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- 3.3 Community councils are consulted on planning applications and licensing matters. Liaison on other matters may also be jointly agreed between community councils, the local authority and other public sector and private agencies. There should be positive mutual engagement in the establishment of working relationships with the local authority, Area Community Planning Groups and other agencies.
- 3.4 Community councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objectives of their Constitution and the terms of the Scheme including their duties as a community participation body under the Community Empowerment Act 2015.
- 3.5 In carrying out their activities community councils must at all times adhere to the law, the terms of the Scheme and the community councillors' code of conduct. It should be noted that while Data Protection legislation applies to community councils, Freedom of Information legislation does not currently apply.
- 3.6 Each community council is required to adopt a Constitution, based upon the Model Constitution at Appendix I, together with Standing Orders at Appendix 2, in order to encourage and maintain consistency for all community councils and to facilitate the proper conduct of their proceedings. Any proposed deviation from the Model Constitution or Model Standing Orders requires to be supported by two-thirds of the community council members attending and thereafter approved by Argyll and Bute Council before it shall have effect.
- 3.7 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 organisations, community councils will: -
- a. 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/or online and, subject to the provisions contained within the Data Protection Act 1998, provide contact details of community council members.
 - b. Provide agendas, reports and minutes to their members, relevant elected members for their ward area(s) and the public in accordance with the Model Standing Orders and more specifically provide minutes to the Community Council Liaison Officer within 14 days from the date of the meeting.
 - c. Seek to broaden expertise by promoting the provision of relevant information at community council meetings from persons who may contribute accordingly.

- 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

- 5.5 A member of a community council will represent the whole of the community council area and the persons who live there whether they may or may not have voted for that member.

6. Community Council Elections

Electors

- 6.1 A person is entitled to vote in an election of community councillors provided that person –

has achieved 16 years of age on the day of election
has their name included in the electoral register for local government elections for the community council area in which they are voting.

Nominations and Elections

- 6.2 The first elections to be held under the Scheme shall be held on a date determined by Argyll and Bute Council. Subsequent elections will be held on a four-yearly-cycle, on dates to be determined by Argyll and Bute Council.

The Returning Officer reserves the right to vary the community council term, should other electoral timetables conflict with the community council election for that term, to prevent disruption to the community council election process.

Argyll and Bute Council will provide for the administration of community council elections which will be held, where there is a requirement for a poll, by postal ballot.

Returning Officer

- 6.3 The Returning Officer will be the Returning Officer for Parliamentary and Local Government elections in Argyll and Bute, or a person appointed by that Returning Officer.

Nominations

- 6.4 A candidate for election as a member of a community council will be validly nominated provided the nomination –

is subscribed on the correct form by a proposer and seconder, both of whom must be included in the electoral register for local government elections for the community council area;
the nomination carries the candidate's consent; and
the nomination and consent are received by the Returning Officer before the date and time specified in the timetable for the election.

Self-nomination is not permitted.

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. Such co-opted members will have full voting rights.
- e. Co-opted members are appointed to a vacancy on a temporary basis until electoral processes take place and as such may only serve until either an interim by-election takes place (regardless of whether or not that community council is participating in the interim by-election) or until a scheduled election takes place, whichever occurs soonest. Where an unscheduled by-election is organised by the Returning Officer, all vacancies (including those currently filled by co-option) must be included in the by-election. Any co-opted member who declines to stand for election whether the election is scheduled or unscheduled, will require to step down from the role as of the designated election date.
- f. In the event of non-election or stepping down co-opted members will not be eligible for co-option again until the next four-yearly cycle of elections has taken place.
- g. Notice of persons proposed for co-option 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 and in terms of keeping the community informed, the names of the persons proposed will be listed on the agenda for the meeting where the matter will be decided.

Disqualification of Membership

6.9

- a. A member of a community council who ceases to reside within the community council area will cease to be a member of the community council.
- b. A member of a community council who fails throughout a continuous period of 6 months to attend any community council meeting, with or without submitting apologies will cease to be a member of the community council unless the community council is satisfied as to the reason for the absence.
- c. At the discretion of individual community councils, a period of leave of absence for a community council member (not extending beyond 6 months) may be granted at any meeting of the community council and minuted accordingly. At the end of the 6 months it will be open to community councils to review the

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

- 10.2 Community councils are strongly encouraged to work with and positively participate in the work of Area Community Planning Groups, which are the key local community engagement development forums in local decision making areas.
- 10.3 Representations should be made in the case of statutory procedures, such as planning or licensing matters, in terms of that procedure to the appropriate council official. On issues where a council service is consulting

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 Complaints falling within one of the categories in clauses 13.2.1 to 13.2.3 shall be referred to the Community Council Liaison Officer who will establish a Conduct Review Panel established under clause 13.7.

13.4 The community council need not consider the substance of a complaint, nor refer a complaint to the Conduct Review Panel, if the community council decides (by a simple majority of those attending and voting at a meeting) that the complaint is vexatious, or that

- 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.

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.

4. Role and Responsibilities

- 4.1 In the discharge of their functions and the conduct of their business, the COMMUNITY COUNCIL and its members shall have regard to their role and responsibilities as set out in paragraph 3 of the Scheme approved by Argyll and Bute Council, and the Best Practice Agreement.
- 4.2 Members of the community council shall comply with and abide by their obligations under the Scheme, this Constitution and the Code of Conduct for Community Council Members, and their compliance shall be enforced via the procedure set out at Section 13 of the Scheme.

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 passed to the nominated person appointed by the community council, or designated by the Convener, within 7 days of the effective date of non-election, removal, retiral or resignation.

6. Resignations

- a) Resignations of members must be submitted in writing, by hard copy or electronic means, to either the Convener or Secretary of the community council. The resignation cannot be retrospective.
- b) If the Convener resigns then they should notify the Vice-Convener and Secretary in the same manner.
- c) Any notification of resignations received should be acknowledged by the recipient within 7 days or intimated at the next scheduled community council meeting, whichever is the soonest.
- d) A written resignation may be withdrawn at any time prior to the matter being formally intimated and accepted at a community council meeting.
- e) Where a resignation is intimated during the course of a community council meeting it should be accepted and recorded in the draft minutes. Should the member wish to subsequently reconsider the resignation they must contact the Convener or Secretary (or Vice-Convener or Secretary in the case of the resignation of the Convener) in writing, at least 48 hours prior to the next scheduled meeting taking place
- f) A resignation cannot be withdrawn after the minutes of the meeting where the resignation was accepted have been formally approved.

7. Method of Election

The arrangements for electing persons to be community councillors will be as laid down in the Scheme and as determined by the Returning Officer.

8. Casual Vacancies on the Community Council

Where a vacancy arises which does not result in the number of community councillors falling below 50% of the membership figures specified in Appendix 3 of the Scheme, the community council may agree to fill the vacancy through co-option with full voting rights to a maximum of one third of

- (h) The community council may discuss items of business in private where it considers it appropriate to do so. The decision to discuss an item of business in private will be agreed in advance and decided by a majority of those community councillors attending and voting. Notice of a meeting will be given to the public in the usual way. However, the notice will record that the meeting, or a part thereof, may be held in private.

13. Public Participation in the Work of the Community Council

- (a) All meetings of the community council and its committees (subject to 12(h), above) shall be open to members of the public. Reasonable provision is to be made for the accommodation of members of the public and the opportunity should be

(b) The treasurer will keep proper

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 14 (f) above.

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 Argyll and Bute 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 Scheme for the Establishment of Community Councils Argyll and Bute Council may, by suspending the Constitution of the community council, resolve to dissolve the community council.

19. Approval and adoption of the Constitution

This Constitution was adopted by
COMMUNITY COUNCIL, on

..... Signed: Convener
.....
..... Member
..... Member
..... Date

and was approved on behalf of Argyll and Bute Council

on Date

..... Signed (Executive Director with
responsibility for community council governance, or nominee)

MODEL 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 Convener 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 by the end of June.

(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 Argyll and Bute Council's Community Council Liaison Officer by the Secretary of the COMMUNITY COUNCIL, and will be displayed prominently within the COMMUNITY COUNCIL area, and/or made available online at least 7 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 within fourteen days from the date of that meeting, displayed in public places, such as libraries and notice boards, and/or made available online, provided to Argyll and Bute Council 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.

3. Quorum

A quorum shall be one quarter of the current number of elected members, but will never be less than three.

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

- 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

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.

	Community Councils	Polling Districts	Polling District Name	Electorate 02/08/2022	Membership	Council Ward
1	Southend	AA03	Southend	393	8	1
2	The Laggan	AA02	Drumlemble	302	8	1
3	Campbeltown	AA01 AA04 AA06	Campbeltown South Campbeltown Central Campbeltown North	1335 1648 <u>1134</u> 4117	16	1 1 1
4	West Kintyre	AA07 AA12 AA13	Bellochantuy/ Kilkenzie Chleit Clachan	147 316 <u>266</u> 729	10	1 2 2
5	East Kintyre	AA05 AA08	Peninver Carradale	175 <u>410</u> 585	8	1 2
6	Tarbert & Skipness	AA09 AA10	Skipness Tarbert	88 <u>1075</u> 1163	16	2 2
7	Gigha	AA11	Gigha	142	8	2
8	Islay	AA15 AA16 AA17 AA18 AA19	Port Charlotte Portnahaven Kilmeny Port Ellen Bowmore	471 185 380 944 <u>706</u> 2686	16	2 2 2 2 2
9	Jura	AA20	Jura	190	8	2
10	Colonsay	AA21	Colonsay	114	8	2
11	South Knapdale	AA14 AA24				

	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
20	Mull	AA42 AA43 AA44 AA45 AA46 AA47 AA48 AA49 AA50	Tobermory			

	Community Councils	Polling Districts	Polling District Name	Electorate 02/08/2022	Membership	Council Ward
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Community Councils	Polling Districts	Polling District Name	Electorate 02/08/2022	Membership	Council Ward
37 Colintrave & Glendaruel	AA75 AA76 AA84 (Prt)	Glendaruel	157	8	6
		Colintrave	127		6
		Rashfield	<u>17</u>		
			301		
38 Cairndow	AA77	Cairndow	130	8	6
39 Lockboil	AA78	Lockboil	374	8	6
40 Strachur and District	AA79	Strachur	497	8	6
	AA80	Strachur	497		

	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