



**PERTH & KINROSS COUNCIL**

**SCHEME OF ESTABLISHMENT OF**

**COMMUNITY COUNCILS**

**2019 – 2023**

**Incorporating Constitution, Standing Orders, Community  
Council members Code of Conduct and Area Descriptions**

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## **Introduction**

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, made provision for the continuation of community councils. Under the legislation, every local community in Scotland is entitled to petition their council to establish a community council in their area.

The local authority is required to publish a community council scheme for their area outlining various arrangements for community councils including elections, meetings, boundaries, and finance.

This scheme will come into operation from 1 April 2019 and will be subject to review periodically.

## 1. Statutory Purposes

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

***“In addition to any other purpose which community councils 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”***

## 2. Establishment of Community Councils under the Scheme

Upon the local council's decision to amend the Scheme, it shall publish a Public Notice, which shall invite the public to make suggestions as to the areas and composition of the community councils.

Thereafter, a consultation process on the proposed scheme shall be undertaken prior to its formal adoption by Perth & Kinross Council.

If for any reason there is no established community council in an area following elections, twenty local electors whom must be on the electoral register for the area concerned may make a request by way of a petition to Perth & Kinross Council for an election to be held. Any members elected in this way will only hold office up to the next scheduled full community council elections.

## 3. Community Council Areas within Perth and Kinross

Perth & Kinross Council has produced a list of named community council areas and a map or maps that define their boundaries. The list of community areas are specified in the First Schedule to the Scheme. These can be modified with the prior approval of Perth & Kinross Council.

Any request to create a new or amend existing community council boundaries by (1) the sub-division of an existing community council area or (2) the merging of 2 community council areas or (3) changing the boundaries of existing community councils must be made in writing to Perth & Kinross Council. Such requests should demonstrate local support for the proposal, including the agreement of existing community council(s).

## **4. Roles and Responsibilities of Perth & Kinross Council**

### **4.1 The Role of Perth & Kinross Council**

Create a Scheme for the Establishment of Community Council in Perth & Kinross with the provision of boundary maps.

### **4.2 Responsibilities of Perth & Kinross Council**

- i. Arrange for establishment of community councils upon receiving 20 signatures of electors in that area in terms of section 52(7) of the Local Government (Scotland) Act 1973
- ii. Review the Scheme, both periodically and in response to representations made, and where amendments are required to propose, consult and vote on those amendments in terms of section 53 of the Local Government (Scotland) Act 1973
- iii. Where appropriate, revoke the existing Scheme and replace it with a new Scheme in terms of section 22 of the Local Government etc (Scotland) Act 1994.
- iv. Consult directly with community councils on all issues where consultation with the public is a statutory requirement.
- v. Consult with community councils on changes in licensing policies.
- vi. Arrange elections for community councils
- vii. Provide an administrative grant to cover administrative costs, volunteer expenses and equipment as per paragraph 13 below.
- viii. Provide appropriate Public Liability insurance.
- ix. Register appointed community councillor from each community council as Data Controller with the Information Commissioner's Office in compliance with Data Protection legislation.

**Within the resources available, Perth & Kinross Council shall endeavour to:**

- x. Determine a consistent level of support to community councils across the local authority area within available resources.

- xi. Offer advice and assistance to community councils for development and training on such things as the duties and responsibilities of office bearers, the role of community councils, the functions of Perth and Kinross Council and other relevant topics.
- xii. Consult reasonably with community councils regarding the administration of Common Good funds.

## **5. The Role and Responsibilities of Community Councils**

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 their council, other public sector bodies and private agencies on matters within their sphere of interest.
- It is essential that these views be demonstrated to be accurately representative of the community. Accordingly, the community councils will have in place, in consultation with the council, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sectors of the community.

### **5.1 Role**

- i. Community councils have a statutory right to be consulted on planning applications. Licensing matters and any other matters may also be jointly agreed between community councils, Perth & Kinross Council and other public sector and private agencies.
- ii. Community Councils are a community participation body under the Community Empowerment Act 2015 and may make requests in relation to this provision.
- iii. 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 Perth & Kinross Council's Scheme of Establishment of Community Councils.
- iv. There should be mutual engagement in the establishment of working relationships with Perth & Kinross Council and other agencies.
- v. In carrying out their activities community councils must at all times adhere to the law, the terms of Perth & Kinross Council's Scheme of Establishment of Community Councils and the Community Councillors' Code of Conduct as set out in Appendix 3.



- vi. Each community council is required to adopt a Constitution as set out in Appendix 1, together with Standing Orders as set out in Appendix 2, to encourage and 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 requires to be ratified by Perth & Kinross Council.

## **5.2 Responsibilities**

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:

- i. Be non- political
- ii. Inform the community of their work (eg: in newsletters and online in social media outlets such as websites, twitter and Facebook); display 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 2018 and the General Data Protection Regulations, provide contact details of community council members.
- iii. Agendas and draft minutes of community council's meetings must be presented to the Council within 14 days from the date of that meeting and be circulated to community council members, relevant elected members and other interested parties.
- iv. Seek to broaden both representation and expertise by promoting the associate membership of the community council of persons (not eligible for election to the community council) for specific projects/issues.
- v. 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.
- vi. Have in place consultative mechanisms to ascertain, co-ordinate and reflect the views of all sectors of the community which it represents, to liaise with other community groups within the area, and to fairly express and consider the diversity of opinions and outlooks of the people within the course of the community council business.
- vii. Maintain proper financial records and present regular financial reports at community council meetings (notes on financial guidance will be provided).

- viii. Inform Perth & Kinross Council of any change in membership (resignations, co-option and associate membership) and as soon as practicable and record any such changes in membership at the next ordinary meeting.

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

- i. The minimum number of members to be elected to a community council is six and the maximum is 15.
- ii. The minimum age to stand for election as a community councillor is 16 years old.
- iii. Members must reside within the specific community council area i.e. the individual's permanent home must be within the community council area.
- iv. Members for community council membership must also be named on the electoral register for the community council area in which they reside.
- v. Only, in the circumstances where a member, who is resident in the community council area and is excluded from the electoral register as a EU national, their membership can be proposed by members who reside and are named on the electoral register for the community council area to qualify.
- vi. There shall be provision made for non-voting associate membership for purposes as defined by each community council. For example, persons under 16 years of age. Such persons will not be counted in terms of meeting a quorum, or towards the total number of community council members.

## **7. Community Council Elections**

### **7.1 Nominations and Elections**

- i. The first elections to be held under the Scheme shall be held on 7 November 2019.
- ii. Subsequent elections will be held on the first Thursday of November on a three-yearly-cycle. The Council will administer all elections.
- iii. Perth & Kinross Council will appoint an Independent Returning Officer.

## 7.2 Eligibility

- i. Candidates wishing to stand for election to a community council must meet the criteria for membership outlined in paragraph 6 of this Scheme. To be eligible to vote in a community council election the voter must reside and be named on the electoral register for that community council area.
- ii. Any community council member who no longer resides within that community council area is deemed to have resigned from that community council.
- iii. Any individual who is elected to serve on Perth and Kinross Council, or the Scottish, United Kingdom 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 in part of their electoral constituency.

## 7.3 Nominations

- i. Individuals seeking election to a community council require to be nominated by a proposer and seconder, both of whom must be resident and appear on the Electoral Register for that community council area. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.
- ii. A nomination form should be completed, the style of which will be determined by the Council. Nomination forms require to be submitted by the date set down in the election timetable. No nomination forms submitted after that date will be accepted. Candidates are also invited to submit a Personal Statement with the nomination form. In the event that there are more nominations than vacancies in any area or sub-area, a candidate's personal statement will be published along with his or her name and address. Personal statements are limited to 50 words (in addition to name and address). Where no personal statement is submitted only the candidate's name and address will be printed.

## 7.4 Process

On the expiry of the period for lodging nominations:

- i. Should the number of candidates validly nominated equal or exceed the **MINIMUM**, but be less than or equal to the total **MAXIMUM** permitted membership, the said candidates will be declared to be elected unopposed and no ballot shall be held.
- ii. Should the number of candidates validly nominated exceed the total maximum permitted membership, arrangements for a Poll shall be implemented. At the Poll, each voter shall be entitled to vote for candidates up to the number of vacancies on the community council.

- iii. Should the number of candidates elected, be below the **MINIMUM** of the total maximum permitted membership no community council will be established at that time. However, that does not preclude the Council from issuing a second call for nominations for a community council area failing to meet the minimum membership requirement within 6 months of the closing date for the registration of the first call for nominations.

## **7.5 Method of Election**

Where appropriate, elections will take place across the Perth & Kinross Council area at one time, and with regard to the terms of paragraph 7.1 above. Community councils shall be elected on a simple majority basis.

## **7.6 Filling of casual places/vacancies between elections**

Casual vacancies on a community council may arise in the following circumstances:

- i. When an elected community council member submits her/his resignation;
- ii. When an elected community council member ceases to be resident within that community council area;
- iii. When an elected community council member has her/his membership disqualified (paragraph 10 below).

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 Perth & Kinross 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 the **MINIMUM** permitted membership, Perth & Kinross Council shall be informed and shall undertake arrangements for an interim election to be held.

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

- i. Co-opted members must be eligible for membership to the community council as detailed within paragraph 7. 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). A co-option nomination form should be completed and submitted to Perth & Kinross Council for validating before the co-option can take place. Notice of any proposed co-option of a member should be included on the agenda for the next available meeting of the community council.

- ii. The number of co-opted members may not exceed a THIRD of the total community council membership and should be rounded up to the nearest figure. 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.
- iii. After 12 months from the date of their co-option to the community council the co-opted member will become a full member with the same rights and this full member will no longer be counted within the ratio of co-opted members.
- iv. Where a community council has sub-areas and there is a vacancy in a sub-area, a co-opted member to fill that vacancy must come from the sub-area.

## **8. Additional Membership**

### **8.1 Associate Members**

Associate members may be appointed by a community council where there may be a need for individuals with particular skills or knowledge. These individuals do not have voting rights.

Associate members 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 members may include representation from other constituted local voluntary organisations, young people, etc

An associate member does not require to reside within the community council area.

### **8.2 Ex-Officio Members**

Local Authority 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 shall have no voting rights and will not be entitled to be elected or nominated representatives of a community council.

For the avoidance of doubt, the attendance of any associate or ex-officio member at a meeting of the community council will not count towards the quorum for that meeting.

## **9. Resignations**

- i. Resignations of members must be submitted in writing by hard copy or by electronic means to the Chairperson, stating the effective date of resignation. This is not permitted to be retrospective.
- ii. If the Chairperson resigns then he/ she should notify the Vice-Chair and Secretary in the same manner.
- iii. Any notification of resignation received should be acknowledged by the recipient within 7 days or at the next scheduled community council meeting whichever is soonest.
- iv. If a resignation is made during the course of a community council meeting and no written resignation is then submitted, if the resignation has been witnessed by the remainder of the members present at the meeting, then once formally minuted the resignation will stand.
- v. A resignation is final once noted and minuted during the course of business at a community council meeting.
- vi. If the member resigning is appointed as an office bearer, they must ensure that all records held by them on behalf of the community council, are passed to the nominated person appointed by the community council to replace them, within 7 working days of the effective date of resignation.

## **10. Equalities**

Recognition should be given to the contribution of everyone participating in the work of the community council.

Community councils 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.

Consideration must also be given by the community council as to their meeting place. This must be in terms of accessibility and facilities for disabled users, as well as location, as far as practicable, to ensure that the needs of the all members, visiting public or other additional members are met.

## **11. Complaints**

A guidance note will be provided to assist community councils to deal with a complaint made against the community council or individual community council members.

## **12. Disqualification of Membership**

- i. Members who cease to reside in the community council area will be deemed to have resigned.
- ii. If any member of a community council fails to attend 6 consecutive meetings (where the community council meets monthly) or 3 consecutive meetings (where the community council meets every 2/3 months, with or without submitting apologies, the community council shall advise Perth & Kinross Council, and terminate their membership. However, at the discretion of individual community councils, a period of leave of absence for community council members may be granted at any meeting of the community council.
- iii. Membership of a community council is invalidated should a community council member's name no longer appear on the electoral register for that community council area.

## **13. Meetings**

### **13.1 First Meeting**

The first meeting of a community council following a community council election will be called by one of the local elected members of Perth and Kinross Council and will take place within 28 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.

Adoption of a constitution by the community council and ratification by Perth & Kinross Council must follow within 2 months of the first meeting.

In the absence of the community council agreeing and signing their constitution and seeking ratification by Perth & Kinross Council, the community council shall not be constituted, and the community council members must abide by the model constitution in the interim until they are constituted (Appendix 1)

### **13.2 Meeting Frequency**

The frequency of meetings will be determined by each community council, subject to a minimum of one annual general meeting and 4 ordinary meetings being held each year. The annual general meeting shall be held in the month of November each year. In an election year the first meeting after the election will be the annual general meeting and it is for the outgoing members to arrange and have in place all documentation for submission to this meeting.

### **13.3 Quorum**

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 the greater.

### **13.3 Declaration of Interest**

Whether before or during any meeting of a community council a member of that community council becomes aware that he/she or any person connected with him/her has an interest in or relating to any matter to be or being considered, he/she shall declare such interest. A member who has declared a financial interest, or a non-financial interest which he/she consider would cause a member of the public, knowing all the relevant facts and acting reasonably, to form the view that he or she might be influenced by that interest, shall withdraw from the meeting during such consideration and shall not speak or vote on any question relating to the matter. Such declarations of interest shall be recorded in the minutes of meeting.

### **13.4 Content of Business**

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 Standing Orders (Appendix 2 ).

## **14. Liaison with Perth and Kinross Council**

Correspondence between Perth & Kinross Council and the community councils should, in the first instance be directed through the appropriate Perth & Kinross Council Service.

Community councils may make representations to Perth & Kinross Council 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 Service official. On issues where a Perth & Kinross Council Service is consulting with community councils, representations should be made to the appropriate service officer.

However, in order to facilitate the effective functioning of community councils, Perth & Kinross Council has identified an official to act as a Liaison Officer with community councils on constitutional or general issues.

Community councils shall provide copies of their agendas and minutes within prescribed timescales via the Perth & Kinross Council's Liaison Officer (paragraph 5.2 ii. above).



## **15. Resourcing a Community Council**

### **15.1 Financial Year**

The financial year of each community council shall be provided for in the constitution of each community council and shall be from 1 October to 30 September in each succeeding year to allow for the proper submission of independently examined statement of accounts to the community council's annual general meeting on a specified date in November.

### **15.2 Annual Accounts**

- i. The annual accounts of each community council shall be independently examined by at least one examiner appointed by the community council, who is not a member of the community council.
- ii. A copy of the independently examined statement of accounts/balance sheet shall be forwarded immediately after the statement is approved at the community council's annual general meeting and no later than 28 February to Perth & Kinross Council's Liaison Officer.
- iii. The Liaison Officer may, at their discretion and in consultation with the Council's Chief Financial Officer, require the community council to produce such records, vouchers and account books, as may be required.
- iv. Each community council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions.
- v. Each community council shall be eligible to apply for grants for suitable projects through Perth & Kinross Council's grant system.
- vi. Perth & Kinross Council will provide an annual top-up administrative grant to community councils with a bank balance of less than £700, to assist with the operating costs of the community council subject to the submission of independently examined accounts.
- vii. Perth & Kinross Council's Liaison Officer shall facilitate advice and assistance to community councils 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 community councils, the functions of Perth & Kinross Council and other relevant topics.

## **16. Liability of Community Council Members**

A scheme of insurance liability cover has been arranged. The insurance liability cover becomes effective upon Perth & Kinross Council advising the insurance underwriter of the establishment of a community council.

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

The terms for dissolution of a community council are contained within the Constitution.

Notwithstanding these terms, 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 for a period of 3 consecutive prescribed meeting dates (during which time the community council and Perth & Kinross Council have taken action to address the situation), Perth & Kinross Council shall take action to dissolve that community council.

Dated: September 2018

**THIS IS THE FIRST SCHEDULE**  
**Referred to in the foregoing SCHEME**

**This schedule lists the community councils within Perth and Kinross Council within each  
Local Partnership area**

**Eastern Local Action Partnership Area**

Area Number	Community Council Name	Membership		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
17	Blairgowrie and Rattray	8	15	-	7790	05/11/15
18	Mount Blair	4	7	-	781	05/11/15
19	Alyth	6	11	-	2453	01/02/18
20	Meigle & Ardler	5	9	-	754	Not established
21	Coupar Angus and Bendochy	4	8	Coupar Angus (7) Bendochy (1)	2002 1852 150	05/11/15
22	Kettins	5	9	-	513	05/11/15
37	Burrelton and District	5	9	-	2211	Not established
39	Scone and District	5	10	-	4487	05/11/15
43	Errol	5	9	-	1924	05/11/15
44	West Carse	4	7	-	1523	05/11/15
45	Inchtute	5	10	-	1749	05/11/15
52	Invergowrie and Kingoodie	5	10	-	1473	Not established
53	Longforgan	5	9	-	1244	05/11/15

## Highland Local Action Partnership Area

Area Number	Community Council Name	Membership		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
9	Killiecrankie & Fincastle	4	7	-	<b>228</b>	05/11/15
10	Blair Atholl and Struan	3	6	Blair Atholl (4) Struan (2)	<b>611</b> 480 131	05/11/15
11	Rannoch and Tummel	4	8	Kinloch Rannoch (4) Rannoch West (2) Strathtummel West (2)	<b>466</b> 303 79 84	Not established
12	Aberfeldy	5	10	-	1611	05/11/15
13	Dull and Weem	3	6	-	425	05/11/15
14	Glenlyon and Loch Tay	3	6	Fearnan (3) Fortingall (2) Glenlyon (1)	<b>364</b> 170 131 63	05/11/15
15	Kenmore and District	4	8	Acharn (4) Kenmore (4)	<b>228</b> 125 103	05/11/15
16	Mid Atholl, Strathtay & Grandtully	4	7	-	<b>886</b>	05/11/15
32	Dunkeld and Birnam	5	10	-	<b>1646</b>	05/11/15
33	Spittalfield and District	4	7	Spittalfield/Glendelvine (2) Murthly (2) Clunie (1) Meikleour (1) Caputh (1)	<b>1491</b> 207 685 210 182 207	05/11/15

### Highland Local Action Partnership Area/... cont.

Area Number	Community Council Name	Membership		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
35	Auchtergaven	4	7	-	1261	05/11/15
36	Luncarty, Redgorten & Moneydie	4	8	-	1590	05/11/15
38	Stanley	4	8	-	1409	25/02/16
51	Pitlochry and Moulin	5	9	-	2642	05/11/15

### Kinross-shire, Almond and Earn Local Action Partnership Area

Area Number	Community Council Name	Membership		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
34	Methven	6	12	-	3786	05/11/15
40	Abernethy	5	9	-	1479	05/11/15
41	Glenfarg	6	12	-	901	05/11/15
42	Earn	7	13	Aberdalgie (1) Bridge of Earn & Dron (6) Craigend (1) Forgandenny (2) Forteviot (1) Path of Condie (1) Rhynd (1)	3620 115 2558 78 567 74 60 168	05/11/15
46	Kinross	6	11	-	4600	05/11/15
47	Portmoak	4	8	-	1152	05/11/15



## Kinross-shire, Almond and Earn Local Action Partnership Area/.... cont

Area Number	Community Council Name	Membership		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
48	Cleish and Blairadam	4	8	-	591	05/11/15
49	Milnathort	4	8	-	2040	25/02/16
50	Fossoway	4	8	-	1535	05/11/15

## Perth Local Action Partnership Area

Area Number	Community Council Name	Membership		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
1	Central	5	10	-	3743	Not established
2	Tulloch	5	9	-	4648	Not established
3	City South (incorporates Friarton/Craigie (3) & Viewlands (6))	7	13	-	11435	Not established
4	North Inch and Muirton	7	13	-	2241	28/09/17
5	Bridgend, Gannochy and Kinnoull	5	10	-	2953	05/11/15
7	Letham	5	9	-	7212	Not established
8	North Muirton	5	9	-	2411	05/11/15

## Strathearn and Strathallan Local Action Partnership Area

Area Number	Community Council Name	Membership		Sub Areas & No. of Seats	Electorate	Date Established
		Min	Max			
23	<b>Crieff</b>	7	13	-	<b>5778</b>	05/11/15
24	<b>East Strathearn</b>	5	10	-	<b>1086</b>	05/11/15
25	<b>Comrie and District</b>	5	10	-	<b>1998</b>	05/11/15
26	<b>St Fillans</b>	3	6	-	<b>170</b>	05/11/15
27	<b>Auchterarder and District</b>	5	9	Aberuthven (1) Auchterarder (7) Glendevon (1)	<b>4910</b> 413 4342 155	05/11/15
28	<b>Dunning</b>	5	9	-	<b>1078</b>	05/11/15
29	<b>Blackford</b>	5	9	-	<b>722</b>	05/11/15
30	<b>Muthill and Tullibardine</b>	5	9	Muthill (6) Tullibardine (3)	<b>1036</b> 783 253	05/11/15
31	<b>Braco and Greenloaning</b>	3	6	-	<b>942</b>	05/11/15



## **Appendix 1 – Model Constitution**

### **COMMUNITY COUNCIL CONSTITUTION**

#### **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 which the COMMUNITY COUNCIL shall represent shall be as described in the first schedule to the Scheme and as shown on the map annexed.

#### **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 5 of the Scheme of Establishment of Community Councils, approved by Perth & Kinross Council and the Community Councillors’ Code of Conduct.

## **5. Membership**

The COMMUNITY COUNCIL'S membership is as governed by paragraph 6 of the Scheme for the Establishment of Community Councils and as determined from time to time by Perth & Kinross Council.

## **6. Method of Election**

Election procedures shall be governed by the method of election laid down in paragraph 7 of the Scheme of Establishment of Community Councils.

## **7. Resignations**

Resignation procedures shall be governed by the method of resignation laid down in paragraph 9 of the Scheme of Establishment of Community Councils.

## **8. Casual Vacancies on the Community Council**

Where a vacancy arises which does not result in the number of members falling below the minimum number as specified in paragraph 7.6 of the Scheme of 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) fill the vacancy (and any other outstanding vacancies) by holding an interim election, administered by Perth & Kinross Council, 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.
- (b) fill the vacancy by co-opting a resident in terms of paragraph 7.7 of the Scheme of Establishment of Community Councils
- (c) the vacancy to be left unfilled until local public interest is expressed or until the next set of regular elections.

## **9. 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 members 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 the Scheme of Establishment of Community Councils: paragraph 7.7 – Community Council Elections [Co-option]; and Constitution: paragraph 17 – Alterations to the Constitution and paragraph 18 – 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 members that results in a majority not being achieved, the chairperson shall have a casting vote.

## **10. Election of Office-Bearers**

- (a) The COMMUNITY COUNCIL shall appoint a Chair, Secretary, Treasurer and other such office-bearers as required and at the Annual General Meeting in November in each year.
- (b) All office-bearers shall be elected for one year, but shall be eligible for re-election, without limitation of time.
- (b) Without the express approval of the Council, no one member shall hold more than one of the following offices at any one time: Chairperson, Secretary or Treasurer.

## **11. 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.

## **12. Meetings of the Community Council**

- (a) The quorum for COMMUNITY COUNCIL meetings shall be at least one third of the current eligible voting membership, or 3 eligible voting members, whichever is the greater.
- (b) Once in each year in the month of November 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 4 times throughout the year.

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- (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, either called by the Chairperson, or on the request of not less than one-half of the total number of COMMUNITY COUNCIL members. An officer of the Council has the discretion to call a meeting of the COMMUNITY COUNCIL.
  - (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, but the draft minute shall be circulated within 14 days from the date of that meeting, to community council members, other appropriate parties and the Council Liaison Officer for community councils.
  - (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 meet to discuss items of business in private where it considers it appropriate to do so. The decision to meet in private will be agreed in advance and decided by a majority vote. Notice of such a meeting will be given to the public in the usual way. However, the Notice will record that the meeting, or a part thereof, shall 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 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.

## **14. Information to Perth and Kinross Council**

The Council's Liaison Officer 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 the Council.

When special meetings of the COMMUNITY COUNCIL are to be held, the Council's Liaison Officer should be advised of the date, time venue and subject(s) of debate of such meetings, at least 10 days in advance of the meeting date.

## **15. Control of Finance**

- (a) All monies raised by or on behalf of the COMMUNITY COUNCIL or provided by the Council and other sources shall be applied to further the objectives of the COMMUNITY COUNCIL and for no other purpose. The monies provided by the 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, independently examined by one examiner appointed by the COMMUNITY COUNCIL, who is not a member of the COMMUNITY COUNCIL, 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 October until 30 September the succeeding year. Independently examined accounts as received and approved by the COMMUNITY COUNCIL at the annual general meeting shall be submitted to the local authority following approval at the community council's annual general meeting as detailed in paragraph 14.2 ii. of the Scheme of Establishment of Community Councils.

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## **16 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.

## **17 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 of 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 the Council, the alteration shall be deemed to have been duly authorised and can then come into effect.

## **18 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 the Council, the COMMUNITY COUNCIL shall be deemed to be dissolved and all assets remaining, subject to the approval of the Council, after the satisfaction of any proper debts or liabilities shall transfer to the 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 the 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 of Establishment of Community Councils.

Where for any reason, the number of COMMUNITY COUNCIL members falls below the minimum specified in the Scheme of Establishment of Community Councils the 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.

## **19. Approval and adoption of the Constitution**

This Constitution was adopted by

.....

Community Council, on .....  
(date)

.....  
Chairman's signature

.....  
Member's signature

.....  
Member's signature

and was approved on behalf of Perth and Kinross Council on

..... (date)

.....  
Signed (Perth & Kinross Council Officer)

## Appendix 2 – Model Standing Orders

### COMMUNITY COUNCIL

#### STANDING ORDERS

##### 1. Meetings (all held in public)

- (a) Ordinary meetings of the COMMUNITY COUNCIL shall be held on the/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 Perth & Kinross Council's Liaison Officer by the Secretary of the COMMUNITY COUNCIL, at least 10 days before the date fixed for the meeting.
- (c) The taking of photographs of any proceedings, or the use of any means to enable persons not present to see or hear any proceedings, or the making of any oral report on any proceedings as they take place, shall be permitted, subject to the approval of the community council and advance notice of any recordings must be published on the agenda of all community council meetings.

##### 2. Minutes

Minutes of the proceedings of a meeting of the COMMUNITY COUNCIL shall be drafted up within fourteen days from the date of that meeting, distributed in accordance with paragraph 5.2 ii of the Scheme of Community Councils 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-third of the current voting membership of the COMMUNITY COUNCIL, or 3 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.

**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. Obstructive and Offensive Conduct**

In the event of any member of the COMMUNITY COUNCIL or member of public disregarding the authority of the Chairperson of the meeting, or conducting themselves in a disruptive, obstructive or offensive manner, a motion may be moved and seconded to remove the individual from the remainder of the meeting.

Such a motion will be put to the meeting without discussion and if supported by a majority of members of the COMMUNITY COUNCIL present and voting will be declared carried. The individual will be required by the Chairperson to leave the meeting immediately.

## **8. Alteration of Standing Orders**

A proposal to alter these Standing Orders may be proposed to Perth & Kinross Council 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. Perth & Kinross Council shall have final discretion on any proposed change.

## **9. 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.

## **10. 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.

## **Appendix 3 – Code of Conduct**

# **CODE OF CONDUCT FOR COMMUNITY COUNCILLORS**

The Code of Conduct for community councillors is based largely on the Code of Conduct for local authority 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 Council's Scheme of 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 of 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 of 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 of 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.

