
- Draft Housing Land Audit 2013
- Business and Industrial Review, Ryden Consultants
- Sensitive Landscape Area Background Paper
- Kilmarnock Integrated Urban Development Plan

The Council is currently assessing and formulating responses to the representations to the Proposed Plan. These will be presented to elected members for approval in September 2015. Once approved, all unresolved representations will be grouped into issues and passed to Scottish Ministers who will appoint an independent Reporter to carry out an Examination. Local Development Plan Examinations can last up to 6 months and when complete, the Reporter will make recommendations on

any changes that require to be made to the plan. Once these changes have been made, the proposed plan is advertised once again and then the Council will proceed to adopt the Plan. It is anticipated that the Proposed Plan covering all issues with the exception of opencast coal and mineral extraction will be adopted by the Council in August 2016.

Minerals Local Development Plan (MLDP)

The MLDP will involve the publication of a Main Issues Report (MIR) on opencast coal and minerals. Those sections of the East Ayrshire LDP MIR relating to opencast coal and minerals published in November 2012 will be superseded by the new MIR due for publication in February 2016. The Minerals MIR will focus on the key areas of change relating to opencast coal and minerals and will take full account of the outcome of all work undertaken over the past 18 months by the Council and others in relation to opencast coal issues. A significant amount of environmental baseline information will require to be collected as part of its preparation. A Monitoring statement will also be published alongside the MIR. Taking into account representations received on the MIR, the Council will then prepare and publish the minerals proposed plan in March 2017. This will give the Council's settled view regarding opencast coal and minerals.

The Planning Process

Planning permission is required for the erection of most buildings and for any material changes of use for buildings or the use of land.

Since 1996 Community Councils have had a statutory right to be consulted on local planning issues. However, since the introduction of the Planning etc (Scotland) Act 2006 those seeking planning permission for national or major developments have a duty to consult with communities before submitting their planning applications (pre-application consultation). This often falls to Community Councils. It is important that Community Councils get involved in any events or activities at this stage as non-participation may be interpreted as support for the project.

The objective of pre-application consultation is for communities to be better informed about major and national development proposals and to have an opportunity to contribute their views before a formal planning application is submitted to the planning authority. Its aim is to improve the quality of planning applications, mitigate negative impacts where possible, address misunderstandings, and air and deal with any community issues that can be tackled. The proposals, if adjusted, should benefit from that engagement and assist the efficient consideration of applications once submitted.

Where such consultation is required, the prospective applicant must provide to the planning authority a 'proposal of application notice' at least 12 weeks before submitting an application for planning permission. A copy of this notice must be sent to relevant community councils. That notice must include certain basic information about the proposal and also what the applicant is intended to do to consult with the community.

The council has 21 days to respond if it considers that it wants to see additional notification and consultation beyond the minimum set out in law. The minimum set down is to consult relevant community councils and hold at least one public event

which is advertised in the local press. The advert will give people information about the consultation and must give at least 7 days' notice of the event. The advert should also include an opportunity to make comments in writing to the prospective applicant.

The prospective applicant is under no obligation to take onboard community views, or directly reflect them in any subsequent application. It is important for Community Councils to follow their interest in a proposal through to the planning application stage, which provides the statutory opportunity for Community Councils to make representations on proposals before the planning authority.

When the developer brings forward the application, then they must prepare a report as to what has been done during the pre-application phase to comply with the statutory requirements for PAC and any requirements set out in the planning authority's response to the proposal of application notice.

The purpose of the PAC report is to demonstrate what the prospective applicant has done to comply with statutory minimum requirements on PAC and any further requirements set by the authority in their response to the proposal of application notice.

Consultation on design/design and access statements

While there is no legal requirement to consult on the contents of a design or design and access statement, where any consultation has taken place, the developer must record it in the statement and set out what account has been taken of it.

Planning and Community Councils

East Ayrshire Council has a statutory obligation to consult with Community Councils regarding planning applications where a Community Council has requested formal consultation. To facilitate this a weekly list of planning applications is published on the Council's web-site: (<http://tinyurl.com/qqlj2z8>)

The list contains basic information regarding the applicant, agent, site address, and a brief description of the proposed development. Community Councils have seven days to request a formal consultation on an application. A fourteen day consultation period commences on the date the Planning Section issues a copy of the application to the Community Council

Community Councils tend to limit their attention to proposals which raise issues of genuine community interest. Householder applications will rarely involve issues of this kind. It is not recommended that Community Councils involve themselves in neighbour disputes.

Due to the statutory time constraints the Council has to deal with, Community Councils have a limited time to consider and comment on an application. It is recommended that a sub-committee be formed with fewer Community Councillors to allow for a quick response. The terms of reference and delegated powers of the sub-committee must be clearly laid down and recorded in the Community Council's Constitution or minutes of the meeting at which this was agreed. It is the responsibility of the sub-committee to ensure that all its decisions and actions are

subsequently reported to and approved by the full Community Council. Alternatively the Community Council could appoint an individual to review planning applications and inform the others when an application requires consideration. Community Councils may request hard copies of planning applications to facilitate their consultation.

How to make comments on a planning application

Anyone (individuals, groups or organisations) can make comments or objections on any planning application either to support an application or to object to it. These comments for or against a proposal are referred to as “representations”. However, the law sets out that Community Councils are statutory consultees in two scenarios:

- where the Community Council, within 7 days of receiving the weekly list containing information about an application, informs the planning authority that it wishes to be consulted;
- where the development is likely to affect the amenity of the Community Council’s area.

Councils must give Community Councils at least 14 days to consider the application before they determine the application.

Format

East Ayrshire Council will not consider verbal comments; any representations must be in writing. Email, letter and petition are all acceptable. The planning department are happy to accept bullet points rather than long, formal letters. It should be noted that this is not the forum to ask questions about proposed developments.

Letters

Representations should be signed, dated and have an address for an acknowledgement to be sent to. They should clearly state the grounds on which the representation is made. Pre-printed or standard copied letters of representation will be accepted for consideration, if they are individually addressed, signed and dated. These details are required so that East Ayrshire Council can send you, or the persons making representations, individual letters of acknowledgement that it has received the representation.

You should note that any comments you make will **not** be kept confidential: anyone will be able to see your letter of representation. Anonymous letters of representation will not be considered.

Letters may not be accepted if they are anonymous or do not clearly have the name and address of the correspondent.

Petitions

Petitions for or against a proposal may be submitted. These should be accepted and considered if:

- Each page of the petition is headed with the objective of the petition;
- Signatories provide their name and addresses in a legible fashion; and
- The name and address of the petition organiser is included, so that the Planning Authority, i.e. the Council, can send a letter of acknowledgement that it has received the petition.

Email

The Council will usually accept email representations on proposals. As with other objections, the grounds of representation must be included. You should also give your name and address. This is required so that the Council can see any physical relationship between your property and the application site.

E-mail representation will generally be acknowledged via email only. As with other representations, these will **not** be kept confidential.

Letters, petitions or emails containing any material deemed to be racist or offensive will not be considered. The writer will be advised of the concerns and asked to amend their correspondence or it will be disregarded. The material may be passed to the police to determine whether any further action should be taken

Deadlines for Making Representations

Under planning legislation, there are certain timescales within which a planning authority cannot make a decision on a planning application. These are either **14** or **21** days from the date of notification to neighbours or the advertisement in a local paper, depending on the particular circumstances of the proposal. As Councils are under considerable pressure to deal with applications within the statutory period - usually two months (or four months when applications are classed as major) it is very important that you should make any representations as soon as possible.

Representations which contain material considerations may be accepted any time before an application is decided on. Representations received after an application has been decided will not be taken into account by a Council. If a Community Council feels that it cannot respond within the timescales it may be possible to receive an extension. They should contact the Case Officer with the request and a date when they will submit their response. A decision can then be taken on whether an extension is possible.

What “Material Conditions” may influence the Local Authority’s consideration of the application?

Decisions on planning applications must be made in accordance with the development plan unless material considerations would indicate otherwise. What is, or isn’t a material consideration and the weight it should be given is a matter for each application. If you want to object, your objection is not considered material if it isn’t made for legitimate planning reasons. The Council may agree that applications where non-material objections have been submitted should not be required to be reported to Committee for decision.

Types of issues which **are** material considerations include:

- Contrary to the Development Plan.
- Suitability of the site for the proposed development (e.g. contamination or flooding issues).
- Appearance (design, materials, scale etc) particularly in relation to the surrounding environment.
- Traffic, parking and access problems.
- Residential amenity (noise, overshadowing, overlooking, developing too much garden space).

- Effect on Listed Buildings and Conservation Areas.

Types of issues which **are not** material considerations include:

- Loss of a private view over someone else's property.
- Loss of the value of property.
- Breaches of feu restrictions or other such burdens on the title of the property.
- Possible fire hazard.
- Competition amongst shopkeepers.
- Moral considerations e.g. to betting shops or on religious grounds e.g. trading on religious days.
- Matters covered by other legislation e.g. Building Standards (structural stability etc) where there is no overlap in legislation.

Please note that these lists are illustrative and not exhaustive.

Non-material objections shouldn't influence the Council's decision on the application, so it's important that Community Councils only consider bringing forward representations that are focussed on planning issues.

A further explanation of material considerations and a list of what matters may be considered as material is set out in Annex A to Circular 4/2009; Development Management Procedures [HTTP://WWW.SCOTLAND.GOV.UK/TOPICS/BUILT-ENVIRONMENT/PLANNING/PUBLICATIONS/CIRCULARS](http://www.scotland.gov.uk/topics/built-environment/planning/publications/circulars).

The following is a list of common objections which may be regarded as competent by Councils depending on the circumstances of the case.

Competent Objections to New Commercial Properties

- It is a valid objection that there are too many in a particular area. For example, restaurants: too many already (list them)
- Ventilation shafts and flues are noisy and distribute smells over a wide area.
- Anti-social aspects: commercial rubbish collection and deliveries from 5.30am to 7.30am, noise of bottles, customers on street when close at up to 3.30am, licensed premises (any objections to those)
- Additional traffic introduced into residential area.
- Deliveries in congested areas, or residential streets.

Any other reasons you may have can always be listed but some may not be considered if they are not **material planning concerns**. Other complaints about tenant behaviour, property management, etc may be conveyed to relevant Local Authority Department and ask for any telephone complaint to be recorded.

How Your Representations Are Handled

If you make representations to the Council in accordance with the above guidance, you should receive an acknowledgement (unless the application has already been decided). The Council will take your comments into account if they are material considerations.

Your representation may be copied to the local Councillors whose Ward includes the application site. It will also be summarised in the report of handling by the planning

officer dealing with the application and the original text of your representation may be available at Committee so that the members of the Committee can examine it, if they wish to.

It is for the planning authority to decide what relative weight is to be given to competing material considerations and in turn how these may influence a decision which should otherwise be made in line with the development plan for the area. In practice this means that the planning application can either be granted by the Case Officer and a manager or be referred to the Planning Committee. Currently a Community Council objection does not provide sufficient weighting to trigger referral to the Planning Committee. However if the Community Council submission contains 11 signatures then this will result in a referral to the Committee.

Councils receive a great number of applications every year and planning officers may not necessarily be able to enter into correspondence with objectors about a proposal prior to its assessment, nor necessarily about the way a decision was reached after an application has been determined. However, once the Council has decided the application, you will be notified of their decision in writing and where a copy of the decision notice can be inspected.

The way an application has been assessed is documented in any Committee report prepared. The Planning Section of East Ayrshire Council's website contains information on decisions taken (<http://tinyurl.com/ks7p59g>).

How to Get Help in Making Representations

There are various ways you can get help in understanding the planning process and making your views known about an application. For general advice on the planning process, you should contact:

Planning & Building Standards

Telephone: 01563 576790

Email: submittoPlanning@east-ayrshire.gov.uk

If you want further details on a particular application, a copy of the plans will be available on the Planning Register for inspection at the Local Council's Planning Department or on their web site.

For free advice on planning matters, you might also wish to consider contacting Planning Aid Scotland (0845 603 7602). This organisation is staffed by planners, but is independent of East Ayrshire Council. Planning Aid has a website at www.planningaidscotland.org.uk.

Planning Aid Scotland also provides information sheets on the following:

- The Development Plan – describes how future land uses for the area are decided, planning policies and how to get involved in the preparation of Local Development Plans.
- Development Management – covers how to apply for planning permission, how applications are determined and how to comment on applications.
- Material Considerations – what are, and are not, relevant matters in commenting on planning applications.
- Planning Appeals and Local Reviews – how planning applications can be challenged.
- Enforcement – How the Planning system can deal with unauthorized development.

- Listed Buildings and Conservation Areas –how planning protects our built heritage.
- Rights and Challenges in the Scottish Planning System – A basic guide to the avenues available to anyone who does not agree with a planning decision.
- Planning and Transport –how transport-related matters impact on the planning system
- Glossary of Common Planning Terms in Scotland

Other useful information

The Planning Department also has responsibility for compiling Minerals, Waste and onshore Wind site monitoring reports. To support this work they facilitate two groups, Technical Working Groups and Community Liaison Committees. The Technical Working Groups have representatives from organisations such as SEPA, Scottish National Heritage and RSPB. The Community Liaison Committee contains representatives from Community Councils, local residents or organisations who may be affected by the site e.g. angling clubs.

Community Benefit Funds

What is a Community Benefit Fund?

Companies often make charitable investments in the communities they work in. These are called Community Benefit Funds and are often linked to large housing or leisure developments, but have recently been more obviously linked to renewable energy developments.

Who benefits?

Community Benefit arrangements vary in their beneficiaries, but the funds are normally available to groups within a particular geographic area. The decisions around area covered is normally made by the developer but can sometimes include possible beneficiary communities and the local council. Within the set geographic area, the funding is normally available to community groups whose applications is seen to be of community benefit.

How are these funds administered?

Administration can be handled in a variety of ways.

- Charitable Trust set up by community reps.
- Local authority – as presently happens with the renewable energy fund within East Ayrshire.
- National bodies such as Foundations Scotland can administer funds on behalf of and in conjunction with local communities. These bodies will charge for the administration.

Is Community Benefit the same as Planning Gain?

Planning gain is normally the inclusion of a project of benefit to a local community in a planning application. An example of this might be the inclusion of affordable or social housing within a housing development. This would be considered as part of any planning application and would then be a requirement of the planning. Possible community benefit funds cannot be considered as part of any planning application and are generally not obligatory.

East Ayrshire Council Policy

At present, East Ayrshire Council are in the process of reviewing the community benefit policy to reflect changes from the Scottish Government.

Benefits and drawbacks of Community Benefit Funds for community councils

<u>Benefit</u>	<u>Drawback</u>
money available for community projects	administration of funds – time, effort, expertise, clear process
local people having a say in how money spent	governance required – most C.C's would need to change
clear process for disbursing money	community council's role in planning could be questioned
	responsibility for funds

Licensing Matters

East Ayrshire Licensing Board grants the following under the Licensing (Scotland) Act 2005:

- premises licenses;
- Provisional Premises Licence
- Temporary Premises Licence
- Variations to Premises Licence
- Transfer of Premises Licence
- personal licenses;
- occasional licenses;
- extended hours applications.

The Licensing Board grant the following under the Gambling Act 2005

- premises licence application (Bingo, Adult Gaming Centre, Family Entertainment Centre and Betting Office)
- family entertainment centre gaming machine permit;
- alcohol licensed premises gaming machine permit;
- club gaming and club machine permit;
- registration and continuation of non-commercial societies to run lotteries.

East Ayrshire Licensing Board will contact Community Councils about any new applications or major variations to premises licences. Major variations are any increases to the license eg extended opening times, an increase in display area or added entertainment. Community Councils would not be routinely contacted about a minor variation (any reduction). Community Councils will also be contacted about any public procession, march or parade taking place in the area, this being covered in terms of the Civic Government (Scotland) Act 1982.

When taking decisions about licenses the Board will take into consideration the five statutory licensing objectives:

1. preventing crime and disorder – applicants may wish to consider how they will prevent issues such as
 - eg underage drinking
 - drunkenness on premises
 - dealing, possession and / or use of illegal drugs
 - anti-social behaviour
 - litter
2. securing public safety - applicants may wish to consider
 - hours of opening
 - capacity of the premises
 - customer profile
3. preventing public nuisance - applicants may wish to consider
 - opening hours
 - type of activities
 - availability of public transport

4. protecting and improving public health – applicants will be expected to
 - support alcohol awareness campaigns
 - ensure that there are policies and procedures in place to prevent the excessive intake of alcohol
5. protecting children from harm

Community Councils may object to license applications:

- on any ground relevant to one of the grounds of refusal specified in section 23(5), or
- make representation to the Board concerning the application, including, in particular, representations:
 - (i) in support of the application
 - (ii) as to modifications which the person considers should be made to the operating plan accompanying the application, or
 - (iii) as to conditions which the person considers should be imposed.

Grounds for refusal of an application, contained in section 23(5):

- the premises are excluded premises eg a garage - delete
- the application is not consistent with the licensing objectives; - delete
- the premises would be unsuitable for the sale of alcohol taking regard of
 - The proposed activities;
 - The location, character and condition of the premises;
 - The people likely to frequent the premises;
- there would be an over provision in the area either due to the size of the proposed premises or to the number of similar premises in the area.

Any objection made by Community Councils should be based on the five statutory Licensing Objectives.

Research suggests that a personal appearance in front of the Licensing Board may be more effective than letter writing alone. Representations to the Licensing Board may be:

- in support of the application;
- to outline modifications which the person considers should be made to the operating plan accompanying the application;
- concerning conditions which the person considers should be imposed.

Community Councils should bear in mind that as well as supporting or objecting to an application they may also request that certain conditions be imposed.

Objections will lead to a hearing of the Licensing Board. The Board consists of ten Councillors. On receipt of a notice of objection or representation, the Board must give a copy of the notice to the applicant and will consider the objection or representation in determining the application.

A Licensing Board may reject a notice of objection or representation if the Board considers it to be frivolous or vexatious. Where the Board rejects such a notice, they may recover from the person who gave the notice any expenses incurred by them in considering the notice.

Community Councillors can also request a license review if they feel that a license is being breached.

Community Councils are advised to send a representative to Licensing Board meetings to speak to their representation on licence applications and are encouraged to keep themselves informed on licensing matters and up-to-date on applications for occasional licences via the Council's website.

Where a community council submits written representations on an application, the Licensing Section will send notice of the outcome within 7 days of a decision and, if requested, a statement of reasons within 14 days of that request.

East Ayrshire Local Licensing Forum

To comply with the Licensing (Scotland) Act 2005, East Ayrshire Council has set up a Licensing Forum. Its role is to keep under review the Act and to give advice and make recommendations to the Licensing Board in relation to those matters the Forum considers appropriate. Although the Forum is independent from the Licensing Board, they share the common goal of having the local community's best interests at the heart of decision-making.

The forum has space for up to 21 members representing of the key interest areas which are:

- holders of premises and personal licenses;
- The Chief Constable
- persons having functions relating to health, education or social work;
- young people;
- People resident in the Forum's area.

Community Councils may also apply to join the Forum. For further information please contact:

Jennifer Morrison
Administrative Officer
Democratic Services
Governance
01563 576139
jennifer.morrison@east-ayrshire.gov.uk

Useful Links

East Ayrshire Council Details of Applications to be considered - <http://www.east-ayrshire.gov.uk/Resources/PDF/L/Licensing-Advert-LicensingBoardMeetings.pdf>.

East Ayrshire's Licensing Policy Statement - <http://www.east-ayrshire.gov.uk/Resources/PDF/Draft-Statement-of-Policy-2013-16.pdf>

Notice of Objection Form - <http://www.east-ayrshire.gov.uk/Resources/PDF/L/Licensing-NoticeofObjection.pdf>

Licensing (Scotland) Act 2005 - <http://www.legislation.gov.uk/asp/2005/16/contents>

Alcohol etc (Scotland Act 2010 - <http://www.legislation.gov.uk/asp/2010/18/contents/enacted>

Alcohol Focus Scotland – Information on the Licencing Process - <http://www.alcohol-focus-scotland.org.uk/media/59965/Licensing-process-whos-involved.pdf>

Alcohol Focus Scotland – Comparison of Licensing Policy Statements Across Scotland - <http://www.alcohol-focus-scotland.org.uk/media/85184/Review-of-statements-of-licensing-policy-FINAL.pdf>

Obtaining Licenses

In addition to their statutory duties some Community Councils may choose to develop projects, provide activities or organise events. In some cases they may need to apply to East Ayrshire Council for a license to allow them to deliver these safely and legally. This is not an exhaustive list and groups should always seek advice if they are not sure about the legal requirements.

Types of Licenses

LOTTERIES

Small society lotteries are those promoted on behalf of a society that is established and conducted:

- For charitable purposes;
- For the purpose of enabling participation in, or supporting of, sport, athletics or a cultural activity or;
- For any other non-commercial purpose other than that of private gain.

A lottery is defined as a type of gambling which has three parts to it:

- payment is required to participate
- one or more prizes are awarded
- those prizes are awarded by chance.

A group which is based within East Ayrshire must be registered with the Licensing Section of the Council for the duration of the lottery. Licenses are granted on an annual basis. Returns outlining lotteries held must be returned to the Unit annually. The total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of the tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values then they will be classed as a large lottery operator, and must be licensed with the Gambling Commission. The Registration fee is £40 and the annual retention fee is £20. Further information on lotteries can be found on the Gambling Commission website - www.gamblingcommission.gov.uk.

Reasons for this type of license:

- fundraising events where tickets are sold;

This type of license may not be required for:

- a raffle held at an event (if the raffle is drawn on the same evening);
- private society lotteries which are only open to group members or held for those on society premises;

PERFORMING RIGHTS LICENCES

Premises require this licence if musical performances take place i.e. live music by performers in person at concerts, recitals and other events; background music by radio; television; tape, record, disc players; jukeboxes;

There are two organisations who provide licenses:

1. Performing Rights Society (PRS for Music)

This is a society of songwriters, composers and music publishers. They license the use of members' musical compositions and lyrics when they are played in public, broadcast on radio or TV, used on the internet or copied onto physical products such as CDs or DVDs.

Further information can be found on their website (<http://www.prsformusic.com/Pages/default.aspx>) or by phoning 020 7580 5544

2. Phonographic Performance Limited (PPL)

PPL licenses the use of recorded music where played in public, broadcast on radio or TV, or used on the internet, on behalf of record companies and performers.

In most instances of recorded music being played in public, a music license is required from both organisations. PPL collects and distributes license fees for the use of recorded music on behalf of record companies and performers, while PRS for Music collects and distributes for the use of musical compositions and lyrics on behalf of songwriters, composers and publishers. In some cases they can offer a discount to not for profit organisations.

Further information can be found on their website (<http://www.ppluk.com/>) or by phoning **020 7534 1000**

Groups who own or rent their own premises may need these licenses if they provide any of the following:

- Music events
- Disco or karaoke
- Film or video shows
- Aerobics, keep fit or dance classes

PREMISES

The premises licence is a single form of licence for premises which sell alcohol. Each premise will require to have a named Premises Manager, whose details will be given in the premises licence. The named premises manager must be a personal licence holder. A named premises manager cannot be the premises manager for more than one premise at a time. Each premise can have more than one personal licence holder should they wish, but only one can be designated as the premises manager.

The named premises manager will be responsible for the day to day running of the premises, responsible for the training and supervising of the staff and ensuring the premises are run in accordance with the requirements of the licence. It is therefore important to have one responsible person who will require to be knowledgeable of the law and experienced in the supervision and training of staff and suitably qualified.

A premises licence will have an indefinite duration; however, it may be varied, suspended or revoked where a Board decides to hold a review.

Any person, other than an individual under the age of 18, may apply to the Board for a premises licence. The application must:-

contain a description of the subject premises and be accompanied by:-

- an operating plan for the premises
- a layout plan of the premises

- appropriate certificates relating to Planning, Building Standards and Food Hygiene (Section 50 Certificates)
- the relevant fee

A group would need this license if they wanted to provide alcohol at events on a regular basis, within a specific premises. An Occasional Licence would be sufficient for occasional events.

OCCASIONAL LICENCES

An occasional licence is a licence which covers a premise other than a premise which holds a premises licence and can be made by a premises licence holder, a personal licence holder or a voluntary organisation. An occasional licence can last for a period not exceeding 14 days.

The Licensing (Scotland) Act 2005 places a limit on the number of occasional licences that may be awarded to a voluntary organisation or a Members' Club, so that in any one year they may have no more than 56 days covered by occasional licences, although this is further limited in that they can have 4 occasional licences for a period of 4 days or more and 12 for occasions of less than 4 days. This limit relates to the voluntary organisation/club making the application and not the premises, and does not relate to either premises or personal licence holders.

In respect of club premises this effectively means that club premises can be open to the public for 56 days in which an occasional licence has effect.

A group would need this license if they wanted to provide alcohol at events on an ad hoc basis.

PERSONAL LICENCE

Any individual aged 18 years or more may apply for a personal licence to the Licensing Board within the area where the individual resides. Provided that the applicant is 18 years or over, possesses a relevant licensing qualification and has not had a licence revoked within the period of 5 years ending with the day on which the application was received, and provided the Board has not received from the Chief Constable a notice stating that the applicant has been convicted of a relevant or foreign offence, the Board must grant the licence. Once granted, a Personal Licence will have effect for a period of 10 years.

The Act does not require a holder of a personal licence to be on the premises at all times when alcohol is being sold on the premises. The Act requires every sale to be "authorised" by a personal licence holder.

PUBLIC ENTERTAINMENT LICENCE

A Public Entertainment Licence is required for any events taking place where public access is available. A Public Entertainment Licence may be required whether or not the public are required to pay an admission fee or pay to use any of the facilities provided.

It should be noted that whilst some premises have a 3-year public entertainment licence in force those which do not may require individual licences depending upon the nature of the event being held.

There are a variety of exceptions including sports grounds while being used as such, educational establishments while being used as such, theatres licensed under The Theatres Act 1968, cinemas licensed under The Cinemas Act 1985, and crucially premises holding a licence under the Licensing (Scotland) Act 2005 – so long as the entertainment falls within the trading hours.

The following venues may require a license:

- Halls/Dance Halls;
- Discotheques; Clubs;
- Barns/Agricultural Premises;
- Marquees/Temporary Buildings;
- Bowling/Skating Rinks;
- Billiard/Snooker Halls;
- Swimming Pools;
- Warehouses;
- Indoor Shopping Centre/Malls;
- Factories/Industrial Premises;
- Parks/Open Spaces; Fields/Farmlands;
- Athletics/Sports Grounds (while they are not being used for athletic or sporting purposes); Schools (while they are not being used for educational purposes);
- Church premises (while they are not being used for religious services);
- Amusement Arcades (while they are not being used as Amusement Arcades);
- Bridges/Aqueducts/Overpasses; Streets/Roads and Car Parks.

East Ayrshire Council has resolved to license many different classes of activity in terms of the Civic Government (Scotland) Act 1982, section 41, Public Entertainment Licences.

As such, you would be required to apply for a Public Entertainment Licence if an event involves any of the following:

- Open air concerts;
- Firework and bonfire displays;
- Fairgrounds;
- Circuses;
- Gala days/fetes/community fun days with marquees or inflatables such as bouncy castles for public use;
- Premises used for leisure activities with audience accommodation;
- Premises used for dancing, discotheques and roller discos;
- Ice rinks with audience accommodation;
- Activities where a public audience may be present (e.g. boxing, wrestling, judo presentations);
- Snooker/billiard halls;
- Public concerts, other than theatrical performances;
- Radio or TV stations with audience accommodation;
- Premises in which machines for entertainment or amusement area are being provided (subject to Section 41(2)(g) of the 1982 Act);
- Agricultural, equestrian and livestock shows/events.

In support of your application, the Licensing Department would require the following documentation, although, please note that further information may be required as part of the application consultation process.

1. A site layout plan, clearly defining the area to be licensed by the PEL.
2. The layout plan should also clearly show all stalls/tents/enclosures where the public will have access, using a key to denote the location of each attraction.
3. Parking provision.
4. Toilet provision (no. male/female).
5. Provision of facilities for people with special needs.
6. Risk assessment of the whole event.
7. Management Statement covering the whole event, based in accordance with Event Safety Guide and listing those responsible in the event of an emergency.
8. Public Liability Insurance certificate covering the event.
9. Any fairground attractions/rides/air structures will require ADIPS or PIPA certification, as appropriate (Declaration of Operational Compliance and Report on Electrical Thorough Examination), together with public liability insurance and risk assessment document for each.
10. Manufacturers certification regarding flame resistance of tents/marquees/trade stands where the public will have access, together with dimensions of structure and location and dimensions of exits. An indication of the inside layout of the structure will also assist in the calculation of the occupant capacity.
11. List of caterers at the event, eg snack bars, ice cream vans (name, address and local authority where registered).

If you require any further information regarding Licencing please contact:
The Licencing Unit, East Ayrshire Council, Council Headquarters, London Road, Kilmarnock (Tel 01563 576014).

Community Planning

Community Planning

“East Ayrshire is a place with strong, safe and vibrant communities where everyone has a good quality of life and access to opportunities, choices and high quality services which are sustainable, accessible and meet people’s needs.”

East Ayrshire Community Planning Vision

What is Community Planning?

Community Planning is about a range of partners in the public and voluntary sectors working together to more effectively plan, resource and deliver quality services that meet the needs of people who live and work in East Ayrshire.

Community Planning Partners in East Ayrshire include East Ayrshire Council, Police Scotland, NHS Ayrshire and Arran, Ayrshire Chamber of Commerce, Ayrshire College, Strathclyde Partnership for Transport (SPT), Voluntary Action East Ayrshire, Skills Development Scotland, Scottish Enterprise, Scottish Fire and Rescue Service, Coalfield Community Federation and Ayrshire Community Enterprise.

Representatives from these organisations come together as the Community Planning Partnership Board (CPPB) to provide the strategic lead for Community Planning in East Ayrshire. Community Councils are represented on this group by the Coalfield Community Federation and Ayrshire Community Enterprise.

All organisations involved in the Community Planning Board ensure that their own strategic plans link into the overall Community Plan, to help achieve East Ayrshire’s Community Planning Vision.

What is the Community Plan?

The Community Plan is recognised by all Partners as the sovereign strategic planning document for the delivery of public services in East Ayrshire over the 15 years from 2015 to 2030. It sets out the overall vision for the local area and how this will be achieved.

As the Community Plan was being developed, three priority themes were identified through consultation with communities, Partner organisations and other interested groups and individuals. These themes are:

- Economy and Skills
- Safer Communities
- Well-being.

A three year Delivery Plan has been developed for each of these themes, setting out the strategic priorities within each theme, and the actions which will be taken forward between 2015 and 2018 to achieve these priorities. The responsibility for

driving forward the actions within the Delivery Plans sits with the Community Planning Partnership Board, supported by three Strategic Lead Officers.

What is the Single Outcome Agreement?

Our Single Outcome Agreement (SOA) is the performance reporting framework, agreed with Scottish Government, which sets out performance indicators and targets for each of the identified Community Planning themes. An annual SOA performance report is published in September each year, outlining progress over the previous financial year.

Why should Community Councils be interested in the Community Plan?

The Community Plan and related documents set out the shared community planning vision for East Ayrshire and the actions which are being progressed to achieve this vision. Our local communities have a key role to play in this.

The work being taken forward across our communities, by local Community Councils and Community Led Action Plan Steering Groups, contributes to achievement of the community planning vision for East Ayrshire.

Importantly, as representatives of our local communities, Community Councils also have a role to play in ensuring that the voice of local people is heard and influencing the Community Planning agenda.

By working together we can make a real difference in our local communities.

Further information:

To learn more about community planning in East Ayrshire, or to view the Community Plan 2015-30 and related documents, visit the community planning website:

<http://www.eastayrshirecommunityplan.org/> .

Community Councils in the **North** of the Authority can contact their representative on the Community Planning Board for further information:

Jean Brown

Chairperson of Ace

Email: jean.brown@rocketmail.com

Community Councils in the **South** of the Authority can contact their representative on the Community Planning Board for further information:

Ian Smith

Chairperson of Coalfields Community Federation

Appendices

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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 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.

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

CONSTITUTION FOR COMMUNITY COUNCILS

1. Name

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

2. Area of the Community Council

The area of the COMMUNITY COUNCIL shall be as shown on the map attached to East Ayrshire Council’s Scheme for Community Councils.

3. Objectives

The objectives of the COMMUNITY COUNCIL shall be:

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

4. Role and Responsibilities

In the discharge of their functions and the conduct of their business, the COMMUNITY COUNCIL and its membership shall have regard to their role and responsibilities as set out in paragraph 3 of East Ayrshire Council’s Scheme for Community Councils and the Community Councillors’ Code of Conduct.

5. Membership

The COMMUNITY COUNCIL’S membership is as governed by paragraph 6 of East Ayrshire Council Community Councils and as determined from time to time by East Ayrshire Council.

6. Method of Election

Election procedures shall be governed by the method of election laid down in paragraph 7 of East Ayrshire Council's Scheme for Community Councils.

7. Casual Vacancies on the Community Council

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

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

8. Voting Rights of Members of the Community Council

The right to vote at any meeting of the COMMUNITY COUNCIL or any committee thereof, shall be held by all COMMUNITY COUNCILLORS whether elected or co-opted, but not by Associate Members appointed for specific issues on a temporary basis, or *ex-officio* members. With the exception of circumstances which may arise under East Ayrshire Council's **Scheme for Community Councils**: Paragraph 7.17 – Community Council Elections [Co-option]; and **Constitution**: Clause 16 – Alterations to the Constitution and its Clause 17 – Dissolution, all decisions of the COMMUNITY COUNCIL will be decided by a simple majority of those eligible to vote and present and voting.

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

9. Election of Office-Bearers

- (a) At the first meeting of the COMMUNITY COUNCIL after elections in the year when elections are held and at the Annual General Meeting in **(to be determined locally in accordance with East Ayrshire Council's Scheme for Community Councils)** in the year when elections are not held, the COMMUNITY COUNCIL shall appoint a Chair, Secretary,

Treasurer and other such office-bearers as it shall from time to time decide.

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

10. Committees of the Community Council

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

11. Meetings of the Community Council

- (a) The quorum for COMMUNITY COUNCIL meetings shall be one third of the current voting membership of the Community Council or 3 voting members, whichever is the greater.
- (b) Once in each year, no later than 31 October, the COMMUNITY COUNCIL shall convene an annual general meeting for the purpose of receiving and considering the Chairperson's annual report on the COMMUNITY COUNCIL, the submission and approval of the independently examined annual statement of accounts and the appointment of office bearers.
- (c) Including the annual General meeting, the COMMUNITY COUNCIL shall meet not less than 7 times throughout the year.
- (d) Dates, times and venues of regular meetings of the COMMUNITY COUNCIL shall be fixed at the first meeting of the COMMUNITY COUNCIL following ordinary elections and thereafter at its annual general meeting. Special meetings shall require at least 10 days public notice (unless there are extenuating circumstances), either called by the Chairperson, or on the request of not less than one-half of the total number of COMMUNITY COUNCIL members.
- (e) Copies of all minutes of meetings of the COMMUNITY COUNCIL and of committees thereof shall be approved at the next prescribed meeting of the COMMUNITY COUNCIL.
- (f) The COMMUNITY COUNCIL shall abide by its Standing Orders for the proper conduct of its meetings.
- (g) The COMMUNITY COUNCIL has a duty to be responsive to the community it represents. Should the COMMUNITY COUNCIL receive a written request (petition), signed by at least 20 persons resident within the COMMUNITY COUNCIL area to convene a special meeting for a

particular matter or matters to be debated, it shall call such a meeting within 14 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings called by the COMMUNITY COUNCIL.

- (h) The COMMUNITY COUNCIL can discuss items of business in private where it considers it appropriate to do so. Where time permits, notice of the meeting along with items to be discussed will be given to the public in the usual way, and the Notice will recommend that the meeting, or part thereof, shall be held in private.

12. Public Participation in the Work of the Community Council

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

13. Information to East Ayrshire Council

East Ayrshire Council's Administration Manager: Democratic Services shall be sent an annual calendar of the COMMUNITY COUNCIL'S prescribed meeting dates, times and venues, which should be agreed at the COMMUNITY COUNCIL'S annual general meeting, minutes of all meetings, the annual report, the annual financial statement and any other such suitable information, as may from time to time be agreed between the COMMUNITY COUNCIL and East Ayrshire Council. When special meetings of the COMMUNITY COUNCIL are to be held, East Ayrshire Council's Administration Manager: Democratic Services should be advised of the date, time venue and subject(s) of debate at such meetings, where possible, at least 10 days in advance of the meeting date.

14. Control of Finance

- (a) All monies raised by or on behalf of the COMMUNITY COUNCIL or provided by East Ayrshire Council and other sources shall be applied to further the objectives of the COMMUNITY COUNCIL and for no other purpose. The monies provided by East Ayrshire Council in the annual Administrative Grant for administrative and other approved purposes shall be used only as prescribed. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the community

council), or in the absence of such terms, for the furtherance of the objectives of the COMMUNITY COUNCIL.

- (b) The treasurer shall undertake to keep proper accounts of the finances of the community council.
- (c) Any two of three authorised signatories, who would normally be office-bearers of the community council, may sign cheques on behalf of the COMMUNITY COUNCIL. Authorised signatories may not be co-habitees.
- (d) A statement of accounts for the last financial year, shall be examined in accordance with arrangements established by East Ayrshire Council and shall be submitted to an annual general meeting of the COMMUNITY COUNCIL and shall be available for inspection at a convenient location.
- (e) The financial year of the COMMUNITY COUNCIL shall be from 1 April to 31 March the succeeding year. Examined accounts as received and approved by the COMMUNITY COUNCIL at the annual general meeting shall be submitted East Ayrshire Council following approval at the community council's annual general meeting.

15. Title to Property

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

16. Alterations to the Constitution

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

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

17. Dissolution

If the COMMUNITY COUNCIL by a two-thirds majority of the total voting membership decides at any time that it is necessary or advisable to dissolve, it shall agree a date for a public meeting to be held to discuss the proposed resolution to dissolve. It is a requirement that not less than ten days prior to the date of such meeting a public notice be given by means of notification in

the local newspaper. If the resolution is supported by a majority of those persons present and qualified to vote and is approved by East Ayrshire Council, the COMMUNITY COUNCIL shall be deemed to be dissolved and all assets remaining, subject to the approval of East Ayrshire Council, after the satisfaction of any proper debts or liabilities shall transfer to East Ayrshire Council who shall hold same in Trust for a future COMMUNITY COUNCIL representing that area.

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

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

18. Approval and adoption of the Constitution

This Constitution was adopted by
COMMUNITY COUNCIL, on

.....

Signed: Chairman

.....

Member

.....

Member

.....

Date

.....

and was approved on behalf of East Ayrshire Council on

.....

Signed

.....

Date

.....

STANDING ORDERS

1. Meetings (all held in public)

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

2. Minutes

Minutes of the proceedings of a meeting of the COMMUNITY COUNCIL shall be drawn up and submitted to the next meeting of the community council for approval and shall, following their approval, be signed at the next meeting of the COMMUNITY COUNCIL by the person presiding thereat and retained for future reference.

The AGM minutes should be presented to the next ordinary meeting of the community council following the AGM for the purposes of establishing accuracy and noting their availability to the public, although they remain in draft form until approved at the next following AGM.

3. Quorum

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

4. Order of Business

(i) Ordinary Meeting

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

- (a) Recording of membership present and apologies received.
- (b) The minutes of the last meeting of the COMMUNITY COUNCIL shall be submitted for approval.
- (c) Any other item of business, which the Chairperson has directed, should be considered.
- (d) Any other competent business.
- (e) Questions from the floor.
- (f) Chairperson to declare date of next meeting and close meeting.

(ii) Annual General Meeting

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

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

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

(iii) Extraordinary General Meeting

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

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

5. Order of Debate

- (a) The Chairperson shall decide all questions of order, relevancy and competency arising at meetings of the COMMUNITY COUNCIL and her/his ruling shall be final and shall not be open to discussion. In particular, the Chairperson shall determine the order, relevancy and competency of all questions from the public in attendance at meetings of the COMMUNITY COUNCIL raised at 4, above. The Chairperson in determining the order, relevance and competency of business and questions shall have particular regard to the relevance of the issue to the community and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Chairperson shall have the power, in the event of disorder arising at any meeting, to adjourn the COMMUNITY COUNCIL meeting to a time he/she may then, or afterwards, fix.
- (b) Every motion or amendment shall be moved and seconded.
- (c) After a mover of a motion has been called on by the Chairperson to reply, no other members shall speak to the question.
- (d) A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- (e) A motion or amendment which is contrary to a previous decision of the COMMUNITY COUNCIL shall not be competent within six months of that decision except when 2/3rds of the voting Members present agree otherwise.

6. Voting

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

7. Alteration of Standing Orders

A proposal to alter these Standing Orders may be proposed to the local authority to be altered or added to at any time by the COMMUNITY COUNCIL,

provided that notice of motion to that effect is given at the meeting of the COMMUNITY COUNCIL previous to that at which the motion is discussed. The local authority shall have final discretion on any proposed change.

8. Committees

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

9. Suspension of Standing Orders

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

EAST AYRSHIRE COUNCIL

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

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

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

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

Service to the Community

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

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

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

Selflessness

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

Integrity

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

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

Objectivity

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

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

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

Accountability and Stewardship

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

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

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

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

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

Openness

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

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

Honesty

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

Leadership

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

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

Respect

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

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

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



A quick word about.....

Community Councils

A Community Council is a group of people who give their time to and have a genuine interest in their community. It is a public representative body and acts as a voice for the local community.



Community Councils were introduced through the Local Government (Scotland) Act 1973 and their purpose is to:

Identify the needs and aspirations of its community and to take decisions that will lead to appropriate action in that community. At some point, this might involve setting priorities on the competing or conflicting needs of different sections of the community.

Community Councils generally meet on a monthly basis to address matters relevant to them and their community. They are seen as the third tier of Local Government and have a duty not only to represent the views of their community, but to inform their community of the work and decisions that they have undertaken.

Statutory Function

In acting as a voice for the community, Community Councils are statutory consultees in relation to Planning Applications and Licensing Applications and are the recognised body that all public authorities, including Police Scotland, NHS Ayrshire and Arran, Local Authorities, etc will consult and engage with.

Community Spirit

Over and above their statutory function, Community Councils can undertake a number of activities during the year, which can be important in determining their effectiveness as community representatives.

Many are involved in fundraising for and arranging Gala Days, Christmas Lights and Hanging Baskets.

They also play a vital role within the Community Led Action Plans and, as the first point of contact for the creation of an Action Plan, are tasked with liaising with other Community Groups to create an Action Plan Steering Group to drive forward the Plan.

Why Become Involved?

There are many reasons for joining a Community Council, however for the majority of Community Councillors it is because they care about their Community and the people who live there.

"I got involved with the Community Council as I wanted to make a difference to the village and I wanted the place I lived in to be a better place to live"

Rae Murphy, Dalmellington Community Council

For Rae and her fellow Community Councillors, they have worked hard to improve their Community, to make a difference and to make their community a better place to live. They have raised community spirit with the resurrection of the Gala Day and successful walking weekend, and new Christmas lights and hanging basket stanchions have improved the appearance of the community.

They have also acted as the voice for their community, and were an important factor in the creation of the Local Action Plan and the formation of various working groups and partnerships.

On behalf of their community they have carried out their statutory function and have successfully fought against major developers on Planning matters.

Arthur Cairns, became involved in Grange Howard Community Council to *"to find out if the Community Council could influence any decisions made by EAC on matters relative to my area and to find out if anything the Community Council said was taken on board."*

Having been involved with Grange Howard Community Council for a number of years, Arthur believes that the Community Council are listened to and can and do make a difference.

“A Community Council can make a lot of difference, they can put the local slant on things, they can put forward reasons why something should or should not happen in their area, they have direct access to Councillors and the Police. And they have a legal mandate to be consulted on matters affecting their area.”

Arthur Cairns, Grange Howard Community Council

Over the past year, Community Councils have been involved in a number of national and local initiatives or events. Here is a sample of what Community Councils have been involved in:

Community Led Action Plans

- Darvel and District
- Lugar, Logan and Cronberry
- Mauchline
- New Cumnock
- Newmilns
- Fenwick
- Sorn



Gala Events

Christmas Lights and Hanging Baskets



Queens Baton Relay

How can I get involved?

There are a number of ways to get involved in a Community Council:

- Attend the monthly Community Council meeting
- Email the Community Council via the Council who will pass on your enquiry
- Become a Community Councillor

As a Community Councillor you need to represent the views of your community, or your section of the community. In practice, this involves discussing issues with people in the community to clarify their views and measuring the strength of their feelings on different topics.

Where is my nearest Community Council?

Auchinleck, Bellfield, **Bonnyton**, Catrine, **Crosshouse**, Cumnock, **Dalmellington**, Dalrymple, **Darvel and District**, Drongan, Rankinston and Stair, **Dunlop and Lugton**, Fenwick, **Galston**, Gatehead, **Grange Howard**, Hurlford and Crookedholm, **Kilmaurs**, Knockentiber, **Lugar and Logan**, Mauchline, **Moscow and Waterside**, Muirkirk, **Netherthird and District**, New Cumnock, **New Farm Loch**, Newmilns and Greenholm, **Northwest Kilmarnock**, Ochiltree, **Patna**, Piersland and Bentinck, **Riccarton**, Shortlees, **Sorn**, Southcraigs and Dean, **Stewarton and District**.

Scheme for Community Councils

There are 35 Community Councils within East Ayrshire all of which are provided for in the East Ayrshire Council Scheme for Community Councils. The Scheme was approved by East Ayrshire Council in February 2011 and includes:

- Model Constitution
- Model Standing Orders
- Community Councillors Code of Conduct
- Guidance Notes

Whilst Community Councils are a separate body from East Ayrshire Council, training and development is provided by East Ayrshire Council as well as an annual Administrative Allowance for the general running costs and to allow the Community Council to promote itself and its activities.

The creation of the Federation and Community Council Developer Officer has allowed for more robust training and development of the Community Councils along with greater marketing around and awareness of the work of the Community Councils and how they can make a difference to their Community and the people who live there.

Since 2013, the Federation and Community Council Development Officer has:

- Introduced a Training and Development Programme, led by a Community Council Focus Group, with training to date covering:
 - Mandatory Treasurers Training
 - Social Media Training
 - Accredited Activate Course
 - Office Bearer Roles and Responsibilities (scheduled for Oct 2014)
- Provided support to a number of individual Community Councils, including the re-establishment of Auchinleck Community Council and Kilmaurs Community Council

- Created a Community Council Induction Pack for new Community Councillors
- Created a quick reference guide for use by Community Council secretaries
- Increased awareness of Community Councils through an annual marketing campaign
- Provided each Community Council with their own “pop-up” for self-promotion within their own Communities.
- Increased representation on Community Councils with the introduction of young people on Community Councils through pilot schemes with Dalmellington Primary School and James Hamilton Academy/St Josephs Academy



Young people from Dalmellington Primary School participating in their local Community Council meeting.

Development work with Community Councils will continue on in the future, via the Community Council Focus Group, with proposals for the future including, training on conflict handling, marketing; the introduction of on-line induction training to compliment the Induction Pack; and the introduction of a Community Council Support Pack.

For further information on Community Councils, contact:
vibrantcommunities@east-ayrshire.gov.uk

August 2014



East Ayrshire Council

Q&A: Community Councils

The following information has been produced as an information note for East Ayrshire Community Councils.

1. Who within East Ayrshire Council has responsibility for Community Councils?

In April 2012 responsibility for the development of Community Councils transferred to the new Vibrant Communities section and to the Federation and Community Council Development Officer. However responsibility for Community Council elections remains with Democratic Services.

2. What is the role of the Federation and Community Council Development Officer?

Primarily a development role, they will lead on a range of issues to support Community Councils including:

- Providing behind the scenes support to ensure that Community Councils are inclusive and fully representative of the diversity of groups within communities; and
- Developing a training and development programme.

3. What financial assistance is available for Community Councils?

East Ayrshire Council provides an annual administrative allowance for each Community Council for their administrative and general running costs and to promote the Community Council and its activities. Whilst the scheme indicates that an allowance shall be made available, the amounts are reviewed each year. As a constituted voluntary organisation, Community Councils are also eligible to apply for external funding for specific projects.

4. What do we do once the minutes have been approved?

Once a Community Council minute has been approved as a correct record (proposed and seconded at the next meeting) it should be sent to the F&CCDO within 14 days. The minute is then available to members of the public and the F&CCDO will make appropriate arrangements to redact the minute where applicable and publish it on East Ayrshire Council's website.

A full unredacted version of the minute should be available from the Secretary if a member of the public wishes to view it, however a copy is also available from the F&CCDO.

5. How do we fill a vacancy on a Community Council?

Vacancies between elections can be filled either by co-option or by an interim election and section 7.13 of the East Ayrshire Scheme for Community Councils details how this can be done.

If the vacancy is to be filled by an interim election please contact Federation & CC Development Officer.

6. What happens if we fall below half of our membership?

If a Community Council falls below half its required membership then it ceases to function. If numbers are reducing contact the F&CCDO as soon as possible to discuss what support can be given.

7. What are we required to do for our A.G.M?

Section 4(ii) of the Standing Orders provides information for a Community Council Annual General Meeting. However there should be an annual report by the Chairperson, Secretary and the Treasurer. Also all current Officer Bearers should stand down and nominations called to fill the positions by an independent interim Chair. This could be an elected member present at the AGM, or if agreed, the Community Council may invite the local Head Teacher or Minister to act as interim Chair.

8. What are we required to do for our 4 yearly elections?

4 yearly elections are administered by Democratic Services who will contact individual Community Council Secretaries.

Section 7 of the East Ayrshire Scheme for Community Councils provides further information on elections.

9. Who can stand for election to a Community Council?

Anyone over the age of 16* who resides in the local area and is named on the Electoral Register for that area.

*Some 16 & 17 year olds may not appear on the Electoral Register and as such qualification can be confirmed by other means i.e. confirmation in writing from parent, guardian or school.

10. I am a co-opted member, do I have the same voting rights as an elected Community Councillor?

Yes, section 7.15 and 7.16 of the East Ayrshire Scheme for Community Councils provides further information on co-opted members.

11. What is the difference between a co-opted member and an associate member?

A co-opted member is a full voting member of a Community Council who has joined the Community Council as a result of a vacancy. They will serve as a co-opted member until the next election, whether this be interim or 4 yearly.

An associate member is an individual who has been appointed to a Community Council as they have a specific skill or knowledge that the Community Council requires. They are appointed for a fixed term agreed by the Community Council and are non-voting members.

12. What is the role of the Local Councillor at Community Council meetings?

Your local Councillors are ex-officio members of Community Councils for all Community Councils within their wards. As such all Councillors within your ward should be invited to your meetings.

As an ex-officio member, they are not entitled to vote, move motions and amendments or hold office.

13. How are decisions taken at Community Council meetings?

Decisions whether financial or otherwise, will be made at meetings. They should be proposed and seconded and recorded within the minutes. No decisions should be taken outwith the Community Council meeting unless there has been previous agreement from the Community Council.

If any decision requires to be taken by a vote then a show of hands by those present will be taken. Where there is an equality of votes the Chair will have the casting vote.

14. Can members of the public join in votes?

No

15. Is there a Code of Conduct for Community Councillors?

All East Ayrshire Community Councillors must adhere to the Code of conduct for Community Councillors, detailed within the East Ayrshire Scheme for Community Councils. It is also the responsibility of the Chairperson to encourage fair play and to suggest ways to handle conflict.

16. As a Community Councillor, what do I do if I have a conflict of interest?

Community Councils should take cognisance of their role as statutory consultees when in discussions or otherwise with organisations or applicants such as Windfarm Developers, Housing Developers or individual applicants, as this could preclude the Community Council from undertaking its statutory function.

A conflict of interest, whether financial or non financial should be reported in the minutes as well as when the Community Councillor does not participate in the meeting (normally in the case of a financial conflict of interest). Further information can be found in Good Practice Guidelines for Community Councils.

17. Who can dissolve a Community Council?

Section 16 of the standard constitution details how a Community Council can be dissolved. However it can be either the Community Council themselves if 2/3 majority agree to dissolve, or East Ayrshire Council where the membership falls below the minimum number required.

18. What happens if there is conflict between Community Councillors?

In terms of the Code of Conduct, Community Councillors must respect their fellow Community Councillors, treating them with courtesy, respect and in a non-discriminatory manner.

Any conflict between Community Councillors should, in the first instance, attempt to be resolved by the Chairperson. However, if it is felt that there is a need for intervention by East Ayrshire Council, contact the F&CCDO who will arrange for assistance for the Community Council in coming to a resolution.

19. What do I do if I suspect there is misappropriation of funds or equipment or fraudulent activity within the Community Council?

It is for the Community Council themselves to investigate any such suspicions and if required contact Police Scotland.

Vibrant Communities will be able to offer advice and guidance to the Community Council and in such circumstances contact the F&CCDO who will arrange for appropriate arrangements.

20. Who audits Community Council accounts?

In terms of the East Ayrshire Scheme for Community Councils, East Ayrshire Council will appoint an external Auditor to independently examine the Community Council accounts. It is the responsibility of each individual Community Council to make appropriate arrangements to forward the financial documentation to the External Accountants as soon as possible after 31 March 2014. The financial documentation will be returned to you by the External Auditors direct, however the audited accounts will be issued by the F&CCDO alongside any comments made by the External Auditors.

21. My Community Council has sub-groups with separate financial records, do these also have to be audited by the Independent Auditor.

Yes - If your sub-group is bound by the Community Council's constitution then the Community Council is ultimately responsible for the sub-group, its activity and any

funds and as such those accounts should be submitted to the External Auditor for audit.

Also all sub-group decisions should be recorded and the minute reported to the next available meeting of the Community Council.

22. What are a Community Council's responsibilities in relation to Data Protection?

Community Councils are required to register with the Information Commissioner's Office annually as the Data Protection Act 1998 imposes important obligations on any person or organisation including a Community Council who acquire, store, use or deal with personal data.

There is an annual fee which can be paid for from the annual administrative allowance.

23. Apart from a Community Council's statutory purpose, what other role can we play in our communities?

Whilst a Community Council's main purpose is to ascertain, co-ordinate and express to the various public authorities the views of the community, they can also be responsible for promoting the wellbeing of the community and to foster community spirit.

They can also work in partnership with other voluntary organisations within the community on the Community Led Action Plans and other community interests. The draft Community Empowerment (Scotland) Bill also identifies a role for Community Councils in terms of potentially delivering public services, and on consultation in respect of establishing a Common Good Property Register.

Contact Details

Elaine Millar
Federation & Community Council Development Officer
Civic Centre South
16 John Dickie Street
Kilmarnock
KA1 1HW

Tel: 01563 578123

Email: elaine.millar@east-ayrshire.gov.uk

April 2014

Income and Expenditure Summary

Financial Year Ended 31 March 2014

.....Community Council

Bank and Cash Balances brought forward

Bank Balance at 01 April 2013

Account 1

--

Bank Balance at 01 April 2013

Account 2

--

Cash in Hand Balance at 01 April 2013

--

X **Total Brought Forward**

0.00

Income

LINE

1	Bank Interest	0.00
2	Council Grants	0.00
3	Other Grants	0.00
4	Fund Raising Activities	0.00
5	Donations	0.00
6	Other Income	0.00
7	Total Income	0.00

Expenditure

A	Officers Expenses	0.00
B	Honoraria	0.00
C	Subscriptions, Donations, Gifts	0.00
D	Stationery, Photocopying, Postage	0.00
E	Fund Raising and Advertising	0.00
F	Bank Charges	0.00
G	Repairs and Renewals	0.00
H	Equipment	0.00
I	Rent or Hall Hire, Heat and Light	0.00
J	Insurance	0.00
K	Outings, Parties, Events	0.00
L	Total Expenditure	0.00

7-L **Net Income / (Expenditure) for Current Year**

0.00

Y [Y is the total of X and (7-L)] **Total**

0.00

Represented By:

Bank Balance at 31 March 2014

Account 1

--

Bank Balance at 31 March 2014

Account 2

--

Cash in Hand Balance at 31 March 2014

0.00

Z [Z should equal Y]

0.00

ok

I certify that the above represents an accurate view of the Activities of the Community Council for the year
 Chairman/Secretary _____ Treasurer _____

INCOME

Date	Received From	Book/ Receipt No.	Bank	Cash	Bank Interest	Council Grants	Other Grants	Fund Raising Activities	Donations	Other Income
		TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Enter on to
Income and
Expenditure
Summary at line

1 2 3 4 5 6

**Community Council
Cashbook**

EXPENDITURE

Item	Date	Book/ Receipt Number	Payee	Bank	Cash	Officers Expenses	Honoraria	Subscription Donations Gifts	Stationery Photocopy Postage	Fund Raising & Advertising	Bank Charges	Repairs & Renewals	Equipment	Rent, Hall Hire, Heat & Light	Insurance	Outings, Parties & Events
			TOTAL	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

*Enter on to Income and
Expenditure Summary at line*

A B C D E F G H I J K

AN EAST AYRSHIRE COMMUNITY COUNCIL

FLOAT AMOUNT £50.00

PETTY CASH IMPREST ACCOUNT ANALYSIS

FROM 01.12.14 TO 31.12.14

Entry No	Date	Description	Voucher Ref	Re- imbursement £	Officers Expenses £	Subscriptions Donations Gifts £	Stationery Photocopy Postage £	Fund Raising & Advertising £	Repairs & Renewals £	Equipment £	Rent, Hall Hire, Heat & Light £	Outings, Parties & Events £	Balance £
	01.12.14	Balance Brought Forward											43.57
1	03.12.14	Secretary's Expenses	49		12.57								31.00
2	04.12.14	Envelopes	50				2.75						28.25
3	08.12.14	Photocopies	51				12.50						15.75
4	15.12.14	Advert in Newsagents	52					2.50					13.25
5	16.12.14	Cleaning materials	53						4.50				8.75
6	17.12.14	Stapler	54							6.99			1.76
7	21.12.14	From Bank	Chq 00532	48.24									50.00
8	22.12.14	Staples	55				1.99						48.01
9													
10													
11													
12													

13													
14													
15													
				48.24	12.57	0.00	17.24	2.50	4.50	6.99	0.00	0.00	

Cash as Counted As At 31st December 2014

£48.24

Cash Counted & Agreed By

_____ Signature _____ Print Name _____ Designation

_____ Signature _____ Print Name _____ Designation

- 1. Cash count should be carried out and agreed between the Treasurer or acting Treasurer and another Office Bearer who should both sign
- 2. Float should not exceed £50.00

A COMMUNITY COUNCIL
BANK RECONCILIATION AS AT 31.08.14

Account No. 000104987	£	£
Balance per bank statement as at 31.08.14		118.66
Add:		
Lodgements made per cash book not yet credited to account:		
30.08.14	25.00	
31.08.14	170.00	
		195.00

		313.66
Less:		
Cheques issued per cash book not yet cashed:		
02.08.14 Cheque No. 0000124	67.54	
28.08.14 Cheque No. 0000130	21.28	
		88.82

.Balance per cash book at 31.08.14		232.52
Less		
Withdrawals shown on bank statement not recorded in cash book		
* 05.08.14 Bank Charges		15.58
	
		216.94
Add		
* Lodgements shown on bank statement not recorded in cash book		
01.08.14 Bank Interest		7.90
	
		224.84

* The source/legitimacy of these transactions should be verified and where appropriate updated to the cash book

COPIES OF THE BANK STATEMENT PAGE AND THE CASH BOOK PAGE SHOWING THE BALANCES MUST BE ATTACHED. THESE BALANCES SHOULD BE CHECKED AGAINST THOSE SHOWN ABOVE BY THE PERSON REVIEWING THE RECONCILIATION

The reconciliation should be prepared by the Treasurer (or Acting Treasurer) and should be reviewed by an office bearer other than the person preparing it

Prepared by:

Signed..... Print NameRole.....

Reviewed By:

Signed..... Print NameRole.....

APB 27B: External Funding: Notes of Guidance for External Bodies

Financial Regulations Reference

Section	Subject
27	External Funding

**NB This APB should be read in conjunction with APB 27A
External Funding – Notes of Guidance for Council Officers**

Version Control – Author	Date of Last Update
R Baker – Financial Controller	29 March 2010
R Baker – Financial Controller	11 October 2011

**External Funding
Notes of Guidance for External Bodies**

APB 27B

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2	<u>BASIC PRINCIPLES OF FINANCIAL MANAGEMENT</u> 1 Financial Planning 2 Internal Controls 3 Limitations on Expenditure 4 Limits of Authority 5 Conflicts of Interest / Segregation of Duties 6 Security 7 Inventory 8 Salaries, Wages and Allowances 9 Income 10 Key Financial Records 11 Annual Financial Statements 12 Financial Self Assessment	6-16
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SECTION 1 - GENERAL ADMINISTRATION

1. Introduction

All external bodies who receive support from East Ayrshire Council are required to comply with the general principles of financial good practice detailed in this bulletin.

Any groups who require further assistance or advice should contact:

- The group's designated Assessment or Monitoring Officer, where known;
- East Ayrshire Council's Grants Information Line – 01563 576135;
- East Ayrshire Council's External Funding Officer at Council HQ - 01563 576000

2. The Constitution

The constitution is a formal document defining the legal status of the group and setting out the rules by which the group will be run.

The constitution should be in plain English and should clearly state:

- The name of the group;
- The aims and objectives of the group and how these are to be achieved;
- The group membership in terms of who can join and what rights they have;
- The management structure to be adopted including the size and powers of the management committee and roles of the office bearers.

3. Roles and Responsibilities

3.1 Management Committee

Throughout the operation of any project decisions require to be made and it is important that a structure of management is established to facilitate this.

External Funding Notes of Guidance for External Bodies

APB 27B

The base for all decision-making within a project lies with the Management Committee. This committee consists of a number of people elected on an annual basis at the Annual General Meeting. While the size of the committee varies according to the size and complexity of the project, it will normally comprise between 6 and 10 members.

Additional members may be co-opted to the committee where specialist knowledge or advice is required. Co-opted members are able to participate in committee meetings but should not have any voting rights.

The Management Committee is responsible for overseeing the operation of the Project including:

- To ensure the Project is meeting its stated aims and objectives;
- To ensure that all decisions are taken in line with the purpose of the organisation as detailed in the constitution and standing orders;
- To make sure the organisation operates within all legal requirements according to charities' legislation, insurance, policies, etc.;
- To recruit, manage and support staff and volunteers;
- To manage the organisation's finances ensuring:
 - Funding is obtained, including submission of grant applications;
 - Funds are managed, including approval of annual budgets;
 - Accounts are managed as required by law and general good practice;
 - Appropriate external auditors are appointed.
- To co-operate fully with the designated Monitoring Officer.

It should be noted that where an organisation fails to comply with the conditions of grant or other support provided by East Ayrshire Council, the funding arrangement may be subject to review.

3.2 Treasurer

The Treasurer is responsible for advising the management committee on all financial matters.

External Funding Notes of Guidance for External Bodies

APB 27B

The Treasurer must ensure that:

- Adequate accounts are maintained;
- Suitable systems for controlling income and expenditure are in place;
- Regular reports are submitted to inform the Management Committee of the organisation's financial position;
- Annual reports on the financial position of the organisation are presented to the Annual General Meeting;
- All accounts and financial statements are prepared for inspection by the appointed auditor;
- All statutory returns are made timeously, e.g. VAT, PAYE and National Insurance Contributions.

3.3 Project Leader / Project Staff

The Project Leader and Project Staff are responsible to the Management Committee for the day to day operation of the Project including the operation of such financial systems as required by the Treasurer.

4. Insurance

It is the responsibility of the Management Committee to take professional advice on the levels and types of insurance prudent for the operation of the project. The following are the main categories of cover which it would be expected that external bodies would put in place. It is expected that all external bodies will have Employers' liability and public liability insurance:

<u>TYPE OF COVER</u>	<u>MINIMUM LEVEL OF COVER</u>
• Employers' Liability;	£10,000,000
• Public Liability;	£5,000,000
• Professional Indemnity;	£2,000,000
• Buildings and Contents;	£Full Reinstatement Value
• Vehicle;	Fully comprehensive including business use
• Any other risks deemed prudent to insure against.	

Assessing Officers will require a declaration to be provided by each External Body that this cover has been put in place and will be renewed annually.

5. Provision of Information and Access to East Ayrshire Council

The group must provide free access at all reasonable times to the records of the project for examination by:

- Officers of East Ayrshire Council;
- East Ayrshire Council's Internal Auditors;
- East Ayrshire Council's External Auditors.

It is the responsibility of the project's management committee to provide the designated Monitoring Officer with regular reports on:

- Progress towards the aims and objectives of the project;
- The financial position of the project, including budget plans and cash flow forecasts;
- Any proposed alterations to the project.

6. Retention of Documents

All documents and records relating to the financial transactions of the project must be retained and made available to the Treasurer, Auditor or officers of East Ayrshire Council on request.

Following each annual audit, the previous year's documents and records must be stored appropriately and retained for a minimum of 6 years.

On termination of the Project all such documents and records shall be passed to the appropriate monitoring officer of East Ayrshire Council.

7. Separation of Funds

Where funds have been awarded by East Ayrshire Council for a specific project, these funds must be kept separate from all other funds of the group including any funds awarded by the Council to other projects administered by the group.

All projects administered by the group must be reported separately in the group's annual financial statements.

External Funding Notes of Guidance for External Bodies

APB 27B

8. Audit Requirements

8.1 Auditors

Where groups receive grant funding from East Ayrshire Council they will be required to provide annual financial statements which have been independently examined by a qualified person.

East Ayrshire Council has defined suitably qualified auditors as:

Groups awarded funding of less than £7,500 with Gross Income of less than £100,000 p.a.	—	An independent person of good standing with a financial background.
Groups awarded funding of between £7,500 and £40,000 with Gross Income of less than £100,000 p.a.	—	CCAB Qualified Accountant
Groups awarded funding of over £40,000 or any Group with Gross Income of more than £100,000 p.a.	—	CCAB Accountant with a current audit practice certificate

In order to qualify as an independent examiner or auditor individuals should NOT be members of the group's management committee, employees of the group, involved in the administration of the group or a close relative, business partner or employee of any of the above.

8.2 Audit Coverage

The annual audit will cover the following areas: -

- Financial judgements made by the Management Committee;
- That income received and expenditure made is in pursuit of the stated aims of the Project and/or the donor's wishes;
- Cashbook transactions are supported by receipts or vouchers and correspond to bank statements;
- Income and Expenditure Accounts and Balance Sheets accurately represent the cashbook and other evidence;
- Overall systems of financial control are satisfactory and safeguard the assets of the project.

8.3 Audit Statements

All Auditors must sign an appropriate audit statement.

In the case of a group awarded funding of less than £7,500 with Gross Income of less than £100,000 p.a. the independent examiner should sign a statement similar to the example shown in Appendix 5 Receipts and Payments Account and Statement of Balances.

Where a group has been awarded funding between £7,500 and £40,000 with Gross Income of less than £100,000 p.a. the CCAB Qualified Accountant should sign an audit opinion offering a 'true and fair view' in line with the example shown in Appendix 7 Balance Sheet. If the accountant is unable to give this opinion or wishes to include any qualifications or disclaimers, these should be in accordance with the provisions of **SAS 600 Auditors' Reports on Financial Statements** as issued by the Auditing Practices Board.

In the case of groups with Gross Income in excess of £100,000 or where funding in excess of £40,000 p.a. has been awarded, the auditor must provide a signed audit statement which includes a statement of responsibility, basis of opinion and the expression of opinion appropriate to the size and status of the group and in accordance with the requirements of **SAS 600 Auditors' Reports on Financial Statements** or **Practice Note 11 (Revised) The Audit of Charities in the United Kingdom** as issued by the Auditing Practices Board.

9. VAT

If your turnover of VAT taxable goods and services supplied within the UK for the previous 12 months is more than the current registration threshold of £73,000, or you expect it to go over that figure in the next 30 days alone, you must register for VAT.

Organisations which are required to register for VAT are advised to seek independent financial advice at the earliest opportunity.

10. Data Protection

Where an organisation retains any information on individuals, e.g. employment records for salaried or voluntary workers or client records on service users, this information may be subject to the provisions of the Data Protection Act 1998.

Organisations are advised to seek advice on the requirements of the relevant legislation by contacting the government's Information Commissioner on 01625 545 745 or data@dataprotection.gov.uk.

SECTION 2 - BASIC PRINCIPLES OF FINANCIAL MANAGEMENT

1. Financial Planning

The process of preparing a business plan or financial plan involves estimating all elements of cost that an organisation can expect to incur in the proposed activity, and estimating the likely income. In preparing a business plan, it is important to be realistic about what can be achieved, and to state any assumptions, for example those relating to volume and costs of the activities. It is the means by which the organisation's financial viability is demonstrated and forms the basis for the subsequent annual budget.

The annual budget should cover all anticipated costs and income to the project including Employee Costs, Property Costs, Transport Costs, Administration Costs, Other Costs and Income.

The annual budget should be prepared by the Treasurer and approved by the Management Committee prior to the commencement of each financial year.

Where additional budget items are identified following Management Committee approval of the Annual Budget, a supplementary report must be approved by the Management Committee prior to any expenditure being incurred.

2. Internal Controls

Internal controls are a system of controls established by management to carry out the business of the project in an orderly manner, safeguard its staff and assets and secure the accuracy and reliability of its records.

The controls should ensure that: -

- All income is received timeously;
- All expenditure is in accordance with the purpose of the project;
- The assets are protected;
- All liabilities are recognised and provided for;
- Errors and irregularities are identified and addressed;
- Staff integrity is protected.

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3. Limitations on Expenditure

No expenditure should be incurred on behalf of the Project unless it has been included in the annual budgets or a supplementary budget approved by the Management Committee.

4. Limits of Authority

A list of signatories authorised to incur expenditure or receive income on behalf of the project should be maintained by the Treasurer and approved by the Management Committee.

The list should detail the name of the authorised signatory, any limits to their authority and a sample of their normal signature.

Only those individuals approved by the Management Committee should be authorised to carry out transactions on behalf of the Project subject to any identified limitations.

It is recommended best practice that there is no more than one authorised signatory from any single household or extended family group

5. Conflicts of Interest / Segregation of Duties

Where a conflict of interest arises this must be minuted and the Management Committee member must take no further part in the discussion or decision making process.

For example: a Management Committee member who is also a salaried employee of the organisation must declare a conflict of interest and take no part in the discussion of agenda items with a direct effect on their employment, e.g. discussion of pay awards or disciplinary issues.

5.1 Segregation of Duties

Duties must be arranged in such a way that no one person is in a position to gain personal benefit from handling the transactions of the Project.

Expenditure

Orders All orders for goods or services must be authorised by two separate authorised signatories.

Cheque Payments All cheque payments on behalf of the Project must be authorised by two separate authorised signatories drawn from the appropriate list.

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Cash Payments All cash payments must be supported by a payment voucher signed by the person making the payment and authorised by an appropriate authorised signatory. **NO-ONE** should be permitted to authorise payments to themselves, their relatives or close family members.

Cash Income All cash received must be recorded and counted by two separate individuals.

6. Security

Cash Holdings

The holding of cash by projects should be kept to a minimum.

Where cash is to be held by a project it should be clearly labelled and kept separate from other cash holdings.

All cash holdings should be kept in the most secure location available, e.g. safe, locked cash box or locked filing cabinet.

Keys

Access to keys should be limited to Office Bearers or Project Staff.

Keys for cash boxes should be limited to nominated office bearers and staff and should be carried by those persons at all times.

Cheques

All signed cheques should be treated like cash and kept locked in a secured cash box until required. **Blank cheques should NEVER be pre-signed.**

7. Inventory

A detailed record should be maintained of all items of equipment or furniture of a significant value.

Acquisitions

All furniture or equipment acquired by the Project should be added to the inventory as soon as delivery takes place.

Disposals

All proposals for disposal of assets must be authorised by the Management Committee and the designated Monitoring Officer.

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Verification

The Management Committee should arrange for the periodic physical verification of the inventoried items and investigation of any discrepancies.

8. Salaries, Wages and Allowances

Projects have the option of administering Payroll internally or outsourcing the service from a variety of institutions including most major banks or firms of Chartered Accountants.

In all circumstances, care must be taken to ensure that all payments are based on authorised source documents and that all statutory obligations with regards to Pay As You Earn and National Insurance Contributions have been observed.

8.1 Basic Salaries and Wages

Personnel files must be maintained on all staff including letters of appointment and acceptance; contracts of employment; current rates of pay approved by Management Committee; overtime rates and other enhancements approved by Management Committee; agreed deductions and letters of resignation.

8.2 Overtime, Travel and Subsistence Allowances

Employees must submit signed claims for any overtime or travel and subsistence allowance payments. All claims must be checked and countersigned an authorised signatory. All overtime and allowances should be processed through the normal payroll channels.

8.3 Cash Advances / Prepayments

Cash advances or prepayment of salaries or wages should only be made in exceptional circumstances. Detailed records of the advance and subsequent deductions/repayments must be maintained.

8.4 Statutory Payments

All payments to the Inland Revenue in respect of PAYE or National Insurance Contributions should be made at the same time as the payments to staff.

8.5 Recording of Transactions

All transactions must be recorded in the Cashbook.

9. Income

The main source of income for most groups will be grant payments from East Ayrshire Council and other funding bodies.

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Projects should ensure that all grant claims are submitted timeously in order to minimise the possibility of cash flow issues.

Where projects are in receipt of other income the following steps should be taken:

- Mail should be opened by two people with a record of any cash or cheques received being signed and dated by each person;
- All cash collected should be counted and checked by two persons and recorded on an appropriate income control sheet indicating the source of the income;
- All income should be banked regularly and not less than once per week;
- People required to visit the bank on behalf of the project should be reminded to vary the times of their visits and the routes taken between the project's premises and the bank.

10. Key Financial Records

10.1 The Cashbook

The Cashbook is the fundamental financial record of any group detailing all transactions made by the project, either in cash or by cheque.

A standard Cashbook format is shown in Appendix 1. The details of all transactions are recorded and the nature of the income or expenditure is analysed in the columns provided.

Source documents, including invoices, cheques, payment vouchers and receipts, should be cross-referenced with the Cashbook entries and retained.

The Cashbook balance should be reconciled with cash counted and bank statements on a regular basis, Appendix 2.

10.2 Petty Cash / Imprest Account

It is often more convenient to operate a small petty cash float to cover items of daily expenditure rather than process all transactions through the main bank account.

A separate Petty Cash Imprest Book should be maintained to record each transaction (Appendix 3) with all expenditure supported by receipts and / or authorised petty cash vouchers.

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10.2.1 Petty Cash Advances

Where cash is advanced prior to expenditure a petty cash voucher detailing the anticipated expenditure should be completed and signed by the staff member / volunteer receiving the cash.

The balance of any cash not used should be returned to the imprest holder together with receipts or signed vouchers for the actual expenditure.

The net expenditure (advance less returns) should then be recorded as expenditure in the Petty Cash Imprest Book.

10.2.2 Re-imbursements and Cash Book Transactions

The initial float and any future re-imbursements are drawn from the main bank account and recorded in the Cashbook as expenditure.

Each request for re-imbursement should be supported by a detailed analysis of expenditure, Appendix 4.

10.3 Treasurer's Budget Monitoring Report

The Treasurer should prepare regular budget monitoring reports for the management committee detailing the actual expenditure level against the approved budget, highlighting any variances and the balances held by the project. It is recommended practice that current bank statements and reconciliations of balances are tabled by the Treasurer and evidenced as reviewed by the committee.

11. Annual Financial Statements

All organisations are responsible for producing annual financial statements in line with the applicable statutory requirements. These will include dependant upon the structure of the organisation or body – The Companies Act 2006; Charities Accounts (Scotland) Regulations 2006; Charities SORP 2005.

Where organisations are in receipt of grant funding from East Ayrshire Council they must produce the following financial statements:

<u>Level of Funding</u>	<u>Statements Required</u>	<u>Sample Format</u>
Less than £7,500	Receipts and Payments Account and Statement of Balances	Appendix 5
Over £7,500	Income and Expenditure Account and Balance Sheet	Appendices 6 and 7

Whilst sample formats are included as Appendices for information organisations can vary the precise format to ensure compliance with all statutory reporting requirements.

12. Financial Self Assessment

The attached self assessment form has been designed for use by groups and designated monitoring officers as a tool for highlighting potential areas of concern in a group's financial management.

It should be noted that not all items are appropriate for all organisations; in particular smaller voluntary bodies may find that many sections are not relevant to their activities.

Groups awarded funding from East Ayrshire Council in excess of £7,500 p.a. will be required to complete the Self Assessment and submit a copy to the designated monitoring officer as evidence of compliance with the principles of financial good practice. Assistance in completing the assessment is available from the designated monitoring officer.

Groups awarded funding of less than £7,500 p.a. are not required to submit completed assessments but may find the form useful in highlighting practice issues.

For Official Use Only	
Organisation	
Reference number	

External Funding – Self Assessment (APB27B)

		YES	NO	COMMENTS
1	GENERAL ADMINISTRATION			
1.1	CONSTITUTION Does the group have a written constitution formally adopted by the full group?			
1.2	MANAGEMENT COMMITTEE Has the group elected a management committee? Have office bearers been elected?			
1.3	INSURANCE Does the group have adequate insurance covering: Public Liability Employers' Liability Professional Indemnity Other			
1.4	REPORTING ARRANGEMENTS Does the management committee receive regular reports covering progress on project objectives? Does the Monitoring Officer receive copies?			
1.5	DOCUMENT RETENTION AND STORAGE Are all project records and source documentation stored securely?			
1.6	SEPARATION OF FUNDS Are all project funds accounted for separately from other group funds?			
1.7	AUDITOR Has an appropriate auditor been appointed?			
1.8	VAT Does the group require to register for VAT?			

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	YES	NO	COMMENTS
2 FINANCIAL MANAGEMENT			
2.1 BUDGETS Have budgets covering all expenditure and income been prepared and approved by the management committee? Does the Treasurer present regular reports on the project's financial position? Does the Monitoring Officer receive copies?			
2.2 INTERNAL CONTROLS			
INCOME Are all grant claims submitted timeously? Is all mail opened by two people? Are any cash or cheques received by mail recorded immediately? Are records kept of each fund raising event? Is all cash collected counted and checked by two people? Is all income recorded on Income Control Sheets? Is all income banked intact? Is income banked at least once per week? Are income control records reconciled to bank statements?			
EXPENDITURE <u>General</u> Is all expenditure properly authorised? Is supporting documentation held for all expenditure, e.g. invoices, receipts, etc.? Are all transactions recorded in the appropriate Cash Book / Petty Cash Book? <u>Purchase Orders</u> Are all orders signed by two authorised signatories? Are all invoices checked against orders prior to payment? <u>Cheque Payments</u> Are all cheques signed by two authorised signatories?			

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	YES	NO	COMMENTS
<p>INTERNAL CONTROLS cont.</p> <p>Are blank cheques pre-signed?</p> <p>Are all cheque stubs completed prior to signature?</p> <p><u>Cash Payments</u></p> <p>Are all cash holdings secured?</p> <p>Are all cash payments made from Petty Cash?</p> <p>Are all transactions recorded in the Petty Cash Book?</p> <p>Are all claims for Petty Cash Re-imbursements reconciled to the Petty Cash Book and signed an authorised signatory?</p> <p><u>Salaries and Wages</u></p> <p>Are personnel files held for each employee?</p> <p>Are all salary levels approved by the management committee?</p> <p>Are all payments checked against authorised salary levels / rates prior to payment?</p> <p>Are all PAYE / NIC requirements complied with?</p> <p>Are all Inland Revenue Payments made timeously?</p>			
<p>2.3 BANK AND BUILDING SOCIETY ACCOUNTS</p> <p>Are all bank statements reconciled with the Cash Book?</p> <p>Are all accounts held in the name of the group/project?</p>			
<p>2.4 FINANCIAL RECORDS</p> <p>Are proper books and records, including Cash Book, maintained?</p> <p>Are appropriate Annual Financial Statements produced?</p> <p>Are all financial statements approved by the Management Committee?</p> <p>Are all financial statement audited by an appropriate auditor?</p> <p>Does the Monitoring Officer receive copies of all financial statements?</p>			



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