

# Public Document Pack



To: All Members of the Council

Town House,  
ABERDEEN, 6 December 2011

## **SPECIAL COUNCIL MEETING**

The Members of the **COUNCIL** are requested to meet in Council Chamber - Town House on **WEDNESDAY, 14 DECEMBER 2011 at 10.25am.**

In terms of Section 53 of the Local Government (Scotland) Act 1973, as amended, a decision of a local authority to review its Scheme of Establishment of Community Councils shall be by resolution by not less than two-thirds of the members voting thereon at a local authority meeting specially convened for the purpose with notice of the object.

JANE G. MACEACHRAN  
HEAD OF LEGAL AND DEMOCRATIC SERVICES

### **BUSINESS**

- 1 Review of Scheme for the Establishment of Community Councils - Report by Director of Corporate Governance (Pages 1 - 44)
  - Decision of Corporate Policy and Performance Committee of 1<sup>st</sup> December 2011
  - Report by Director of Corporate Governance to Corporate Policy and Performance Committee of 1<sup>st</sup> December 2011
  - Scheme for the Establishment of Community Councils Incorporating Community Council Area Descriptions, Model Constitution and Code of Conduct

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

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## ABERDEEN CITY COUNCIL

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COMMITTEE	Special Council
DATE	14 <sup>th</sup> December 2011
DIRECTOR	Stewart Carruth
TITLE OF REPORT	Review of Scheme for the Establishment of Community Councils
REPORT NUMBER:	CG/11/136

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### 1. PURPOSE OF REPORT

This report seeks approval in principle for the revised Scheme for the Establishment of Community Councils prior to it being advertised in the local press seeking representations from members of the public on the Scheme and associated documents.

### 2. RECOMMENDATION(S)

It is recommended that Council approve the issue of a public notice inviting members of the public to comment on the Scheme and associated documents.

### 3. FINANCIAL IMPLICATIONS

The cost of advertising the proposed revised Scheme in the local Press can be met from within the existing approved Community Council Advertising budget therefore there would be no additional financial implications for the Council.

### 4. OTHER IMPLICATIONS

There are no other direct implications arising from this report.

### 5. BACKGROUND/MAIN ISSUES

#### 5.1 The Corporate Policy and Performance Committee on 1<sup>st</sup> December 2011 agreed:-

(a) to recommend that Council approve the proposed revised Scheme for the Establishment of Community Councils subject to:- (1) the majority method of voting detailed at section 5.5 being replaced with the STV voting system; and (2) the addition of "and further

acknowledge that Community Councillors are volunteers who give up their own time” at section 9 of the Scheme; and

(b) that the proposed Scheme, on the basis of the above changes, be referred to a Special meeting of Council for consideration.

5.2 In accordance with the decision outlined at 5.1 (1) above, the Scheme will be amended to reflect the method of voting being by Single Transferable Vote and to include the wording set out 5.1 (2) above.

5.3 Attached to the report is the revised Scheme for the Establishment of Community Councils, a copy of the Model Constitution and Code of Conduct for Community Councils which were presented to the Corporate Policy and Performance Committee on 1<sup>st</sup> December 2011.

5.4 In terms of the Local Government (Scotland) Act 1973, as amended, a decision of a local authority to review their Scheme for the Establishment of Community Councils shall be a resolution passed by not less than two-thirds of the numbers voting thereon at a local authority meeting specifically convened for the purpose with notice of the object.

## 6. IMPACT

This report takes into consideration aspects of the Community Plan and Single Outcome Agreement specifically in relation to Community Engagement. The Council are actively working to develop the working relationship between the Council and Community Councils through meetings with the Community Councils, their involvement in the Civic Forum and regular reviews of Community Council support.

## 7. BACKGROUND PAPERS

- (a) Local Government (Scotland) Act 1973, Chapter 65, Part IV.
- (b) Aberdeen City Council’s current Scheme for the Establishment of Community Councils, dated November 2008.
- (c) Model Scheme for the Establishment of Community Councils issued by the Scottish Government in 2009.

## 8. REPORT AUTHOR DETAILS

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**Corporate Policy and Performance**  
**1 December 2011**

**REVIEW OF SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS  
- CG/11/136 – REMIT FROM CORPORATE POLICY AND PERFORMANCE  
COMMITTEE**

The Committee had before it a report by the Director of Corporate Governance on a revised Scheme for the Establishment of Community Councils, which required Council approval prior to the Scheme being advertised in the press inviting representations from members of the public.

**The report recommended:-**

that the Committee –

- (a) recommend approval of the proposed revised Scheme for the establishment of Community Councils as appended to the report; and
- (b) refer the report and the associated documents to a special meeting of Council for consideration.

Councillor Adam, seconded by Councillor Crockett, moved:-  
“that the recommendations be approved”.

As an amendment, the Vice-Convener, seconded by the Convener, moved:-  
“to recommend that Council approve the proposed revised Scheme for the Establishment of Community Councils subject to:- (1) the majority method of voting detailed at section 5.5 being replaced with the STV voting system; and (2) the addition of “and further acknowledge that Community Councillors are volunteers who give up their own time” at section 9 of the Scheme; and that the proposed Scheme, on the basis of the above changes, be referred to a Special meeting of Council for consideration.”

On a division, there voted:- for the motion (6) – Councillors Adam, Collie, Crockett, Donnelly, Graham, and Milne. for the amendment (9) – the Convener; the Vice-Convener; and Councillors Dean, Dunbar, Noble, Jennifer Stewart, John Stewart, Townson and John West.

**The Committee resolved:-**

- (i) to adopt the amendment; and
- (ii) to acknowledge the time and contribution given by Community Councillors to their respective communities across the city.

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ABERDEEN CITY COUNCIL

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COMMITTEE	Corporate Policy and Performance
DATE	1 <sup>st</sup> December 2011
DIRECTOR	Stewart Carruth
TITLE OF REPORT	Review of Scheme for the Establishment of Community Councils
REPORT NUMBER:	CG/11/136

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1. PURPOSE OF REPORT

This report seeks approval in principle for the revised Scheme for the Establishment of Community Councils, prior to the Scheme being advertised in the Press inviting representations from members of the public.

2. RECOMMENDATION(S)

It is recommended that the Committee –

- (a) approve in principle the proposed revised Scheme for the Establishment of Community Councils as appended; and
- (b) if approved, refer the report and associated documents to a Special meeting of Council for consideration.

3. FINANCIAL IMPLICATIONS

The cost of advertising the proposed revised Scheme in the local Press can be met from within the existing approved Community Council Advertising budget therefore there would be no additional financial implications for the Council.

4. OTHER IMPLICATIONS

There are no other direct implications arising from this report.

5. BACKGROUND/MAIN ISSUES

- 5.1 In May 2009, the Scottish Government produced a Model Scheme for the Establishment of Community Councils. The purpose of the Model Scheme was to have a universal basis across Scotland for the way in which Community Councils would be governed and operate. Each

local authority is able to adapt the Model Scheme to reflect local arrangements.

- 5.2 In October 2010, consultation was undertaken with the established Community Councils regarding the current names, boundaries and membership numbers. Amendments as requested are detailed below.
- 5.2.1 Mastrick, Sheddocksley and Summerhill Community Council have requested that they reduce their membership number to 15.
- 5.2.3 Ferryhill Community Council have requested that their name be changed to Ferryhill and Ruthrieston Community Council (this was requested recently).
- 5.2.4 Kingswells Community Council have requested that their boundary be extended to the A944, to take in the new housing development and Kingswells Church, this proposal has agreement from Cults, Bieldside and Milltimber Community Council.
- 5.2.5 Bucksburn and Newhills Community Council have requested that their boundary be extended to take in the Forrit Brae area which currently sits within Dyce and Stoneywood Community Council area. This proposal has agreement from Dyce and Stoneywood Community Council.
- 5.2.6 Bucksburn and Newhills Community Council have also requested that the area of Stoneywood, which is an area that runs into Bucksburn be considered as part of the review. This area is currently within the Dyce and Stoneywood Community Council area and no agreement has been met between the Community Councils. If the proposal was to be accepted then the name of Dyce and Stoneywood Community Council would require to be amended to Dyce Community Council and Bucksburn and Newhills may wish to amend their name to reflect the addition of Stoneywood.
- 5.2.7 Old Aberdeen Community Council and Froghall Community Council have discussed their boundaries and have requested that the Spital Area which includes:- The Spital, King's Crescent (both sides of the road) up to Mounthooly Way and all roads to the east of the spine up to King Street be transferred into the Old Aberdeen Community Council area.

They have also requested that Sunnybank Park and Sunnybank Area which includes:- Hermitage Avenue, Sunnyside Avenue, Sunnyside Gardens, Sunnyside Terrace, Sunnybank Road, Bedford Place (north side) and Bedford Road (up to Hermitage Avenue) be transferred into the Froghall Community Council Area . Both Community Councils feel that the changes to these boundaries are a better reflection on the natural communities.



5.2.8 Froghall Community Council have also requested that they be merged with Powis Community Council. Residents within the Powis area have not been represented for a number of years as they have been unsuccessful in establishing a Community Council, despite numerous attempts to do so. The area is relatively small with approximately 500 voters. The area sits adjacent to the new boundaries outlined above. If the proposal is accepted the name for the Community Council would change to Froghall, Powis and Sunnybank Community Council.

5.3 Following consultation Kincorth and Leggart Community Council have requested that they reduce their membership number to 15 and Northfield Community Council have requested that they reduce their membership number to 13.

5.3.1 A number of changes have been made following comments received from Councillor Greig to provide additional information or clarification to sections within the Scheme for Establishment of Community Councils.

5.3.2 Comments made from Councillor Greig that have not been incorporated include:-

Reference to the election process being STV. Following consultation with other local authorities, one out of the thirteen that have responded use the STV method for Community Council elections. The Scottish Government's Model Scheme also states that the election will be on a majority basis.

5.4 Attached to the report is the revised Scheme for the Establishment of Community Councils, a copy of the Model Constitution which each Community Council are required to adopt and the Code of Conduct for Community Councils.

Maps relating to the amended boundaries as detailed above are appended to the report and all other maps outlining the boundaries for the Community Councils are available in the members' library, local libraries and from the Community Council Liaison Officer.

5.5 In terms of the Local Government (Scotland) Act 1973, as amended, a decision of a local authority to review their Scheme for the Establishment of Community Councils shall be a resolution passed by not less than two-thirds of the numbers voting thereon at a local authority meeting specifically convened for the purpose with notice of the object.

Should the Corporate Policy and Performance Committee approve the proposal to amend the Scheme, it will be necessary for the proposal and supporting documents to be considered by a Special meeting of the Council.

After consideration by the Council, the proposal requires to be advertised in the local Press inviting representations from members of

the public. Thereafter the proposal together with any representations received, require to be considered by the Corporate Policy and Performance Committee and finally the Council for final approval.

## 6. IMPACT

This report takes into consideration aspects of the Community Plan and Single Outcome Agreement specifically in relation to Community Engagement. The Council are actively working to develop the working relationship between the Council and Community Councils through meetings with the Community Councils, their involvement in the Civic Forum and regular reviews of Community Council support.

## 7. BACKGROUND PAPERS

- (a) Local Government (Scotland) Act 1973, Chapter 65, Part IV.
- (b) Aberdeen City Council's current Scheme for the Establishment of Community Councils, dated November 2008.
- (c) Model Scheme for the Establishment of Community Councils issued by the Scottish Government in 2009.

## 8. REPORT AUTHOR DETAILS

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**ABERDEEN**  
**CITY COUNCIL**

**Aberdeen City Council**

**Scheme for the Establishment of Community Councils**

**Incorporating Community Council Area Descriptions, Model Constitution and  
Code of Conduct**

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Appendix 1 – Names and Area Descriptions of Aberdeen City Community Councils

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Appendix 3 – Code of Conduct

## **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 local authority to establish a Community Council in their area.

This revised scheme for the establishment of Community Councils in Aberdeen City is based on the Model Scheme for Community Councils in Scotland published by the Scottish Government in early 2009 and is designed to provide a common minimum basic framework governing their creation and administration.

The Scheme will come into operation from October 2012 when the new term for Community Councils begins in Aberdeen City. The Scheme will be subject to review periodically prior to each new term.

## **1. Statutory Purposes**

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

“In addition to any other purpose which 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”

## **2. Community Council Names and Area**

The name, area and membership numbers for each Community Council Area has been set out in Appendix 1. These can be modified with prior approval from Aberdeen City Council.

## **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 make representations to Aberdeen City Council (hereinafter referred to as (“the City 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, the Community Council will have in place, in consultation with the City 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. Licensing matters and any other matters may also be jointly agreed between Community Councils, the City 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 objects of their Constitution and the terms of the Scheme.
- 3.5 There should be mutual engagement in the establishment of working relationships with the City Council and other agencies.
- 3.6 In carrying out their activities Community Councils must at all times adhere to the law; the terms of the Scheme; their Constitution; Standing Orders; and the Community Councillors’ Code of Conduct.
- 3.7 Each Community Council is required to adopt a Constitution, based upon the Model Constitution accompanying the Scheme (Appendix 2), together with the Code of Conduct (Appendix 3), 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 Councils Constitution is required to be approved by the City Council.

- 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, Community Councils should: -
- (i) 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;
  - (ii) Allow members of the public to attend all meetings and participate in the discussion, at the discretion of the Chairperson;
  - (iii) Send agendas and draft minutes of Community Councils' meetings to Community Council members, the Community Council Liaison Officer and to, relevant elected members and other interested parties;
  - (iv) Seek to broaden both representation and expertise by promoting the Associate Membership of the Community Council of persons for specific projects/issues;
  - (v) Make particular efforts to encourage young people and other under-represented groups to attend/participate in Community Council meetings and to ensure equality of opportunity in the way the Community Council carries out its functions;
  - (vi) Maintain proper financial records and present financial reports at Community Council meetings;
  - (vii) Inform the City Council's Community Council Liaison Officer of any change in membership and circumstances, as soon as is practicable; and
  - (viii) Ensure that a contact name and address for all Community Council business is provided to the Community Council Liaison Officer to enable members of the public and other agencies to contact their local Community Council. These contact details will be provided to Local Libraries and published on the City Councils website.

#### **4. Membership of Community Councils**

- 4.1 There shall be minimum (6) and maximum (12) for the majority of Community Councils membership numbers of elected Community Councillors in a Community Council. The membership numbers for Community Council areas will be adjusted depending on the population within it. The minimum and maximum numbers are

set out in the Names and Area Descriptions (Appendix 1) The City Council will set its own formula for the definition of a minimum and maximum number of Community Council members in any Community Council area.

- 4.2 The minimum age to stand for election as a Community Councillor is 18 years of age. 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.
- 4.3 Each Community Council may nominate up to two young people between 16 and 18 years of age to represent the interests of young people in their area. They will be considered as full members with voting rights.
- 4.4 Elected Members of the City Council, representing any part of the Community Council area shall *ex-officio* be invited to and accordingly entitled to attend all meetings of that Community Council and entitled to participate in the deliberation of the council without, however, having any voting right in relation to any matter or question coming before that council for consideration;
- 4.5 Elected members of the Scottish, United Kingdom and European Parliaments are entitled to become *ex-officio* members of Community Councils, with no voting rights.

## **5. Community Council Elections**

### **5.1 Eligibility for Membership and Voting**

- (i) It shall be open to any individual resident within the area of the Community Council and whose name appears on the Register of Electors in force at the date of the Notice of Election as a local government elector at a qualifying address within the area, to stand for election, propose or second candidates and vote in Community Council elections. No other persons shall be so entitled. The Register of Electors shall be taken as conclusive as to a person's residence and eligibility for all purposes in connection with this Scheme.
- (ii) Where an individual's name appears on the appropriate register with a date indicating that he/she will attain voting age on some future date, that date shall be disregarded for the purpose only of Community Council elections and the individual shall have full power to act in accordance with the preceding paragraph.
- (iii) In addition to the membership quota, Community Councils can invite a further two members from the 16-18 years of age group, who are resident within the Community Council area, to join the Community Council. These members would have the same membership and voting powers at meetings of the Community Council and would stand down at the next ordinary election of the Community Council.



- (iv) Subject to section 4.4, no elected member of Aberdeen City Council shall be eligible to be a member of a Community Council and, if a member of a Community Council is so elected, he/she will be deemed to have resigned from the Community Council, the day after the result of the Local Government election is declared.
- (v) A member of a Community Council who no longer has his/her principal residence within the area of the Community Council shall be deemed to have resigned from the Community Council on the date of giving notice to that effect or 28 days after the date of posting of a recorded delivery letter enquiring as to the member's continued eligibility, from the Community Council Liaison Officer if no satisfactory reply has been received.
- (vi) A person shall be disqualified for being nominated as a candidate for election or being elected as a member of a Community Council if they have within five years before the date the date of nomination or election, been convicted in the United Kingdom, the Channel Islands, the Isle of Man or the Irish Republic of any offence and has passed on him/her a custodial sentence for a period of not less than three months.

## 5.2 Frequency of Elections

- (i) The first elections for Community Councils in terms of this Scheme shall be held in October 2012.
- (ii) Elections will be held in October on a three year basis on dates to be determined by the Returning Officer.

## 5.3 Returning Officer

The Returning Officer for Community Council Elections shall be appointed by the City Council and shall act through the Election Unit of the City Council.

## 5.4 Nominations

- (i) The Returning Officer shall make Nomination forms widely available by publication on the Aberdeen City Council website and in City Council offices, libraries and Community Centres. It shall not be necessary to use such a form, provided that the nomination is submitted in writing and:-
  - (1) is signed by the candidate, confirming his/her eligibility and willingness to stand and to serve as a member of the Community Council if elected;
  - (2) states the Candidate's full name and address, together with any commonly used name or names, by which he/she wishes to be described in the Notice of Poll and Ballot Paper
  - (3) is signed by a Proposer and Seconder;
  - (4) states the full name and address of the Proposer and Seconder.
- (ii) The Returning Officer shall reject any Nomination:-

- (1) which does not contain the information prescribed in the previous sub paragraph;
  - (2) which is submitted after the last time prescribed for the receipt of nominations;
  - (3) where, on checking, it appears that the candidate, Proposer or Seconder is not registered as a local government elector at the address stated on the form; or
  - (4) Any address stated on the form is outwith the area of the Community Council.
- (iii) The Returning Officer shall not be obliged to carry out any further investigation as to the eligibility of a person to be nominated.
- (iv) Nominations may be lodged in person by Candidate, Proposer or Seconder, by the hand of an agent, or by post or courier. Delivery to any address other than that stated in the Notice of Election shall not be sufficient and the onus shall be on the Candidate to prove that any nomination paper delivered by the hand of an agent, by post or by courier, was properly delivered.

#### 5.5 Method of voting

- (i) Voting shall be by secret ballot.
- (ii) Each voter shall be entitled to cast as many votes as there are places to be filled by making a clear mark against each of the candidates of his/her choice. The vote will be by majority.
- (iii) By-elections shall be held where the City Council considers that the interests of the Community would be better served by a by-election rather than co-option and shall have power to order one.

#### 5.6 Stages Common to All Elections

##### (i) Timetable

Publication of Notice of Election	Not less than eight weeks before Date of Poll
Time for Lodging Nominations	A period of not less than four weeks commencing the day after publication of the Notice of Election and ending as near as may be, four weeks before the Date of Poll. Nominations may be lodged at the Election Unit between the hours of 10.00 and 16.00 on any working day during this period.
Statement of Persons Nominated	As soon as may be after close of nominations
Time for withdrawal of Nominations	During the period for Lodging Nominations and the week following,

	ending at 16.00 hrs on the last day of that week
Notice of Poll, Notice of Unopposed Election (with, in either case, statement of persons validly nominated) or Notice of Failure to Establish a Community Council	Not later than the third day after the close of the period for Withdrawal of Nominations.
Issuing of Postal Votes	No later than seven days prior to the date fixed by reference to Polling Day.
Date of Poll	The date fixed by the Returning officer in terms of paragraph 6(b)(ii) Polling shall be between the hours of 17.00 and 20.30 on that day
Counting of Votes	As soon as possible after the Close of Poll
Publication of Result	Not later than the third day after the completion of the Counting of Votes

**For the purposes of this Scheme:**

“week” means a period of 7 days.

“day” means a calendar day

“publication” means publication on the Aberdeen City Council website or such additional methods as the Returning Officer may think fit, including publication in a newspaper or posting on Notice Boards at City council premises or Community Centres.

(ii) Notice of Election

The Returning Officer shall publish notice advising that an election for the Community Council will take place and inviting nominations.

The Notice of Election shall state:-

- (1) the number of members to be elected to the Community Council;
- (2) the place and time for the lodging of nominations;
- (3) the qualification to stand as a candidate or to propose or second a nomination;
- (4) that if the number of candidates exceeds the number of places to be filled, a poll will be held on a particular date; and
- (5) that those registered to vote by post will, in the event of a poll, receive a postal vote or proxy.

(iii) Notice of Poll, Notice of Unopposed Election or Notice of Failure to Establish a Community Council

In the event that the number of Candidates validly nominated exceeds the number of places to be filled, the Returning Officer shall publish a Notice of Poll.

A Notice of Poll shall:-

- (1) list the Candidates in alphabetical order of surname and state their addresses;
- (2) specify the date and hours of the Poll;
- (3) specify the location of the polling station; and
- (4) state that postal votes will be issued to those registered as postal voters.

A Notice of Unopposed Election shall:-

- (1) list the candidates in alphabetical order of surname and state their addresses; and
- (2) state that, the number of candidates validly nominated being less than the number of places to be filled , but greater than the number required to establish the Community Council (or in the case of a by-election, to maintain it in being), those Candidates are deemed to be elected on the date of the notice.

A Notice of Failure to Establish A Community Council shall state:-

- (1) that, the number of Candidates validly nominated, being less than one half of the total number of members of the Community Council (or, in the case of a by-election, less than one half when taken with the existing members of the Community Council), the Community Council has not been established (or has been dis-established as the case may be); and
- (2) that no further petition for the establishment shall be competent for a period of three calendar months (or twelve calendar months in the case of a second failed election).

(iv) Withdrawal of Nomination

A candidate may withdraw his/her nomination by notice in writing, to the Returning Officer. Such notice must be signed and dated by the Candidate and shall be signed by one witness who shall add his/her full name and address. A nomination which has been withdrawn cannot be re-instated except that, where the withdrawal has been made during the nomination period, a fresh nomination of the same individual shall be competent if made before the last time for lodging nominations.

(v) Counting of votes

- (1) As soon as practical after close of poll, the Returning Officer shall arrange for the counting of votes. The count shall normally take place in the Polling Station and candidates shall be entitled to attend. If the location of the count is elsewhere, the Returning Officer shall advise candidates of that fact.
- (2) In counting the votes, a clear mark against the name of a candidate shall be taken as a valid vote for that candidate unless there are marks against the names of more candidates than there are places to be filled, in which case, the ballot paper shall be adjudicated as void for uncertainty.
- (3) The total number of votes for each candidate shall be recorded and the candidate with the most votes shall be deemed elected

to the first vacant place, the candidate with the next highest number of votes, to the second vacant place, and so on until all vacant places have been filled.

The order in which candidates have been elected to vacant places shall confer no precedence for any purpose.

(vi) Postal Votes

- (1) Electors who are registered as postal voters for Local Government Elections shall be deemed to be postal voters for the purposes of Community Council elections. It shall not be competent to make separate application to vote by post at Community Council elections or to cancel a postal vote for Community Council elections while retaining it for Local Government elections.
- (2) The Returning officer shall be entitled, but not obliged, to apply the provisions of the Representation of the People Acts to postal votes in Community Councils but, in any event, shall take such steps as he/she thinks necessary, to ensure that postal votes are received by and from those who are entitled thereto.

(vii) Proxy Votes

- (1) Electors who have appointed proxies for the purposes of voting in local government elections shall be deemed to have appointed those persons as proxies for the purposes of Community Council elections. It shall not be competent to make separate application to vote by proxy at Community Council elections or to cancel an appointment of a proxy for Community Council elections while retaining it for local government elections.

5.7 Request to Establish a Community Council between Election Years

The City Council, on receipt by them of the requisite written application by not less than twenty electors, shall conform to Section 52(7) of the Local Government (Scotland) Act 1973, in respect of a Community Council area, shall within not more than six weeks from the date of the application, organise, in accordance with this Scheme, an election for establishing the Community Council for that area. The City Council shall fix the date of the election.

**6. Terms of Office of Members of Community Councils**

The first term of office of members of Community Councils shall extend to a date in October 2015 to be determined by the City Council and such members shall retire together at the end of that term and further elections for Community Councils shall thereupon be held in accordance with the relevant provisions of this scheme. The term of office of members of Community Councils shall expire on a date in October every third year thereafter to be determined as aforesaid.

Retiring members of Community Councils, if not otherwise disqualified under the provisions of this Scheme, shall be entitled to stand for re-election. The City Council shall, however, without prejudice to the exercise by them of their discretion in determining the dates of expiry of the term of office of members of Community Councils in terms of this paragraph, so determine such dates so that the re-election of Community Councils shall normally be held in the month of October.

## **7. Filling of Casual Vacancies**

### **7.1 Casual Vacancies**

Casual vacancies on a Community Council may arise in the following circumstances:-

- When an elected Community Council member submits his/her resignation;
- When an elected Community Council member ceases to be resident within the Community Council area; and
- When an elected Community Council member has his/her membership disqualified (Section 10)

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

- Filling a vacancy can be undertaken through co-option. However, should circumstance arise that lead to the number of elected Community Council members falling below HALF of the maximum permitted membership, Aberdeen City Council shall be informed and may undertake arrangements for a by-election, where appropriate, to be held.
- Co-opted members must be eligible for membership of the Community Council as detailed in Section 4 of the Community Council Scheme.
- Co-opted members must be elected onto the Community Council by a majority of the elected Community Council members present and voting.
- Co-opted members will have full voting rights and will serve until the next round of elections.
- The number of co-opted members may not exceed a THIRD of the current elected Community Council membership. Should the ratio become greater due to any circumstances, Aberdeen City Council shall be informed and may determine arrangements thereafter for a by-election, where appropriate.

## **8. Associate Membership**

- Associate members may be appointed by a Community Council where there may be a need for individuals with particular skills and knowledge. These individuals do not have voting rights.
- Associate members may include representation from other local organisations and may serve for a fixed period as determined by the Community Council.

## 9. Equalities

Recognition should be given to the contribution of everyone participating in the work of the Community Council. Community Councils must comply with the Equalities Act and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.

*See also Code of Conduct (Appendix 3)*

## 10. Disqualification of Membership

- (a) Membership of a Community Council is invalidated should a Community Councillor's residency qualification within that Community Council area cease to exist;
- (b) If any member of a Community Council fails to attend any Community Council meeting, with or without submitting apologies, throughout a period of six months, the Community Council may terminate their membership;
- (c) 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.

## 11. Meetings

### 11.1 First Meeting

The first (inaugural) meeting of every **newly** established Community Council shall be convened by the Returning Officer and attended and chaired by him/her or a person appointed by him/her for that purpose.

The business of the first meeting for **all** Community Councils will include the appointment of Chairperson, Vice-Chairperson, Secretary and Treasurer and to consider the Constitution and Code of Conduct.

Adoption of a Constitution by the Community Council and approval by the Local Authority should follow within three months of the inaugural meeting.

### 11.2 Meeting Frequency

The frequency of meetings will be determined by each Community Council, subject to a minimum of one Annual General Meeting and six ordinary meetings being held each year.

### 11.3 Quorum

The quorum for Community Council meetings shall be one third of the current voting membership of a Community Council.

## 12. Liaison with the City Council

12.1 In order to facilitate the effective functioning of Community Councils, the City Council has appointed its Community Council Liaison Officer (CCLO) to act as a

liaison officer with Community Councils. The CLO shall have the right to attend any meetings of Community Councils.

- 12.2 Community Councils may make representations to the City 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 City Council official. On issues where the City Council is consulting with Community Councils, representations should be made to the appropriate City Council officer.
- 12.3 Community Councils shall provide copies of their agendas and minutes within prescribed timescales to the City Council's Community Council Liaison Officer.
- 12.4 The City Council's Community Council 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 City Council and other relevant topics.

### **13. Resourcing a Community Council**

#### **13.1 Financial Year**

The financial year of each Community Council shall be from January to December to allow for the proper submission of audited statement of accounts to the Community Council's annual general meeting to be held within two months of the end of the financial year.

#### **13.2 Annual Accounts**

The Annual Accounts of each Community Council shall be independently examined by one examiner appointed by the Community Council, who is not a member of that Community Council.

A copy of the independently examined statement of accounts and/or balance sheet shall be forwarded immediately after the accounts are approved at the Community Council's Annual General Meeting, to the City Council's Community Council Liaison Officer.

The named official may, at his/her discretion, in consultation with the City Council's Finance Team, require the Community Council to produce such records, vouchers and account books, as may be required.

#### **13.3 Annual Administrative Grant**

The City Council may provide an administrative grant to Community Councils to assist with the operating costs of the Community Council. The grant to be determined by the City Council shall be fixed at a minimum flat rate with an additional grant per elector within the Community Council area.



#### 13.4 Other Financial Resources

Each Community Council shall have the power to secure resources for schemes, projects and other functions consistent with its functions.

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

A scheme of insurance liability cover has been arranged. The insurance liability cover becomes effective upon the City Council advising the insurance underwriter of the establishment of a Community Council.

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

In the event of the dissolution of a Community Council, established in accordance with this Scheme, such properties and funds as are vested in the Community Council at the date of its dissolution shall accrue to the City Council who shall apply such properties and funds for the benefit of the inhabitants of the Community Council area, provided that preference shall in any event be given to the transfer of such properties and funds to a successor Community Council established in accordance with the terms of this Scheme.

#### **16. Amendment of Schemes**

The City Council, having regard to changing circumstances and to any representations made to them, shall from time to time review this Scheme and where they consider that the Scheme ought to be amended, shall proceed in accordance with the procedure specified in Section 53 of the Local Government (Scotland) Act 1973.

**Appendix 1 - Names and Area Descriptions for Aberdeen City Community Councils**

<b><u>Community Council Name</u></b>	<b><u>Boundaries of Community Council Area</u></b>	<b><u>Population of Community Council Area (Estimated)</u></b>	<b><u>Membership</u></b>
1. Ashley and Broomhill	Part of Ward 10 (Hazlehead/ Ashley/ Queens Cross); and part of Ward 11 (Airyhall/ Broomhill/ Garthdee).	8,000	Minimum 6 Maximum 12
2. Braeside and Mannofield	Part of Ward 9 (Lower Deeside); part of Ward 10 (Hazlehead/ Ashley/ Queens Cross); and part of Ward 11 (Airyhall/ Broomhill/ Garthdee).	6,500	Minimum 6 Maximum 12
3. Bridge of Don	Part of Ward 1 (Dyce/ Bucksburn/ Danestone); and the whole of Ward 2 (Bridge of Don).	22,000	Minimum 10 Maximum 20
4. Bucksburn and Newhills	Part of Ward 1 (Dyce/ Bucksburn/ Danestone); and part of Ward 3 (Kingswells/ Sheddocksley).	7,000	Minimum 6 Maximum 12
5. Castlehill and Pittodrie	Part of Ward 6 (Tillydrone/ Seaton/ Old Aberdeen); part of Ward 8 (George Street/ Harbour); and part of Ward 12 (Torry/ Ferryhill).	8,500	Minimum 6 Maximum 12
6. Cattofield	Part of Ward 5 (Hilton/ Stockethill); and part of Ward 8 (George Street/ Harbour). The area with boundaries commencing at the centre of the bridge which carries Powis Terrace over the main railway line; thence along Powis Terrace to Belmont Road; thence along Belmont Road to Back Hilton Road; thence westwards along Back Hilton Road and Cairncry Road to its junction with North Anderson Drive; thence northwards along North Anderson Drive to Hilton Road; thence	5,000	Minimum 6 Maximum 12

<b><u>Community Council Name</u></b>	<b><u>Boundaries of Community Council Area</u></b>	<b><u>Population of Community Council Area (Estimated)</u></b>	<b><u>Membership</u></b>
	eastwards along Hilton Road following the southern boundary of the area described at 31 below, to its intersection with the railway line; and thence southwards along the west boundary of the railway line to the point of commencement.		
7. City Centre	Part of Ward 7 (Midstocket/ Rosemount), and part of Ward 8 (George Street/ Harbour). The area bounded by Union Street, Rose Street, Skene Street, Rosemount Viaduct, Blackfriars Street, St Andrews Street, Crooked Lane, Loch Street, St Paul Street, Gallowgate, Littlejohn Street, West North Street, King Street, Union Street.	1,000	Minimum 6 Maximum 12
8. Cove and Altens	Part of Ward 13 (Kincorth/ Loirston), excluding Kincorth Local Nature Reserve.	5,500	Minimum 6 Maximum 12
9. Culter	Part of Ward 9 (Lower Deeside).	6,000	Minimum 6 Maximum 12
10. Cults, Bieldside and Milltimber	Part of Ward 9 (Lower Deeside).	12,000	Minimum 9 Maximum 18
11. Dyce and Stoneywood	Part of Ward 1 (Dyce/ Bucksburn/ Danestone).	8,000	Minimum 6 Maximum 12
12. Ferryhill and Ruthrieston	Part of Ward 11 (Airyhall/ Broomhill/ Garthdee); and part of Ward 12 (Torry/ Ferryhill).	8,000	Minimum 6 Maximum 12

<b><u>Community Council Name</u></b>	<b><u>Boundaries of Community Council Area</u></b>	<b><u>Population of Community Council Area (Estimated)</u></b>	<b><u>Membership</u></b>
13. Froghall, Powis and Sunnybank	Part of Ward 8 (George Street/ Harbour); and part of Ward 6 (Tillydrone/ Seaton/ Old Aberdeen).	5,000	Minimum 6 Maximum 12
14. Garthdee	Part of Ward 11 (Airyhall/ Broomhill/ Garthdee).	7,000	Minimum 6 Maximum 12
15. George Street	Part of Ward 7 (Midsocket/ Rosemount); and part of Ward 8 (George Street/ Harbour), being the area with boundaries commencing at the centre of the bridge which carries Powis Terrace over the said main railway line; thence southwards along the west boundary of the said main railway line to Hutcheon Street; thence along Hutcheon Street to the west side of Ann Street; thence along the west side of Ann Street along Crooked Lane to Loch Street; along Loch Street and across Gallowgate to Littlejohn Street; along Littlejohn Street to West North Street; northwestwards along West North Street to Mounthooly to its intersection with the southwestern boundary of the branch railway line leading from Kittybrewster to Waterloo Goods Station; and thence northwestwards along the southwestern boundary of the said branch railway line to the point of commencement.	5,000	Minimum 6 Maximum 12
16. Kincorth and Leggart	Part of Ward 13 (Kincorth/ Loirston), excluding Kincorth Local Nature Reserve.	13,000	Minimum 8 Maximum 15
17. Kingswells	Part of Ward 1 (Dyce/ Bucksburn/ Danestone); and part of Ward 3 (Kingswells/ Sheddocksley).	4,000	Minimum 6 Maximum 12

<u>Community Council Name</u>	<u>Boundaries of Community Council Area</u>	<u>Population of Community Council Area (Estimated)</u>	<u>Membership</u>
18. Mastrick, Sheddocksley and Summerhill	Part of Ward 3 (Kingswells/ Sheddocksley); part of Ward 4 (Northfield); and part of Ward 10 (Hazlehead/ Ashley/ Queens Cross).	13,000	Minimum 8 Maximum 15
19. Nigg	Part of Ward 13 (Kincorth/ Loirston) excluding Kincorth Local Nature Reserve.	1,000	Minimum 6 Maximum 12
20. Northfield	Part of Ward 1 (Dyce/ Bucksburn/ Danestone); part of Ward 3 Kingswells/ Sheddocksley); and part of Ward 4 (Northfield).	14,000	Minimum 7 Maximum 13
21. Old Aberdeen	Part of Ward 6 (Tillydrone/ Seaton/ Old Aberdeen).	4,500	Minimum 6 Maximum 12
22. Queen's Cross and Harlaw	Part of Ward 7 (Midstocket/ Rosemount); and part of Ward 10 (Hazlehead/ Ashley/ Queens Cross).	9,000	Minimum 6 Maximum 12
23. Rosemount and Mile End	Part of Ward 7 (Midstocket/ Rosemount); and part of Ward 10 (Hazlehead/ Ashley/ Queens Cross) being the area with boundaries commencing at the Kings Gate roundabout; thence northwards along North Anderson Drive to its junction with Ashgrove Road West; thence eastwards along Ashgrove Road West and Ashgrove Road; thence southwards along Laurelwood Avenue, Berryden Road, Skene Square and Woolmanhill; thence westwards along Rosemount Viaduct; Skene Street; thence northwards along Esslemont Avenue, thence westwards along Whitehall Place,	6,000	Minimum 6 Maximum 12

<u>Community Council Name</u>	<u>Boundaries of Community Council Area</u>	<u>Population of Community Council Area (Estimated)</u>	<u>Membership</u>
	Desswood Place; thence northwards along Fountainhall Road to its junction with Beechgrove Terrace; and thence westwards along Kings Gate to the point of commencement.		
24. Craigiebuckler/ Seafield	Part of Ward 3 (Kingswells/ Sheddocksley); and part of Ward 10 (Hazlehead/ Ashley/ Queens Cross).	6,500	Minimum 6 Maximum 12
25. Seaton/ Linksfield and Pittodrie	Part of Ward 6 (Tillydrone/ Seaton/ Old Aberdeen) being the area with boundaries commencing at a point in the centre of the carriageway at the centre of the Bridge of Don; thence southwards along King Street to Merkland Road East; thence eastwards along the south side of Merkland Road East; thence northwards along Merkland Lane; thence eastwards along Pittodrie Street; thence southwards along Golf Road to its junction with Park Road; and thence eastwards to the sea.	7,500	Minimum 6 Maximum 12
26. Summerfield	Part of Ward 3 (Kingswells/ Sheddocksley); and part of Ward 10 (Hazlehead/ Ashley/ Queens Cross).	4,500	Minimum 6 Maximum 12
27. Tillydrone	Part of Ward 6 (Tillydrone/ Seaton/ Old Aberdeen).	7,000	Minimum 6 Maximum 12
28. Torry	Part of Ward 12 (Torry/ Ferryhill); and part of Ward 13 (Kincorth/ Loirston).	14,000	Minimum 10 Maximum 20

<u>Community Council Name</u>	<u>Boundaries of Community Council Area</u>	<u>Population of Community Council Area (Estimated)</u>	<u>Membership</u>
29. Westburn and Berryden	Part of Ward 5 (Hilton/ Stockethill); and part of Ward 7 (Midstocket/ Rosemount).	7,000	Minimum 6 Maximum 12
30. Woodside	Part of Ward 1 (Dyce/ Bucksburn/ Danestone); part of Ward 5 (Hilton/ Stockethill); and part of Ward 6 (Tillydrone/ Seaton/ Old Aberdeen) being the area with boundaries commencing at the junction of North Anderson Drive and Hilton Road; thence eastwards along Hilton Road to Hilton Drive; thence southwards along Hilton Drive to Hilton Terrace; thence along the south side of Hilton Terrace to Clifton Road; thence southeastwards along Clifton Road to Greenmore Gardens; thence along Greenmore Gardens to Great Northern Road; thence southeastwards along Great Northern Road to the junction of St Machar Drive and the main Aberdeen-Inverness railway line; thence northwestwards along the said main railway line to its junction with Deer Road; and thence northwards along an imaginary line to the River Don at "Jacob's Ladder", with the northern boundary and the western boundary to the point of commencement, following the line of the part of the boundary of Hilton.	9,000	Minimum 6 Maximum 12

Appendix 2 – Model Constitution

ABERDEEN CITY COUNCIL  
COMMUNITY COUNCILS - MODEL CONSTITUTION

1. Name

- (1) The Community Council shall be known as the \_\_\_\_\_  
Community Council (hereinafter referred to as “the Council”).
- (2) The address of the Council shall be the address of the Secretary or other nominated person, which shall be intimated to and lodged with Aberdeen City Council (hereinafter referred to as “the City Council”) and made available to the general public and published on the City Councils website.

2. Area

The Council shall represent the community resident within the area number \_\_\_\_\_ described in the Schedule to the City Council’s Scheme for the establishment of Community Councils (hereinafter referred to as “the Scheme”) approved by the Secretary of State for Scotland on 13<sup>th</sup> January 1977.

3. Objectives

To ascertain, co-ordinate and express to the local authorities for the area, and to public authorities, the views of the community which the Council represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of the community as appears to it to be expedient and practicable.

The Council shall not be affiliated to any political party.

4. Membership

The Community Council’s membership is as governed by Section 4 of the Scheme for the Establishment of Community Councils.

5. Method of Election

Election procedures shall be governed by the method set out in Section 5 of the Scheme for the Establishment of Community Councils.



6. Associate Membership

- (1) Associate members may be appointed by a Community Council where there may be a need for individuals with particular skills and knowledge. These individuals do not have voting rights.
- (2) Associate members may include representation from other local organisations and may serve for a fixed period as determined by the Community Council.

7. Office Bearers

- (1) The first (inaugural) meeting of every **newly** established Community Council shall be convened by the Returning Officer and attended and chaired by him/her or a person appointed by him/her for that purpose.

The business of the first meeting for **all** Community Councils will include the appointment of Chairperson and Vice-Chairperson. In the event of a vacancy arising in either of these offices, through death, resignation or other disability, the Council shall elect a member to fill the office so vacant. No member may hold the office of Chairman for longer than two successive terms of office.

- (2) The Council at its first meeting after each triennial election shall also proceed to elect a Secretary and Treasurer, who may or may not be appointed from among their own membership. The offices of Secretary and Treasurer may be combined and held by one incumbent. In the event of a vacancy arising in either of these offices, through death, resignation or other disability, the Council shall elect a person to fill the office so vacant.
- (3) Each Community Council are required to adopt a Constitution and Code of Conduct. Adoption of a Constitution by the Community Council and approval by the Local Authority should follow within three months of the inaugural meeting. The Constitution is required to be adopted formally and signed by the Chairperson and 2 members of the Community which will then be sent to the Community Council Liaison Officer for approval.
- (4) The Council may remove an office bearer from his/her office provided a motion of no confidence in the said office bearer has been moved and passed. The office bearer in question will have a right to reply before a vote in undertaken. The said motion of no confidence cannot be passed unless two-thirds of the membership of the Council, vote in favour of the motion.
- (5) The Council shall appoint an independent examiner, from year to year, who shall not be a member of the Council.

8. Administration

- (1) The Secretary shall be responsible for preparing the minutes of all meetings of the Council and in co-operation with the Chairman (whom failing the Vice-Chairman), will prepare the agenda for Council meetings. The Secretary shall be responsible for the issue of Notices convening Council meetings and for intimating such meetings to the residents of the area of the Council by Public Notices and other means approved by the Council. Notices calling meetings of the Council shall normally be posted prominently within the area of the Council for a minimum of seven days before the date of any such meetings.
- (2) The Treasurer shall be responsible for the Council's finances and shall maintain accounts, which shall be examined by an independent examiner appointed by the Council. After approval by the Council the audited accounts shall be submitted annually to the City Council. The Council's financial year shall run from 1 January until 31 December.

9. Meetings

- (1) The Council shall arrange regular meetings a minimum of six and one Annual General Meeting which shall be open to members of the public who, at the discretion of the Chairman, shall be entitled to participate in discussion of any topic, but who shall have no right to vote thereon. Such meetings shall also be open to the Press. The Council reserve the right to discuss certain items from the agenda in private if the majority of members present so agree and if the subject matter of the items concerned is of a confidential nature.
- (2) An attendance of more than one third of the actual membership of the Council shall be required to constitute a quorum. Voting shall be by simple majority, the Chairman retaining a casting vote.
- (3) The City Council shall be sent a copy of the agenda and approved minutes of all meetings and the Annual Report and Financial Statement. Copies of these documents shall also be deposited in public libraries in the area of the Council for inspection by members of the public.
- (4)
  - (a) The Council shall call when they think appropriate, public meetings or carry out opinion surveys on issues on which they judge that the views of the public in the area of the Council should be ascertained, co-ordinated and expressed.
  - (b) Such members of the public attending those meetings shall be entitled to question and debate on any such issues and those members of the public so attending and whose names appear on the Electoral Register for the area of the Council shall be entitled to vote on any such issues.
  - (c) The total number of such members of the public attending and the votes cast for and against any proposition shall be recorded and the relevant

information and the result of the Council's deliberations on a particular issue transmitted to the appropriate authority.

- (d) The Council shall call and organise an ordinary public meeting thereof on receipt of a request of not less than one half of the total number of Community Council members, or the receipt of a written request signed by at least twenty electors resident in the area of the Council to consider any competent and relevant issue and to co-ordinate and express the views of the Council thereon, such public meeting normally to be held within one month following receipt of such request.
- (e) A special public meeting of the Council shall be called on receipt of a request in writing subscribed by not less than fifty electors resident in the area of the Council to reconsider an issue previously discussed and determined at an ordinary public meeting of the Council, provided that such request is submitted within fourteen days of the ordinary public meeting at which such discussion and determination took place.
- (f) It shall not thereafter be competent to invoke the procedure provided for at (e) above in relation to the same issue until the expiry of a period of not less than twelve months from the date of such special public meeting.
- (g) The Council may set up working parties, committees or other appropriate constituent bodies, all of which may include persons who are not elected members of the Council, for the purpose of considering and pursuing particular topics.

#### 10. Annual General Meeting

- (1) The Annual General Meeting of the Council shall be held within two months after the end of the financial year, when the office bearers will present the Annual Report and Financial Statement. At this meeting members of the public in the area of the Council shall be given the opportunity to raise questions and discuss these reports prior to their submission to the City Council.
- (2) The Council within one month following the Annual General Meeting shall present the Annual Report together with the examined annual accounts to the City Council.

#### 11. Code of Conduct

Each Community Council shall be required to adopt The Code of Conduct for Community Councillors and should do so at their first meeting following an election.

#### 12. Alteration and Amendment of Constitution

- (1) A motion to amend this Constitution may be approved only at the Annual General Meeting of the Council, save that within an initial period of one year

from the date of the approval of the Constitution by the City Council a motion to amend it may be approved at any meeting of the Council.

- (2) Any proposal to amend the Constitution must be delivered in writing to the Secretary of the Council at least twenty-eight days before the date of the meeting at which the proposal is to be considered. Any amendment to the Constitution will require the approval of two-thirds of the members of the Council. No such amendment shall be effected or acted upon until such time as it has been submitted to the City Council for approval and has been so approved.

13. Raising of Supplementary Funds

The Council may augment the funds received from the City Council by raising funds to promote the declared objects of the Council by way of public appeals and the promotion of functions and by application for a receipt of grants and loans from appropriate authorities.

14. Heritable Property

The Council may acquire and hold heritable property, the title to which shall be taken in the names of the Chairman, Vice-Chairman and Secretary for the time being as Trustees for the Council and their respective successors in office.

15. Employment of Officials

The Council shall have the power to employ persons in their service to assist in the fulfilment of any of their functions as they may from time to time determine.

16. Dissolution of the Council

- (1) If the Council decides at any time to dissolve the Council, it shall call a public meeting of the residents in the area of the Council to discuss the matter. The Council shall not be dissolved unless two-thirds of the members of the Council and a majority of the public voting at such public meeting vote for it to be dissolved.
- (2) In the event of the dissolution of the Council such properties and funds as are vested in the Council at the date of its dissolution shall accrue to the City Council who shall apply such properties and funds for the benefit of the inhabitants of the area of the Council, provided that preference shall in any event be given to the transfer of such properties and funds to a successor Community Council established in accordance with the terms of the Scheme. The records of the dissolved Council shall be lodged with the City Council for safe-keeping.

17. Approval and Adoption of the Constitution

This Constitution was adopted by \_\_\_\_\_

Community Council, on \_\_\_\_\_ (DATE)

Signed \_\_\_\_\_ Chairperson

Print \_\_\_\_\_

Date \_\_\_\_\_

Signed \_\_\_\_\_ Member

Print \_\_\_\_\_

Date \_\_\_\_\_

Signed \_\_\_\_\_ Member

Print \_\_\_\_\_

Date \_\_\_\_\_

And was approved on behalf of Aberdeen City Council on \_\_\_\_\_ (DATE)

Signed \_\_\_\_\_

Print \_\_\_\_\_

Position \_\_\_\_\_

Date \_\_\_\_\_

## Appendix 3 – Code of Conduct

### CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

The Code of Conduct for Community Councillors is based largely on the Code of Conduct for local authority councillors and relevant public bodies as provided for in The Ethical Standards in Public Life etc (Scotland) Act 2000.

The following link is to the Code of Conduct for local authority councillors for reference:-  
<http://www.scotland.gov.uk/Resource/Doc/334603/0109379.pdf>

Community Councillors, as elected representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in this Code of Conduct. The Code of Conduct and its principles, shall apply to all Community Councillors and those representing the Community Council. These principles are as follows:

- Service to the Community (Public Service)
- Selflessness
- Integrity
- Objectivity
- Accountability and Stewardship
- Openness
- Honesty
- Leadership
- Respect

#### **Service to the Community**

As a Community Councillor you have a duty to act in the interests of the local community, which you have been elected or nominated to represent. You also have a duty to act in accordance with the remit of the Councils Scheme for the Establishment of Community Councils, as set out by your local authority under the terms of the Local Government (Scotland) Act 1973.

You have a duty to establish and reflect, through the Community Council, the views of the community as a whole, on any issue, irrespective of personal opinion.

You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general community to express their views, i.e. suggestion boxes, community surveys, opinion polls should, where possible, be made available.

#### **Selflessness**

You have a duty to take decisions solely in terms of the interest of the community that you represent. You must not use your position as a Community Councillor to gain financial, material, political or other personal benefit for yourself, family or friends.

## **Integrity**

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community. If you have any private and/or personal interest in a matter to be considered by the Community Council, you have a duty to declare this and if deemed necessary by other members, withdraw from discussions and the decision making process with regard to that matter.

You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts, regardless of form, should always be reported to and noted by the Secretary of the Community Council.

## **Objectivity**

In all your decisions and opinions as a Community Councillor, you must endeavour to represent the overall views of your community, taking account of information which is provided to you or is publicly available, assessing its merit and gathering information as appropriate, whilst laying aside personal opinions or preferences.

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

You are free to have political and/or religious affiliations; however you must ensure that you represent the interests of your community and Community Council and not the interests of a particular political party or other group.

## **Accountability and Stewardship**

You are accountable for the decisions and actions that you take on behalf of your community through the Community Council. You must ensure that the Community Council uses its resources prudently and in accordance with the law.

Community Councillors will individually and collectively ensure that the business of the Community Council is conducted according to the Council's Scheme for the Establishment of Community Councils and this Code of Conduct.

Community Councillors will individually and collectively ensure that annual accounts are produced showing the financial undertakings of the Community Council as set out in the Councils Scheme for the Establishment of Community Councils. They must also ensure that all resources are used efficiently, effectively and fairly and are used strictly for the purposes of Community Council business and for no other purpose.

Minutes of Meetings recording all actions and decisions made should be produced and circulated to all members of the Community Council as soon as possible after each meeting.

Any breach of the Council's Scheme for the Establishment of Community Councils as set out by your local authority under the terms of the Local Government (Scotland) Act 1973

may be reported to your local authority to determine what action, if necessary, should be taken.

### **Openness**

You have a duty to be open about your decisions, actions and representations, giving reasons for these where appropriate. You should be able to justify your decisions and be confident that you have not been unduly influenced by the views and/or opinions of others.

If you have dealings with the Media, members of the public, or others not directly involved in your Community Council, you should ensure that an explicit distinction is made between the expression of your personal views and opinions from any views or statement made about or on behalf of the Community Council.

### **Honesty**

You have a duty to act honestly. You also have an obligation to work within the law at all times. You must declare any private interest relating to your Community Council duties and take steps to resolve any conflicts arising in a way that protects the interest of the community and the Community Council.

### **Leadership**

You have a duty to promote and support the principles of this Code of Conduct by leadership and example, to maintain and strengthen the community's trust and confidence in the integrity of the Community Council and its members in representing the views and needs of the local area. You must also promote social inclusion and challenge discrimination in any form.

You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

### **Respect**

You must respect fellow members of your Community Council and those that you represent, treating them with courtesy, respect and in a non-discriminatory manner at all times. This should extend to any person, regardless of their position, you have dealings with in your capacity as a Community Councillor.

Recognition should be given to the contribution of everyone participating in the work of the Community Council. You must comply with Equal Opportunities legislation and ensure that equality of opportunity be given to every participant to have their knowledge, opinion, skill and experience taken into account.

You should ensure that confidential material, including details about individuals, is treated as such and that it is handled with dignity and discretion and is not used for personal, malicious or corrupt purposes.



### **Breach of Code of Conduct**

If any member of the Community Council is deemed to be in breach of the Code of Conduct then the matter must be reported to the Community Council Liaison Officer in the first instance.

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Title: Kingswells Community Council

Scale: 1:17000

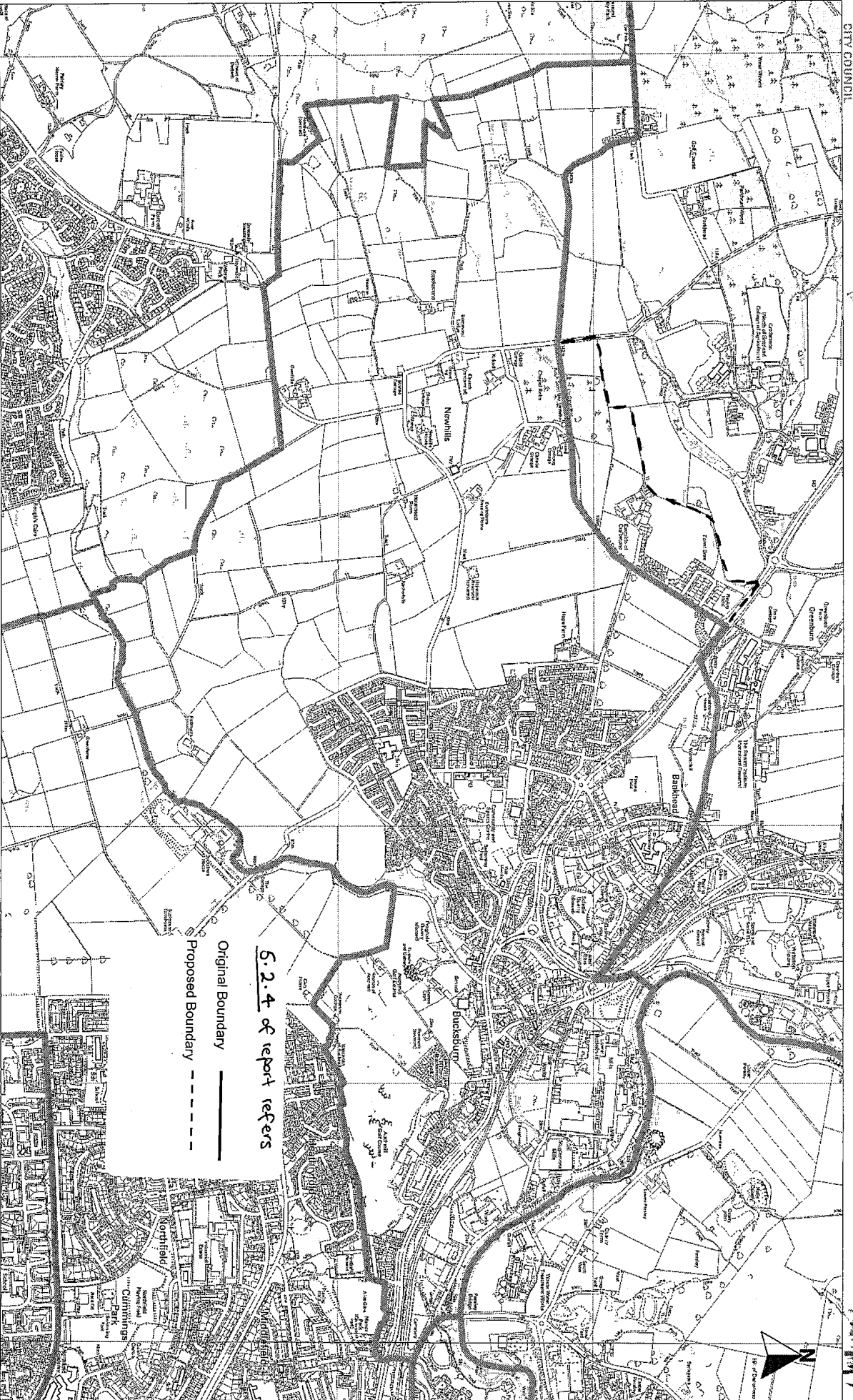
Date: 16 December 2010

Map Ref: NJ8607



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Template prepared by: 017. Produced & approved: 010. Design: 010. 01/2010



5.2.4 of report refers

Original Boundary ———

Proposed Boundary - - - - -

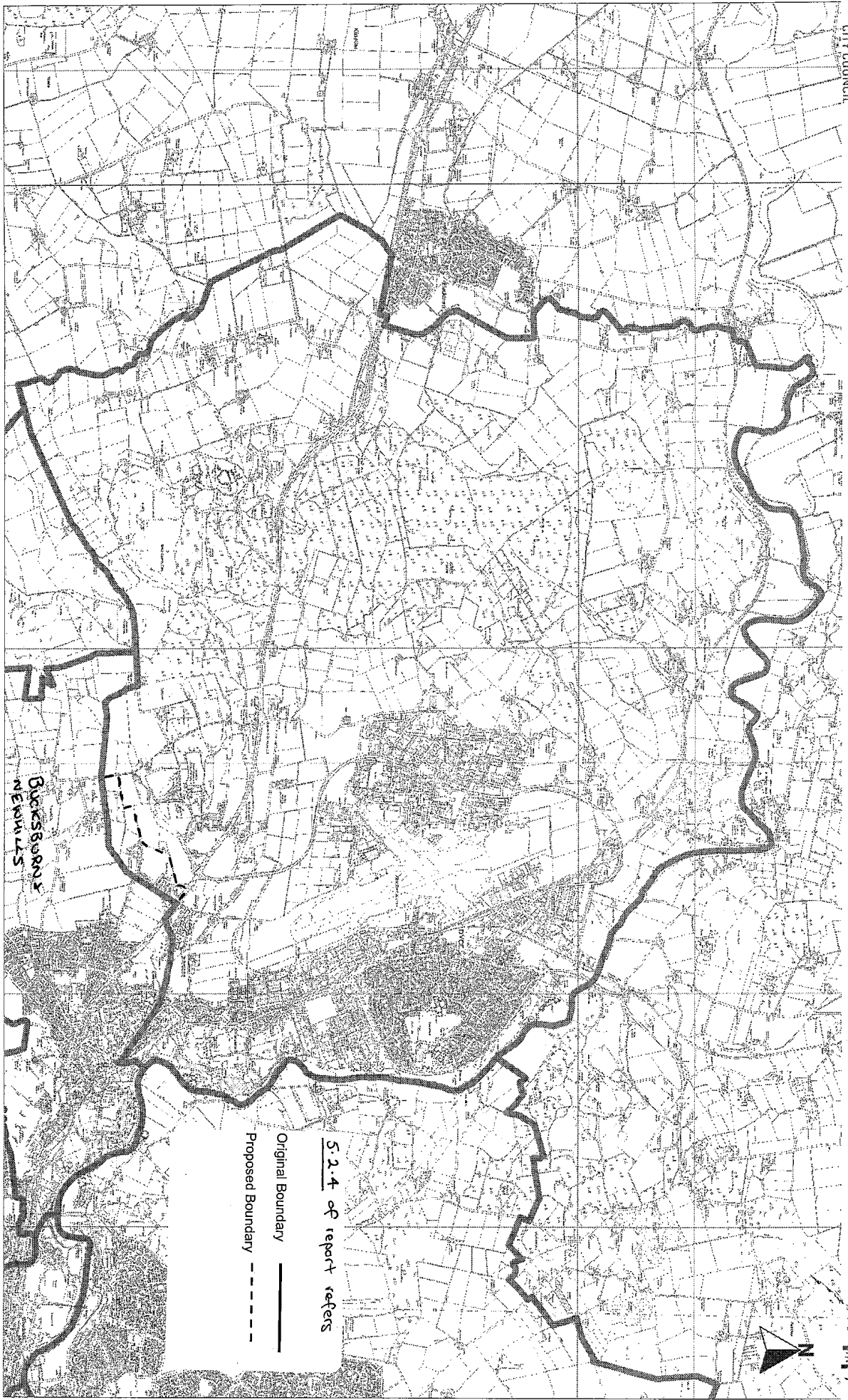
Title: Bucksburn and Newhills Community Council

Scale: 1:14000

Date: 13 December 2010

Map Ref: NU8809

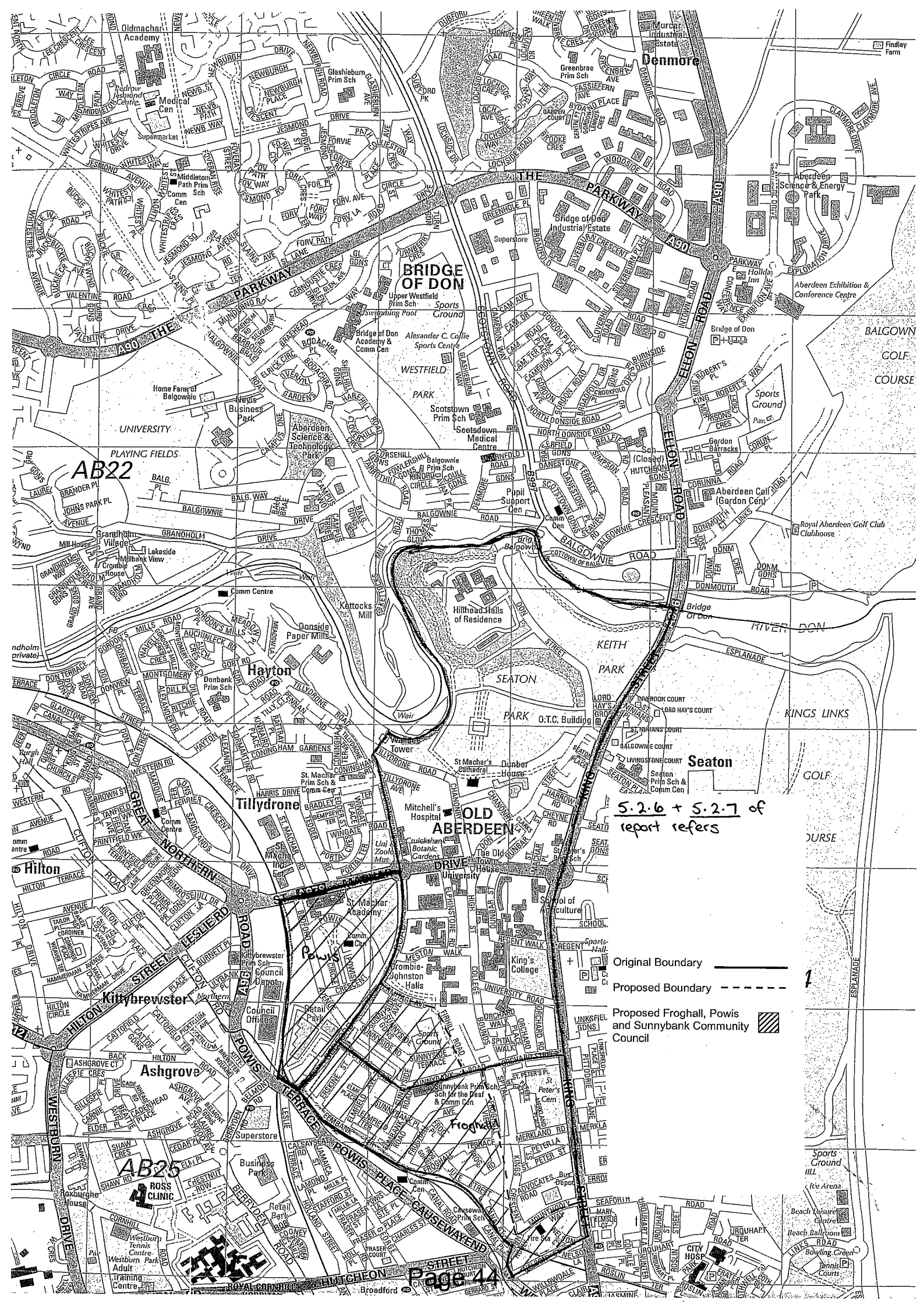
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Title: Dyce and Stoneycroft Community Council

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Scale: 1:31000  
Date: 16 December 2010  
Map Ref: NJ8612



5.2.6 + 5.2.7 of report refers

- Original Boundary ———
- Proposed Boundary - - - - -
- Proposed Froghall, Powis and Sunnybank Community Council