

**Department of Business Operations and Partnerships**

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Date: 21 April 2023

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TO: Provost Montague; Deputy Provost Campbell; and Councillors Anderson, Bamforth, Buchanan, Convery, Cunningham, Devlin, Edlin, Ireland, Lunday, Macdonald, McLean, Merrick, Morrison, O'Donnell, Pragnell and Wallace.

**EAST RENFREWSHIRE COUNCIL**

A special meeting of the East Renfrewshire Council will be held in the Council Chamber, Council Headquarters, Giffnock, on **Wednesday 26 April 2023 following the ordinary meeting of the Council taking place at 5.00pm.**

The agenda of business is as listed below.

**Prior to the commencement of the meeting the Provost will make a statement that the meeting will be webcast live and recorded for later publicly accessible archive viewing.**

Yours faithfully

**Louise Pringle**

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DIRECTOR OF BUSINESS OPERATION AND PARTNERSHIPS

**PROGRAMME OF BUSINESS**

1. **Report apologies for absence.**
2. **Declarations of Interest.**
3. **Review of Community Council Scheme of Establishment – Report by Director of Business Operations and Partnerships (copy attached, pages 3 - 42).**

A recording of the meeting will also be made available on the Council's YouTube Channel <https://www.youtube.com/user/eastrenfrewshire/videos>

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EAST RENFREWSHIRE COUNCIL26 April 2023Report by Director of Business Operations and PartnershipsREVIEW OF COMMUNITY COUNCIL SCHEME OF ESTABLISHMENT**PURPOSE OF REPORT**

1. The purpose of the report is to seek approval of a draft revised Community Council Scheme of Establishment and associated Community Councillor Complaints Procedure and to note the start of public consultation on both.

**RECOMMENDATIONS**

2. It is recommended that Council:-
  - (a) Approves for consultation, the draft revised Community Council Scheme of Establishment and associated Community Councillor Complaints Procedure; and
  - (b) Notes that public consultation will now take place with the results of the consultation being reported back to a future special meeting of the Council.

**BACKGROUND**

3. At the special meeting of the Council on 14 December 2022 it was agreed to open up the Community Council Scheme of Establishment for a limited review. The review agreed by Council related primarily to the section in the Scheme dealing with complaints, and the associated Code of Conduct.

**REPORT**

4. Since agreement was given to open the Scheme for review, officers have been working preparing revised draft documentation for consideration by the Council. Copies of the revised documentation are attached. As Members will be aware copies of the draft documentation were shared with Elected Members for initial views on the proposals. 1 comment was received resulting in a further minor change to clarify voting procedure at a community council meeting dealing with a complaint.
5. The main changes to the Scheme relate to the removal from the Scheme itself of the process for dealing with complaints and the creation of a new stand-alone Community Councillor Complaints Procedure. This has the benefit of meaning that any future changes to the complaints procedure will sit outside the lengthy and time-consuming process for making changes to the Scheme of Establishment. The Code of Conduct has also been reviewed and updated to bring it more into line with the Councillors' Code of Conduct.

6. The following paragraphs give a commentary on the proposed amendments (minor changes to dates etc have not been commented on).
- Section 5.3.4 This highlights that the complaints procedure no longer sits within the Scheme but is contained in the new Community Council Complaints Procedure.
  - Section 5.7 As above
  - Section 5.8 As above
  - Section 5.9 Reference to European Parliament removed
  - Section 5.10 As above
  - Section 5.11 This highlights that the complaints procedure no longer sits within the Scheme but is contained in the new Community Council Complaints Procedure.
  - Section 6.1.1 As above
  - Section 12.2 New section to clarify the purpose of the Code of Conduct
  - Section 12.3 Formerly 12.2, this clarifies that complaints will be dealt with in accordance with the Community Councillor Complaints Procedure.
  - Sections 12.2.1 to 12.13 All sections removed from the Scheme and incorporated into the new Community Councillor Complaints Procedure.

### **Appendix 1 - Model Constitution**

- Section 4.2 Clarifies that complaints will be dealt with in accordance with the Community Councillor Complaints Procedure.
- Section 11.4 Clarifies that community council meetings to deal with complaints against community councillors shall be held in private. This introduces consistency between community councils dealing with complaints and the Complaints Review Panel.
- Section 12.1 Clarifies public access to community council meetings.

### **Appendix 2 – Model Standing Orders**

- No.6(a) Refers to secret ballots as contained in the Community Councillor Complaints Procedure.
- No.7 This is a new Standing Order introduced to set out the process for dealing with disruptive behaviour at a meeting, either by a community councillor or by a member of the public.

### **Appendix 3 – Code of Conduct for Community Councillors**

- The Code has been reviewed and redrafted to bring it more into line with the Councillors' Code of Conduct. The review has included the amalgamation of some of the provisions (e.g. honesty and integrity), and also clarifies that the Code will only apply when a community councillor is acting or can be perceived to be acting in that capacity. Furthermore it introduces new provisions in relation to conduct at meetings, conduct in public and sections on bullying and harassment.

### **Community Councillor Complaints Procedure**

- The complaints process as contained in the Scheme of Establishment has been removed and a new process has been drafted in the stand-alone complaints procedure.
- Amongst other things, the new process simplifies the complaints procedure; defines what constitutes a complaint and how it can be made and by whom; introduces time limits for the making of complaints; and clarifies the sanctions that can be imposed by both the community council and the Complaints Panel.

### **Next Steps**

7. Subject to approval, public notice of the proposed amendments to the Scheme will be given and members of the public and community councils given the opportunity to comment. As the new Community Councillor Complaints Procedure contains information being removed from the Scheme copies of the new procedure will also be made available for comment.
8. Following the consultation, a further special meeting of the Council will be convened to decide whether to amend the Scheme in accordance with the revised proposals as approved, or subject to further revision to take account of any of the representations received from either community councils or the public.
9. If the revised proposals are approved with no further changes the new version of the Scheme will be approved at that stage and no further consultation will be required. In the event the Council agree to further revisions to the Scheme to take account of any of the representations received, a further period of consultation will be required. . After this further period of consultation the Scheme will be brought back to Council for approval. Appendix 1 provides a timetable outline.
10. It should be noted that any decision to open the Scheme for consultation needs a two thirds majority of those present and voting.

### **CONSULTATION**

11. As outlined above in order to comply with the statutory requirements in relation to the amendment of the Scheme, consultation will take place with the public and specifically with community councils.

### **RECOMMENDATIONS**

12. It is recommended that Council:-
  - (a) Approves for consultation, the draft revised Community Council Scheme of Establishment and associated Community Councillor Complaints Procedure; and
  - (b) Notes that public consultation will now take place with the results of the consultation being reported back to a future special meeting of the Council.

### **REPORT AUTHOR**

Vincent McCulloch, Community Council Liaison Officer

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## Annex 1 – Timetable for Review of Scheme of Establishment

Stage	Event	Duration
Publish Public Notice 28 April 2023	Give public notice of the Council's proposals to revise the Scheme in accordance with the approved draft and invite the public and community councils to comment on the draft Scheme.	8 weeks
Special Council Meeting 28 June 2023	Council to consider public submissions and agree to either approve the original draft Scheme as proposed or to approve the amended Scheme subject to further amendment to take account of representations received	
<b>If original draft Scheme approved</b>	Implement revised Scheme	After Council meeting
<b>If proposed to further revise draft Scheme based on representations received</b>	Publish public notice of the Council's revised draft amended Scheme and invite representations.	8 weeks
Special Council Meeting 25 October 2023	Council to consider final version of draft Scheme taking account of any further representations received.	

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**EAST RENFREWSHIRE COUNCIL  
SCHEME FOR THE ESTABLISHMENT  
OF COMMUNITY COUNCILS  
(amended 2023)**

**1 Introduction**

- 1.1 The Local Government (Scotland) Acts of 1973 and 1994 require each local authority in Scotland to set out a scheme for community councils in their area.
- 1.2 Under the terms of these Acts, East Renfrewshire Council approved its Scheme for Community Councils in 1998. East Renfrewshire Council reviewed and amended the scheme in 2009 and again in 2015, in consultation with all community councils concerned and having given public notice of proposed amendments.
- 1.3 As a result of this process, East Renfrewshire Council, under the terms of Section 53 of the Local Government (Scotland) Act 1973 relating to amendment of schemes for community councils, and having considered representations made by the community councils concerned and the public to the proposed amendments, hereby makes the following Scheme for the Establishment of Community Councils (amended 2023). This scheme supersedes and replaces all elements of any previous scheme.

**2 Statutory Purposes**

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

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

**3 The Role and Responsibilities of Community Councils**

- 3.1 The general purpose of community councils is to act as a voice for their local area. This will involve them articulating the views and concerns of local people in their area on a wide range of issues of public concern and making representations to East Renfrewshire Council, other public sector bodies and private agencies on matters within their sphere of interest.
- 3.2 It is essential that these views be demonstrated to be accurately representative of the community. Accordingly, community councils will have in place, in consultation with East Renfrewshire Council, recognised consultative mechanisms to validate their views and devise strategies to secure greater involvement by all sectors of the community.

- 3.3 Community councils have a statutory right to be consulted on planning applications and certain liquor licensing matters. Other matters may also be jointly agreed between community councils, East Renfrewshire Council and other public sector and private 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 this Scheme.
- 3.5 There should be mutual engagement in the establishment of community councils' working relationships with East Renfrewshire Council and other agencies.
- 3.6 Each community council is required in the first instance to adopt the Model Constitution at Appendix I to this Scheme, together with Model Standing Orders (Appendix II), to encourage and maintain consistency for all community councils and to facilitate their proceedings being properly structured and regulated, to ensure that items of business relevant to the community are properly debated and decisions reached in a democratic manner. Thereafter variation to Constitutions and Standing Orders will only be approved if they improve the operation of a community council without impacting upon its transparency or accountability. East Renfrewshire Council is required to approve or reject any amendments to a community council's Constitution and Standing Orders and the decision of the Council shall be final.
- 3.7 In carrying out their activities, community councils and their members must at all times adhere to the law, the terms of this Scheme, the terms of their Constitution and the Code of Conduct for Community Council Members (a copy of which is set out at Appendix III to this scheme).
- 3.8 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 bodies, community councils shall:
- 3.8.1 Inform the community of the work and decisions of the community council by posting agendas and approved minutes of meetings in public places such as libraries and notice boards, and online, and (subject to the provisions of the Data Protection Act 1998) providing contact details of community council members. Agendas shall be published in line with this clause not later than 5 days in advance of the meeting to which they relate.
  - 3.8.2 Not later than 5 days prior to a community council meeting, circulate the agenda for that meeting and the draft minutes of the previous meeting to community council members, the Council, ex-officio members and other parties having an interest in the matters discussed.
  - 3.8.3 Provide the approved minutes of community council and any committee meetings to the Liaison Officer appointed by East Renfrewshire Council under clause 10.1 below within 14 days of their approval, circulate them to community council members,

relevant elected members and other parties having an interest in the matters discussed. Approved minutes will be published online by the Liaison Officer.

- 3.8.4 Seek to broaden both representation and expertise by co-opting members in line with section 8 below, and by promoting the Associate Membership of the community council of persons for specific projects/issues.
- 3.8.5 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.
- 3.8.6 Maintain proper financial records and present financial reports at community council meetings.
- 3.8.7 Inform East Renfrewshire Council of any change in membership (resignations, co-options, Associate Membership, etc.) or circumstances, as soon as is practicable.

#### **4 Community Council Areas within East Renfrewshire**

4.1 Community Councils shall have a maximum population of 20,000. In the first instance, East Renfrewshire shall be divided into the following 11 community council areas:

- Barrhead Community Council
- Broom, Kirkhill and Mearnskirk Community Council
- Busby Community Council
- Clarkston Community Council
- Crookfur, Greenfarm and Mearns Village Community Council
- Eaglesham and Waterfoot Community Council
- Giffnock Community Council
- Neilston Community Council
- Netherlee and Stamperland Community Council
- Thornliebank Community Council
- Uplawmoor Community Council

4.2 Maps showing the boundaries of each community council area are attached as Appendix IV.

4.3 In the event that the population of a community council area exceeds 20,000, East Renfrewshire Council shall propose an alternative division of East Renfrewshire in terms of which the population of no community council area will exceed 20,000. The Council shall give public notice of their proposals, inviting those community councils whose areas would be amended and the populations of those areas to make representations to the Council on the proposed alternative division. The Council shall consider any representations made and may either:

- 4.3.1 divide East Renfrewshire as proposed; or
- 4.3.2 propose a different division in light of the representations received, in which case public notice of that different division must be given, with a further invitation to make representations under this clause 4.3.

- 4.4 Community council areas with populations of greater than 10,000 shall be further divided into neighbourhoods. In the first instance, the following community councils shall be further divided into the following neighbourhoods:

<b>Community Council</b>	<b>Neighbourhoods</b>
Barrhead	Boylestone & West Arthurlie
	Dunterlie & Grahamston Park
	Arthurlie & Springhill
	Auchenback
Broom, Kirkhill and Mearnskirk	Broom
	Kirkhill
	Mearnskirk
Crookfur, Greenfarm and Mearns Village	Mearns Village & Westacres
	Crookfur
	Greenfarm
Giffnock	Orchard Park
	Merrylea and Braidbar
	Giffnock South

- 4.5 Maps showing the boundaries of those neighbourhoods are attached as Appendix V.
- 4.6 In the event that the population of a community council not named in clause 4.4 above exceeds 10,000, East Renfrewshire Council shall propose a division of the community council area into neighbourhoods. East Renfrewshire Council may also propose a re-division of any community council area already divided into neighbourhoods where it believes the existing neighbourhoods no longer represent the best division of the community council area. The Council shall give public notice of their proposals, inviting both the community council in question and the population of that

community council's area to make representations to the Council on the proposed division (or re-division, as the case may be). The Council shall consider any representations made and may either:

- 4.6.1 divide the community council area as proposed; or
- 4.6.2 propose a different division (or re-division, as the case may be) in light of the representations received, in which case public notice of that different division (or re-division) must be given, with a further invitation to make representations under this clause 4.6.

## **5 Membership of Community Councils**

- 5.1 The maximum number of members permitted for each community council shall be set using the formula: 10 members, plus one extra member for every 1000 residents of that community council area, subject to a combined maximum of 20.
- 5.2 Where a community council area is divided into neighbourhoods, the number of seats in each neighbourhood will be determined by that area's proportionate share of the community council area's population.
- 5.3 Individuals shall only be eligible for election or co-option to a community council if they:
  - 5.3.1 reside in the area of the relevant community council;
  - 5.3.2 are named on the unedited Electoral Register for East Renfrewshire as being resident within that community council area;
  - 5.3.3 are at least 16 years of age at the time of the relevant election or co-option; and
  - 5.3.4 are not, at the time of the relevant election or co-option, disqualified from being a member of a community council as set out in the Community Councillor Complaints Procedure.
- 5.4 Where a community council is divided into neighbourhoods, individuals shall, in addition to meeting the criteria noted at clause 5.3, only be eligible for election to the neighbourhood in which they reside and in respect of which they are named on the Electoral Register.
- 5.5 Any community council member who ceases to reside within the relevant community council area (or, where the community council is divided into neighbourhoods, the relevant neighbourhood for which they were elected), shall be deemed to have resigned from that community council. Any community council member who ceases to be named on the Electoral Register for the relevant community council area (or neighbourhood area, as the case may be) for a period of two consecutive months, shall be deemed to have resigned from that community council.
- 5.6 If any member of a community council fails throughout a period of 6 consecutive months to attend any community council meeting, they will be deemed to have resigned from that community council. 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. Members on a leave of absence shall continue to be included in the total number of community council members for the purposes of this scheme.

- 5.7 Any community council member who is removed from a community council as set out in the Community Councillor Complaints Procedure shall immediately cease to be a member of that community council, whether or not they are otherwise disqualified from being a member of a community council.
- 5.8 Any community council member who is suspended as set out in the Community Councillor Complaints Procedure shall continue to be included in the total number of community council members for the purposes of this scheme, but shall otherwise not be entitled to vote at any community council meeting that takes place during the period of their suspension.
- 5.9 Any member of a community council who is elected to serve on East Renfrewshire Council, or elected to the Scottish, or United Kingdom Parliament, shall be deemed to have resigned from the community council as at the point they assume that other office. Individuals elected to any of those institutions shall also be ineligible to be elected or co-opted as a member of a community council for so long as they remain an elected member of the relevant institution.
- 5.10 Elected members of East Renfrewshire Council whose wards fall wholly or partly within the geographical area of a community council shall be ex-officio members of the relevant community council. Any member of the Scottish or United Kingdom Parliament whose constituency falls either wholly or partly within the geographical area of a community council is entitled to become an ex-officio member of the relevant community council, and may exercise that entitlement by providing written notice to the Chair of the relevant community council. Ex-officio members are not required to attend meetings and are not subject to clause 5.6, shall have no voting rights on the community council, shall not count towards meeting a quorum, and shall not be included in the number of community council members for the purposes of the total maximum number of members permitted under clause 5.1 above.
- 5.11 A community council may appoint associate members where the community council believes there may be a need for individuals with particular skills or knowledge. Associate members may be, but are not required to be, representatives of other constituted local voluntary organisations. Associate members do not require to be resident in the relevant community council area. Associate members shall serve for a fixed period as determined by the community council, which shall be not longer than the term of office of the community council. Associate members shall not have voting rights and shall not count towards meeting a quorum, nor shall they be included in the number of community council members for the purposes of the total maximum number of members permitted under clause 5.1 above. No person who is suspended from, or disqualified from sitting on, any community council in the East Renfrewshire area in accordance with the Community Councillor Complaints Procedure may be appointed as an associate member of a community council. Associate members shall sign the Declaration of Acceptance of Office (Associate Members) set out at Appendix VIII at the meeting at which their associate membership is approved.

5.12 Vacancies may arise within community councils between elections, either by virtue of one of the circumstances in clauses 5.5, 5.6 or 5.7 above, or because a member submits his or her resignation. Where a vacancy arises, the community council may:-

5.12.1 fill the vacancy by co-option, as long as that would not result in the number of co-opted members equalling or exceeding the total number of elected members of the community council, in accordance with clause 8.2.4 below; or

5.12.2 leave the vacancy unfilled until the next election.

5.13 Should circumstances arise that lead to the number of elected community council members falling below HALF of the total maximum number of seats on that community council, East Renfrewshire Council shall be informed and shall arrange for an interim election to be held in respect of all vacant seats, following the procedure set out in section 6 as modified so as to be only in respect of those seats.

## **6 Community Council Elections**

### **6.1 Eligibility**

6.1.1 Candidates may only be nominated for election to a community council if they meet the eligibility criteria set out at clauses 5.3.1, 5.3.2 and 5.4 above, and will at the time of the relevant election be neither less than 16 years of age nor disqualified from being a member of a community council in terms of the Community Councillor Complaints Procedure.

### **6.2 Date of Elections**

6.2.1 The first elections to be held under this Scheme shall be held on a date to be determined by East Renfrewshire Council.

6.2.2 Subsequent elections shall be held on a four-yearly cycle and shall take place in October, with the exact date of each election to be determined by East Renfrewshire Council. A notice of election will be published by the Independent Returning Officer.

### **6.3 Administration of Elections**

6.3.1 East Renfrewshire Council will administer all elections. Elections will be conducted by the Independent Returning Officer appointed by the Council under section 41 of the Representation of the People Act 1983 (who may be the Returning Officer of the Council) or some other person nominated by the Independent Returning Officer to conduct elections on their behalf.

### **6.4 Nominations**

6.4.1 Individuals seeking election to a community council require to be nominated by a proposer and seconder, both of whom must be named on the unedited Electoral

Register for East Renfrewshire and shown as resident within the relevant community council area (and, where the community council is divided into neighbourhoods, for the area of the relevant neighbourhood). Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.

6.4.2 A nomination form must be completed, in the form set out at Appendix VI, and submitted to East Renfrewshire Council within the nomination period. The nominee must submit a statement of no more than 250 words prior to the close of the nomination period. The statement must not mention any other individual or community council; it should set out the reasons why they wish to serve on the community council, their relevant experience, how they propose to improve their community and their priorities if elected. Statements cannot exceed 250 words and will be made publicly available. A nomination is not valid without a statement meeting these criteria.

6.4.3 The nomination period shall begin 10 weeks prior to the day determined by East Renfrewshire Council under clause 6.2.1 or 6.2.2 above, and last for 4 weeks. No nomination forms submitted after the close of the nomination period will be accepted. As soon as is practicable following the close of the nomination period, a statement of persons nominated and the public election statements submitted with each nomination form, will be published.

## 6.5 Elections

6.5.1 On the day appointed by East Renfrewshire Council under clause 6.2.1 or 6.2.2 above:

6.5.1.1 Should the number of candidates validly nominated for a community council area, or neighbourhood area where the relevant community council area is divided into neighbourhoods, exceed the total maximum number of seats for that community council area or neighbourhood area, a poll shall be held in respect of that community council area or neighbourhood area (as the case may be).

6.5.1.2 Should the number of candidates validly nominated for a community council area, or for each neighbourhood area within a community council area, not exceed the total maximum number of seats for the relevant area, and the total number of candidates validly nominated for the community council area be not less than **HALF** the total maximum number of seats on the community council, the said candidates will be declared to be elected with immediate effect and no poll shall be held.

6.5.1.3 Should the number of candidates validly nominated for a community council area be below **HALF** the total maximum number of seats on that community council, no community council will be established at that time. However, that does not preclude East Renfrewshire Council from issuing a



second call for nominations for such a community council area within 6 months of the closing date for the registration of the first call for nominations.

6.5.1.4 Individuals who have been declared elected are required to sign the Declaration of Acceptance of Office at Appendix VII and agree to be bound by it before they are entitled to conduct or vote on any business of the community council.

6.6 Polls

6.6.1 Those eligible to vote in a poll in respect of a particular community council area or neighbourhood area shall be those who meet the eligibility criteria set out at clauses 5.3.1 to 5.3.3, and where relevant 5.4, above.

6.6.2 Subject to clause 6.6.4 below, each eligible voter shall be entitled to cast as many votes as there are seats on the relevant community council, subject to being able to vote no more than once for any one candidate .

6.6.3 Where a community council area is divided into neighbourhoods, each eligible voter shall be entitled to vote only for candidates standing for seats within the neighbourhood area in which the eligible voter resides, may only cast as many votes as there are seats for the relevant neighbourhood area, and may vote no more than once for any one candidate.

6.6.4 Candidates for each community council shall be ranked in order of the number of votes cast in their favour. Beginning with the candidate who received the most votes, each candidate in turn shall be declared to be elected until the total maximum number of seats on that community council has been filled. Where a community council is divided into neighbourhoods, an equivalent process shall be followed in respect of each neighbourhood.

6.6.5 In the event that two or more candidates receive an identical number of votes, and their ranking is such that not all of those candidates may be elected, those candidates shall cut cards to decide which of them shall be elected.

**7 Establishment and meetings of community councils**

7.1 A community council shall be established at its first quorate meeting following an election. That meeting will be called by the Returning Officer and will take place within 21 days of the date of the election or as soon as practicable thereafter. The business of that meeting will include adoption of the Model Constitution and Model Standing Orders and the appointment of office bearers, and will be chaired by the Returning Officer or their representative until the conclusion of this business.

7.2 The frequency of meetings will be determined by each community council, subject to a minimum of one annual general meeting and 6 ordinary meetings being held each year. The annual general meeting shall be held in April or May of each year.

7.3 The quorum for community council meetings shall be one third of the voting membership of a community council.

7.4 An outline for the content of business that community councils should adhere to when holding ordinary meetings, annual general meetings and special meetings is contained within the Model Standing Orders set out at Appendix II.

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

8.1 The community council may co-opt individuals to become members of the community council by a majority of the elected community council members present and voting. Notice of any proposed co-option must be intimated to all of the community council's members at least 14 days prior to the meeting when the matter will be raised and decided.

8.2 Individuals may only be co-opted if:

8.2.1 they consent to being co-opted;

8.2.2 they have agreed in writing that they will at all times comply with and uphold the terms of this Scheme, the constitution of the community council and the Code of Conduct for Community Council Members by signing the Declaration of Acceptance of Office at the meeting where their co-option is approved;

8.2.3 no later than one week prior to the meeting at which their co-option is to be voted on, they have provided to the Secretary of the community council (who will then circulate it to members in advance of the meeting) a statement of no more than 250 words, and not mentioning any other individual, setting out the reasons why they wish to be co-opted, their relevant experience, how they propose to improve their community and their priorities if co-opted, which statement will be made publicly available;

8.2.4 their co-option would not result in the number of co-opted members equalling or exceeding the total number of elected members on a community council, nor in the total number of members on the community council exceeding the total maximum number permitted under clause 5.1 above;

8.2.5 they are eligible for membership of the community council in accordance with clause 5.3;

8.2.6 they have not previously ceased to be a member of the community council by virtue of clause 5.7;

8.2.7 they are not ineligible for co-option by virtue of clause 8.4;and

8.2.8 either:

8.2.8.1 they reside in an area of the community council that is not represented (or is under-represented) on the community council; or

8.2.8.2 the individual in question is or may be representative of individuals or groups who are otherwise not represented (or are under-represented) on the community

council, having regard among other things to the individual's gender, age, ethnicity and/or any disability the individual may have.

8.3 Co-opted members shall have full voting rights, with the exception of voting on the co-option of others.

8.4 Co-opted members will serve until the dissolution of the community council and shall thereafter be ineligible for co-option to the relevant community council. For the avoidance of doubt, co-opted members and former co-opted members shall remain eligible for both nomination and election to the relevant community council. A co-opted member who resigns from a community council may be co-opted again during the same term of the community council in which they resigned, but not thereafter.

## **9 Equalities**

9.1 Recognition should be given to the contribution of everyone participating in the work of community councils. Community councils must comply with equalities legislation and ensure that equality of opportunity be given to every participant (including, elected, co-opted, ex-officio and associate members) to have their knowledge, opinion, skill and experience taken into account.

## **10 Liaison with East Renfrewshire Council**

10.1 In order to facilitate the effective functioning of community councils, East Renfrewshire Council will identify an official to act as a Liaison Officer with community councils.

10.2 A community council may make representations to East Renfrewshire Council and other public and private agencies on matters for which those agencies are responsible and which the community council considers to be of local interest. Representations should be made, in the case of statutory objections such as planning or liquor licensing matters, to the appropriate local authority official. On issues where a local authority department is consulting with community councils, representations should be made to the appropriate departmental officer.

## **11 Resourcing**

11.1 The financial year of each community council shall be provided for in the constitution of each community council and shall be from April to March in each succeeding year, to allow for the proper submission of independently examined statements of accounts to the community council's annual general meeting, which shall be held in April or May each year.

11.2 The annual accounts of each community council shall be examined by an independent examiner appointed by the community council, who is not a member of that community council. It is the responsibility of the office bearers of the community council to ensure that any examiner is competent to undertake the task. A copy of the independently examined statement of accounts and balance sheet shall be approved at the community council's annual general meeting, following which it shall as soon as is reasonably practicable be forwarded to the East Renfrewshire Council Liaison Officer along with original receipts and vouchers for expenditure in respect of the administrative allowance. Failure to do so will result in the withholding of administrative allowances that may otherwise have been provided under clause 11.6 below.

- 11.3 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.
- 11.4 Each community council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions.
- 11.5 Each community council shall be eligible to apply for grants for suitable projects through East Renfrewshire Council's grant schemes.
- 11.6 East Renfrewshire Council may provide an annual administrative allowance to community councils to assist with the operating costs of the community council. East Renfrewshire Council may provide additional grants or other methods of funding to support or encourage the community council in carrying out other activities, and where a grant is provided in respect of such activities it may be spent only on such activities. East Renfrewshire Council may provide supplementary guidance regarding the annual administrative allowance.
- 11.7 East Renfrewshire Council may provide such additional support services or resourcing as community councils may require, such as: photocopying of community council minutes and agendas, and free lets of East Renfrewshire Council premises for community council meetings. East Renfrewshire Council will review the level of annual administrative allowance and other support to community councils following each local government electoral cycle.
- 11.8 East Renfrewshire Council, in most cases via the Liaison Officer, shall provide general induction training, 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 East Renfrewshire Council and other relevant topics. Training is not mandatory, but failure to take up an offer of such training may be a material consideration if a member of a community council later breaches the Code of Conduct for Community Council Members.

## **12 Community Council Member Obligations**

- 12.1 Both elected and co-opted members of community councils must comply with and abide by the terms of this scheme, the constitution of their community council (as may be amended from time to time) and the Code of Conduct for Community Councillors. Associate members must also comply with those terms to the extent that they are applicable to them.
- 12.2 The Code of Conduct at Appendix III to the Scheme sets out the standards and principles of conduct that individual community councillors are required to adhere to in the performance of their duties.
- 12.3 Failure of any individual to comply with the Code will be dealt with according to the Community Councillor Complaints Procedure.
- 12.4 The 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 Dissolution of a Community Council**

- 13.1 The terms for dissolution of a community council are contained within the Model Constitution.
- 13.2 Notwithstanding those terms, should a community council fail to hold a meeting for a period of 3 consecutive prescribed meeting dates, or the number of elected community council members falls below half of the total maximum number of seats on that community council, East Renfrewshire Council may resolve by a simple majority to dissolve that community council.
- 13.3 A community council shall be dissolved at the close of the nomination period for an election to that community council.
- 13.4 Where for any reason East Renfrewshire Council is satisfied that a sufficient number of members of a community council are not complying with the terms of this scheme, its constitution or the Code of Conduct for Community Councillors, East Renfrewshire Council may resolve by a simple majority to suspend the community council for such a period as the resolution shall specify, or to dissolve it. Such suspension or dissolution shall have immediate effect, and shall be notified to the community council in writing as soon as is reasonably practicable.
- 13.5 In the event that a community council is dissolved for whatever reason, all assets of the community council remaining after the satisfaction of any and all proper debts or liabilities shall, subject to the approval of East Renfrewshire Council, transfer to East Renfrewshire Council who shall hold the same in trust for a future community council representing that area.
- 13.6 In the event that a community council is dissolved under one of the above clauses, or under a dissolution procedure provided for in its constitution, and twenty or more electors from that community council area subsequently submit a requisition to East Renfrewshire Council seeking the establishment of a community council for the area in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, East Renfrewshire Council shall make arrangements for elections to be held in accordance with this scheme as soon as reasonably practicable.

### **14 Modification of Scheme**

- 14.1 Having regard to changing circumstances and to any representations made to them, East Renfrewshire Council shall from time to time review this Scheme and, where they consider that the Scheme ought to be amended (for example, to revise the boundaries of a community council area), they shall give public notice of the proposal to amend the Scheme, and invite representations on the proposed amendment(s) from any affected community councils and the public.
- 14.2 East Renfrewshire Council shall, having considered any representations made, either amend the Scheme as proposed, withdraw the proposal or revise the proposal to take account of any representation(s) made.
- 14.3 Where the proposal has been revised in light of representations made, East Renfrewshire Council shall provide further public notice of the revised proposal and invite further representations thereon. It shall then follow the procedure set out at clause 14.2.

14.4 A decision of East Renfrewshire Council to review the Scheme under clause 14.1, or to amend the Scheme under clause 14.2, must be passed by at least two-thirds of the members voting at a specially convened meeting of the Council.

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**APPENDIX I****MODEL CONSTITUTION FOR COMMUNITY COUNCILS****1 Name**

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

**2 Area of the Community Council**

- 2.1 The area of the COMMUNITY COUNCIL shall be as shown on the map attached to the East Renfrewshire Council Scheme for the Establishment of Community Councils (amended 2015) (the “Scheme”).

**3 Objectives**

- 3.1 The objectives of the COMMUNITY COUNCIL shall be:
- 3.1.1 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;
  - 3.1.2 to express the views of the community to East Renfrewshire Council and to other public authorities and organisations;
  - 3.1.3 to take such action in the interests of the community as appears to it to be desirable and practicable;
  - 3.1.4 to promote the well-being of the community and to foster community spirit;
  - 3.1.5 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 membership shall have regard to their role and responsibilities as set out in section 3 of the Scheme, the terms of this Constitution and the Code of Conduct for Community Council Members.
- 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 Councillors, and their compliance shall be enforced via the procedure set out in the Community Councillor Complaints Procedure.

## **5 Membership**

- 5.1 The COMMUNITY COUNCIL'S membership is as governed by section 5 of the Scheme and as determined from time to time by East Renfrewshire Council.

## **6 Method of Election**

- 6.1 Election procedures shall be governed by the method of election laid down in section 6 of the Scheme.

## **7 Vacancies on the Community Council**

- 7.1 Where a vacancy arises, the COMMUNITY COUNCIL may:-

7.1.1 fill the vacancy by co-option, as long as that would not result in the number of co-opted members equalling or exceeding the total number of elected members of the COMMUNITY COUNCIL, in accordance with clause 8.2.4 of the Scheme; or

7.1.2 leave the vacancy unfilled until the next election.

- 7.2 Should circumstances arise that lead to the number of elected community council members falling below HALF of the total maximum number of seats on that community council, East Renfrewshire Council shall be informed and shall arrange for an interim election to be held in respect of all vacant seats, following the procedure set out in section 6 as modified so as to be only in respect of those seats.

## **8 Voting Rights of Members of the Community Council**

- 8.1 The right to vote at any meeting of the COMMUNITY COUNCIL or any committee thereof, shall be held by all COMMUNITY COUNCIL MEMBERS whether elected or co-opted (subject to clause 6.5.1.4 of the Scheme), 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 sections 16 and 17 of this constitution, all decisions of the COMMUNITY COUNCIL will be decided by a simple majority of those eligible to vote and present and voting.

- 8.2 In the event of a vote of the members of the COMMUNITY COUNCIL resulting in a tie, the Chair shall have a casting vote.

## **9 Election of Office-Bearers**

- 9.1 At the first meeting of the COMMUNITY COUNCIL after an election, and at the Annual General Meeting in April each year, the COMMUNITY COUNCIL shall appoint a Chair, Secretary, Treasurer and other such office-bearers as it shall from time to time decide.

- 9.2 All office-bearers shall be elected for one year terms, other than at the first meeting of the COMMUNITY COUNCIL after an election, when they shall be elected to serve until the first AGM, and at the AGM prior to an election when they shall be elected to serve until the dissolution of the



COMMUNITY COUNCIL in advance of that election. Subject to clause 9.3, office-bearers shall be eligible for re-election without limitation of time.

- 9.3 A member may not be appointed as Chair more than twice during a term of the COMMUNITY COUNCIL, nor be re-appointed other than at the first AGM following an election, or at the AGM prior to an election. Without the express approval of East Renfrewshire Council, no one member shall hold more than one of the following offices at any one time: Chair, Secretary and Treasurer.
- 9.4 Office bearers may be removed and a replacement approved at any meeting of the COMMUNITY COUNCIL by a simple majority vote of the members present and voting.

## **10 Committees of the Community Council**

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

## **11 Meetings of the Community Council**

- 11.1 The quorum for COMMUNITY COUNCIL meetings shall be one third of the current eligible voting membership.
- 11.2 In April or May each year the COMMUNITY COUNCIL shall convene an annual general meeting for the purpose of receiving and considering the Chair's annual report on the COMMUNITY COUNCIL, the submission and approval of the independently examined annual statement of accounts, the appointment of office bearers and the appointment of an independent examiner of the COMMUNITY COUNCIL's accounts.
- 11.3 Including the annual general meeting, the COMMUNITY COUNCIL shall meet not less than 7 times throughout the year.
- 11.4 Dates, times and venues of regular meetings of the COMMUNITY COUNCIL shall be fixed at the first meeting of the COMMUNITY COUNCIL following an ordinary election and thereafter at its annual general meeting. A special meeting of the COMMUNITY COUNCIL may be called at any time by decision of the COMMUNITY COUNCIL. A special meeting shall also be called by the Secretary on being required to do so by the Chair, on receiving a written request specifying the business to be transacted at the meeting and signed by at least one half of the total number of COMMUNITY COUNCIL members, or on receiving a common written request (petition) signed by at least 20 persons resident within the COMMUNITY COUNCIL area. Public notice of special meetings shall be given (including notice being published online) at least 10 days prior to the date of the meeting. In the event that the special meeting is to deal with a complaint against a community councillor, such meetings shall be held in private and public notice need not be given. An officer of East Renfrewshire Council may call a special meeting of the COMMUNITY COUNCIL at any time.

- 11.5 The agenda for each meeting shall be posted in public places such as libraries and notice boards, and online, not later than 5 days in advance of the relevant meeting.
- 11.6 The COMMUNITY COUNCIL shall, not later than 5 days before any meeting, circulate the agenda for that meeting and the draft minutes of the previous meeting to community council members, the Council, relevant elected members and other parties having an interest in the matters discussed.
- 11.7 The COMMUNITY COUNCIL shall provide the approved minutes of community council and any committee meetings to the Liaison Officer appointed by East Renfrewshire Council under clause 10.1 of the Scheme within 14 days of their approval, and circulate them to community council members, relevant elected members and other parties having an interest in the matters discussed.
- 11.8 The COMMUNITY COUNCIL shall abide by its Standing Orders for the proper conduct of its meetings.
- 11.9 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 accordance with the provisions of this constitution for special meetings called by the COMMUNITY COUNCIL.

## **12 Public Participation in the Work of the Community Council**

- 12.1 All meetings of the COMMUNITY COUNCIL and its committees shall be open to members of the public, with the exception of meetings of the COMMUNITY COUNCIL held to consider complaints against member(s) of the COMMUNITY COUNCIL regarding breaches of the Community Councillor Code of Conduct, such meetings being held in private. 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 Chair.
- 12.2 Notices calling meetings of the COMMUNITY COUNCIL and its committees shall be posted prominently within the COMMUNITY COUNCIL area for a minimum period of ten days before the date of any such meeting, and, where possible, be advertised by other suitable means.

## **13 Information to East Renfrewshire Council**

- 13.1 East Renfrewshire 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 (including draft minutes), the annual report, the annual financial statement and any other such suitable information, as may from time to time be agreed between the COMMUNITY COUNCIL and East Renfrewshire Council. When special meetings of the COMMUNITY COUNCIL are to be held, East Renfrewshire 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.

**14 Control of Finance**

- 14.1 All monies raised by or on behalf of the COMMUNITY COUNCIL or received from East Renfrewshire Council or other sources shall be applied to further the objectives of the COMMUNITY COUNCIL and for no other purpose. The monies provided by East Renfrewshire Council in the annual administrative allowance 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.
- 14.2 The Treasurer shall undertake to keep proper accounts of the finances of the COMMUNITY COUNCIL.
- 14.3 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 or be related in any way or have any business relationship with each other.
- 14.4 A statement of accounts for the preceding financial year shall be prepared by the Treasurer and independently examined by an independent examiner appointed by the COMMUNITY COUNCIL, who must not be members of the COMMUNITY COUNCIL, and shall be submitted to an annual general meeting of the COMMUNITY COUNCIL and made available for inspection at a convenient location.
- 14.5 The financial year of the COMMUNITY COUNCIL shall be from April to March. Examined accounts as received and approved by the COMMUNITY COUNCIL at the annual general meeting shall be submitted to East Renfrewshire Council following approval at the COMMUNITY COUNCIL's annual general meeting.

**15 Title to Property**

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

**16 Alterations to the Constitution**

- 16.1 Any proposal by the COMMUNITY COUNCIL to alter this Constitution must first be considered by a meeting of the COMMUNITY COUNCIL. The terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued to all members not less than ten days prior to the meeting. Any proposed alterations may not contradict, prejudice or undermine the terms and objectives contained within the Scheme and must not negatively impact on the transparency and accountability of the COMMUNITY COUNCIL.

16.2 If the proposal is supported by two-thirds of the total voting membership of the COMMUNITY COUNCIL, and is approved in writing by East Renfrewshire Council, the alteration shall be deemed to have been duly authorised and shall come into effect as of the date of East Renfrewshire Council's approval.

**17 Dissolution**

17.1 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 propose a resolution to dissolve and shall agree a date for a public meeting to be held to discuss the proposed resolution. It is a requirement that not less than ten days prior to the date of such meeting a public notice of the proposed resolution shall be given within the area of the COMMUNITY COUNCIL. If the resolution is approved by a simple majority of those members present and voting, the COMMUNITY COUNCIL must notify East Renfrewshire Council no later than the next business day following the decision to approve the resolution to dissolve. The COMMUNITY COUNCIL shall be deemed to be dissolved as of the date on which East Renfrewshire Council confirms receipt of that notification. All assets remaining after the satisfaction of any and all proper debts or liabilities shall, subject to the approval of East Renfrewshire Council, transfer to East Renfrewshire Council who shall hold the same in Trust for a future community council representing that area.

**18 Adoption of the Constitution**

This Constitution was adopted by .....  
COMMUNITY COUNCIL, on .....

..... Signed: Chair  
..... Member  
..... Member  
..... Date



**APPENDIX II****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. A special meeting of the COMMUNITY COUNCIL may be called at any time by decision of the COMMUNITY COUNCIL. Special Meetings may be called at any time by the Secretary on the instructions of the Chair of the COMMUNITY COUNCIL, or if requested to do so in writing by not less than one-half of the total number of COMMUNITY COUNCIL members, or upon 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. A special meeting shall be held within 14 days of the request being received by the Secretary of the COMMUNITY COUNCIL. Annual general meetings are held annually in April or May of each year.
- (b) Notice of ordinary and annual general meetings of the COMMUNITY COUNCIL, featuring the date, time and venue, shall be provided by the Secretary of the COMMUNITY COUNCIL to each COMMUNITY COUNCIL member and to East Renfrewshire Council's Liaison Officer, at least 10 days before the date fixed for the meeting.

**2. Minutes**

Minutes of the proceedings of a meeting of the COMMUNITY COUNCIL shall be drawn up within fourteen days from the date of that meeting, circulated in accordance with clause 3.8.2 of the East Renfrewshire Council Scheme for the Establishment of Community Councils (amended 2015) (the "Scheme") and shall, following their approval, be signed at the next meeting of the COMMUNITY COUNCIL by the person presiding thereat. The approved and signed minutes shall be retained for future reference, and shall be circulated in accordance with clause 3.8.3 of the Scheme.

**3. Quorum**

A quorum shall be one-third of the current eligible voting membership of the COMMUNITY COUNCIL.

**4. Order of Business****(i) First meeting following an election**

The order of business at the first meeting following an election shall include the following:

- a) Recording of members present and apologies received.
- b) Report on signatures of the Declaration of Acceptance of Office.
- c) Election of office bearers.
- d) Adoption of Model Constitution and Model Standing Orders.
- e) Appointment of independent examiners of accounts.

**(ii) Ordinary Meeting**

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

- (a) Recording of members 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 Chair has directed should be considered.

- (d) Any other competent business.
- (e) Questions from the floor.
- (f) Chair to declare date of next meeting and close meeting.

(iii) Annual General Meeting

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

- (a) Recording of members present and apologies received.
- (b) The minutes of the last annual general meeting of the COMMUNITY COUNCIL shall be submitted for adoption.
- (c) Chair'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) Demit of current independent examiner of accounts and appointment.
- (h) Chair to declare date of next annual general meeting and close meeting.

It will not be uncommon for the COMMUNITY COUNCIL to arrange 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.

(iv) Special Meeting

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

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

**5. Order of Debate**

- (a) The Chair shall decide all questions of order, relevancy and competency arising at meetings of the COMMUNITY COUNCIL and his or her ruling shall be final and shall not be open to discussion. In particular, the Chair shall determine the order, relevancy and competency of all questions from the public which may be raised at meetings of the COMMUNITY COUNCIL in accordance with section 4 above. The Chair, 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 to the need to ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Chair shall have the power, in the event of disorder arising at any meeting, to adjourn the COMMUNITY COUNCIL meeting to a time he or she may then, or afterwards, fix.
- (b) Every motion or amendment must be moved and seconded in order to be competent.
- (c) After a mover of a motion has been called on by the Chair to reply, no other members shall speak to the question.

- (d) A motion or amendment once made and seconded may 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 on the relevant question, with the exceptions that secret ballots may be held (i) in respect of the election of office bearers or (ii) where requested in respect of a complaint in accordance with the Community Councillor Complaints Procedure.
- (b) The Chair of a meeting of the COMMUNITY COUNCIL shall have a casting vote as well as a deliberative vote.

## **7. Disruptive Behaviour**

### **Community Councillors**

Any community councillor disregarding the authority of the Chair or obstructing the meeting or conducting him/herself offensively shall be suspended from the remainder of the meeting if a resolution for suspension, moved and seconded, is carried. There shall be no discussion on such a motion. The community councillor concerned shall forthwith leave the meeting place.

### **Members of the public**

Members of the public may be denied access to a meeting, or asked to leave a meeting, if they are preventing (or are likely to prevent) the meeting from carrying out its business. If a member of the public interrupts any meeting, the Chair may warn that person about their conduct. If they continue to interrupt the meeting, the Chair may order the person to leave the meeting room. If there is general disturbance in any part of the meeting room that is open to the public, the Chair may order those causing the disturbance to leave the meeting room.

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

A proposal to alter these Standing Orders may be submitted to East Renfrewshire Council at any time by the COMMUNITY COUNCIL, provided that notice of a motion to that effect is given at the meeting of the COMMUNITY COUNCIL prior to the meeting at which the motion is discussed. East Renfrewshire Council shall have final discretion on any proposed change.

## **9. Committees**

The COMMUNITY COUNCIL may establish and appoint representatives to 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 in attendance consent to such suspension.

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APPENDIX III

## CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

## 1. Introduction and enforcement

1.1 This Code of Conduct for Community Councillors (the Code) is based on the Councillors' Code of Conduct

1.2 The purpose of the Code is to set out the conduct expected of community councillors in East Renfrewshire.

1.3 Community councillors, as 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 the Code. The Code and its principles shall apply to all community councillors and those representing the community council.

1.4 The practical application of the Code is a matter for your judgement but if in any doubt as to how it should be applied you should seek advice from the Chair of your community council or from the Community Council Liaison Officer.

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

1.6 The Community Councillor Complaints Procedure sets out the provisions for dealing with alleged breaches of the Code and the sanctions that can be applied in such an event.

1.7 **The Code does not apply to your private and family life.** You must, therefore, comply with the provisions of the Code in all situations and at all times where you are acting as a community councillor, have identified yourself as a community councillor, or could objectively be considered to be acting as a community councillor.

1.8 In determining whether the Code applies when dealing with complaints against community councillors, it will be considered whether a member of the public, with knowledge of the relevant facts, would reasonably consider that you were acting as a community councillor at the time of the events in question. It should be noted that this can include when you are engaging in online activity. This is known as *the objective test*.

**2. Duties**

2.1 The Code comprises the following principles. These should be used for guidance and interpretation by community councillors in all community council activities.

**Service to the Community**

2.2 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 Scheme for the Establishment of Community Councils, as set out by East Renfrewshire Council under the terms of the Local Government (Scotland) Act 1973 (the "Scheme").

2.3 Wherever possible you should establish and reflect, through the community council, the views of the community as a whole, on any issue, irrespective of personal opinion.

2.4 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. websites, suggestion boxes, community surveys, opinion polls should, where possible, be made available.

**Selflessness**

2.5 You should 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.

### **Honesty and Integrity**

2.6 You have a duty to act honestly. 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.

2.7 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.

2.8 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**

2.9 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 should make decisions based on merit and on the basis of information that is publicly known.

2.10 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**

2.11 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.

2.12 Community councillors will individually and collectively ensure that the business of the community council is conducted according to the Scheme and the Code.

2.13 Any breach of the Scheme and the Code of Conduct may be reported to East Renfrewshire Council to determine what action, if necessary, should be taken. Any action will be taken in accordance with the Community Councillor Complaints Procedure.

### **Openness**

2.14 You have a duty to ensure that your decisions, actions and representations reflect the wishes and views of the community you represent. You should be open and able to justify your decisions, actions and representations when acting as a community councillor.

2.15 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.

### **Leadership**

2.16 You have a duty to promote and support the principles of the 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.

2.17 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 and General Conduct**

2.18 You should behave openly and honestly, treating other community councillors in a positive, respectful and non-discriminatory manner. This should extend to any person, regardless of their position, you have dealings with in your capacity as a community councillor.

2.19 Recognition should be given to the contribution of everyone participating in the work of the community council. Equality of opportunity should be given to every participant to have their knowledge, opinion, skill and experience taken into account, with all barriers to participation removed.

2.20 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.

2.21 You should be supportive of the office bearers on the community council and refrain from trying to undermine their confidence or authority. It is unacceptable for community councillors to make personal remarks, make personal attacks or otherwise humiliate other members or non-members either at meetings or in other settings such as internet forums and social media.

### **Conduct at meetings**

2.22 You must respect the Chair, fellow community councillors and any members of the public or partnership organisations that are present during meetings of the community council and its sub-committees or of any bodies where you have been appointed by, or are representative of your community council or community councils in general. You must comply with rulings from the Chair in the conduct of the business of these meetings.

### **Conduct in public**

2.23 In conducting yourself in public (including online) you must respect community councillors and key stakeholder organisations (such as the Council and Police Scotland). Community councillors should take note that their activity in public may be a breach of the provisions of this Code if they are identifiable as a community councillor.

2.24 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.

2.25 You should not act in such a way as to bring yourself or the community council into disrepute through your actions, discussion or communications.

2.26 Furthermore, any individual found to be responsible for anonymous activities (such as letter writing, blogging or other online activities) that would otherwise be a breach of the provisions of this Code will consequently have breached the Code.

### **Bullying and harassment**

2.27 Bullying or harassment is completely unacceptable and will be considered to be a breach of the Code.

- 2.28 Harassment is any unwelcome behaviour or conduct which has no legitimate purpose and which makes someone feel offended, humiliated, intimidated, frightened and/or uncomfortable. Harassment can be experienced directly or indirectly and can occur as an isolated incident or as a course of persistent behaviour.
- 2.29 Harassment can take the form of unwelcome physical contact; inappropriate remarks or questioning; intrusive questioning; and the sending of unwelcome emails, messages or notes. This is by no means an exhaustive list.
- 2.30 Bullying is inappropriate and unwelcome behaviour which is offensive and intimidating, and which makes an individual or group feel undermined, humiliated or insulted. It is the impact of the behaviour rather than the intent which is the key.
- 2.31 Bullying can arise as a result of an individual misusing their power and can occur through all means of communication. Bullying can be a pattern of behaviour or a one-off serious incident that becomes objectionable or intimidating. This can include the unwelcome physical, verbal or non-verbal conduct; intimidatory behaviour; disparaging, ridiculing or mocking comments and remarks; physical violence; deliberately excluding an individual from conversations or activities in which they have a right or legitimate expectation to participate. This list is not exhaustive.
- 2.32 Bullying and harassment can occur through all means of conduct and communication – including social media posts, shares and comments. It can also arise through a lack of communication, such as the deliberate exclusion of an individual from a conversation, work or social activity.
- 2.33 You are responsible for your own behaviour. You must ensure that you are aware of, and comply with, the provisions concerning bullying and harassment in the Code.

### **Financial probity**

- 2.34 High standards of financial probity should be demonstrated by all those who are responsible for administering or receiving funds on behalf of the community council.
- 2.35 Office bearers must ensure that proper accounting records are kept for the community council bank account(s).
- 2.36 Inability to demonstrate proper stewardship of funds or operate in a transparent manner will be deemed a breach of the Code.

### **Interests which require declaration**

- 2.37 The key principles of the Code are given practical effect by the requirement for you to declare interests at meetings which you attend.
- 2.38 Interests which require to be declared may be financial or non-financial. Most of the interests to be declared will be your personal interests but, on occasion, you will have to consider whether the interests of other persons require you to make a declaration.
- 2.39 It is your responsibility to make decisions about whether you have to declare an interest or make a judgement as to whether a declared interest prevents you from taking part in any discussions or voting. You are in the best position to assess your personal circumstances and to judge how these circumstances affect your role as a community councillor in regard to a particular matter.
- 2.40 In deciding whether to declare an interest you should always comply with the *objective test* which is *whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as community councillor*.
- 2.41 After declaring an interest you must withdraw from the meeting room until discussion of and voting on the relevant item where you have a declarable interest is concluded, other than in the following circumstances:
- i) The interest is in relation to your appointment as an associate member of the community council or nominated member of a local interest group. In this case an exemption applies.

- ii) The interest is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

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# East Renfrewshire Council

## Community Councillor Complaints Procedure

### 1. Foreword

Community councils in East Renfrewshire are established under East Renfrewshire Council's Scheme for the Establishment of Community Councils (the Scheme), as provided for under the Local Government (Scotland) Act 1973 and thereafter, the Local Government etc (Scotland) Act 1994. The Scheme sets out the roles and responsibilities of community councils and councillors. Furthermore, the Scheme contains a Code of Conduct for Community Councillors. Both elected and co-opted members of community councils must comply with and abide by the terms of East Renfrewshire Council's Scheme for the Establishment of Community Councils, the constitution of their community council and the Code of Conduct for Community Council Members. Associate members must also comply with those terms to the extent that they are applicable to them.

From time to time complaints will be made about the conduct of community councils and / or individual community councillors. These complaints will be dealt with through the Community Councillor Complaints Procedure.

This procedure explains how complaints regarding Community Councillors' conduct should be handled by community councils and / or the Investigation Officer tasked with dealing with the complaint.

### 1. What is a complaint

- a. Complaints must relate to alleged breaches of the Code of Conduct for Community Councillors, contained within the East Renfrewshire Council Scheme for the Establishment of Community Councils.
- b. A complaint is not:
  - A dispute of a personal nature which does not relate to an individual's role as a community councillor.
  - An attempt to reopen a previously concluded complaint or to have a complaint reconsidered, where a final decision has been reached.

This list is not exhaustive.

### 2. A complaint can be made in writing or by electronic means.

- a. More than one complaint about the same incident or issue will be considered together.
- b. All complaints must be submitted to the Community Council Liaison Officer. Representations submitted elsewhere, including directly to community councils or other Council officers, will not be formally considered as complaints.
- c. A complaint must not contain information which would allow the identification of an individual who is not a member of the community council.

### **3. Information required about a complaint.**

- a. The individual shall be asked for all necessary information to get a full understanding of their complaint.
- b. Clarification shall be sought regarding what the individual wants to achieve by complaining and what provisions of the code of conduct have been breached.
- c. The following details shall be recorded as a minimum:
  - i. complainant details;
  - ii. date complaint was received;
  - iii. nature of the complaint; (how has the code of conduct been breached).  
and
  - iv. the community councillor/s to which the complaint refers.

### **4. Acknowledgement**

All complaints must be acknowledged on receipt. Acknowledgement will include details regarding the procedure used to deal with the complaint and the expected response period.

### **5. Managing your complaint**

- a. Any person may complain about the conduct of the community council, or any member or group of members thereof. All complaints must be sent to the Community Council Liaison Officer (CCLO) in the first instance. Following any clarification required (as outlined in this procedure – sections 3 & 4) the CCLO will send the complaint to the community council for determination, unless, following consultation between the CCLO and the community council, it is agreed that the complaint/s shall be referred to a Community Council Complaints Panel.
- b. The community council need not consider the substance of a complaint, if the community council decides (by a simple majority of those voting and present at a meeting) that the subject-matter of the complaint is substantially identical to that of a previous complaint that has been or is being dealt with by either the community council or the Community Council Complaints Panel.
- c. All other complaints shall be considered by the relevant community council, which shall decide on a simple majority of voting members whether the subject of a complaint has, on the balance of probabilities, failed to comply with the obligations set out in the Code of Conduct for Community Councillors. Any member who is the subject of a complaint, or who is the complainer, shall not be entitled to vote. If satisfied that those obligations have not been complied with, the community council must either:
  - censure the member(s) in question;
  - issue a formal written warning to the member(s) in question;



- suspend the member(s) from the community council for up to 2 years or for the remaining community council term, whichever is the lesser.
  - terminate membership of the community council.
6. At the request of either the complainer or the subject of the complaint, arrangements shall be made at the meeting for members of the community council to vote on the complaint by way of a secret ballot.
  7. Any member who has been the subject of a complaint which has been upheld by a community council, will have the right to appeal to a Community Council Complaints Panel, however, any sanctions, censure, suspension or termination of membership imposed by the community council will remain in place during the time taken for the appeal to be heard.
  8. A Community Council Complaints Panel (a “Panel”) shall be established to deal with any complaints referred under clause 5a and clause 7.
    - a. The Community Council Liaison Officer will conduct the investigation or identify a suitable individual to do so on their behalf. This individual will carry out an investigation which aims to establish all the facts relevant to the points made in the complaint and submit a report with recommendations to the panel; for determination.
    - b. A Panel shall consist of 3 elected members of East Renfrewshire Council. Care shall be taken to ensure that the Panel is sufficiently independent and any councillors who are ex-officio members of any community councils linked to the complaint will be ineligible to participate.
    - c. Panel meetings can be held online.
    - d. A Panel shall meet to decide a complaint within 40 working days of the complaint being referred to it. In the event it cannot be decided within 40 working days, both parties will be notified of the revised timescales.
    - e. A Panel may refer a complaint for consideration by an independent person or body to be determined by the Panel, which person or body shall have the same obligations and powers in respect of the complaint as the Panel.
    - f. 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 the Code of Conduct for community councillors. If satisfied that those obligations have not been complied with, the Panel:
      - i. Shall impose one of the sanctions set out in clause 5c: or
      - ii. Shall disqualify an individual from sitting on any community council within the East Renfrewshire Council area for such period as the Panel shall decide and
      - iii. May recommend the subject of the complaint to participate in mediation with the complainer (without prejudice to the Panel’s ability to impose one of the other remedies set out in this procedure if that mediation is unsuccessful);

9. In circumstances where it appears that the whole community council, or a significant proportion of its members, have engaged in gross misconduct, the Panel can recommend that East Renfrewshire Council suspend or dissolve the community council under clause 13.4. of the Scheme of Establishment.
10. Where an appeal is made to the Panel under clause 7; concerning a community council's decision under this complaints procedure, 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 consider the original complaint itself in accordance with this procedure.
11. The decision of the Panel will where possible be communicated by letter as soon as possible following the meeting to:
  - The complainant.
  - The community councillor(s) the subject of the complaint.
  - The office bearers of the community council.
- a. All Panel meetings will be held in private (as provided for under Schedule 7A of the Local Government (Scotland) Act 1973) and all materials relating to the complaint/investigation will be sent to the Community Council Liaison Officer on completion for archiving. This will be retained for three years.

## **12. Time limit for making complaints**

Complaints should be made within six months of the incident occurring, unless there are special circumstances for granting an extension. Any such circumstances will be considered on a case by case basis by the Community Council Liaison Officer.

## **13. Maintaining confidentiality**

The complainant and subject's confidentiality should be maintained at all times. All complaints will also be subject to legal requirements including data protection legislation

## **14. Modification of procedure**

Having regard to changing circumstances and/or to any representations made to them, East Renfrewshire Council shall from time to time review the complaints procedure and where they consider that the procedure ought to be amended, shall consult with community councils.

The 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.