



Aberdeen City Council

Scheme for the Establishment of Community Councils

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Area Descriptions

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Introduction

Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994, which produced the current system of unitary local authorities, made provision for the continuation of Community Councils. Under the legislation, every local community in Scotland is entitled to petition their 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 Scheme will come into operation from 25 October 2018 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 as a separate document. Maps which outline their boundaries can be requested by contacting the Community Council Liaison Officer at 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 Councils 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 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 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.
- 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, 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 October 2018.
- 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 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 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.

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 First Meeting

10.1.1 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.

10.1.2 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.

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

10.2 Meeting Frequency

10.2.1 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.

11. Liaison with the City Council

11.1 Aberdeen City Council have in place a 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 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.

12. Resourcing a Community Council

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 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 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.

13. Liability of Community Council Members

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.

14. Dissolution of a Community Council

14.1 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.

14.2 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.

15. Amendment of Schemes

15.1 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.