



**SCHEME FOR THE ESTABLISHMENT
OF COMMUNITY COUNCILS
IN ARGYLL AND BUTE 2022**



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SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS WITHIN ARGYLL AND BUTE

1 Introduction

1.1

- d. Make particular efforts to encourage young people and other under-represented groups to attend and participate in community council meetings and to ensure equality of opportunity in the way the community council carries out its functions.
- e. Maintain proper financial records and present financial reports at community council meetings.
- f. Inform the Community Council Liaison Officer of any change in membership (e.g. resignations) and circumstances, as soon as is practicable.

4. Community Councils and Community Council Areas

- 4.1 There will be community councils in Argyll and Bute for the areas and by the names set out at Appendix 3 to this Scheme. Argyll and Bute Council has produced maps that define their boundaries. Community councils which existed prior to this Scheme will be disestablished on the day of the first elections to the community council established under this Scheme held after this scheme is adopted.

5. Membership of Community Councils

- 5.1 A person is entitled to stand for election to, to be elected as, or to be a member of a community council provided that person –
 - has achieved 16 years of age on the day of election
 - is resident within the community council area
 - has their name included in the electoral register for local government elections for the community council area in which they reside.
- 5.2 A person who is a member of Argyll and Bute Council, or the Scottish or UK Parliaments will be ineligible from standing for election to, being elected as, or being or remaining a member of a community council.
- 5.3 A person whose estate has been sequestrated by a court in Scotland or who has been adjudged bankrupt elsewhere than in Scotland will be disqualified from standing for election to, being elected as, UK 5.3A person whose itllified f r o m s t a

Process

6.5 At an ordinary election of community councillors, on the expiry of the period for lodging nominations:

- (1) Should the number of candidates validly nominated equal or exceed half of but be less than or equal to the total number of seats on the community council as specified in Appendix 3 to the Scheme, the said candidates will be declared to be elected and no poll will be held.
- (2) Should the number of candidates validly nominated exceed the total number of seats on the community council, a poll will be held. At the poll, each elector will be entitled to vote for candidates up to the number of seats to be filled.
- (3) Should the number of candidates elected be less than half of the number of seats on the community council, no community council will be established at that time. In such circumstances a follow up election / by-election will be held within 6 months.

6.6 If after that follow up election or by-election there remain vacancies in more than half of the number of total number of seats on the community council, the following courses of action will be open to Argyll and Bute Council:-

- (1) The council may, without disestablishing it, leave the community council dormant and take no further action to hold an election until the council is satisfied that sufficient local interest is in place to support a sustainable community council,
- (2) the council may, following discussions within the community and with neighbouring community councils, disestablish the community council for which a follow up election has been held, adjust community council boundaries, and hold such fresh elections as may be necessary to ensure the area of the disestablished community council is adequately represented on the community council(s) covering the amalgamated area(s).

Method of Election

6.7 In any poll for the election of community councillors those candidates who receive the highest number of votes cast will be elected up to the number of seats to be filled.

Casual vacancies between elections

6.8 A vacancy on a community council will arise in the following circumstances:

- when all seats have not been filled through the election process;
- when a community council member formally resigns in accordance with the procedure outlined in the constitution; or

- when a community council member ceases to be qualified to be a member in the circumstances set out in clauses 5.2, 5.3, 5.4, 6.9 and 13.12.5 of the Scheme.
 - a. The community council may fill the vacancy through co-option with voting rights to a maximum of one third of the total membership of the community council.
 - b. Co-opted members must meet the eligibility criteria set out at section 5 of this Scheme.
 - c. They must be elected onto the community council by a 2/3rds majority of the community council members attending the meeting
 - d.

situation every 3 months and grant further extensions. A leave of absence should only be extended beyond a 12 month period in exceptional circumstances and where the needs of the community can still be met from the remaining cohort of members.

- d. A member of a community council who is elected as a member of Argyll and Bute Council, or the Scottish or UK Parliaments shall cease to be a member of the community council as of the date of their election.
- e. A member of a community council who is disqualified from being a member of a community council under clause 13.12.5 will cease to be a member of the community council for the remaining electoral term.
- f. A member of a community council who becomes ineligible in terms of provisions contained at 5.3 and 5.4 of this Scheme will cease to be a member of the community council for the remaining electoral term.

6.10 Should a vacancy or vacancies arise in the membership of a community
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- Stationery
- Photocopying
- Postage
- Travel costs
- Telephone costs
- Accommodation lets
- Affiliation fees
-

13.2.1 the complaint concerns the conduct of the community council as a whole, or the conduct of half or more of the community council members;

13.2.2 three or more complaints have previously been received about a particular community council member, or from a particular individual, during a single community council term; or

13.2.3 the complaint concerns the response of the community council to a previous complaint.

13.3

- 13.8 A Panel shall consist of 3 elected members of Argyll and Bute Council's Regulatory Cohort plus 2 members of community councils within the Argyll and Bute Council area to which the complaint does not relate. The Panel will have a quorum of 3. Only Panel members present for all meetings in relation to a complaint can vote on the decision on that complaint.
- 13.9 If a complaint is made in respect of a decision of a community council to impose one of the sanctions set out at clauses 13.5.1 to 13.5.4 in respect of a previous complaint, including by the subject of that previous complaint, implementation of that sanction shall be suspended pending the Panel's determination of the new complaint.
- 13.10 A Panel shall meet to decide a complaint within 12 weeks of the complaint being referred to it. In the event it cannot be decided within 12 weeks, all relevant parties will be notified of the revised timescales.
- 13.11 A Panel may, with the agreement of all relevant parties, refer a complaint for consideration by an independent person or body, which person or body shall have the same obligations and powers in respect of the complaint as the Panel.
- 13.12 Otherwise, a Panel shall decide on a simple majority whether the subject of the complaint has, on the balance of probabilities, failed to comply with the obligations set out at clause 13.1. If satisfied that those obligations have not been complied with, the Panel must:

- 13.13 Where a complaint referred to the Panel under clauses 13.2.3 and 13.3 concerns a community council's decision under clause 13.4, the Panel shall decide by a simple majority whether to confirm the community council's decision. If it does not confirm the community council's decision, it shall either: direct the community council to consider the original complaint in accordance with clauses 13.2 to 13.6 (excluding 13.4); or consider the original complaint itself in accordance with clauses 13.10 to 13.12.
- 13.14 Argyll and Bute Council reserves the right to carry out any investigation that it considers necessary into the conduct of a community council or individual members of a community council.
- 13.15 Argyll and Bute Council will maintain a list of all individuals disqualified under clause 13.12.5, the start and end of the period of disqualification and the reason (from the Panel). This list will be available on request.

14. Dissolution of a Community Council

- 14.1 The provisions which apply relative to the dissolution of a community council are contained in the Model Constitution.
- 14.2 Should a community council fail to hold a meeting for a period of 3 consecutive prescribed meeting dates, or its membership falls below the prescribed minimum as set out in this Scheme for a period of 3 consecutive prescribed meeting dates Argyll and Bute Council may take action to dissolve the community council.

MODEL CONSTITUTION FOR COMMUNITY COUNCILS IN ARGYLL AND BUTE

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 the local authority’s Scheme for the Establishment of Community Councils (hereinafter referred to as “the Scheme”).

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.

5. Membership

The number of members of the community council and the arrangements for the operation of the community council will be as governed by the Scheme and as determined from time to time by Argyll and Bute Council.

In event of the non-election, removal, retiral or resignation of the Secretary and/or Treasurer, all documentation, financial records etc held on behalf of the community council shall be pass

11. Committees of the Community Council

The community council may appoint a number of their members to committees of the community council for the purpose of advising the community council on any matter and shall determine the composition, terms of reference and duration of the committee.

12. Meetings of the Community Council

- (a) The quorum at a meeting of a community council will be one quarter of the current number of members, but will never be less than three.
- (b) Each year the community council will hold an annual general meeting by the end of June, for the purpose of receiving and considering the Convener's annual report, the submission and approval of the independently examined annual statement of accounts, the appointment of office-bearers and to set the annual meeting programme.
- (c) One annual general meeting and a minimum of 6 ordinary meetings of the community council will be held each year where the electorate is above 600 or a minimum of 4 ordinary meetings of the community council where the electorate is 600 or less.
- (d) Dates, times and venues of ordinary meetings of the community council will be fixed at the first meeting of the community council following ordinary elections and thereafter at its annual general meeting. Special meetings will require at least 7 days public notice, either called by the Convener, or on the request of not less than one-half of the total number of community council members. The

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- (b) The treasurer will keep proper accounts of the finances of the community council.
- (c) Any two authorised signatories, who will 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, independently examined by a person of good standing appointed by the community council, who must not be a member of the community council, will be submitted to the annual general meeting of the community council and will be made available for inspection by members of the public at a convenient location.
- (e) The financial year of the community council shall be from 1 April to 31 March. Examined accounts as received and approved by the community council at the annual general meeting will be submitted to the Community Council Liaison Officer together with the draft AGM minutes.
- (f) In the event of a community council resolving to dissolve itself or being disestablished then, on a certificate signed by the Executive Director of Customer Services or his nominee, the whole assets and funds of the community council shall revert to Argyll and Bute Council to be held in trust and to be directed by them in support of any future community council identified to represent that community. In setting up bank accounts, it will be incumbent on the community council to put in place banking arrangements that will permit the foregoing to be given effect to.

16. Title to Property

Subject to 15(f) above property and other assets belonging to the community council will be vested in the Convener, Secretary and Treasurer of the community council and their successors in these respective offices.

17. Alterations to the Constitution

Any proposal by the community council to alter this Constitution must be first considered at 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 seven days prior to the meeting. Any proposed alteration 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 community council members attending and thereafter approved in writing by Argyll and Bute Council, the alteration shall be deemed to have been duly authorised and can then come into effect.

18. Dissolution

If the community council decides at any time that it is necessary or advisable to dissolve, it shall first agree a date to hold a public meeting of the community council to be held for the specific purpose of discussing the proposed resolution to dissolve. It is a requirement that not less than seven days prior to the date of such meeting public notice of the meeting and the proposal to dissolve is given in a local newspaper. If the resolution is supported by two-thirds of the current membership and thereafter approved by Argyll and Bute Council, the community council shall be deemed to be dissolved and all assets remaining, after the satisfaction of any proper debts or liabilities shall transfer to the Argyll and Bute Council as specified in paragraph 15 (f) above.

In the event that the community

- c. The minutes of the last meeting of the COMMUNITY COUNCIL shall be submitted for approval.
- d. Any other item of business, which the Convener has directed, should be considered.
- e. Any other competent business.
- f. Public questions.
- g. Convener 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 members attending and apologies received.
- b. Establish whether there are any declarations of interest.
- c. The minutes of the last annual general meeting of the COMMUNITY COUNCIL shall be submitted for adoption.
- d. Convener's Annual Report (and questions from the floor).
- e. Secretary's Annual Report (and questions from the floor).
- f. Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).
- g. Election of office-bearers.
- h. Agree annual programme of meetings
- i. Convener to declare date of next annual general meeting and close meeting.

(iii) Special Meeting

The order of business at a special meeting of the COMMUNITY COUNCIL shall be as follows: -

- a. Recording of members attending and apologies received.
- b. Establish whether there are any declarations of interest.

7. Alteration of Standing Orders

A proposal to alter these Standing Orders may be proposed to Argyll and Bute Council 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. Argyll and Bute Council shall make the final decision on any proposed change.

8. Committees

The COMMUNITY COUNCIL may appoint such committees as it may from time to time decide for the purpose of advising the COMMUNITY COUNCIL on any matter 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 attending and then only if the mover states the object of his motion and if two-thirds of the COMMUNITY COUNCIL members attending consent to such suspension.

ARGYLL AND BUTE COUNCIL
SCHEME FOR THE ESTABLISHMENT OF
COMMUNITY COUNCILS

BOUNDARIES FOR COMMUNITY COUNCIL AREAS
MEMBERSHIP OF COMMUNITY COUNCILS

Membership will be based on the electorate of the Community Council area
according to the following:

| Electorate | Number of Core Members |
|-------------------|-----------------------------------|
| Up to 600 | 8 |
| 601 - 1000 | 10 |
| 1001 – 5000 | 16 |
| Over 5000 | 20 |

| | Community Councils | Polling Districts | Polling District Name | Electorate 02/08/2022 | Membership | Council Ward |
|----|---------------------------|--------------------------|---|---------------------------------|-------------------|---------------------|
| 14 | Lochgilphead | AA27 | Lochgilphead | 2270 | 16 | 3 |
| 15 | West Lochfyne | AA34 | Minard | 318 | 8 | 3 |
| 16 | Furnace | AA29 | Furnace | 223 | 8 | 3 |
| 17 | Inveraray | AA28 | Inveraray | 584 | 8 | 3 |
| 18 | Dunadd | AA30 AA31 AA33 | Kilmartin Ford Kilmichael Glassary | 280 165 <u>347</u> 792 | 10 | 3 3 3 |
| 19 | Craignish | AA32 | Craignish | 406 | 8 | 3 |

| | Community Councils | Polling Districts | Polling District Name | Electorate 02/08/2022 | Membership | Council Ward |
|----|---------------------------|--------------------------|---|---------------------------------|-------------------|---------------------|
| 49 | Rhu & Shandon | AD01 AD07 | Rhu South North Rhu & Shandon | 944 <u>734</u> 1678 | 16 | 9 9 |
| 50 | Garelochhead | AD02 | Garelochhead | 1318 | 16 | 9 |
| 51 | Cove & Kilcreggan | AD03 AD08 | Cove Kilcreggan | 395 <u>871</u> 1266 | 16 | 9 9 |
| 52 | Arrochar, Tarbet & Ardlui | AD10 AD04 AD06 | Glencroe Arrochar Tarbet & Ardlui | 178 321 <u>187</u> 686 | 10 | 9 9 9 |
| 53 | Rosneath & Clynder | AD09 | Rosneath | 1159 | 16 | 9 |
| 54 | Luss and Arden | AD05 AD24 | Luss 16 | — | | |
| | | | | — | | |
| | | | | | | |