

# Public Document Pack



To: All Members of the Council

Town House,  
ABERDEEN, 16 August 2023

## **SPECIAL COUNCIL**

The Members of the **COUNCIL** are requested to meet in Council Chamber - Town House on **WEDNESDAY, 23 AUGUST 2023 at 10.15am**. This is a hybrid meeting, therefore Members may also attend remotely.

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.

**In the event that the meeting runs beyond 10.30am, the ordinary Council meeting (scheduled to start at 10.30am) will commence upon conclusion of the Special Council meeting.**

JENNI LAWSON  
INTERIM CHIEF OFFICER - GOVERNANCE  
(LEGAL)

## **BUSINESS**

### **DECLARATIONS OF INTEREST AND TRANSPARENCY STATEMENTS**

- 1 Members are requested to declare any interests or connections

## **BUSINESS**

- 2 Review of Community Council Governance - COM/23/231 (Pages 3 - 82)

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

Should you require any further information about this agenda, please contact Martyn Orchard - [morchard@aberdeencity.gov.uk](mailto:morchard@aberdeencity.gov.uk)

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Council
<b>DATE</b>	23 August 2023
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Review of Community Council Governance
<b>REPORT NUMBER</b>	COM/23/231
<b>DIRECTOR</b>	Gale Beattie
<b>CHIEF OFFICER</b>	Jenni Lawson and Vikki Cuthbert
<b>REPORT AUTHOR</b>	Karen Finch
<b>TERMS OF REFERENCE</b>	19

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### 1. PURPOSE OF REPORT

- 1.1 To present the Revised Scheme for the Establishment of Community Councils including boundary changes for some Community Council areas and to seek approval for the documents to be issued for public consultation.

### 2. RECOMMENDATION(S)

That Council:-

- 2.1 note the revisions to the Scheme and guidance documents as set out in Appendices 2 and 3;
- 2.2 note that Danestone and Woodside and Hilton Community Council's support the boundary change outlined at 3.4 and shown in the map at Appendix 4;
- 2.3 note the proposed boundary changes for Community Councils as outlined in Appendix 5;
- 2.4 instruct the Chief Officer - Governance to issue a public notice inviting members of the public to comment on the Scheme and associated documents;
- 2.5 note that a report providing the outcome of the public consultation and requesting approval of the amended Scheme and boundaries will be submitted to Council in December 2023.

### 3. CURRENT SITUATION

#### **Boundary Proposals**

- 3.1 A review of Community Council boundaries has been undertaken to ascertain whether the existing boundaries reflect, appropriately, the circumstances, needs and wishes of local communities having regard to changing

circumstances involving housing and industrial development within the city and any resulting change in population in certain areas.

- 3.2 Some of the boundary proposals have been made to take into account the current Local Government Ward boundaries. These are amendments which eliminate an area being within a separate ward.
- 3.3 The Community Councils which have proposed boundary changes have been consulted, the responses are being collated and where possible are included in Appendix 4, others are still to be provided and will be included in the report in December 2023.

The information and maps relating to the boundary proposals is contained within appendix 4.

- 3.4 During the informal consultation period, Danestone Community Council and Woodside and Hilton Community Council agreed to the boundary proposal to transfer Hutcheon Low, the Persley walled garden and the Southbank housing development at Persley into the Danestone Community Council boundary, as shown at Appendix 3.
- 3.5 Where there is not consensus between Community Councils on the boundary proposals, they will be issued for public consultation to seek their views before the proposals are further amended. Where there is a strong public view on the proposals these will be incorporated and presented to Council in December 2023.

### **Review of the Scheme for the Establishment of Community Councils**

- 3.6 Prior to the elections for Community Councils, the Scheme for the Establishment of Community Councils requires to be reviewed to ensure that it is still fit for purpose and supports the operation of Community Councils. The next elections for Community Councils are due in October 2024.
- 3.7 The Scheme and associated guidance documents have been updated to provide a clearer structure to assist Community Councils in undertaking their role and responsibilities.
- 3.8 New guidance documents have been introduced, these include:
  - Guidance 4 – Exchange of Information Code of Good Practice, this document is intended to help ensure that the Council and Community Councils exchange information, explanations and guidance in a way that will be beneficial for the whole community.
  - Guidance 6 – Unacceptable Behaviour, this document provides Community Councils with mechanisms to deal with aggressive, abusive behaviour and those who puts excessive demands on the Community Council or any of its members.
  - Guidance 8 – Supported Status, this document aims to support Community Councils who may have membership falling below the minimum number or where they are not complying with the requirements of the Scheme. Having a mechanism in place to address these issues rather than automatically

dissolving the Community Council will provide a supportive role to enable them to improve and to fulfil their responsibilities.

- 3.9 Two documents from the original suite of documents have been amended significantly and presented as new documents, these include:
- Guidance 5 - Code of Conduct, this document has been developed in line with the key principles of behaviour expected from Community Councillors and emphasises and protects the important work done by Community Councils.
  - Guidance 7 - Complaints Procedure, the original complaints procedure presented some challenges that were not foreseen at the time of approval. The new procedure has been re-written to take into account feedback from those that had cause to use it and provides a clearer process for dealing with complaints.

### **Consultation**

- 3.10 The Local Government etc. (Scotland) Act 1994 and the Local Government (Scotland) Act 1973 both have provision for amending the Scheme and states that any proposals are required to be issued for public consultation. The Good Practice Guide issued by the Scottish Government indicates that two periods of 8 weeks consultation are required with a further 4 weeks period of notification.
- 3.11 Community Councils have been issued with the Scheme and associated guidance documents. Those Community Councils where there are boundary proposals have been issued with a written description and maps to highlight the changes.
- 3.12 To assist Elected Members, Community Councillors and members of the public, drop in sessions will be arranged in the Town House and at other venues in the areas where there are boundary proposals to enable them to view the maps on a larger scale and to discuss the proposed changes in the Scheme for the Establishment of Community Councils. Having these sessions will encourage further dialogue with all interested parties to inform the development of the final proposals.

## **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications from the report.

## **5. LEGAL IMPLICATIONS**

- 5.1 Section 22 of the Local Government etc. (Scotland) Act 1994 outlines the process for amending the Local Authority Scheme for the Establishment of Community Councils. This section requires that the Council consult the public on proposed changes to the Scheme.

## 6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no direct environmental implications arising from the recommendations of this report.

## 7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H)  *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
<b>Strategic Risk</b>	No significant risks identified			
<b>Compliance</b>	Non compliance with the Local Government (Scotland) Act 1973 and 1994 may result in legal challenge.	To minimise the risk, the Scheme and associated guidance to be issued for public consultation as outlined in the legislation.	L	Yes
<b>Operational</b>	Weak governance for Community Councils, may lead to them not being established.	Regular scrutiny will be undertaken to monitor the effectiveness of the new governance documents.	L	Yes
<b>Financial</b>	No significant risks identified			
<b>Reputational</b>	Community Councils not being established or not operating within the Scheme may lead to the Council facing challenge from the public	Working with Community Councils to support them in their roles, to improve relationships and reduce the risk of negative public opinion.	L	Yes
<b>Environment / Climate</b>	No significant risks identified			

## 8. OUTCOMES

<a href="#">COUNCIL DELIVERY PLAN 2023-2024</a>	
	<b>Impact of Report</b>
<b>Aberdeen City Council Policy Statement</b>  <a href="#">Working in Partnership for Aberdeen</a>	<p>The proposals within this report support the delivery of the following aspects of the policy statement:-</p> <p>Work to strengthen the city's network of community councils and, over time as they acquire greater democratic legitimacy, give them a greater role in Aberdeen's governance.</p> <p>The revised governance documents provides an improved structure for Community Councils to enable them to fulfil their roles and responsibilities, which should strengthen their own capabilities and working towards a full network of skilled volunteers achieving the best outcome for their communities.</p>

## 9. IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Integrated Impact Assessment</b>	Stage 1 completed. Full impact assessment not required
<b>Data Protection Impact Assessment</b>	Not required
<b>Other</b>	None

## 10. BACKGROUND PAPERS

- 10.1 2018 Aberdeen City Council Scheme for the Establishment of Community Councils
- 10.2 Scheme for the Establishment of Community Councils including Complaints Procedures for other Local Authorities
- 10.3 Model Scheme for the Establishment of Community Councils – Scottish Government

## 11. APPENDICES

- 11.1 Appendix 1 - Governance Review Reporting Timetable
- 11.2 Appendix 2 - Revised Scheme for the Establishment of Community Councils

- 11.3 Appendix 3 - Guidance documents
- 11.4 Appendix 4 - Boundary for Danestone Community Council
- 11.5 Appendix 5 - Boundary Proposals

## 12. REPORT AUTHOR CONTACT DETAILS

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Reporting Timetable 2023/2024  
Review of the Scheme for the Establishment of Community Councils

Date	Stage	Next Step
July 2023 until early August 2023	Informal Consultation on Scheme and associated documents and proposed boundary changes sent to Community Councils.	Include where appropriate suggestions from informal stage.
23 August 2023	Report to Council presenting the revised Scheme and boundary proposals and seeking approval for public consultation.	If approved, Public consultation (8 weeks).
28 August until 20 October 2023	Public Consultation Give Public Notice (period of 8 weeks) of the revised Scheme and associated documents.	Following consultation, an updated report containing any representations made to be presented to Council.
13 December 2023	Report to Council providing consultation responses, further amended Scheme and seeking approval of the Amended Scheme and the boundary proposals.	If approved, further Public consultation (Period of 8 weeks).
18 December 2023 until 23 February 2024 (extra 2 weeks for festive break)	Public Consultation of Final Amended Scheme, boundaries and associated documents.	Following consultation, an updated report containing any further suggestions to the Scheme to be presented to Council.
April 2024 – Scheme needs adopted at this meeting – if not approved the current scheme continues to be used until such time as Council approves new one.	Report to Council providing further consultation responses and seeking adoption of the Scheme and the associated documents, including final boundaries.	For final adoption of the Scheme, associated documents and boundaries.
April/May 2024	Final Notice – Adoption of the Scheme (period of 4 weeks)	To give notice that ACC have adopted the Scheme
August - October 2024(at the time of Community Council Elections)	The newly adopted Scheme and associated documents will come into force.	

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Aberdeen City Council

Scheme for the Establishment of Community Councils

2024-2027

Document Version	1.1
Document Status	Draft
Document Date	May 2023
Review Date	February 2026

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~~Additional documents to the Scheme (separate)~~The Scheme includes a set of Guidance documents that sit alongside the Scheme and sets out procedures and provisions for the operation of Community Councils.

~~Guidance 1 - Area Descriptions (will be updated on approval of boundaries)~~

~~Guidance 2 – Model Constitution (amended)~~

~~Guidance 3 - Standing Orders (amended)~~

~~Guidance 4 – Exchange of Information Code of Good Practice (significant changes so replaces the Protocol from 2012)~~

~~Guidance 5 - Code of Conduct (significant changes so replaces the 2018 version)~~

~~Guidance 6 – Unacceptable Behaviour (new document)~~

~~Guidance 7 - Complaints Procedure (significant changes so replaces the 2018 version)~~

~~Guidance 8 – Supported Status (new document)~~

~~Guidance document 1 is the written boundary descriptions and can only be amended on completion of an official review. Guidance documents 2 to 8 are operational documents and can be amended as required by Aberdeen City Council following consultation with Community Councils and approval by the Chief Officer – Governance.~~

## **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.

Community Councils are voluntary bodies which exist within a statutory framework and which have been granted statutory rights of consultation.

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.

They can complement the role of the local authority although they are not part of local government.

The Council is committed to helping, supporting and collaborating with Community Councils especially when they are struggling to achieve their aims, meet their responsibilities or maintain membership numbers. Being able to maintain membership is a democratic necessity and the Council recognises that this can be an issue for some Community Councils. When numbers go below the required minimum, the Council will not automatically dissolve the Community Council and will take a more proactive and supportive route, working with Community Council members to help them achieve the minimum numbers required.

The Scheme will come into operation prior to the commencement of the triennial elections in from 25 October 20~~24~~<sup>18</sup> 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. Establishment of Community Councils**

### **2.1 Areas**

2.1.1 Aberdeen City Council has produced list of community council areas including a full written description. These are available ~~in as a separate document~~[Guidance 1 – Area Descriptions](#). Maps which outline their boundaries can be requested by contacting the Community Council Liaison Officer at [communitycouncils@aberdeencity.gov.uk](mailto:communitycouncils@aberdeencity.gov.uk)

### **2.2 Existing Community Councils**

2.2.1 Aberdeen City Council shall organise elections for all Community Councils in October every three years.

### **2.3 Where no Community Council exists**

2.3.1 To establish a new Community Council, an application submitted by 20 residents, who are on the electoral register for that area must be submitted to the Community Council Liaison Officer. On receipt of the application form, Aberdeen City Council shall arrange an election for that area.

## **3. Role and Responsibilities**

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 the Local Authority, other public sector bodies and private agencies on matters within their sphere of interest.

Community Councils should have in place mechanisms to encourage public involvement and feedback to secure greatest possible involvement from all sectors of the community which may include consultations, questionnaires, public meetings and effective means to publicise the determinations of the community council.

### **3.1 Role**

- 3.1.1 Community Councils have a statutory right to be consulted on planning applications and licensing applications.
- 3.1.2 Community Councils are a type of community participation body as defined under the Community Empowerment Act 2015. They have the authority to make participation requests to a public service authority to permit them to participate in an outcome improvement process.
- 3.1.3 Community Councils should develop robust and effective working relationships with the City Council and other agencies.
- 3.1.4 Community Councils may be consulted on any other matters by the Local Authority, Community Planning Partnership and other public sector and private agencies.
- 3.1.5 Community Councils may carry out other activities that are in the general interests of the communities they represent, provided those activities fall within the objectives of their Constitution and the terms of the Scheme for the Establishment of Community Council.
- 3.1.6 In the case of complex planning applications, it may be impractical for Community Councils to perform a full consultation affecting the whole community where the proposal might benefit from a formal consultation, collate the feedback and lodge a meaningful representation within the timescales allowed. In this case Community Councils may lodge representations based on material considerations affecting the interests of their community provided they have also advertised the application in their community and encouraged members of the community to make their own representations.
- 3.1.7 In carrying out their activities Community Councils must at all times comply with their statutory duties; the terms of the Scheme; Constitution; Standing Orders; and the Community Councillors' Code of Conduct.
- 3.1.8 Each Community Council is required to adopt a Constitution, Standing Orders and the Code of Conduct. The Community Council's Constitution is required to be approved by the Local Authority. The purpose of these documents is to:
- encourage and maintain consistency for all Community Councils,
  - facilitate properly structured and regulated proceedings, and
  - ensure that items of business relevant to the community are properly debated and decisions are reached in a democratic manner.

### 3.2 Responsibilities

Community Councils have a duty under statute to represent the views of their local community. It is vital therefore, that they reflect the broad spectrum of opinion and interests across the community.

In order to fulfil their responsibilities and in being effective and representative, Community Councils shall:

- 3.2.1 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, notice boards and online, subject to the provisions contained within the General Data Protection Regulation (GDPR) which ~~will apply from~~ came into force on 25 May 2018.
- 3.2.2 Provide publicly available contact information such as names, addresses, telephone numbers, email addresses and website links to enable members of the public to contact them.
- 3.2.3 Allow members of the public to attend all meetings of the Community Council and ensure they have the opportunity to address the Community Council.
- 3.2.4 Send agendas and draft minutes of Community Council meetings to Community Council members, the Community Council Liaison Officer and to relevant elected members and other interested parties.
- 3.2.5 Have in place consultative mechanisms to encourage public involvement to secure greatest possible involvement from all sectors of the community it represents. This could be in form of consultations, questionnaires, public meetings and providing information to the community.
- 3.2.6 Seek to broaden both representation and expertise by promoting the Associate Membership of the Community Council of persons for specific projects/issues.
- 3.2.7 Make particular efforts to encourage young people and other under-represented groups to attend/participate in Community Council meetings and to ensure equality of opportunity in the way the Community Council carries out its functions.
- 3.2.8 Maintain proper financial records and present financial reports at Community Council meetings.
- 3.2.9 Inform the Community Council Liaison Officer of any change in membership (resignations, associate members) and circumstances, as soon as is practicable.



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

- 4.1 There shall be a minimum and maximum membership number of elected Community Councillors in a Community Council, as set out in Guidance 1.
- 4.2 The minimum age to stand for election as a Community Councillor is 16 years of age.
- 4.3 Qualification for membership is by residency within the specific Community Council area.
- 4.4 Community Council candidates for membership must be named on the current electoral register for the Community Council area in which they reside as a local government elector.
- 4.5 There shall be provision made for non-voting Associate Membership for purposes as defined by each Community Council.
- 4.6 No elected member of Aberdeen City Council shall be eligible to be a member of a Community Council. If a member of a Community Council is so elected, they will be deemed to have resigned from the Community Council the day after the result of the Local Government election is declared.
- 4.7 Elected members of the Scottish and, 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

- 5.1.1 Voting shall be open to any individual elector aged 16 and over, within the area of the Community Council and whose name appears on the Electoral Register and are registered as a local government elector on the day of Poll.
- 5.1.2 For membership, all candidates and witnesses at the date of the nomination are required to be registered as a local government elector at an address within the relevant community council boundary.

##### 5.2 Frequency of Elections

- 5.2.1 The first elections for Community Councils in terms of this Scheme shall be held on 25-in October 202418.
- 5.2.2 Elections will be held in October on a three yearly 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.

### 5.4 Nominations

5.4.1 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:-

- (a) 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;
- (b) 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, where a candidate has requested that their address is not published on the Notice of Poll or Ballot paper, the address field will state 'address within the xxx community council area';
- (c) states the full name and address and is signed by the witness.

5.4.2 The nomination form will contain a section to allow candidates to submit a written statement in support of their nomination which will appear alongside the ballot paper. Where no statement is provided, the following text will appear on a separate paper for candidate statements and provided to voters together with the ballot paper:

"This candidate chose not to submit a statement in support of their nomination".

5.4.3 The Returning Officer shall reject any Nomination:-

- (a) which does not contain the information prescribed in section 5.4.1;
- (b) which is submitted after the deadline for the receipt of nominations;
- (c) where, on checking, it appears that the candidate or witness is not registered as a local government elector at the address stated on the form; or
- (d) where any address stated on the form is outwith the area of the Community Council.

5.4.4 The Returning Officer shall not be obliged to carry out any further investigation as to the eligibility of a person to be nominated.

5.4.5 Nominations may be lodged in person by the candidate or witness, or by post. 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 was properly delivered.

### 5.5 Method of voting

5.5.1 Voting shall be by secret ballot.

5.5.2 Voting methods will be determined by the Returning Officer. They will be designed to ensure a properly run election and accurate count. Chosen voting methods

should also increase accessibility and participation and wherever possible will include electronic methods.

5.5.3 Community Councils within Aberdeen City shall be elected on the Single Transferable Vote (STV) method of election.

5.5.4 Where a By Election is called due to the numbers of Community Councillors falling below that of the minimum required, only the vacant positions for that Community Council will be advertised, allowing the current elected membership to remain in place.

## 5.6 Stages Common to All Elections

### 5.6.1 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 not later than one week after at 16:00hrs
Notice of Poll, Notice of Uncontested Election (with, in either case, statement of persons validly nominated) or Notice of Failure to Establish a Community Council	Not later than the third working day after the close of the period for Withdrawal of Nominations
Date of Poll	The date fixed by the Returning Officer in terms of paragraph 5.2  Polling shall be between the hours of 08:00 and 20:00 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

### 5.6.2 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:-

- (a) the number of members to be elected to the Community Council;
- (b) the place and time for the lodging of nominations;

- (c) the qualification to stand as a candidate or to be a witness; and
- (d) that if the number of candidates exceeds the number of places to be filled, a poll will be held on a particular date.

5.6.3 Notice of Poll, Notice of Uncontested 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:-

- (a) list the candidates in alphabetical order of surname;
- (b) state the address of the candidate or where the candidate has requested their address is not listed to state an address within the xxx community council area;
- (c) specify the date and hours of the Poll;
- (d) specify the method for voting; and
- (e) specify the location of the polling station if applicable.

A Notice of Uncontested Election shall:-

- (a) list the candidates in alphabetical order of surname
- (b) state the address of the candidate or where the candidate has requested their address is not listed to state an address within the xxx community council area; and
- (c) 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), those candidates are deemed to be elected on the date of the notice.

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

- (a) that the number of Candidates validly nominated, being less than the minimum 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
- (b) 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).

5.6.4 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.

5.6.5 Counting of votes

The Returning Officer shall arrange for the counting of votes following the Poll. In normal circumstances this will be the first working day following the date of Poll.

5.7 Request to Establish a Community Council between Election Years

5.7.1 The City Council, on receipt of a 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, acknowledge and set a date for an election for establishing the Community Council for that area in accordance with this Scheme. The City Council shall fix the date of the election.

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

6.1 The first term of office of members of Community Councils shall extend to the day prior to the next election date as determined by the City Council.

6.2 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.

6.3 Retiring members of Community Councils, if not otherwise disqualified under the provisions of this Scheme, shall be entitled to stand for re-election.

**7. Filling of Vacancies**

7.1 Casual Vacancies

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

- (a) When an elected Community Council member submits his/her resignation;
- (b) When an elected Community Council member ceases to be registered on the electoral register within the Community Council area;
- (c) When an elected Community Council member has his/her membership disqualified (Section 9)
- (d) When a Community Councillor is elected as a Local Councillor, MSP or MP;  
or
- (e) Due to unreasonable non-attendance by a Community Councillor at scheduled Community Council meetings for a period of six months.

7.2 Co-option to Community Councils

7.2.1 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~~ the minimum permitted membership, Aberdeen City Council shall be informed and may undertake arrangements for a by-election, where appropriate, to be held.

- 7.2.2 Co-opted members must be eligible for membership of the Community Council as detailed in Section 4 of the Community Council Scheme. All proposed co-options must be provided to Aberdeen City Council so that appropriate checks can be made relating to the eligibility.
- 7.2.3 Co-opted members must be elected onto the Community Council by a two-thirds majority of the elected Community Council members present and voting.
- 7.2.4 Co-opted members will have full voting rights and will serve until the next round of elections.
- 7.2.5 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.
- 7.2.6 After 12 months from the date of their co-option to the Community Council, the co-opted member will become a full member and will no longer be counted within the ratio of co-opted members.
- 7.3 Associate Members
- 7.3.1 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.
- 7.3.2 Associate members may include representation from other local organisations and may serve for a period determined by the Community Council, but will terminate no later than the next community council election.
- 7.3.3 A Community Council can appoint any number of Associate members and they do not count towards the total number of Community Councillors.
- 7.4 By-Elections
- 7.4.1 Where the number of elected community councillors falls below the minimum requirement or co-option has not been possible, a by-election may be called.

7.4.2 Only the vacant positions will be advertised to be filled.

7.4.3 Successful candidates will become full members.

## **8. Equalities**

8.1 Recognition should be given to the contribution of everyone participating in the work of the Community Council.

8.2 The City Council further acknowledges that Community Councillors are volunteers who give up their own time to undertake the work of Community Councils.

8.3 Community Councils must comply with the 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.

8.4 See also ~~the~~ [Guidance 6](#) - Code of Conduct.

## **9. Disqualification of Nomination or Membership**

9.1 Membership is invalidated should a Community Councillor's name be removed from the electoral register.

9.2 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, provided that the termination of the membership is an agenda item at a quorate meeting and that a two thirds majority of those attending and voting agree to the termination.

9.3 At the discretion of individual Community Councils, a period of leave of absence for Community Council members may be granted ensuring that the active membership remains above the minimum number required.

## **10. Meetings**

10.1 The first (inaugural) meeting of every Community Council shall be held within 25 working days of the election of a Community Council. The Community Council Liaison Officer or a person appointed by them shall convene and chair the first meeting of the Community Council until a chairperson has been appointed.

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

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

10.4 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.

~~10.5 Community Councils can meet in person or remotely via an online platform of choice. All meetings shall be open to the public therefore for online meetings. Community Councils will need to consider how the public would participate. Hybrid meetings, where facilities allow could also be considered. Agendas of meetings shall be made available for public access within the Community Council area at least 5 working days prior to the meeting date.~~

~~9.110.6 The quorum for Community Council meetings shall be one third of the current voting membership or four members, whichever is the greater.~~

#### ~~10.1 First Meeting~~

~~The first (inaugural) meeting of every newly established Community Council shall be convened by the Community Council Liaison Officer and attended and chaired by them or a person appointed by them for that purpose.~~

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

~~10.1.1 Adoption of a Constitution by the Community Council and approval by the Local Authority should follow within three months of the inaugural meeting.~~

#### ~~10.2 Meeting Frequency~~

~~10.1.42.1 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.~~

#### ~~10.3 Quorum~~

~~10.3.1 The quorum for Community Council meetings shall be one third of the current voting membership or four members, whichever is the greater.~~

### **10.11. Liaison with the City Council**

11.1 Aberdeen City Council have in place an Exchange of Information Code of Good Practice Protocol which outlines the expectations and standards for the way in which Community Councils and the Council can work together to improve communication and participation across the City.

11.2 Aberdeen City Council have in place a Planning Process Agreement Concordat with Community Councils which outlines how the Community Councils and Aberdeen City Council will work together to ensure that the views of local communities are taken into account in the planning process.



- 11.3 In order to facilitate the effective functioning of Community Councils, Aberdeen City Council has appointed a Community Council Liaison Officer (CCLO) to act as a liaison officer with Community Councils.
- 11.4 The CCLO shall have the right to attend any meetings of Community Councils.
- 11.5 Community Councils shall provide copies of their agendas and minutes within prescribed timescales to the CCLO.
- 11.6 Community Councils may make representations to the local authority and other public and private agencies, on matters for which it is responsible and which it considers to be of local interest.
- 11.7 Representations should be made, in the case of statutory objections, such as planning or licensing matters, to the appropriate City Council official.
- 11.8 On issues where the City Council is consulting with Community Councils, representations should be made to the appropriate City Council officer.
- 11.9 The CCLO 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.

#### 11.12. Resourcing a Community Council Finances

##### 12.1 Financial Year

- 12.1.1 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.

##### 12.2 Annual Accounts

- 12.2.1 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.
- 12.2.2 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, and by the 31 March of each year, to the CCLO to enable the annual grant to be calculated.
- 12.2.3 The CCLO in consultation with the City Council's Finance Team may require the Community Council to produce such records, vouchers and account books.

##### 12.3 Annual Administrative Grant

12.3.1 The City Council may provide an administrative grant to Community Councils to assist with the operating costs of the Community Council.

12.3.2 The grant is to be determined by the City Council and shall be fixed at a rate which will be reviewed on an annual basis.

12.3.3 The administration grant is available to cover the cost in administering Community Council business which includes:

- Auditors' fees
- Stationery
- Postage
- Travel costs
- Accommodation lets (where meetings are held outwith Council premises)
- Bank charges
- Advertising
- General publicity and promotional materials
- Consultation with the community
- Financial assistance to local groups and projects within the Community Council area

#### 12.4 Other Resources

12.4.1 Each Community Council shall have the power to secure resources for projects consistent with its functions.

12.4.2 Community Councils can organise a photocopying account at their local library and are entitled to 200 A4, black and white single sided sheets per month.

12.4.3 Community Councils shall be given access to Council owned buildings (Schools, Community Centres and Community Learning Centres) for their meetings via the letting process free of charge. This does not include leased Community Centres as the Management Committee will be responsible for any bookings and may charge a fee for using the room.

#### ~~12-13.~~ Liability of Community Council Members Community Council Insurance

~~13.1~~ ~~13.1~~—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.

~~12-13.2~~ The Council currently facilitates the payment of the insurance premium for Community Councils to the current insurance provider by deducting the premium from the annual grant issued to each Community Council. The Council cannot advise on or provide insurance as the Council is not regulated to do so by the Financial Conduct Authority.

#### **14. Supported Status**

14.1 Where for any reason, the number of Community Council members falls below the minimum number of members for a Community Council to remain established as determined by the provisions in Guidance 1, the Community Council Liaison Officer will initiate the process for the Community Council to go into supported status provided that they consult with the Community Council. The Council's Assurance Manager will determine whether Supported Status will be implemented.

14.2 In any other circumstances, the Community Council Liaison Officer, after reasonable consideration, and after consultation with the Committee Lead may determine that the Community Council is not complying with the requirements of the Scheme and will initiate the process for the Community Council to go into supported status. The Assurance Manager will determine whether Supported Status will be implemented.

14.3 In order for a Community Council to be in supported status, the Assurance Manager will give written notification of supported status to the Community Council stating the reasons and that the Community Council would be in supported status from a date being 5 working days after the date of the written notification for a period of up to six months.

14.4 When in supported status, the Community Council will become a steering group whose main task will be to consider matters and take action as is necessary to ensure that the Community Council will, in the future, be able to comply with the requirements of the Scheme and continue ongoing projects with support from the Community Council Liaison Officer.

14.5 Upon the steering group satisfying the Assurance Manager that the Community Council would be able to comply with the requirements of the Scheme, then the reinstatement to full Community Council status will be granted in writing from the Assurance Manager.

14.6 If the steering group is demonstrating sufficient progress towards satisfying the Assurance Manager that the Community Council will be able to comply with the requirements of the Scheme, then the period of supported status can be extended by an additional three months to enable further progress to satisfy the Assurance Manager that reinstatement to full Community Council status could be achieved.

~~14.2~~14.7 If the steering group are unable to satisfy the Assurance Manager that the Community Council will be able to comply with the requirements of the Scheme within the six month period, the Assurance Manager may determine dissolution of the Community Council in accordance with section 15 below.

#### **13-15. Dissolution of a Community Council**

15.1 Where the Assurance Manager determines that a Community Council be dissolved following the period of supported status, this will be done with full consultation with the steering group and notification provided in writing to the

steering group and the Community Council Liaison Officer will notify by Public Notice within 5 working days of the dissolution.

15.2 If the Community Council by a two-thirds majority of the ~~total present and~~ voting membership decides at any time that it is necessary or advisable to dissolve the Community Council, it shall agree a date for a ~~public Special Meeting~~ to be held to discuss the proposal to dissolve. The Special Meeting shall be properly called in accordance with the Constitution and Standing Orders of the Community Council.

15.3 If the proposal is supported by a two thirds majority of those persons present at the Special Meeting, the Community Council shall be deemed to be dissolved with immediate effect. The decision must be notified to the Community Council Liaison Officer within 3 working days.

15.4 The dissolution of a Community Council must be notified by Public Notice by the Community Council Liaison Officer within 5 working days of the dissolution.

15.5 In the event of the dissolution of a Community Council, within 10 working days (or such time period agreed by the Community Council Liaison Officer), the former office bearers of the Community Council must:

15.5.1 Deliver all papers, minute books, digital information to the Community Council Liaison Officer;

15.5.2 Transfer all funds to the Council either by cheque (where no online banking is used) or electronically (Council bank details will be provided);

15.5.3 Close the bank account(s); and

15.5.4 Close down any Community Council social media accounts.

15.6 After dissolution of the Community Council the former members must not engage in or use any media or social media purporting to be representative of the Community Council.

15.7 In the event of a Community Council being dissolved, a new Community Council can be established after 6 months and in line with the process.

## **16. Disciplinary Matters**

16.1 Complaints about Community Councils and Community Councillors must be dealt with in accordance with the procedure in Guidance 7.

## **14-17. Amendment of Schemes**

15-117.1 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 3

### Contents:

- Guidance 2 - Model Constitution
- Guidance 3 - Standing Orders
- Guidance 4 - Exchange of Information Code of Good Practice
- Guidance 5 - Code of Conduct
- Guidance 6 - Unacceptable Behaviour
- Guidance 7 - Complaints Procedure
- Guidance 8 - Supported Status

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## Guidance 2 – Model Constitution

### 1. Name

- 1.1 The name of the Community Council shall be **add cc name** which will subsequently be referred to as 'the Community Council' in this Constitution.

### 2. Area of the Community Council

- 2.1 Aberdeen City Council had produced a list of approved Community Council areas and maps which outline their boundaries. Access to maps can be requested by contacting the Community Council Liaison Officer on 01224 522723 or by accessing them via the website:  
<http://www.aberdeencity.gov.uk>

### 3. Objectives

The objectives of the Community Council shall be to:

- 3.1 Have in place mechanisms to encourage public involvement and feedback to secure greatest possible involvement from all sectors of the community which may include consultations, questionnaires, public meetings and effective means to publicise the determinations of the community council.
- 3.2 Express fairly the views, and diversity of opinions of the community (where received in relation to 3.1 above) to Aberdeen City Council and other public or private organisations.
- 3.3 Act as a voice for their local area on matters affecting the community's welfare and environment.
- 3.3.4 Remain non-party political and non-discriminatory in their discussions and decision making and shall comply with data protection and other relevant legislation.

### 4. Roles and Responsibilities

- 4.1 The role and responsibilities of the Community Council is governed by Section 3 of the Scheme.

### 5. Membership

- 5.1 The membership of the Community Council is governed by Section 4 of the Scheme.

5.2 The constituted membership of the Community Council is between \_\_\_ and \_\_\_ based on the table below.

5.3 The number of members will vary per community council area based on the approximate population count as follows:

Average Population Numbers	Minimum and Maximum
1,000 – 10,000	6 and 12
10,001 – 15,000	8 and 16
15,001 – 20,000+	10 and 20

## **6. Method of Election**

6.1 The election procedure for the Community Council is governed by Section 5 of the Scheme.

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

7.1 Where a vacancy arises which does not result in the number of Community Council Members falling below the minimum number of the elected membership, the Community Council can agree to fill the vacancy by co-option.

7.2 The Community Council can only have one third of the total membership as co-opted members.

7.3 Where a by election is called due to the numbers of Community Councillors falling below that of the minimum required, only the vacant positions for that Community Council will be advertised, allowing the current elected membership to remain in place.

## **8. Associate Members**

8.1 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.

8.2 Associate members may include representation from other local organisations and may serve for a period determined by the Community Council, but will terminate no later than the next community council election.

## **9. Voting Rights of Members of the Community Council**



- 9.1 The right to vote at any meeting of the Community Council or any subcommittee thereof shall be held by all Community Councillors, but not by associate members.
- 9.2 In the event of a vote of the Community Councillors that results in a majority not being achieved, the chairperson shall have the casting vote in addition to their deliberative vote.

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

- 10.1 At the first meeting of the Community Council following an election the Community Council shall appoint a Chairperson, Secretary and Treasurer and any other office bearers as necessary e.g. Minute Secretary, Planning Officer, Licensing Officer.
- 10.2 All office bearers will be elected for three years unless they decide to step down from the role.

No single Community Councillor shall hold more than one of the following positions at any one time; Chairperson, Secretary or Treasurer, without written approval from Aberdeen City Council.

- 10.3 In the event of a vacancy arising in any of the positions, the Community Council shall appoint an office bearer at its next available meeting.
- 10.4 The Community Council may appoint a member of the public to record the minutes of the meetings on behalf of the Community Council.

## **11. Sub Committees of the Community Council**

- 11.1 The Community Council may appoint community councillors to subcommittees of the Community Council and shall determine their composition, terms of reference, duration, duties and powers.

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

- 12.1 The Community Council shall abide by the Scheme, Code of Conduct and Standing Orders to ensure the proper conduct at meetings.
- 12.2 The quorum for Community Council meetings shall be a third of the total membership or four whichever is the greatest.
- 12.3 The Community Council shall arrange regular meetings with a minimum of six and one Annual General Meeting per year.

- 12.4 The Constitution is to be adopted formally and signed by the Chairperson and one member of the Community Council. Within three months of the first meeting following an election, the Community Council shall review, may introduce minor amendments to reflect local circumstance if desired, but must agree and sign the Constitution and submit to the Community Council Liaison Officer for approval on behalf of Aberdeen City Council within the three month timeframe.
- 12.5 The Annual General Meeting will be held within 2 months of the end of the Financial Year (31 December of each year) for the purpose of presenting the annual accounts for approval.
- 12.6 Dates, times and venues for regular meetings of the Community Council shall be fixed at the first meeting of the Community Council following an election and thereafter at its Annual General Meeting. All dates can be modified where required.
- 12.7 Copies of all minutes of meetings of the Community Council and any of its committees shall be approved at the next meeting of the Community Council.
- 12.8 A draft minute shall be circulated at least seven days prior to its next meeting to all Community Council members, Elected Members, Aberdeen City Council and any other parties as agreed by the Community Council.
- 12.9 Should the Community Council receive a written request signed by 20 residents in the Community Council area to convene a Special Meeting for a particular matter, it shall call such a meeting within four weeks of receipt of such a request. Special Meetings shall require at least seven days' public notice.

### **13. Public Participation in the Work of the Community Council**

- 13.1 All meetings of the Community Council shall be open to members of the public and the opportunity should be afforded at each meeting to permit members of the public to address the Community Council.
- 13.2 Notices calling meetings of the Community Council shall be posted within the Community Council area for a minimum period of seven days before the date of the meeting, e.g. noticeboards, website, social media, local library.

### **14. Information to Aberdeen City Council**

The Community Council Liaison Officer shall receive:

- (a) The completed data permission form for every Community Councillor
- (b) The calendar of meeting dates to include times and venues
- (c) The agendas and minutes for all meetings
- (d) The independently examined accounts on an annual basis

Any Local Library within the Community Council Boundary shall receive:

- (a) The calendar of meeting dates to include times and venues
- (b) The agendas and minutes for all meetings

## **15. Control of Finance**

- 15.1 The Community Council will maintain proper financial records and present regular financial reports at scheduled Community Council meetings. The Treasurer shall keep proper accounts of the finances of the Community Council.
- 15.2 The monies provided by Aberdeen City Council in the annual Administrative Grant shall be for Community Council Administration and other approved purposes.

~~The Community Council shall have a minimum of three bank signatories, usually from amongst the office bearers, of which any two can sign cheques on behalf of the Community Council. The Treasurer would automatically be a bank signatory.~~

- 15.3 The Community Council are encouraged to operate online banking so that direct payments can be made rather than cheque payments. These can be operated using a two tier approval (where the bank allows) or by single transaction by the Treasurer once approval is given by email from another bank signatory (for auditing purposes). All financial transactions should be reported at each Community Council meeting.

- 15.4 Bank accounts (online and traditional) shall have a minimum of three bank signatories, usually from amongst the office bearers, of which any two can sign cheques or authorise payments on behalf of the Community Council. The Treasurer would automatically be a bank signatory.

- 15.5 Where cheques are still being used, they should be countersigned at the time the cheque is written.

- 15.6 Where direct payments are being made to or from the bank account, the information provided within the bank statement should be as detailed as possible i.e. use of reference space to detail what the expenditure was for.

~~15.3~~15.7 A statement of accounts for each financial year, examined by a competent independent examiner appointed by the Community Council, shall be submitted to the Annual General Meeting for approval.

~~15.4~~15.8 The independent examiner shall not be a member of the Community Council which includes associate members.

~~15.5~~15.9 The financial year of the Community Council shall be from 1 January to 31 December of each year.

~~15.6~~15.10 The annual grant for the Community Council will consist of a basic grant of £600 and 7p per head of population in the area.

~~15.7~~15.11 Once approved at the Annual General Meeting, the annual statement of accounts shall be submitted to the Community Council Liaison Officer no later than 31 March of each year to enable the annual grant to be calculated.

~~15.8~~15.12 If a Community Council submits the annual accounts later than the prescribed time unless there is exceptional circumstances that have been notified to the CCLO, a pro rata grant will be calculated and issued. The grant will reduce for each month the accounts are late.

## **16. Complaints Disciplinary Matters**

~~16.1~~ 16.1 Complaints about Community Councils and Community Councillors must be dealt with in accordance with the procedure in Guidance 7 – Complaints Procedure. In the event of a complaint being received about the Community Council or its members, the Community Council shall refer to the Community Council Complaints Procedure.

## **17. Alterations to the Constitution**

17.1 Where a Community Council wishes to amend the Constitution after it has previously been signed and submitted, any proposal by the Community Council to amend the Constitution must be first considered and minuted at a meeting of the Community Council before representation is made to Aberdeen City Council.

17.2 Any proposed amendments may not conflict with the Scheme for the Establishment of Community Councils and the objectives contained within the Constitution.

17.3 If the proposal is supported by two-thirds of the total voting membership of the Community Council and is approved in writing by Aberdeen City Council, the amendment shall be deemed to have been duly authorised and will come into effect.

**18. Supported Status and Dissolution of the Community Council**

18.1 Supported Status and Dissolution of the Community Council will only take place in accordance with the Scheme for the Establishment of Community Councils and Guidance 8 – Supported Status.

~~18.1 If the Community Council by a two-thirds majority of the total voting membership decides at any time that it is necessary or advisable to dissolve, it shall agree a date for a public meeting to be held to discuss the proposal to dissolve.~~

~~18.2 If the proposal is supported by a majority of those persons present at the public meeting and is approved by Aberdeen City Council, the Community Council shall be deemed to be dissolved. All financial liabilities shall be paid with the remaining balance transferred to Aberdeen City Council who shall hold the funds for a future Community Council representing the area.~~

Approval and Adoption of the Constitution

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

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

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

Print \_\_\_\_\_

Date \_\_\_\_\_

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

Print \_\_\_\_\_

Date \_\_\_\_\_

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

Signed \_\_\_\_\_

Print \_\_\_\_\_

Position \_\_\_\_\_

## Guidance 3 – Standing Orders

### **1. Meetings**

- 1.1 All meetings of Community Councils are open to members of the public. The Community Council shall have the right to discuss items of business in private where it considers it appropriate to do so.
- 1.2 The Chairperson shall notify those present why an item will be considered in private and the reason will be formally recorded in the minute of meeting.
- 1.3 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.
- 1.4 The notice of ordinary and Annual General Meetings of the Community Council featuring the date, time and venue shall be provided to each Community Council Member, Elected Members and the Community Council Liaison Officer by the Secretary of the Community Council at least seven days before the date of the meeting.
- 1.5 Special meetings may be called at any time on the instructions of the Chairperson or on receipt of not less than half of the total number of Community Councillors or if requested to do so in writing by 20 residents in the Community Council area. Special meetings shall be held within four weeks of receipt of such request and shall require at least seven days' public notice.

### **2. Minutes**

- 2.1 Minutes of all Community Council meetings shall be drafted timeously and distributed to members of the Community Council at least seven days prior to the next meeting. All minutes shall be submitted for approval to the next meeting of the Community Council.

### **3. Quorum**

- 3.1 The quorum for all Community Council meetings shall be one third of the current voting membership of the Community Council or four voting members, whichever is the greater.

### **4. Order of Business**

#### 4.1 Ordinary Meetings

The order of business for ordinary Community Council meeting should include:

- (a) Recording of those present and apologies received
- (b) Police Report if present
- (c) Minutes from previous meeting submitted for approval

- (d) Any matters arising not on the agenda for discussion
- (e) Correspondence
- (f) Reports from Office Bearers
- (g) Elected Member reports/updates
- (h) Consideration of any other agreed item of business as directed by the Chairperson
- (i) Members of the Public
- (j) Date of next meeting

The order of the items to be determined by each Community Council.

**4.2 Annual General Meeting**

The Annual General Meeting can be held prior to the commencement of an ordinary meeting. The minutes should be presented to the next ordinary Community Council meeting for the purposes of establishing accuracy however they will remain in draft form until the following Annual General Meeting.

The order of business at the Annual General Meeting should include the following:

- (a) Recording of those present and apologies received
- (b) Minutes of previous Annual General Meeting for approval
- (c) Chairperson's annual report (this can be written or verbal), questions from the floor
- (d) Treasurer presents the Annual Accounts, questions from the floor
- (e) Office Bearer positions if required
- (f) Close of meeting.

**4.3 Special Meeting**

The order of business at Special Meetings of the Community Council shall be as follows:

- (a) Recording of those present and apologies received
- (b) The nature of the Calling Notice for the Special Meeting
- (c) The business for debate, as described in the calling notice
- (d) Close of meeting.

**5. Order of Debate**

- 5.1 In instances where the Chairperson is absent, the meeting should proceed through the Vice Chairperson or other interim Chairperson (if the Vice Chairperson is absent) as agreed by the members present.
- 5.2 The Chairperson shall decide the order of questions, relevancy and competency arising at meetings of the community council and their ruling shall be final and not open for discussion.
- 5.3 The Chairperson in determining the order, relevance and competency of business and questions shall have particular regard to the relevance of the



issue to the community and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner.

- 5.4 In the event of disorder arising at any meeting, the Chairperson can adjourn the meeting to either the next scheduled meeting of the Community Council or another date and time.
- 5.5 Every Community Councillors' motion or amendment shall be proposed and seconded.
- 5.6 A motion or amendment once made and seconded shall not be withdrawn without the consent of the proposer and seconder thereof.
- 5.7 A motion or amendment which is contrary to a previous decision of the Community Council shall not be competent within six months of that decision, unless an error or new information becomes available which requires further consideration.

## **6. Voting**

- 6.1 Voting shall be taken by a show of hands of those present and eligible to vote with the exception of the appointment of office bearers which may be held by secret ballot.
- 6.2 The Chairperson of a meeting of the Community Council shall have a casting vote as well as a deliberative vote.
- 6.3 In the absence of the Chairperson, the casting vote shall be transferred to the Vice Chairperson or other interim Chairperson (if the Vice Chairperson is absent) as agreed by the members present.

## **7. Obstructive and Offensive Conduct**

- 7.1 In the event that any member of the Community Council or member of the public is disregarding the authority of the Chairperson or any other person present at the meeting, or conducts themselves in a disruptive, obstructive or offensive manner, a motion may be moved and seconded to remove the individual(s) from the remainder of the meeting.

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

7.2.3 Where the individual refuses to leave the meeting, the Chairperson will close the meeting and defer any remaining business to the next scheduled meeting or another date and time.

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

8.1 A proposal to alter the Standing Orders may be proposed to Aberdeen City Council at any time by the Community Council, provided that a notice of a motion to that effect is given at the meeting of the Community Council prior to submitting to Aberdeen City Council.

8.2 Aberdeen City Council shall have the final discretion on any proposed change of the Standing Orders.

## **9. Sub Committees**

9.1 The Community Council may appoint sub committees as it may from time to time decide and shall determine their composition, terms of reference, duration, duties and powers.

## **10. Suspension of Standing Orders**

10.1 These Standing Orders shall not be suspended except at a meeting at which two-thirds of the total number of Community Council members are present and then only if the proposer states the object of their motion and if two-thirds of those members present consent to such suspension.

## **Guidance 4 – Exchange of Information, Code of Good Practice**

### **Introduction**

It is of mutual benefit of Aberdeen City Council ‘the Council’, Community Councils and the communities that they serve that constructive discussion, consultation and information exchange takes place in a positive and meaningful way. This document is intended to help ensure that these organisations exchange information, explanations and guidance in a way that will be beneficial for the whole community.

### **The Council shall:**

1. Consult with Community Councils on all issues where consultation with the public is a statutory requirement.
2. Advise Community Councils of planning applications in their areas by way of circulation of the Weekly List of Applications (there is also a separate Planning Concordat).
3. Notify Community Councils of Licensing applications relating to Liquor or Street Processions via email.
4. Advise Community Councils of Traffic Orders in their area via email.
5. Acknowledge written communication from Community Councils within 5 working days and reply in full within 20 working days, unless otherwise advised more time is required.
6. Provide appropriate support to empower Community Councils to make informed decisions on matters of concern.
7. Provide Community Councils with contact details of Elected Members and a list of Chief Officials.
8. Provide Community Councils with an electronic copy of the agenda front sheets of all Council Committees with advice on where to access full papers
9. Nominate an officer of the Council to act as Community Council Liaison Officer.
10. Endeavor to meet reasonable requests for officer attendance at Community Council meetings.
11. Encourage effective consultation with Community Councils over matters of common interest by providing sufficient information in adequate time to allow the Community Council to provide a considered response.
12. Involve Community Councils in any consultations arranged through public meetings.
13. Give Community Councils the opportunity to participate in the processes that lead to decision making on issues relating to their areas.
14. Encourage Community Councils to participate in Community Planning activities.

### **Community Councils shall:**

1. Advise the Council on local opinions concerning matters of interest.
2. Advise the Council on matters requiring attention or action.
3. Appoint a named contact to be main contact for the Community Council (usually the secretary) whose details will be available to the public and to Council Officers.
4. Appoint a Planning Officer to be the contact for consultation on planning related matters.
5. Appoint a Licensing Officer to be the contact for consultation on licensing related matters.
6. Engage in Community Planning activities to improve local outcomes for the community.
7. Actively seek the views and opinions of the community and be able to demonstrate that steps have been taken to engage the local community in order for the views expressed to the Council and other bodies to be a fair representation of the community.
8. Express the views of the community on proposed planning, licensing or projects for applications going before the Council which should include positive support for acceptable schemes as well as objections from the community.
9. Respond to written communications from the Council and other organisations within a reasonable time, taking into account the schedule of Community Council meetings, providing an acknowledgement in the first instance.
10. Inform the Council in advance of any consultations being arranged via public meetings.
11. Invite Council officers, representatives of statutory bodies and other organisations to attend Community Council meetings when appropriate.
12. Encourage the local community to raise issues with the Community Council so this can be shared with the Council.

## **Guidance 5 - Code of Conduct for Community Councils**

### **1. Introduction**

- 1.1 Members of Aberdeen City Council are bound by the Councillors' Code of Conduct. This is a legally binding code of conduct, imposed by law and enforced by the Standards Commission for Scotland.
- 1.2 Members of Community Councils, normally referred to as Community Councillors, are not bound by the Councillors' Code of Conduct. However, Aberdeen City Council expects all Community Councils to adopt this Code of Conduct. This Code will apply to all Community Councillors representing Community Councils in Aberdeen.
- 1.3 This Code of Conduct has been developed in line with the key principles of behaviour expected from Community Councillors. It has also been developed to emphasise and protect the important work done by Community Councils.

### **2. Community Councils**

- 2.1 Are voluntary bodies, existing within a statutory framework found in the Local Government (Scotland) Act 1973;
- 2.2 Must operate within the framework set out by the Scheme for the Establishment of Community Councils;
- 2.3 Have a key role to play in supporting a decentralised pattern of local government and service delivery;
- 2.4 Have a statutory right to be consulted on planning and certain licensing applications;
- 2.5 Can jointly agree matters between the Community Council, the Council and other public and private sector bodies;
- 2.6 Should be proactive in identifying and assessing issues of concern affecting its local community by:
  - taking into account views expressed by the public;
  - considering relevant evidence;
  - conveying findings and conclusions to the relevant authority for consideration; and
  - working, and co-operating, with the Council to ensure successful consultation and working in all areas of the Council's responsibilities.

### **3. Key Principles**

- 3.1 The key principles which underpin this Code of Conduct are:

### **Duty**

I have a duty to act in the interests of the Community Council as a whole and of all members of the communities served by it. I will be accessible to all the people of the area for which I have been elected or adopted to serve and will represent their interests conscientiously.

### **Selflessness**

I will take decisions solely in terms of the public interest. I must not act in order to gain financial or other material benefit for myself, family or friends.

### **Integrity**

I must not place myself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence me in the performance of my duties, or when making decisions at Community Council meetings.

### **Accountability and Stewardship**

I am accountable for my decisions and actions. I must consider issues on their merits, taking account of the views of others, and I must ensure that the Community Council uses its resources prudently and in accordance with the law.

### **Openness**

I must be as open as possible about my decisions and actions, giving reasons for my decisions and restricting information only when the wider public interest clearly demands.

### **Honesty**

I must act honestly. I must declare any private interests relating to my public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

### **Leadership**

I must promote and support these principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the Community Council and its Councillors in conducting public business.

### **Respect**

I must respect all other Community Councillors and the role they play, treating them with courtesy at all times. Similarly, I must respect members of the public when performing my duties as a Community Councillor, and when representing the Community Council on official business.

- 3.2 For the avoidance of doubt, failure to comply with one or more of the key principles is not, in itself, a breach of this Code of Conduct. However, compliance with the key principles will be examined in the event of any alleged breach of the Code of Conduct.

#### **4. My Responsibilities as a Community Councillor**

- 4.1 I acknowledge that the public has high expectations of all representatives, including Community Councillors. These expectations include, but are not limited to, the way in which Community Councillors conduct themselves when undertaking their duties.
- 4.2 I will ensure that those public expectations are met by making sure that my conduct is beyond reproach.
- 4.3 I will comply with the provisions of this Code in all situations where I am acting as a Community Councillor, have referred to myself as a Community Councillor or could reasonably be perceived to be acting as a Community Councillor.
- 4.4 I will comply with the provisions of this Code in all my dealings with the public and fellow Community Councillors, whether formal or informal.
- 4.5 I understand that it is my personal responsibility to be familiar with the provisions of this Code and that I must also comply with the law, the Scheme for the Establishment of Community Councils, standing orders and regulations. I will also ensure that I am familiar with any guidance issued by the Scottish Government or Aberdeen City Council.
- 4.6 I will not, at any time, advocate or encourage any action contrary to this Code.
- 4.7 I understand that no written information can provide for all circumstances. If I am uncertain about how the Code applies, I will seek appropriate advice.

#### **5. General Conduct**

##### **Respect and Courtesy**

- 5.1 I will treat everyone with courtesy and respect. This can include in person, in writing, when at meetings, when I am representing the Community Council and when I am online using social media.
- 5.2 I will not discriminate unlawfully on the basis of race, age, sex, sexual orientation, gender reassignment, disability, religion or belief, marriage or civil partnership or pregnancy and maternity; I will advance equality of opportunity and will seek to foster good relations between different people.
- 5.3 I accept that disrespect, bullying and harassment can be a one-off incident, part of a cumulative course of conduct or a pattern of behaviour. I understand that how, and in what context, I exhibit certain behaviours can be as important as what I communicate, given that disrespect, bullying and harassment can be physical, verbal and non-verbal conduct.
- 5.4 I accept that it is my responsibility to understand what constitutes bullying and harassment (including sexual harassment) and I will ensure my knowledge and understanding of this is up to date.

- 5.5 I will respect all Aberdeen City Councillors and Council employees and the role they play and will treat them with courtesy at all times. I expect them to show me the same consideration in return.
- 5.6 I will respect the Chairperson, my colleagues, invited guests and any other members of the public present during meetings, or in other formal proceedings, of the Community Council, whether I agree with their views or not and I will treat them with courtesy at all times.
- 5.7 I must comply with rulings from the Chairperson in the conduct of the business of the Community Council.
- 5.8 I will not, at a meeting of the Community Council, raise my voice unduly, shout, interrupt other speakers, use offensive language, assault other members of the public, disregard the authority of the Chairperson or otherwise disrupt proceedings at a meeting.
- 5.9 I will respect the principle of collective decision-making and corporate responsibility. This means that once the Community Council has made a decision, I will support that decision, even if I did not agree with it or vote for it.

#### **Remuneration, Allowances and Expenses**

- 5.10 I will comply with the rules, and the policy of the Community Council on the payment of remuneration, allowances and expenses.

#### **Gifts and Hospitality**

- 5.11 I will never ask for any gifts or hospitality which might place me, or which would reasonably be regarded by a member of the public with knowledge of the relevant facts as placing me under an improper obligation or which might influence, or might reasonably appear to influence, my judgement.
- 5.12 I will consider whether there could be a reasonable perception that any gift or hospitality received by a person or body connected to me could or would influence my judgement.
- 5.13 I will not allow the promise of money or other financial advantage to induce me to perform improperly any function while acting as a member of the Community Council. I accept that the money or advantage (including gifts or hospitality) does not have to be given to me. The offer of monies to others may amount to bribery, if the intention is to induce me to perform a function improperly.
- 5.14 I will never accept any gifts or hospitality from any individual who is seeking to do business with the Community Council.

#### **Confidentiality**

- 5.15 I understand that Community Council proceedings and printed materials are generally open to the public and this will be the basis upon which I will normally



work as a Community Councillor. I also understand that there will be times when I require to treat discussions, documents or other information relating to the Community Council in a confidential manner

- 5.16 I will not disclose confidential information or information which should reasonably be regarded as being of a confidential or private nature, without the express consent of a person authorised to give such consent, or unless required to do so by law. I note that if I cannot obtain consent, I should assume it is not given.
- 5.17 I accept that confidential information can include discussions, documents and information (electronic or otherwise) which is not yet public or never intended to be public.
- 5.18 I will only use confidential information to undertake my duties as a Community Councillor. I will not use it in any way for personal advantage or to discredit my Community Council (even if my personal view is that the information should be publicly available).

#### **Appointment to Outside Bodies**

- 5.19 If I am appointed, or nominated by my Community Council, as a member of another public body or organisation, I will abide by their rules of conduct and will act in its best interests while acting as a member of it. I will also continue to observe the rules of this Code of Conduct in carrying out the duties of that body or organisation. In the event of a conflict of interest between the two bodies or organisations, the principles set out in Section 4 above shall apply.

#### **6. Declaration of Interests**

- 6.1 I understand that the public expects community councillors to declare where they have an interest in a matter being discussed. I will declare an interest, in line with this Code of Conduct, whenever I have an interest.
- 6.2 When determining if I have an interest, I will first determine if I have a connection to the matter. A connection is any link between the matter being considered and me, or a person or body I am associated with. This could be a family relationship or a social or professional contact.
- 6.3 If I have such a connection, I will then go on to determine if that connection is a declarable interest. A connection is a declarable interest where the 'objective test' is met. This is where a member of the public with knowledge of the relevant facts would reasonably regard my connection to a particular matter as being so significant that it would be considered as being likely to prejudice the discussion or decision-making.
- 6.4 If I have a declarable interest, I will declare this at the earliest stage possible in the meeting.
- 6.5 I will not remain in the meeting or participate in any way in those parts of meetings where I have declared an interest.

- 6.6 If I have a connection but have determined that I do not have a declarable interest, I will consider if, for reasons of transparency, I should explain this to the meeting.
- 6.7 I note that public confidence in a public body is damaged by perception that decisions taken by that body are substantially influenced by factors other than the public interest. I will not accept a role or appointment if doing so means I will have to declare interests frequently at meetings in respect of my role as a Community Councillor. Similarly, if any appointment or nomination to another body would give rise to objective concern because of my existing personal involvement or affiliations, I will not accept the appointment or nomination.

## **7. Breaches of the Code of Conduct**

- 7.1 I understand that the Scheme for the Establishment of Community Councils gives Community Councils powers to introduce provisions to consider allegations of Members breaching this Code of Conduct, where it has been adopted.
- 7.2 I understand and accept that breaches of this code shall be reported via the Complaints Process and shall comply with the findings through that process.

## **Guidance 6 – Unacceptable Behaviour**

### **1. Introduction**

- 1.1** All members of the public have the right to be heard, understood and respected. The same courtesy also needs to be extended to Community Councillors who are representing their community as a volunteer.
- 1.2** It is understood that emotion and distress are sometimes felt by residents when an issue has had a significant impact on their lives, but this does not excuse or justify the mistreatment of others. In circumstances where unacceptable behaviour is experienced by any member of the Community Council, the Community Council should take appropriate action to protect its members.

### **2. Definition of Unacceptable Actions**

Unacceptable actions can fall into the following categories:

#### **2.1 Aggressive or abusive behaviour**

In person, within or outwith Community Council meetings and online. This includes language and the tone in which the message is delivered which can be verbal or in written form. This includes anything that may cause members to feel afraid, threatened or abused and may include threats, personal abuse, derogatory remarks or rudeness.

#### **2.2 Unreasonable demands or level of contact**

A demand becomes unreasonable when it starts to impact excessively on the work of members dealing with the matter, especially if this impacts on other members of the public. This could include:

- Repeatedly demanding responses within an unreasonable timescale;
- Demanding responses from several members on the same subject;
- Insisting on seeing, meeting or speaking to a particular member when that is either not possible or it is inappropriate
- Repeatedly changing the substance of an enquiry or complaint or raising unrelated concerns
- Repeatedly posing a question, when a response has already been given, because the individual may not like the answer they have received.

The level of contact is unacceptable when the amount of time spent talking to a member of the public on the telephone, or reviewing and responding to written or electronic communication, impacts the ability to deal with the relevant matter or on the ability of members to deal with other items of business and statutory responsibilities.

### **3. Responding to Aggressive or Abusive Actions**

- 3.1 If any individual is persistently aggressive or abusive to any member of the Community Council within a meeting the Chair will have the authority to ask the person to leave the meeting. Where they refuse to do so the Chair can stop the meeting and re-schedule the business to another day.
- 3.2 Where correspondence is received or someone posts on social media something which is of an abusive nature towards a Community Councillor or the Community Council as a whole or it contains inflammatory or malicious allegations that are unfounded, the Community Council should inform the individual that their language or content of the message is considered to be offensive, unnecessary and unhelpful. The person should be asked to amend their correspondence or social media post, otherwise it will not be responded to.
- 3.3 Under section 127 of the Communications Act 2003, it is a criminal offence to use electronic communication networks to send offensive, obscene messages or messages that the sender knows to be false. The individual to whom these messages relate would be within their rights to refer the matter to the Police.
- 3.4 If the issue arises to a Community Councillor outwith a meeting the Community Councillor will bring it to the attention of the Chair who will report the behaviour to the other Community Council Members for them to consider appropriate action.

### **4. Responding to unreasonable demands or levels of contact**

- 4.1 Where an individual unreasonably and repeatedly phones, raises the same issue, or sends excessive written or electronic communication, the Community Council may decide to:
- Limit contact by phone or written submission
  - Restrict contact to written correspondence only
  - Refuse to deal with further calls, written or electronic communication
- 4.2 Any decision to restrict contact should be taken by the Community Council at a meeting and minuted.

### **5. Response to Recurring and persistent unacceptable behaviours**

- 5.1 Where there are repeated incidents of aggressive or abusive behaviour, longer term decisions to restrict an individual's contact with the Community Council may be taken. The Chair should report the circumstances to the Community Council for consideration providing detailed information about the nature and frequency of the issues. The individual should be given the

opportunity to change their behaviour before a decision to restrict contact is taken.

- 5.2 If the Community Council considers that the behaviour has continued for too long or there has been no improvement, they should consider restricting contact with the individual. The Community Council should consider the type of restriction and the time period this would be in place.
- 5.3 Any decision to restrict contact needs to be a decision of the Community Council at a meeting and recorded in the minutes. The Community Council should notify the individual within seven days of the decision.

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## **Guidance 7 – Complaints Procedure**

This Procedure is for making complaints against Community Councils or its members and can be used by members of the public, Community Councillors or elected members.

### **What is a Community Council complaint?**

A Community Council complaint is an expression of dissatisfaction or concern relating to the actions of a Community Council or its members. This may be about the conduct, standard of service, actions or lack of action by a Community Council or its members.

### **Who can complain?**

Anyone who is affected by a Community Council or its decisions can make a complaint.

Anonymous Complaints will not be accepted.

### **What can I complain about?**

You can complain about matters such as:

- Treatment by, or attitude of, a Community Councillor when dealing with a Community Council issue;
- Breaches of the Scheme for the Establishment of Community Councils;
- Breaches in confidentiality;
- Misuse of social media, email or letters for the purpose of personal and/or financial gain; or
- Bringing the Community Council into disrepute.

### **What can't I complain about?**

There are some matters Community Councils can't deal with, these being:

- Decisions of Aberdeen City Council;
- Complaints regarding Aberdeen City Council services or officers
- A request for compensation on a decision the Community Council has made

### **How long do I have to make a complaint?**

You must make your complaint within 3 months of the incident you want to complain about.

## **Complaint received regarding an individual Community Councillor**

When there is a complaint made that a member of a Community Council is in breach of the Community Councillors' Code of Conduct or has otherwise brought the Community Council into disrepute then the following procedure must be followed. (flow chart also provided as Appendix 1)

### **Stage 1**

The complaint should be made in writing and submitted to the Community Council Chairperson or another appointed person.

The Chairperson or another Office Bearer of the Community Council should:-

1. Acknowledge receipt of the complaint by letter or e-mail as soon as possible.
2. Make the subject of the complaint aware of the complaint by letter or e-mail and provide them with a copy of the complaint.
3. Make contact with the complainant and the person being complained about to discuss the nature of the complaint to see if it is possible to resolve the complaint without progressing further.
4. Resolution should be taken to the satisfaction of the complainant which may result in withdrawal of the complaint or an agreed action put in place. Any such agreement should be recorded in writing and retained for 12 months then destroyed securely.
5. Advise the Community Council Liaison Officer (CCLO) for monitoring purposes of the complaint and the action taken.

<b>Chairperson or Office Bearer Permitted Actions</b>	
Breach	<ul style="list-style-type: none"><li>• Ask the member to apologise</li><li>• Advise that Training would be beneficial to prevent similar incidents in the future</li><li>• Advise that for a period of 3 months, contact should be restricted between the parties</li><li>• Advise behaviour would be monitored for a period of 3 months</li></ul>
Serious Breach	Refer to Stage 2

If no resolution can be found or the complaint relates to a serious breach, the complaint should be considered using the Stage 2 process.

## **Complaint against the whole Community Council**

When a complaint relates to the whole Community Council, these should be submitted in writing to the CCLO. If a Community Council receives the complaint they should forward it to the CCLO as a matter of urgency.



## **Stage 2**

Stage 2 deals with two types of complaints:

- those that have not been resolved at stage 1; and
- complaints relating to the whole Community Council.

Stage 2 complaints will be referred to a Panel of five Community Councillors from within the pool of members. Members will be drawn from other Community Councils, who do not have a neighbouring boundary with the Community Council.

### Not resolved at Stage 1

Where the complaint has not been resolved at stage 1, the person who dealt with the complaint shall within seven days of identifying that the complaint cannot be resolved informally must:-

1. Advise both parties that the matter will have to be heard by the Complaints Panel.
2. Advise both parties that they have up to seven days to provide, a written statement to support their position and that the written statements would form part of the information provided to the Complaints Panel.
3. Notify the CCLO so that a Panel can be convened.
4. On receipt of written statements submit these to the CCLO.

### Community Council as a whole

Where the complaint relates to the whole Community Council, the CCLO shall within seven days of receipt of the complaint:-

1. Acknowledge the complaint
2. Inform the Community Council of the complaint
3. Convene the Complaints Panel.

### Complaints Panel Process

The Panel must appoint a Chairperson and a note taker.

The Panel needs to consider whether the complaint has merit and whether the Panel is required to make any further decision. If the Panel determines that there is no merit, then the process ceases, and the parties must be informed.

If the complaint does have merit, then the Panel must determine if they are able to make a decision based on the information before them. If there is enough information then the panel will make its decision and notify both parties.

If the Panel are unable to make a decision and require additional information then they must:

1. Seek supporting information from both parties and any witnesses
2. Consider the complaint and any supporting information provided

3. If necessary, undertake interviews to aid the investigation of the complaint;
4. Determine whether a breach has occurred, and if so, what course of action is required and inform all parties of their decision in writing (letter or e-mail) within 28 days from the date of receipt of the complaint.
5. Provide a written note of the complaint, the panel process and the outcome to the CCLO for monitoring purposes and to undertake any training that may be required.

The Panel can determine the following sanctions:

<b>Complaints against and Individual Community Councillor</b>		
Degree Of Breach	Possible Sanctions	Requirement
No Breach	No sanction	None
Breach	<ul style="list-style-type: none"> <li>• Apology</li> <li>• Training (exact nature to be identified)</li> <li>• Mentoring</li> <li>• Restriction of communication between parties (to be clearly specified)</li> <li>• Written undertaking to behave within the Code of Conduct</li> </ul>	Must be by at least a two-thirds majority of the Panel
Serious Breach	<ul style="list-style-type: none"> <li>• Suspension for a set period up to six months.</li> <li>• Instruction to stand down from an Office Bearer position.</li> <li>• Expulsion. This must be a unanimous decision of the Panel.</li> </ul>	Must be a unanimous decision by the Panel
<b>Complaints against the whole Community Council</b>		
Degree of Breach	Possible Sanctions	Requirement
No Breach	No sanction	None
Breach	<ul style="list-style-type: none"> <li>• Apology</li> <li>• Training (exact nature to be identified)</li> <li>• Mentoring</li> <li>• Written undertaking to behave within the Code of Conduct</li> </ul>	Must be by at least a two-thirds majority of the Panel
Serious Breach	<ul style="list-style-type: none"> <li>• Recommend that the Community Council goes into Supported Status</li> </ul>	Must be a unanimous decision by the Panel

The decision by the panel will be the final decision in respect of the complaint. If further clarification is required, the Chair of the Panel can be contacted via the CCLO.

## Appendix 1 – Complaints Flowchart

**COMPLAINT RECEIVED**  
**STAGE 1**

**IMMEDIATELY**

- Acknowledge complaint
- Make subject aware of the complaint and provide a copy

**NEXT**

Contact complainant to discuss the complaint and see if it is possible to find an acceptable solution

**WITHIN 7 DAYS**

**If no solution available**

Inform both parties:

- that the matter will be heard by the Complaints Panel.
- that they have up to seven days to provide, a written statement to support their position which would be submitted to the Panel.

**Solution Agreeable to both parties**

- Inform both parties of the outcome and ensure any actions are undertaken
- Retain a copy of the complaint and correspondence
- Notify the CCLO

**NO FURTHER ACTION**

**NEXT**

- Provide the CCLO with the complaint and a note of actions taken to date
- Submit written documentation to the CCLO

**STAGE 2**  
**COMPLAINTS PANEL**

- To be convened by the CCLO  
**CCLO plays no part in the Panel decisions**
- Appoint a Chairperson and note taker
- Review the documentation available
- Request additional information where required
- Undertake interviews, where required
- Make a decision based on the evidence
- Communicate decision within 28 days on receipt of complaint unless otherwise advised more time was required.
- Submit a written note of the complaint, process and outcome to the CCLO  
**END OF PROCESS**

## **Guidance 8 - Supported Status**

### Introduction

When a Community Council moves into supported status it will be provided with:

- Reasons for its move to supported status.
- Confirmation of the period of supported status.
- Information about what they need to achieve by the Steering Group to reinstate Community Council status.

### Supported Status Guidance

What is a Steering Group?

- It is the remaining members of the Community Council (as long as it remains above the quorum of one third of the remaining membership of the Community Council or four members, whichever is the greater).
- If a steering group drops below the quorum for the Community Council, it will immediately be moved to dissolution and appropriate action will be taken by Aberdeen City Council's Assurance Manager.

What must the Steering Group do?

- Meet as a Group to rectify the issues that resulted in them being in supported status.
- Appoint the Assurance Manager or another council officer as the Chair of the Steering Group.

What can the Steering Group do?

- Continue with any live projects that were already in progress when the Community Council went into supported status with the support of the Assurance Manager (it should be noted that the insurance cover in place for Community Councils will remain operational whilst the Community Council is in supported status).
- Complete financial transactions agreed by the Community Council when it was operational.
- Take decisions on expenditure for the live projects ONLY

What must the Steering Group not do?

- Undertake any work relating to the statutory functions of a Community Council – planning, licensing and other consultations
- Agree any expenditure outwith the live projects
- Spend any funds unless they had approval prior to supported status
- Send any correspondence in the name of the Community Council
- Undertake any social media activity or update the website other than to inform the community of the status of the Steering Group, publish SG minutes or to promote the need for additional members.

### Holding of Meetings

- Meetings should be held at least every six weeks
- Meetings are for members of the Steering Group only and any supporting officers but they would not be involved in any decisions
- Notes of actions and decisions will be taken and circulated to members and made available for the community to see
- Agendas will be prepared and circulated by the CCLO
- Meetings will be held in Council premises or online wherever possible to remove the need for expenses to be incurred.

### Next Stage

- If within the six month period the Steering Group satisfies the Assurance Manager that the Community Council will in the future be able to comply with the requirement of the Scheme and have met the expectations set out when they went into supported status, then reinstatement of Community Council status will be granted by written notice from the Assurance Manager.
- If the Steering Group has not managed to achieve the required outcomes within the six month period, the Assurance Manager will review the progress made by the Steering Group.
- If the Assurance Manager considers that significant progress has been made, they may consider an extension to the supported status period to allow the Steering Group to complete its work.
- If the Assurance Manager considers that little or no progress has been made, they may consider that it is appropriate to move to dissolution of the Community Council.

## Appendix 4

### Contents:

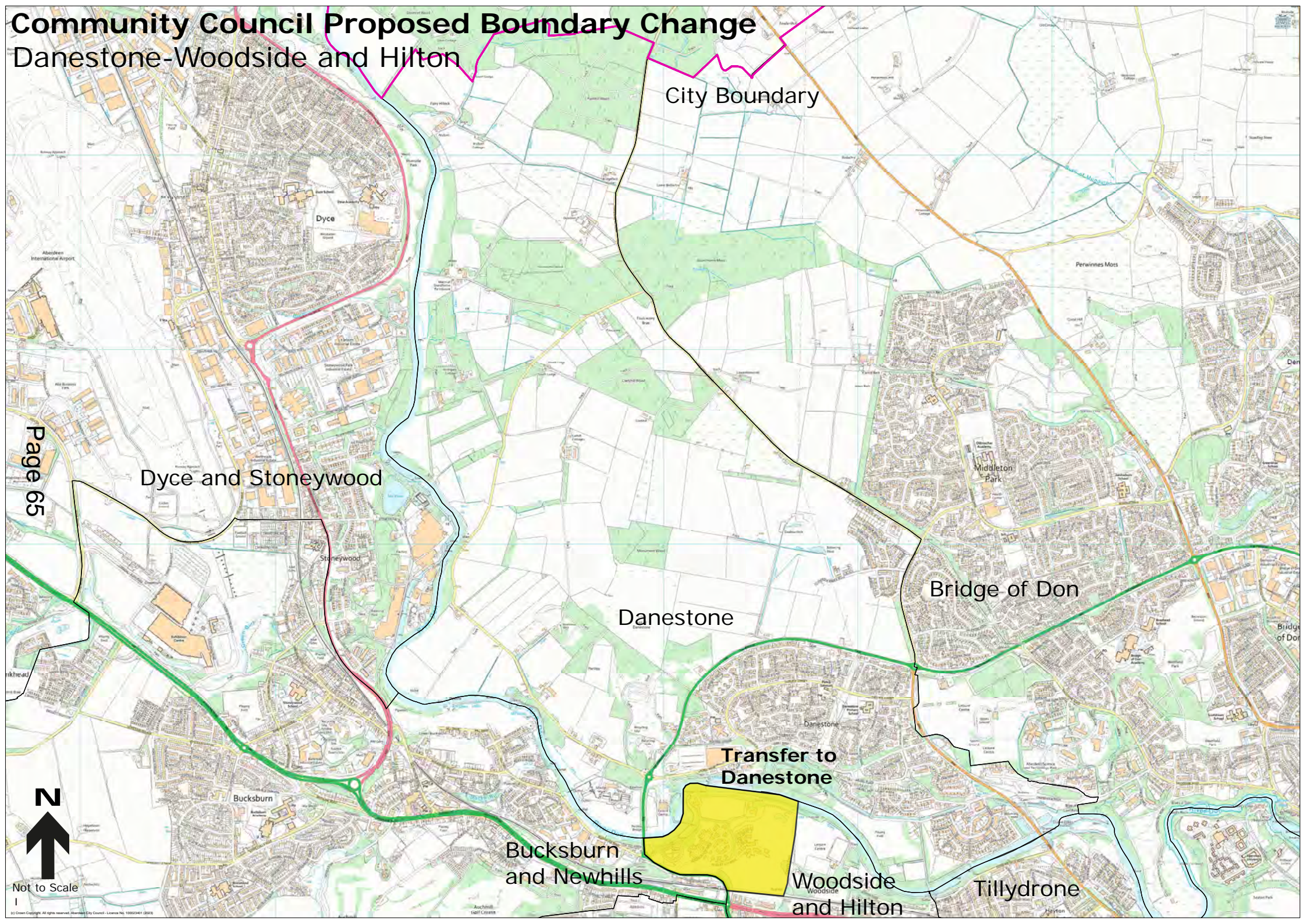
Map 1 – Danestone, Woodside and Hilton Boundary Map

Map 2 – Alternative Map for Danestone, Woodside and Hilton

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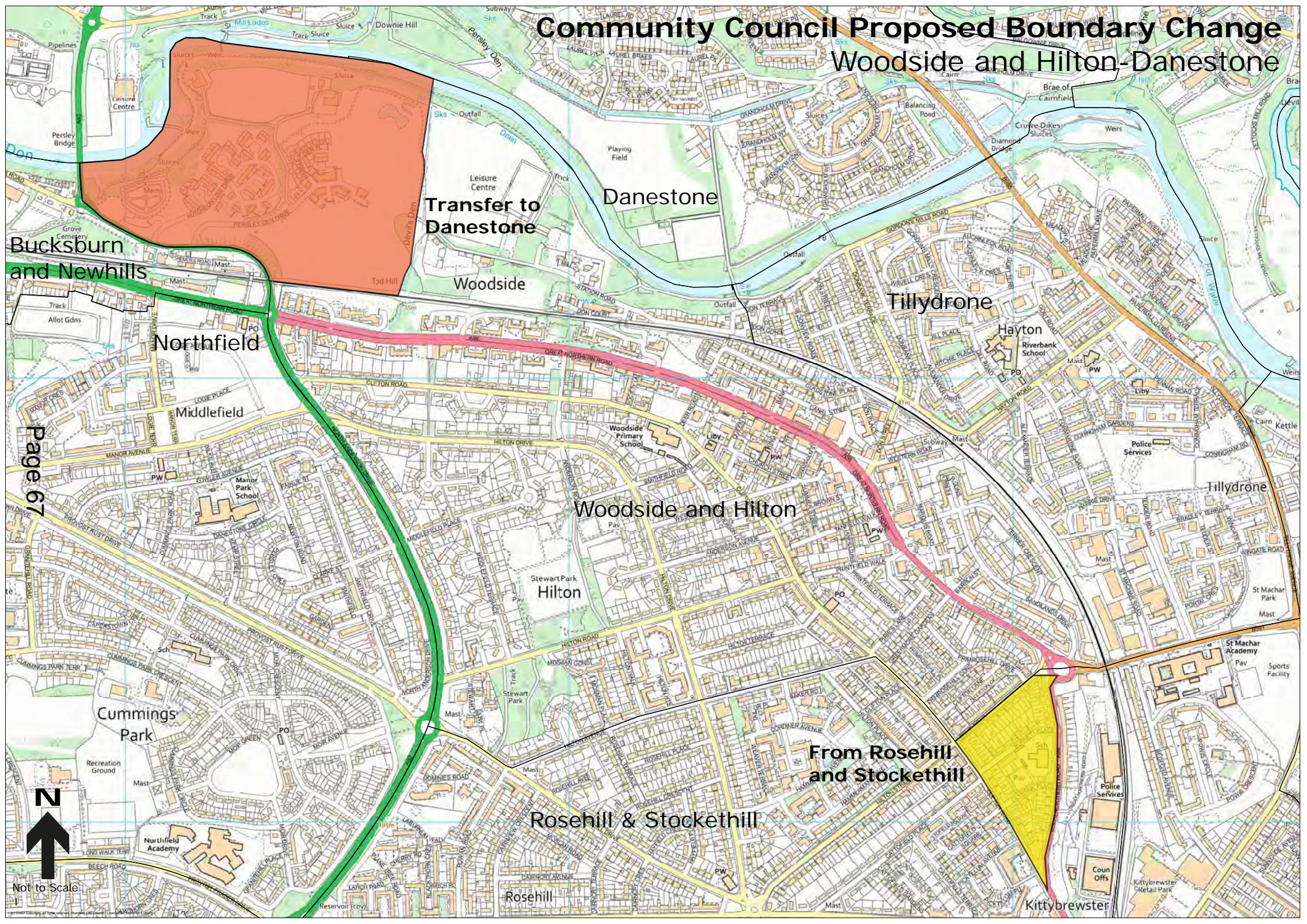


# Community Council Proposed Boundary Change Danestone-Woodside and Hilton



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# Community Council Proposed Boundary Change Woodside and Hilton-Danestone



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## Appendix 5

### Contents:

#### Boundary Proposals

Map 3 – Bucksburn and Newhills/Dyce and Stoneywood

Map 4 – Rosehill and Stockethill/Rosemount and Mile End/George Street/Woodside and Hilton

Map 5 – Kincorth and Leggart/Nigg

Map 6 – Torry/Kincorth and Leggart/Nigg

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## **Appendix 5 - Community Council Boundary Proposals 2024-2027**

### **Bucksburn and Newhills and Dyce and Stoneywood – Map 3**

The current housing development at Rowett South is split between two Community Council boundaries. There has been a request that the Bucksburn and Newhills boundary be extended to take in the whole Rowett South development as well as the new development at Craibstone. This would extend the boundary to follow the A96 to the Craibstone roundabout, following the A96 and AWPR route to the junction with the A90 and back towards the original boundary.

Response from both Community Councils still to be provided.

### **Rosehill and Stockethill, Woodside and Hilton, Rosemount and Mile End and George Street – Map 4**

There are a few potential boundary changes which would affect these Community Councils.

#### Transfer of boundary from Rosehill and Stockethill to Woodside and Hilton

There has been a request to extend the boundary down the length of Clifton Road to the Northern Hotel (recently closed) and then along Great Northern Road to meet the original boundary at Leslie Road (off the roundabout).

Looking at the current boundary, it would be more effective to extend the boundary further, down to Powis Terrace and along the railway line to join the original boundary.

Woodside and Hilton Community Council have a relationship with Kittybrewster Primary School and the Parent Council. The after school club is provided at Woodside Fountain Centre. The Community Council believe that the small section is a more natural boundary for Woodside than with the current Community Council.

Rosehill and Stockethill Community Council have stated that a large proportion of children from within their existing boundary attend Kittybrewster Primary School.

Discussions with residents in the area and with both Community Councils to continue during public consultation.

#### Transfer of boundary from Rosehill and Stockethill to George Street

To extend George Street's boundary to Belmont Road. This is to tidy up the small area to the north of the current George Street boundary.

Rosehill and Stockethill Community Council see no benefit in moving the boundary.

Response from George Street Community Council still to be provided.

Discussions with both Community Councils to continue during public consultation.

### Transfer of boundary from Rosehill and Stockethill to Rosemount and Mile End

As part of this review, a larger area to match the ACC Ward boundary was considered however both Community Councils agreed that this was not a viable option.

Extend Rosemount and Mile End boundary along Ashgrove Road taking in Belmont Gardens and Cedar Court and joining the new boundary for Woodside and Hilton.

In previous discussions with some residents in this area, they requested that a review of the boundary take place as they did not feel that they were part of the wider community within the Rosehill and Stockethill area.

More recently, information from residents would suggest that they felt more aligned to the current boundary of Rosehill and Stockethill.

Rosehill and Stockethill Community Council, suggested that the issue may relate to the name of the Community Council rather than the physical boundary and were going to provide additional feedback during the public consultation.

Rosemount and Mile End Community Council have indicated that they would be supportive of the boundary change.

Discussions with residents and both Community Councils to continue during public consultation.

### **Kincorth and Leggart, Nigg and Torry – Map 5 and Map 6**

Nigg Community Council although established have not met for some time for a variety of reasons. It is a fairly small area with approximately 2000 of a population. There is not a venue in the area to be able to meet and the children from that area attend Primary Schools within Kincorth and Lochside Academy which serves pupils from Torry, Kincorth, Nigg and Cove.

Kincorth and Leggart have had some recruitment challenges which has seen their membership number drop below the minimum required for a short period of time. Residents who have attended Kincorth and Leggart are within the Nigg boundary and have indicated that with their children attending a Kincorth School that they have a closer relationship to the Kincorth area.

#### Nigg and Kincorth and Leggart - Map 5

Merge all of the current Nigg boundary with Kincorth and Leggart providing a larger Community Council area.

This would provide the opportunity for a community voice covering the whole area and ensuring that membership could be maintained in a more effective manner.

A new name would need to be agreed.



Initial discussions with Kincorth and Leggart Community Council indicate that they would support the proposal for the larger boundary to include Nigg. They did have concerns on the membership numbers and whether the new area would be sustainable. Further comments to be provided during the consultation process.

There has been limited discussion with residents in Nigg on these proposals which would be a high priority during the first stage of public consultation.

### Torry

As part of this review, a larger area to match the ACC Ward boundary was considered however both Cove and Altens and Torry Community Councils have agreed that this was not a viable option.

As part of the review for Kincorth/Leggart and Nigg, there is an area to the left of Wellington road that has been considered as moving from the Torry boundary.

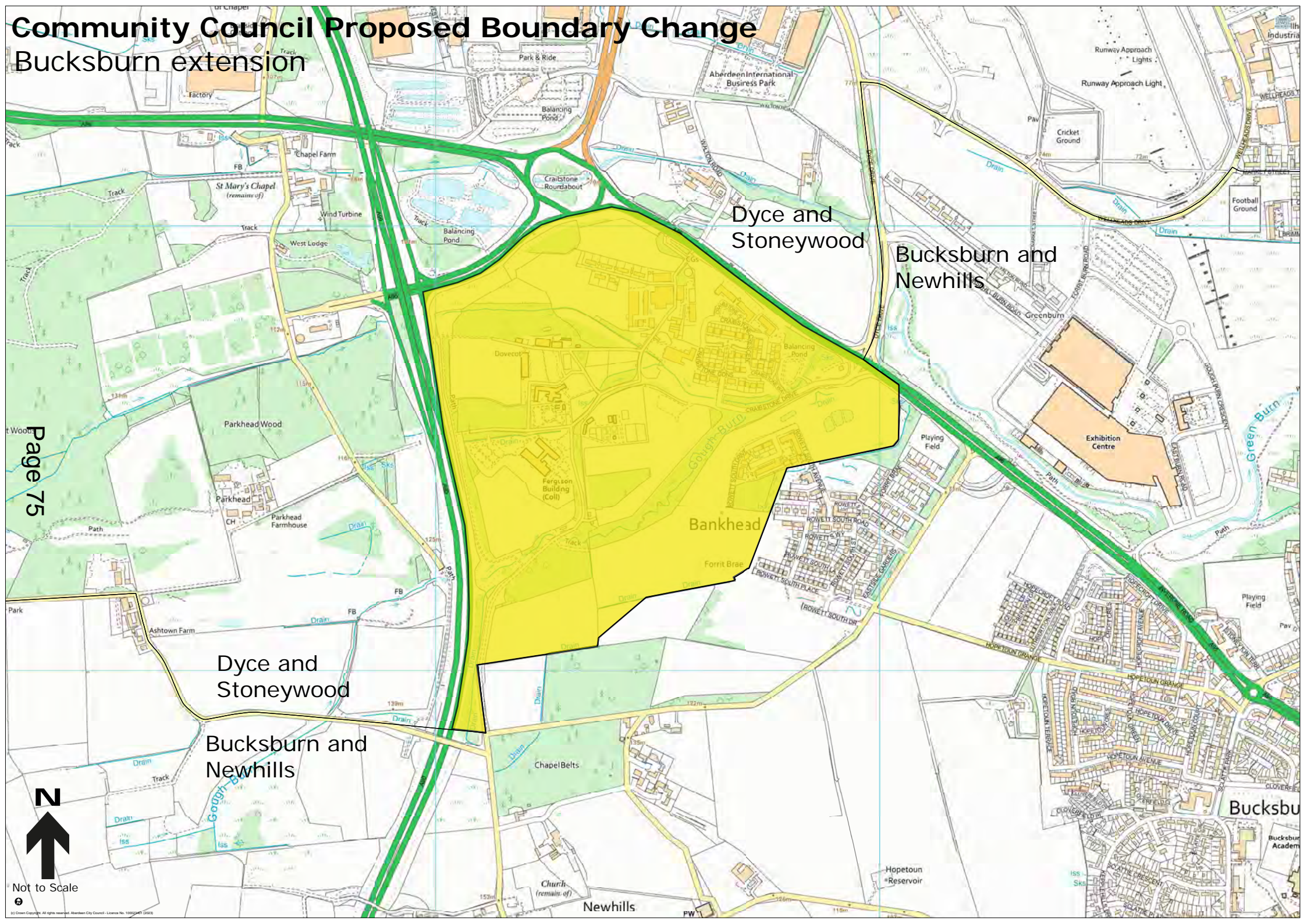
Torry Community Council are of the view that the boundary should not be changed.

There has been limited discussion with residents in Torry on these proposals which would be a high priority during the first stage of public consultation.

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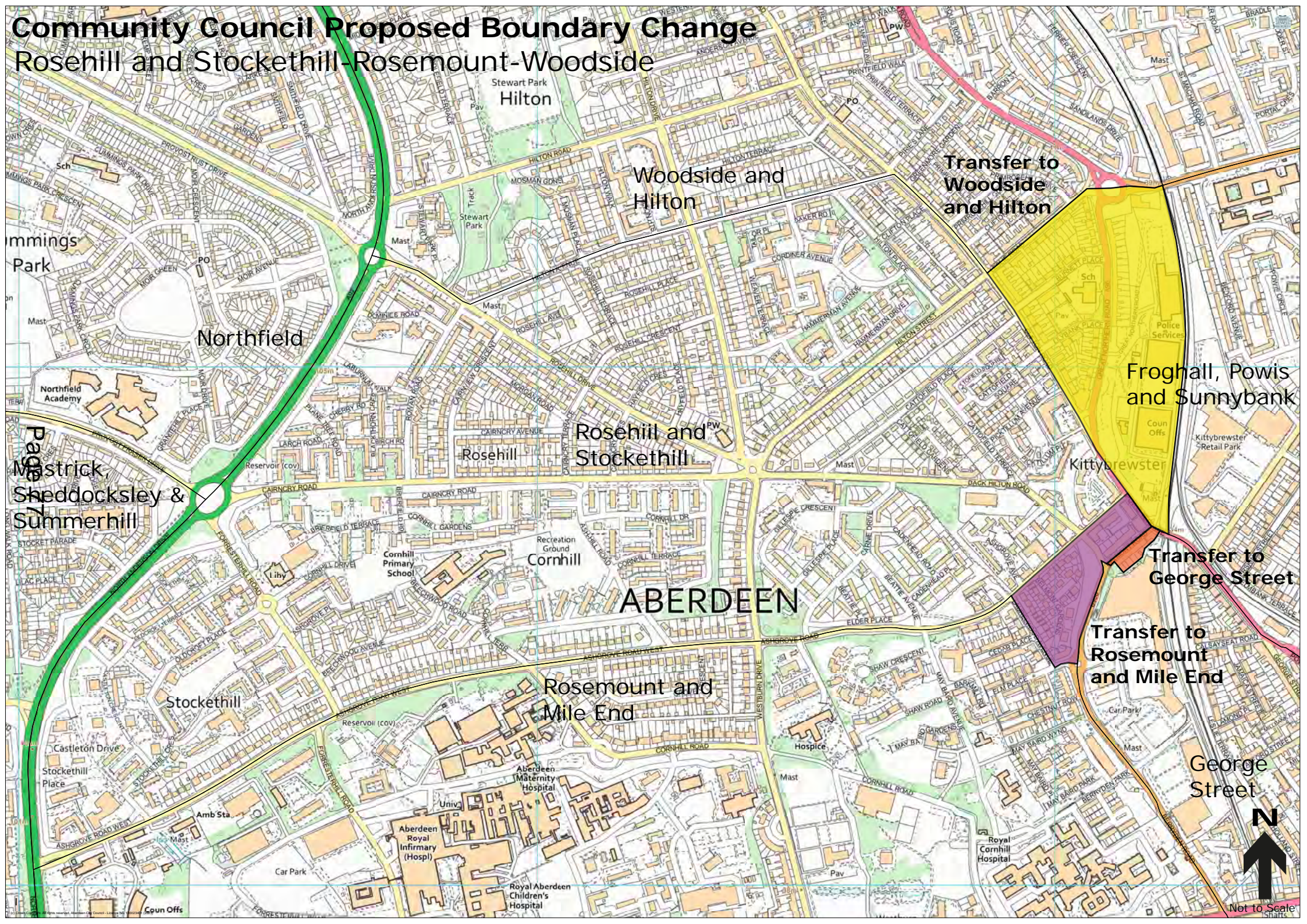
# Community Council Proposed Boundary Change

## Bucksburn extension



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# Community Council Proposed Boundary Change Rosehill and Stockethill-Rosemount-Woodside



# Community Council Proposed Boundary Change Rosehill and Stockethill-Rosemount-Woodside

**Northfield**

**Woodside and Hilton**

**Rosehill and Stockethill**

**Frogghall, Powis and Sunnybank**

**Rosemount and Mile End**

**George Street**

**ABERDEEN**

Stewart Park  
Hilton  
Woodside  
Hilton  
Rosehill  
Stockethill  
Cornhill  
Rosemount  
Mile End  
George Street  
Northfield  
Mastrick, Sheddocksley & Summerhill  
Kittybrewster  
Frogghall  
Powis  
Sunnybank  
Rosehill  
Stockethill  
Cornhill  
Rosemount  
Mile End  
George Street

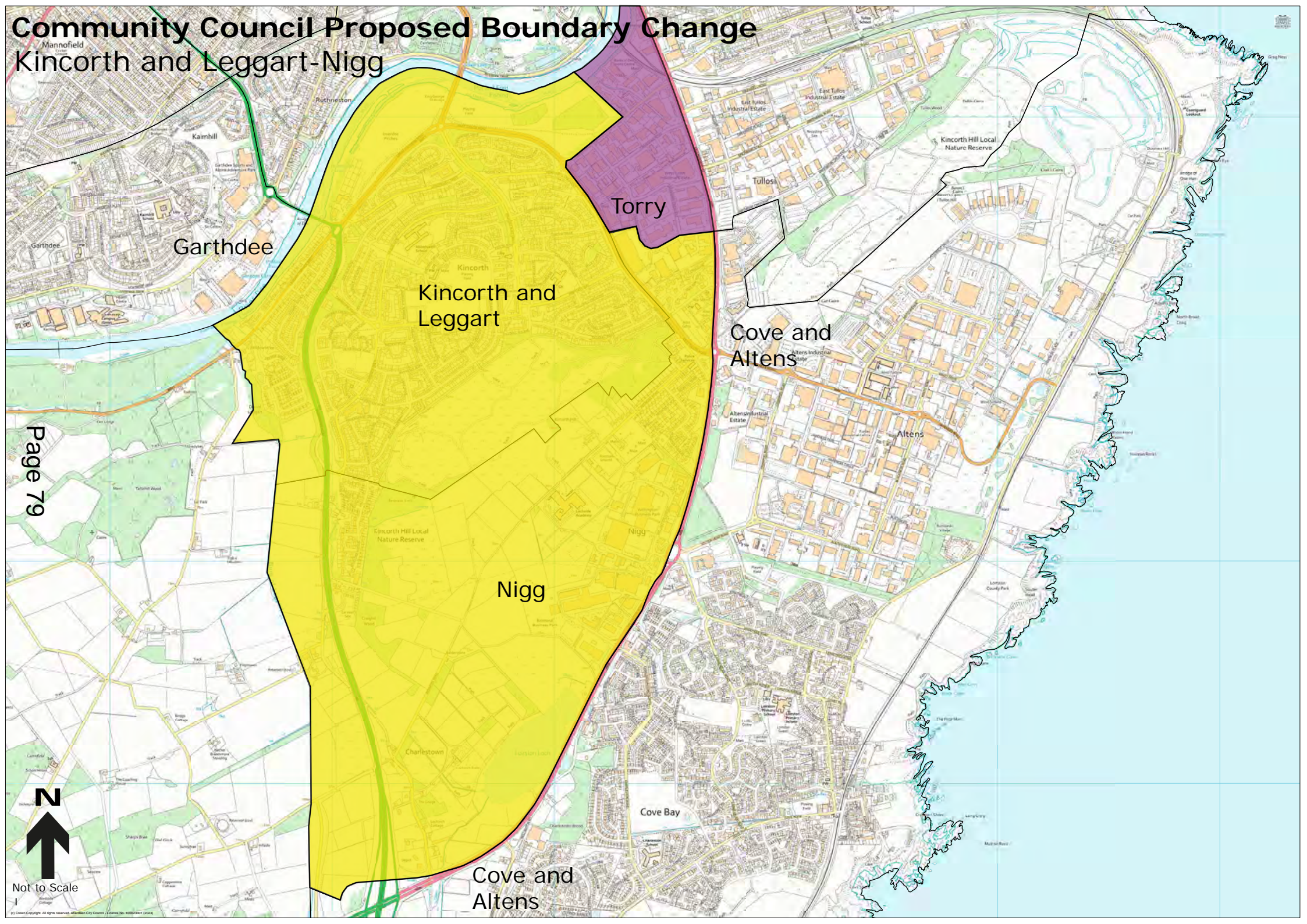


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# Community Council Proposed Boundary Change

## Kincorth and Leggart-Nigg

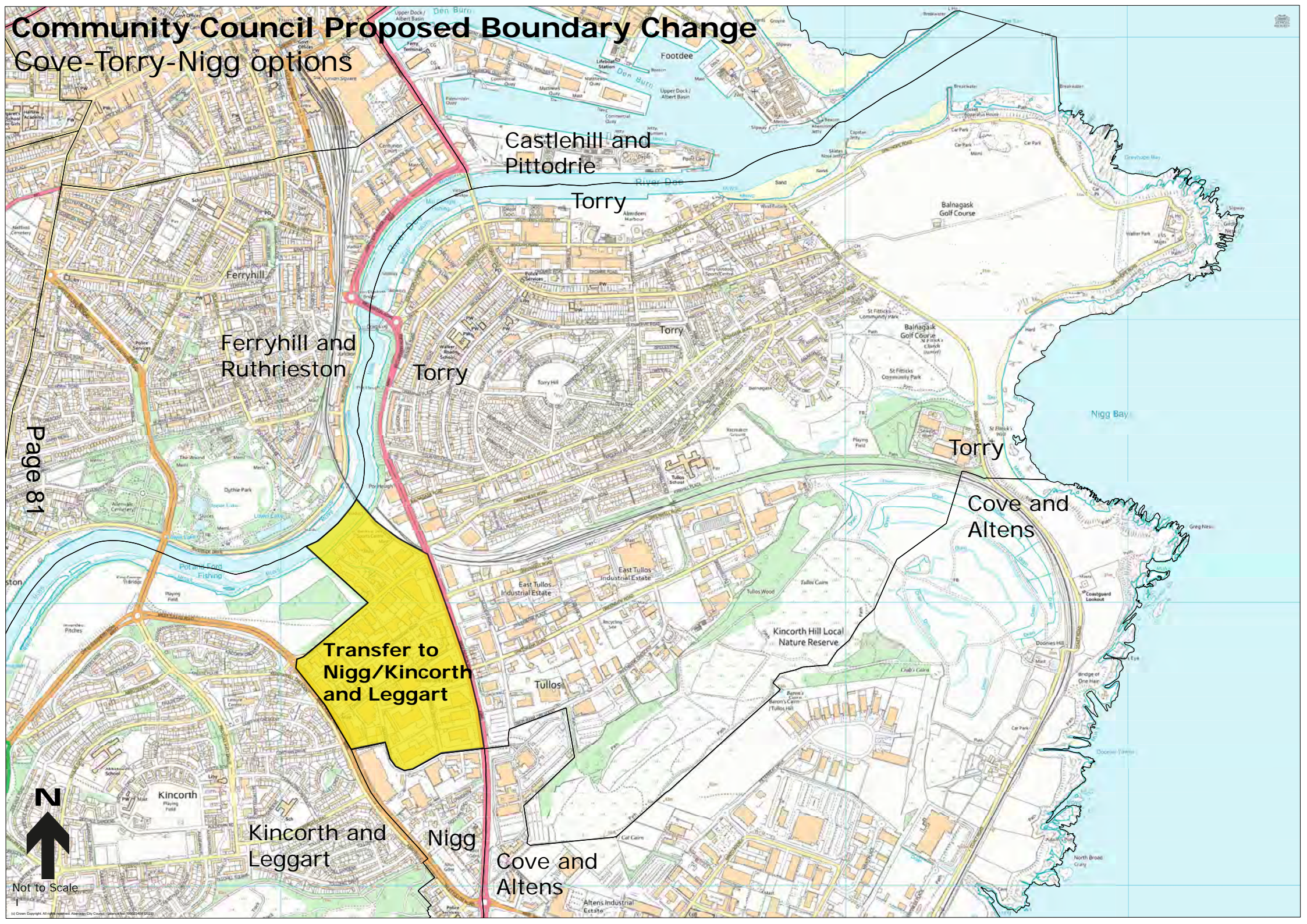


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# Community Council Proposed Boundary Change

## Cove-Torry-Nigg options



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