

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.
- 3.4 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.
- 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.
- 15.7 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.
- 15.8 The independent examiner shall not be a member of the Community Council which includes associate members.
- 15.9 The financial year of the Community Council shall be from 1 January to 31 December of each year.
- 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.

- 15.11 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.
- 15.12 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

- 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.

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.
- 7.3 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, the ability of members to deal with other items of business and statutory responsibilities and where there is a negative impact to any individual member.

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. This should include that the CC has discussed an unacceptable behaviour issue and the decision they had made. The name of the individual should not be minuted but the details kept on file by the secretary. The CC will need to communicate with the person in question to advise on the CC decision.

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. This should include that the CC has discussed a recurring and persistent unacceptable behaviour issue and the decision they had made. The name of the individual should not be minuted but the details kept on file by the secretary. The Community Council should notify the individual within seven days of the decision.

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.

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

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