

PERTH & KINROSS COUNCIL



SCHEME OF ESTABLISHMENT OF COMMUNITY COUNCILS IN THE PERTH AND KINROSS COUNCIL AREA

PERTH & KINROSS COUNCIL

SCHEME OF ESTABLISHMENT OF COMMUNITY COUNCILS

1. 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.

2. Definitions

In this Scheme the following words and expressions shall bear the following meanings:

“the Act” shall mean the Local Government (Scotland) Act, 1973:

“Council” shall mean the Perth and Kinross Council constituted in terms of the Act:

“Area” shall mean one of the areas referred to in clause 7 below and specified in Schedule I and shown in the plans annexed hereto being part of the Council for which in terms of this Scheme the Council have proposed a community council be established:

“Sub-area” shall mean a part of an area into a number of which (i) the Council may divide an area to ensure even and adequate representation on a geographical and population basis of all parts of that area on the community council established therein in terms of clause 7 of this Scheme:

“Area electoral register” shall mean the electoral register or registers or parts thereof as the case may be related specifically to and comprising electors within an area and “sub-area electoral register” shall mean the electoral register or registers or parts thereof as the case may be related specifically to and comprising electors within a sub-area, for the purposes of elections to community councils in terms of this Scheme.

3. Title of Scheme

This Scheme is made under and incorporates the provisions of Part IV of the Act and may be cited as the “Scheme of Establishment of Community Councils in the Perth and Kinross Council Area”.

4. Commencement

This Scheme shall commence and come into effect on 3 November 2011.

5. 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”

6. 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.

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, the council and other public sector and private agencies.

Community councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objects of their Constitution and the terms of the Council’s Scheme of Establishment of Community Councils.

There should be mutual engagement in the establishment of working relationships with the council and other agencies.

In carrying out their activities community councils must at all times adhere to the law, the terms of the Council's Scheme of Establishment of Community Councils and the Community Councillors' Code of Conduct.

Each community council is required to adopt a Constitution and Standing Orders, to encourage and maintain consistency for all community councils and to facilitate their proceedings being properly structured and regulated, to ensure that items of business relevant to the community are properly debated and decisions reached in a democratic manner. The community council's Constitution requires to be approved by the Council.

Community councils have a duty under statute to represent the views of their local community. It is vital therefore, that they reflect the broad spectrum of opinion and interests of all sections of the community. In order to fulfil their responsibilities as effective and representative, community councils shall: -

- Inform the community of the work and decisions of the community council by posting agendas and minutes of meetings in public places, such as libraries and notice boards and, subject to the provisions contained within the Data Protection Act 1998, provide contact details of community council members.
- 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.
- Seek to broaden both representation and expertise by promoting the associate membership of the community council of persons for specific projects/issues.
- Make particular efforts to encourage young people and other under-represented groups to attend/participate in community council meetings and to ensure equality of opportunity in the way the community council carries out its functions.
- Maintain proper financial records and present financial reports at community council meetings.
- Inform the Council of any change in membership (resignations, associate membership, etc.) and circumstances, as soon as is practicable.

7. Community Council Areas within Perth and Kinross

The 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 as specified in the First Schedule to the Scheme.

8. Membership of Community Councils

The minimum number of members to be elected to a community council is six and the maximum is 15. Due to the diverse nature of council areas, where there may be areas of sparse population relative to geographical disposition, each community council may set its own formula for the number of members in its area.

The minimum age to stand for election as a community councillor is 16 years. Qualification for membership is by residency within the specific community council area. Community councillors and candidates for community council membership must also be named on the electoral register for the community council area in which they reside. There shall be provision made for non-voting associate membership for purposes as defined by each community council. For example, for 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.

9. 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 shall be undertaken prior to its formal adoption by the Council.

10. Community Council Elections

Eligibility

Candidates wishing to stand for election to a community council must reside in the local area and be named on the Electoral Register for that area. The same criteria shall apply to voters in a community council election.

Any community council member who no longer resides within that community council area is deemed to have resigned from that community council.

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.

Nominations and Elections

The first elections to be held under the Scheme shall be held on 3 November 2011.

Subsequent elections will be held on the first Thursday of November on a four-yearly-cycle. The Council will administer all elections.

Returning Officer

The Council has appointed the Head of Democratic Services, Chief Executive's Service as the Independent Returning Officer.

Nominations

Individuals seeking election to a community council require to be nominated by a proposer and seconder, both of whom must be on the Electoral Register for that community council area. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.

A nomination form should be completed, the style of which will be determined by the Council. Nomination forms require to be submitted on 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.

Process

(as specified for each community council area in the First Schedule of the Scheme)

On the expiry of the period for lodging nominations:

1. Should the number of candidates validly nominated equal or exceed **HALF**, 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.
2. 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.
3. Should the number of candidates elected, be below **HALF** 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.

Method of Election

Elections will be based on whole Council areas or devolved administrative areas, as deemed appropriate. Elections will take place across the whole Council area at one time. Community councils shall be elected on a simple majority basis.

Filling of casual places/vacancies between elections

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

- When an elected community council member submits her/his resignation;
- When an elected community council member ceases to be resident within that community council area;
- When an elected community council member has her/his membership disqualified (Clause 12).

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 the Council. Filling a vacancy can be undertaken either through the process of an interim election or by co-option. However, should circumstances arise that lead to the number of elected community councillors falling below **HALF** of the maximum permitted membership, the Council shall be informed and shall undertake arrangements for an interim election.

Co-option to Community Councils

Co-opted members must be eligible for membership of the community council as detailed within Clause 10. They must be elected onto the community council by a two-thirds majority of the elected (general and interim) community councillors present and voting. Such co-opted members shall have full voting rights, with the exception of voting on co-option of members, and will serve until the next round of elections (general and interim). Notice of any proposed co-option procedure is required to be intimated to all of that community council's members at least 14 days prior to the meeting when the matter will be decided.

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.

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.

Additional Membership

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 also include representation from other constituted local voluntary organisations.

Ex-Officio Members

Elected members of the Council shall be deemed *ex-officio* members of community councils with no voting rights. MPs, MSPs and MEPs whose wards or constituencies fall wholly or partly within the geographical area of the community council area shall have the right to attend with no voting rights.

11. 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.

12. Disqualification of Membership

Membership of a community council is invalidated should a community councillor's residency qualification within that community council area cease to exist. If any member of a community council fails to attend any community council meeting, with or without submitting apologies, throughout a period of 6 months, the community council may terminate their membership. 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.

13. Meetings

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.

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 May each year. In an election year the first meeting after the election will be regarded as an extraordinary general meeting to appoint office bearers.

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.

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.

14. Liaison with Perth and Kinross Council

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

Community councils may make representations to the 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 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, the 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 Council's Liaison Officer.

15. Resourcing a Community Council

The financial year of each community council shall be provided for in the constitution of each community council and shall be from 1 April to 31 March

in each succeeding year to allow for the proper submission of independently examined statement of accounts to the community council's annual general meeting on a specified date in May.

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. 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 to the Council's Liaison Officer.

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. Each community council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions.

Each community council shall be eligible to apply for grants for suitable projects through the Council's grant system.

The Council will provide an annual administrative grant to community councils to assist with the operating costs of the community council subject to the submission of independently examined accounts. The level of grant shall be set by Perth and Kinross Council on an annual basis and the grant for 2011/12 is £498.49 with an additional £137.36 based on the electorate for the community council area being in excess of 2,000.

The Council will review the level of annual administrative grant and other support to community councils following each local government electoral cycle.

The 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 the Council and other relevant topics.

16. Liability of Community Council Members

A national scheme of insurance liability cover has been arranged. The insurance liability cover becomes effective upon the 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 the council have taken action to address the situation), the council shall take action to dissolve that community council.

Dated: 3 November 2011

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

AREA NUMBER	DESCRIPTION OF AREA	SUB AREAS	NUMBER OF MEMBERS	ELECTORATE	DATE ESTABLISHED
1	Central	-	10	3743	Not established
2	Tulloch	-	9	4648	Not established
3	City South (incorporates Friarton/Craigie (3) & Viewlands (6))	-	13	11435	Not established
4	North Inch and Muirton	-	13	2241	28/09/17
5	Bridgend, Gannochy and Kinnoull	-	10	2953	05/11/15
7	Letham	-	9	7212	Not Established
8	North Muirton	-	9	2411	05/11/15
9	Killiecrankie & Fincastle	-	7	228	05/11/15
10	Blair Atholl and Struan	Blair Atholl Struan	6 (4) (2)	611 480 131	05/11/15
11	Rannoch and Tummel	Kinloch Rannoch Rannoch West Strathtummel West	8 (4) (2) (2)	466 303 79 84	Not established
12	Aberfeldy	-	10	1611	05/11/15
13	Dull and Weem	-	6	425	05/11/15
14	Glenlyon and Loch Tay	Fearnan Fortingall Glenlyon	6 (3) (2) (1)	364 170 131 63	05/11/15
15	Kenmore and District	Acharn Kenmore	8 (4) (4)	228 125 103	05/11/15

AREA NUMBER	DESCRIPTION OF AREA	SUB AREAS	NUMBER OF MEMBERS	ELECTORATE	DATE ESTABLISHED
16	Mid Atholl, Strathtay & Grandtully	-	7	886	05/11/15
17	Blairgowrie and Rattray	-	15	7790	05/11/15
18	Mount Blair	-	7	781	05/11/15
19	Alyth	-	11	2453	01/02/18
20	Meigle & Ardler		9	754	Not established
21	Coupar Angus and Bendochy	- Coupar Angus Bendochy	8 (7) (1)	2002 1852 150	05/11/15
22	Kettins	-	9	513	05/11/15
23	Crieff	-	13	5778	05/11/15
24	East Strathearn	-	10	1086	05/11/15
25	Comrie and District	-	10	1998	05/11/15
26	St Fillans	-	6	170	05/11/15
27	Auchterarder and District	Aberuthven Auchterarder Glendevon	9 (1) (7) (1)	4910 413 4342 155	05/11/15
28	Dunning	-	9	1078	05/11/15
29	Blackford	-	9	722	05/11/15
30	Muthill and Tullibardine	Muthill Tullibardine	9 (6) (3)	1036 783 253	05/11/15
31	Braco and Greenloaning	-	6	942	05/11/15
32	Dunkeld and Birnam	-	10	1646	05/11/15

Scheme Updated 28/9/11

Area 12 Membership Amended 20/8/12

Area 48 Membership Amended 15/2/13

CC Membership Age Amended 31/7/15

Area 30 Membership Amended 28/08/15

Area 18 Sub-Areas Disbanded 05/11/15

Area 30 Membership Amended 29/08/16

First Schedule Electorate Updated 21/09/17

Area 34 Sub-Areas Disbanded 07/03/18

AREA NUMBER	DESCRIPTION OF AREA	SUB AREAS	NUMBER OF MEMBERS	ELECTORATE	DATE ESTABLISHED
33	Spittalfield and District	Spittalfield/Glendelvine Murthly Clunie Meikleour Caputh	7 (2) (2) (1) (1) (1)	1491 207 685 210 182 207	05/11/15
34	Methven	-	12	3786	05/11/15
35	Auchtergaven	-	7	1261	05/11/15
36	Luncarty, Redgorton & Moneydie	-	8	1590	05/11/15
37	Burrelton and District	-	9	2211	05/11/15
38	Stanley	-	8	1409	25/02/16
39	Scone and District	-	10	4487	05/11/15
40	Abernethy	-	9	1479	
41	Glenfarg	-	12	901	05/11/15
42	Earn	Aberdalgie Bridge of Earn & Dron Craigend Forgandenny Forteviot Path of Condie Rhynd	13 (1) (6) (1) (2) (1) (1) (1)	3620 115 2558 78 567 74 60 168	05/11/15
43	Errol	-	9	1924	05/11/15
44	West Carse	-	7	1523	05/11/15
45	Inchturre	-	10	1749	05/11/15

AREA NUMBER	DESCRIPTION OF AREA	SUB AREAS	NUMBER OF MEMBERS	ELECTORATE	DATE ESTABLISHED
46	Kinross	-	11	4600	05/11/15
47	Portmoak	-	8	1152	05/11/15
48	Cleish and Blairadam	-	8	591	05/11/15
49	Milnathort	-	8	2040	25/02/16
50	Fossoway	-	8	1535	05/11/15
51	Pitlochry and Moulin	-	9	2642	05/11/15
52	Invergowrie and Kingoodie	-	10	1473	Not established
53	Longforgan	-	9	1244	05/11/15