

**ROYAL BURGH OF WIGTOWN & DISTRICT COMMUNITY COUNCIL  
CONSULTATIONS WORKING PARTY – AUGUST 2017**

**CURRENT CONSULTATIONS**

**a) Bank of Scotland Mobile Branch – 3 July 2017**

Letter sent to Bank of Scotland to notify them of the results of our consultation on the new mobile branch route. We said:

- We would prefer them to visit Tuesdays and Fridays but with at least one day between visits
- We would prefer them to visit one morning and one afternoon
- We suggested that they park on the paved area at the market square.

Awaiting final decision from Local Director's office.

**b) Community Empowerment and Common Good Property: Consultation on Draft Guidance – Scottish Government Closing Date: 29 September 2017**

Local Authorities will be required to create registers of common good property and involve communities in this process. Local authorities will also be required to consult communities when there are proposals to change the use of or dispose of common good property. This consultation concerns the statutory guidance related to these two processes and asks for views on issues such as timescales, information about assets, local consultation and publicising proposals.

The consultation paper can be downloaded at: [https://consult.scotland.gov.uk/local-government-policy/community-empowerment-and-common-good-property/user\\_uploads/sct0617482908-1\\_empowerment\\_p2.pdf](https://consult.scotland.gov.uk/local-government-policy/community-empowerment-and-common-good-property/user_uploads/sct0617482908-1_empowerment_p2.pdf)

A draft response has been drawn up and circulated for comment and approval.

**c) Review of the Scheme for the Establishment of Community Councils – Dumfries & Galloway Council. Closing date: 27 October 2017**

Community Councils in Dumfries and Galloway are governed by the Scheme for the Establishment of Community Councils. The Scheme details how Community Councils operate including elections, meetings, boundaries and finance. Earlier this year the Council carried out a first phase of consultation on a review of the Scheme.

The second phase of the consultation is now open, seeking comments on the proposed amendments to the Scheme (see Appendix). The consultation is available from the DGC website at [www.dumgal.gov.uk/article/16608/Review-of-Scheme-for-the-Establishment-of-Community-Councils](http://www.dumgal.gov.uk/article/16608/Review-of-Scheme-for-the-Establishment-of-Community-Councils).

**FORTHCOMING CONSULTATIONS**

No Forthcoming Consultation

**PROPOSED AMENDMENTS TO SCHEME FOR THE ESTABLISHMENT OF  
COMMUNITY COUNCILS  
IN DUMFRIES & GALLOWAY**



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| <b>Schedules</b> |  |          |
| 1                | Community Council names, registered voters & maximum permitted membership                          | n/a      |
| 2                | Code of conduct  | n/a      |
| 3                | Constitution   | n/a      |
| 4                | Code of practice for the exchange of information between Community Councillors and DGC Councillors | n/a      |

| Appendices | <i>The appendices are administrative documents/guidance which may be changed out-with a Periodic Review</i> |     |
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| 1          | Powers and duties of the Returning Officer  | n/a |
| 2          | Notice of election  | n/a |
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| 4          | Notice of uncontested election  | n/a |
| 5          | Notice of non-establishment   | n/a |
| 6          | Notice of dissolution   | n/a |
| 7          | Notice of poll  | n/a |
| 8          | Procedures for ballot box election and the poll   | n/a |
| 9          | Notice of Community Councillors elected   | n/a |
| 10         | Agenda for first meeting of a Community Council   | n/a |
| 11         | Independent complaints procedure  | n/a |
| 12         | Example format for accounts   | n/a |
| 13         | Model standing orders   | n/a |
| 14         | Timescales  | n/a |
| 15         | Planning and licensing duties   | n/a |

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**1.0 STATUTORY PURPOSES**

1.1 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:  
(Cross-ref const'n 2.1) ***"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"***  
Use Cross rather than X

**2.0 THE ROLE AND RESPONSIBILITIES OF COMMUNITY COUNCILS**

2.1 **Role:** Community Councils are inclusive organisations whose general purpose is to act as a voice for their local area. This will involve Community Councils articulating the views and concerns of local people in their area on a wide range of issues of public concern and making representations to the local authority which is Dumfries & Galloway Council (DGC), other public sector bodies and private agencies on matters within their sphere of interest. This may also include the administration of Windfarm community benefit funds.  
(const'n 3.1)

2.2 **Representation:** Community Councils have a duty under statute to represent the views of their local community. It is vital that they reflect the broad spectrum of opinion and interests of all sections of the community. In order to fulfil their responsibilities as effective representatives, Community Councils shall:  
(const'n 3.2)

- Inform the community of the work and decisions of the Community Council (CC) by posting agendas and draft minutes/approved minutes of their meetings in public places **Add "within CC area"** and, subject to the provisions contained within the Data Protection Act 1998, provide contact details of CC members. **Display in a public place of Community Councillors' contact details are not subject to Data Protection** Circulate agendas and draft minutes/approved minutes of CC meetings to Community Councillors and Ward Members (local councillors), Dumfries and Galloway Council (DGC) and to any other interested parties (Note \*\*) who request them for a specific purpose. Agendas and draft minutes/approved minutes should be displayed for at least **7 calendar days** before an ordinary meeting (this means a scheduled business meeting) and at least **14 calendar days** before an Annual General Meeting (AGM) or Extraordinary General Meeting (EGM). Minutes should be clearly marked as to whether they are draft or approved. Modern communication methods such as social media and e-mail should be used, where possible.

Note \*\*: Where the CC wishes to hand in copies to the local library it should advise DGC accordingly, to avoid duplication.

- Seek to broaden both representation **Remove 'both representation and'** and expertise by promoting Associate Membership of the CC to persons for specific projects/issues.
- Comply with The Equality Act 2010 which requires us to look at equality in terms of nine headings, known as the "protected characteristics": age; disability; gender

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reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation. We all belong to one or more of these groups. The CC should therefore make a particular effort to engage with these groups. This could be, for example, by encouraging young people to participate in/attend meetings. Everyone has the right to be treated fairly and have access to the work of the CC.

- Maintain proper financial records Add 'and asset register' and present financial reports at CC meetings, including in respect of monies received or spent as a Windfarm host community. An example of a standard format for Community Councils' financial record-keeping is featured at **Appendix 12**.
- Within one calendar month of the first meeting after every election, the CC shall provide DGC with a written return including the full contact details for the CC's office bearers and Examiner(s) of Accounts. When contact details change in relation to any of its members, the CC should advise DGC in writing (which includes e-mail) within **one calendar month** of the change.

- 2.3 Consultation with the community:** The CC will encourage and facilitate consultation with the community to ensure the CC validly represents their views. Depending on the issue, methods can include public meetings, community surveys, comment or suggestion boxes, social media, email as well as clear agendas and minutes. The National Standards for Community Engagement are available to guide Community Councils on engaging with their community (<http://www.dumgal.gov.uk/CHttpHandler.ashx?id=11654&p=0>). These Standards need to be adhered to as much as possible by Community Councils, and DGC will provide advice.
- 2.4 Consultation by public sector and other agencies:** Community Councils have a statutory right to be consulted on planning applications, and may from time to time be consulted on issues such as licensing, matters affecting the local community and interface with the Scottish Government. See **Appendix 15** of the Scheme.
- 2.5 Other activities:** Community Councils may carry out any other activities that are in the general interests of the communities they represent, provided these activities fall within the objects of the Scheme.
- 2.6 Partnership working:** Community Councils should aim to establish effective working relationships with DGC, other agencies and organisations.
- 2.7 Governance:** In carrying out their activities, Community Councils must at all times adhere to the law, the terms of the Scheme and the Code of Conduct at **Schedule 2**. If a CC handles personal information it is required to register for data protection with the Information Commissioner's Office (ICO) details available at <https://ico.org.uk/>, unless the CC can prove to the ICO that it is exempt. Notification is a legal requirement and failure to notify is a criminal offence.
- 2.8 Independent complaints procedure:** At an ordinary meeting the CC may choose to adopt the independent complaints procedure as per **Appendix 11** of the Scheme. The document and associated paperwork are available from [www.dumgal.gov.uk/communitycouncils](http://www.dumgal.gov.uk/communitycouncils).

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**3.0 CONSTITUTION AND STANDING ORDERS**

**3.1 Constitution:** Each Community Council is required to adopt or amend **Remove** 'amend' its Constitution within 3 calendar months of an ordinary or by-election **Remove** 'within 3 months' and replace with 'at the first meeting after an ordinary or by election which will be an EGM' and this must be done at an EGM or AGM, signed/dated at the meeting then approved in writing by DGC. Each CC must use **Schedule 3** as its Constitution but, if it so wishes, may add information within the "fillable" boxes. Any addition must comply with the terms of the Scheme and if the proposal is supported by **two-thirds** of the current voting membership of the CC and approved in writing by DGC, the additions will then come into effect. If DGC does not approve the additions this **may** result in dissolution of the CC; and failure to adopt the Constitution as described above **shall replace with may** result in dissolution.

(const'n  
4.1)

**3.2 Standing Orders:** Community Councils may adopt Standing Orders (model at **Appendix 13**), to be considered at an AGM or EGM. The Standing Orders do not require to be approved by DGC; however they must comply with the Scheme.

(const'n  
4.2)

**4.0 COMMUNITY COUNCIL BOUNDARIES**

**4.1** The boundaries of each CC area, the number of registered voters and the maximum permitted number of members are detailed in **Schedule 1** of the Scheme. It is not possible to enclose copies of all of the boundary maps within **Schedule 1**. Each CC has a copy of its own boundary map and copies of boundary maps are available free of charge from local libraries. It is proposed that Schedule 1 numbers follow a formula to correspond with population. A minimum of 7 Councillors for the first 500 or below with 1 Councillor for each 100 population to a maximum of 16.

**4.2** Any request to create new Community Councils by the sub-division of an existing CC area or the merging of 2 Community Council areas or changing the boundary of a CC can only be made during a Periodic Review. **Delete that merging of 2 Community Councils or changing the boundary can only be made during a periodic review to allow greater flexibility.** Such requests should demonstrate local support for the proposal, including minuted or written requests from the public; and the written agreement of the CC proposing the change and those Community Councils affected by the change.

**5.0 MEMBERSHIP OF COMMUNITY COUNCILS & PAYMENT OF EXPENSES**

**5.1 Membership:** Schedule 1 contains the **minimum and maximum permitted number of members with voting rights** and any request to change these numbers must be made during a Periodic Review. Maximum permitted membership may be made up as follows:

(const'n  
5.1)

- Candidates elected at an ordinary election (contested or uncontested) up to the maximum permitted membership. In this case if there are fractions when calculating membership numbers, these should be rounded up. For example, if the maximum permitted membership is 7, half would be 4 members. **Remove sentences 2 and 3 starting 'In this case'.**
- Candidates co-opted in accordance with the process in 5.3 and 5.4 of the Scheme, subject to the co-opted members not exceeding HALF of the maximum permitted membership. In this case if there are fractions when calculating membership numbers, these should be rounded down. For example, if the

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maximum permitted membership is 7, half would be 3 members. Change 'half' to 'the maximum number of co-opted members would be 3.'

**5.2** **Qualification for membership and term of office:** The minimum age to stand for election as a Community Councillor is 16 years and candidates wishing to stand for election must reside within the CC area and be named on the current register of electors for that area on the date of being proposed for membership.

(const'n  
5.2)

Should a Community Councillor cease to be named on the current register of electors for that area, they must cease to be a Community Councillor. However, if a Community Councillor leaves the CC area but retains their main residence within the CC area and continues to be named on the current register of electors for that area and **no other area** in the UK, they may continue to be a Community Councillor provided they can fulfil the requirements for meeting attendance.

Note: legislation does not permit the details for 16 year olds to appear on the register of electors. As a result the Returning Officer would have to contact DGC Assessor and Electoral Registration staff to confirm whether a 16 year old had applied to be registered.

The term of office for elected members of the CC shall extend from one ordinary election to the next ordinary election and all Community Councillors shall demit office at 8am on the day after the date set for ordinary elections. Provided they still meet the qualifications for election, Community Councillors shall be entitled to be nominated for re-election.

**5.3** **Co-opted members (with voting rights):** Co-opted members must be eligible for membership and they must be elected at an ordinary meeting, AGM or EGM by a **two-thirds** majority of the current voting membership of the CC. Public notice of any proposed co-option must be given at least **7** calendar days prior to the meeting **Change 'at least 7 calendar days prior to meeting' to must be on the published agenda for the meeting** at which the matter will be decided and the agenda and draft/approved minutes must include the name and address of each proposed **co-opted** Community Councillor and their proposer. Such co-opted members shall have voting rights and serve until the next round of elections i.e. all co-opted members with voting rights shall demit office at 8am on the day after the election (ordinary or by-election) but may be nominated for election.

(const'n  
5.3)

**5.4** **Number of co-opted members (with voting rights):** The number of co-opted members with voting rights will be determined by the number of vacancies in relation to the maximum permitted membership of the CC, and must not exceed **HALF** Co-option numbers – change 'half' to 'one third' of the maximum permitted membership of the CC. In this case if there are fractions when calculating membership numbers, these should be rounded down. For example, if the maximum permitted number is 7, half would be 3 members. **Accuracy. Should read, 'if the maximum permitted number is 7 then the maximum number of co-opted members is 3. In addition – make co-opted members sign a form agreeing to follow the Scheme and the code of conduct.**

(const'n  
5.4)

**5.5a** **Associate members (no voting rights):** Associate members do not need to reside within the CC area and may be appointed (see 5.5b for appointment process) where there is a need for individuals with particular skills or knowledge or, for example,

(const'n

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- 5.5a) persons under 16 years of age. These individuals do NOT have voting rights and will NOT be counted in terms of meeting a quorum or towards the maximum permitted number of CC members. Change second sentence to 'These individuals have no entitlement to vote, propose or second motions or amendments, count towards meeting a quorum, hold office or be a representative or delegate on its behalf'. Associate members may serve for a fixed period (determined by the CC) or for the term of office of the CC that has appointed them. Associate members may also include representatives from other constituted local voluntary organisations. Add Associate members must not be office bearers.
- 5.5b) Associate members must be elected at an ordinary meeting, AGM or EGM by a **two-thirds** majority of the current voting membership of the CC. The agenda and draft/approved minute must include the name and address of each proposed Associate Member and their proposer. Add name and address of under 16 year olds will not be published.
- (const'n 5.6) **5.6 Ex-officio members (no voting rights):** The Elected Members of DGC whose area of representation includes any part of the CC area shall be *ex-officio* members, with no entitlement to vote, propose/second motions or amendments, hold office or be a representative or delegate on its behalf.
- (const'n 5.7) **5.7 Expenses:** All Community Councillors may be reimbursed from CC funds for reasonable expenses incurred in performing the duties of their posts. Where any Community Councillor is authorised to attend a meeting, they shall be entitled to expenses and subsistence at the current DGC rate for elected Members (available from <http://www.dumgal.gov.uk/CHttpHandler.ashx?id=1933&p=0>). The Secretary and Treasurer, if not members of a CC, may receive an honorarium or be salaried.
- (const'n 5.8) **5.8 Employees:** Community Councils may appoint such other employees as they determine, provided that no CC member shall hold any paid office under that CC.
- 6.0 OFFICE BEARERS**
- (const'n 6.1) **6.1** At the first meeting of the CC after an election or by-election and thereafter at the AGM the CC shall elect a Chair, Vice Chair, Secretary, Treasurer and other such office bearers as it shall decide. The Chair and Vice Chair shall not be eligible to be elected for other positions on the CC. The Secretary and/or Treasurer need not be a member of the CC in which case they shall have no voting rights, and be entitled to speak only on matters relating to their function as an office bearer. Remove the ability for the Office Bearers of Secretary and Treasurer to not be Community Councillors If the Secretary or Treasurer is a CC member and demits office as such a member they may retain office until a successor is appointed. If the Secretary or Treasurer is a CC member and resigns as a Community Council member, they may retain their Office bearer status until a successor is appointed.
- (const'n 6.2) **6.2 Election of office bearers and term of office:** Office bearers should be elected Add or appointed at a meeting as described in paragraph 6.1 and it is suggested as good practice that no one person may hold the same office bearer position for more than four consecutive years. Change 'four consecutive years' to 'three consecutive years'. To propose a nominee for office bearer, the proposer must be present at the meeting. If there is more than one nominee for the same position and a vote is required, proxy voting is not permitted. When a person nominated for office is



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unable to attend the meeting, the nominee must confirm in writing to the Returning Officer (or CC Secretary if there is one in place) at least one working day before the meeting that they are willing to accept office if elected. Office bearers shall serve until the next AGM and shall be eligible for re-election at the next AGM, provided they still meet the eligibility requirements for election at sections 5 and 6.2 of the Scheme. If an office bearer position becomes vacant the CC may appoint, at its next ordinary meeting, a temporary replacement to serve until the next AGM.

- 6.3** The **Chair** shall be responsible for ensuring that CC meetings are properly conducted in accordance with the Scheme, and for submitting a written report on the CC's activities for the previous year to the AGM.  
(const'n 6.3)
- 6.4** The **Secretary** shall arrange all CC meetings (except the first meeting of the CC following an election or by-election); undertake all correspondence arising from the work of the CC, prepare the minutes of meetings and make a true record of proceedings for distribution to members, DGC and others; and undertake other duties required by the CC from time to time.  
(const'n 6.4)
- 6.5** The **Treasurer** shall correctly maintain the CC's financial records **Add 'and asset register'** which shall disclose the CC's financial position. The Treasurer shall take all reasonable steps to ensure that monies due are received and creditors paid; present financial information to the CC when required and prepare annually a statement of accounts.  
(const'n 6.5)
- 6.6** **Removal of office bearers:** In the event that an office bearer is not performing their duties to the CC's satisfaction, a motion to remove that office bearer from their post can be considered at a CC meeting, provided that notice has been given on the agenda for the meeting and the office bearer concerned has been given reasonable opportunity of being heard. The motion shall require a proposer and seconder and if the motion is passed by a **two-thirds** majority of the current voting membership of the CC then the office bearer will be deemed to have been removed from that post and the post will require to be filled as the next item of business at that meeting.  
(const'n 6.6)

**7.0 ESTABLISHMENT OF COMMUNITY COUNCILS UNDER AN AMENDED SCHEME**

- 7.1** Following DGC's approval of an Amended Scheme it shall publish a Public Notice inviting the public to present written petitions for the establishment of Community Councils in areas where none currently exist. Existing Community Councils would automatically follow the terms of the Amended Scheme – however every CC would be required to adopt a new Constitution (mandatory) and Standing Orders (optional) at an AGM or EGM within 3 calendar months of the Public Notice. Following a Periodic Review the maximum permitted number of Community Councillors in relation to the old Scheme will remain in place until the next election or by-election, when the new maximum permitted membership (if this has changed) will commence. However, should the number naturally reduce to the new maximum permitted number prior to the next election or by-election, the Community Council would not be required to dissolve.

**Make an amended scheme introduction start after elections for a new Community Council.**

**So change second sentence to "Existing Community Councils will follow the terms of the amended scheme from the next CC election."**



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So the sentence beginning "Following a Periodic Review the maximum permitted..." to end of paragraph can be removed.

- 7.2 Re-establishment of a dissolved Community Council:** Where the community wishes to re-establish a CC, a new CC may be formed in an approved area on the written application to DGC of **20** electors in accordance with Section 52(7) of the Local Government (Scotland) Act 1973. The 20 electors will prepare, together with DGC officers, for the re-establishment of a CC in that area. If the full discretionary grant was not paid to the dissolved CC, the new CC shall be entitled to apply to DGC for a pro-rata payment of the discretionary grant for the remainder of the financial year in which it re-established.
- 8.0 COMMUNITY COUNCIL ORDINARY ELECTIONS & BY-ELECTIONS** criteria about changing decisions
- 8.1 Voters' Eligibility:** Voters in a CC election must be 16 years or over, reside within the boundary of the CC area and be named on the current register of electors for that area. Note: legislation does not permit the details for 16 year olds to appear on the register of electors. As a result the Returning Officer would have to contact DGC Assessor and Electoral Registration staff to confirm whether a 16 year old had applied to be registered.
- 8.2 Elections:** CC elections are organised by the Returning Officer and administered by DGC or the Community Council with consent from DGC. **Ordinary** elections shall be held on a 4-yearly basis, on the fourth Thursday in October. **By-elections** may be held between ordinary elections to enable the re-establishment of a CC or when the membership falls below **HALF** of the maximum permitted membership in **Schedule 1**. Add Interim elections The **first** election following a Periodic Review shall be held on a date to be determined by DGC. Remove sentence starting 'the first election' In the circumstance of re-establishment, the first election shall be held on a date to be determined by DGC and subsequent elections will be held at the next ordinary election in the 4-year cycle. Could there be Postal Voting? To not offer Postal Voting discriminates against the disabled, the elderly, the sick and those away from home during Polling hours for whatever reason.
- 8.2a**
- 8.2b** DGC may re-schedule the election date/cycle of Community Council elections where there are extraordinary circumstances which affect people's ability to become involved in the democratic process e.g. if there is an ongoing resilience issue such as foot and mouth disease. See **Appendices 1 to 10** of the Scheme for notices and guidance in relation to elections.
- 8.3 Returning officer:** In consultation with the Community Council, DGC will appoint a Returning Officer who must not be a current member of the CC nor intend to stand for election to the CC. See **Appendix 1** of the Scheme for RO guidance.
- 8.4 Nominations:** Nomination forms must be signed by one proposer who must be on the current register of electors for the CC area and nominations should be submitted with the candidate's consent. Each person may propose only one person and if they propose more than one person the RO will use the earlier dated form and if the forms are dated the same then the first paper read by the RO shall be eligible. Self-nomination is not permitted. All names on nomination forms must match those on the current register of electors; nicknames or abbreviations should not be used.

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Note: legislation does not permit the details for 16 year olds to appear on the register of electors. As a result the Returning Officer would have to contact DGC Assessor and Electoral Registration staff to confirm whether a 16 year old had applied to be registered.

- 8.5** A nomination form must be completed and submitted by the date and time set down in the election timetable and late nomination forms will NOT be accepted. Candidates for election may withdraw their nomination but only if they advise their withdrawal in writing to the RO no later than 5.00pm on the closing date for nominations.
- 8.6 Process on expiry of the period for lodging nominations:**
- 8.6a Uncontested election:** If the number of validly nominated candidates is equal to or more than **HALF** but does not exceed the maximum permitted membership in **Schedule 1**, the said candidates will be declared to be elected and no ballot shall be held. This is an uncontested election and CC members will be considered to have been elected unopposed. Community Councillors shall assume office at 8am on the day following the date set for the ordinary or by-election.
- 8.6b Contested election:** Should the number of candidates validly nominated be more than the maximum permitted membership in **Schedule 1**, arrangements for a Poll shall be made. At the Poll, each voter shall be entitled to vote for candidates up to the number of vacancies on the CC. The Notice of Poll (in the form of **Appendix 7**) should be publicly displayed for not less than **14** days immediately prior to the election and contain the names and addresses of candidates and proposers, their electoral registration numbers and the venue, dates and times fixed for the conduct of the Poll and the count. Community Councillors shall assume office at 8am on the day following the date of the ordinary or by-election.
- 8.6c Transfer of assets:** The former CC will cease at 8am on the day following an election or by-election and all assets and responsibilities will immediately transfer to the newly elected CC.
- 8.6d Voting at elections:** Voting shall be by ballot box at a designated polling place in compliance with the procedures in **Appendix 8** of the Scheme. Ballot papers shall be laid out in a style approved by DGC. There will be no provision for postal or proxy voting. The hours of polling, which must be between the hours of **10am and 8pm**, shall be determined for each CC area by the Returning Officer, in consultation with the CC.
- 8.6e Non-establishment or dissolution:** Should the number of candidates validly nominated be below **HALF** of the maximum permitted membership in **Schedule 1**, no CC will be established at that time. However, DGC may decide to issue a second call for nominations for a CC area failing to meet the minimum membership requirement, within 3 months of the closing date for the registration of the first call for nominations. Valid nominations from the first call for nominations will remain valid for the second call for nominations. If after this second call the number of valid nominations is still below half of the maximum permitted membership, no further applications for the establishment of a CC for that area shall be considered until the expiry of a period of **12** months after the date of Public Notice of that second invitation.

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- 8.6f Death of a candidate:** If a candidate whose name has been included in a Notice of Uncontested Election or Notice of Poll dies before the declaration of the result of the election, their candidature shall be regarded as if their nomination had been validly withdrawn and their details would be removed from any relevant paperwork.
- 8.6g Death of a proposer:** If a person whose name has been included as a proposer in a Notice of Uncontested Election or Notice of Poll dies before the declaration of the result of the election, the candidate shall continue to be validly nominated.
- 8.7 Method of election:** Elections will be based on whole CC areas and CCs shall be elected on a simple majority basis. In the event of more than one candidate receiving the same number of votes for the last available seat(s) on the CC, the successful candidate(s) shall be decided by lot. As soon as possible after any election, the Returning Officer shall give public notice of the names and addresses of members elected, in the form set out in **Appendix 4 or 9** of the Scheme.
- 8.8 Vacancies between elections:**  
Vacancies on a CC may arise in circumstances such as:
- When an elected CC member submits their written resignation to the Secretary of the CC or to another office bearer in the absence of a Secretary;
  - When an elected CC member ceases to be resident within that CC area (see section **5.2** of the Scheme)
  - When an elected CC member is no longer on the current register of electors;
  - When an elected CC member has their membership disqualified (section **9** of the Scheme);
  - On the death of an elected CC member.
- 8.9 Filling of vacancies between elections:**
- 8.9a** Should a vacancy or vacancies arise between elections, the vacancy can be filled either through the process of co-option or by-election, whichever is appropriate. **By elections do not fill vacancies. Remove section as it is inaccurate.**

**Co-option:** See sections 5.3 and 5.4 of the Scheme.

**By-election:** Where the number of Community Councillors elected at an ordinary or by-election falls below **HALF** of the maximum permitted membership in **Schedule 1**, the CC shall be **dissolved** on the date that the number fell below HALF. DGC shall be informed **in writing** immediately and shall, within 14 calendar days of receipt of written notification, begin to make the arrangements to hold a by-election.

**Delete:** ..the CC shall be **dissolved** on the date that the number fell below HALF.

**Add at end:** If the number of Community Councillors elected at the by-election remains below HALF of the maximum permitted membership, the CC shall be dissolved.

Add interim elections

Introduce interim elections

- 8.9b** Where a vacancy arises which does NOT result in the number of Community Councillors falling below the minimum number as specified in section **5** of the Scheme the CC may, after considering local circumstances, agree to:
- A meeting being held in order that the vacancy or vacancies can be filled, on the basis that such vacancies would be publicised, nominations invited and a by-

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election held where the number of candidates exceeded the number of places available; OR

- The vacancy being left unfilled until local public interest is expressed or until the next set of regular elections.

Change by election to interim election. Remove the initial sentence "That a meeting being held..."

**9.0 DISQUALIFICATION OF MEMBERSHIP**

- 9.1** CC membership is invalidated should a Community Councillor's residency qualification within that CC area cease to exist. If any CC member fails to attend at least HALF of the scheduled CC meetings in any financial year (with or without submitting apologies) the CC will terminate their membership. At the discretion of individual Community Councils, a 6 month period of leave of absence for CC members may be granted at any meeting of the CC. Remove sentence starting "At the discretion..."
- (const'n 7.1)

**10.0 MEETINGS**

- 10.1 First meeting:** The first meeting following a CC ordinary or by-election and upon the establishment of a CC will be called by the Returning Officer (RO) and will take place within a calendar month of the date of the election. Failure to hold the first meeting within this timescale shall result in dissolution of the CC. The RO must chair the first meeting until a Chair has been appointed, after which the new Chair shall preside over the meeting. See **Appendix 10** of the Scheme for the agenda for the first meeting.
- (const'n 8.1)

- 10.2 Frequency of meetings:** This will be determined by each CC, subject to a minimum of one AGM **and 5** ordinary meetings being held each year Add 'financial year' (**an ordinary meeting is a scheduled business meeting**). The AGM shall be held in a month of each year to be determined by the CC. Dates, times and venues of ordinary meetings shall be fixed at the first meeting of the CC following elections and thereafter at its AGM. Should a CC not hold meetings on **2** consecutive occasions, DGC staff will take steps to ascertain the reasons why, to try to avoid dissolution. Failure to hold the minimum number of meetings each year shall result in dissolution of the CC.
- (const'n 8.2)

- 10.3 Quorum:** The quorum for **ALL** CC meetings shall be **one-third** of the current voting membership or at least three voting members and if there is a fraction when calculating the number, this should be rounded up. For example, if the current voting membership is 7, one-third would be 3 members. Change "one third" to "the number to be quorate is 3" Co-opted members with voting rights may be counted for the purposes of the quorum. If a CC has only the minimum number of elected members eg 4, and no co-opted voting members, it appears that a quorum would be 2.
- (const'n 8.3)

- 10.4 Voting:** With the exception of circumstances which may arise under the Scheme (**section 14 - Dissolution**) all decisions of the CC will be decided by a simple majority of those eligible to vote and present and voting. Only CC members with voting rights may vote at ordinary meetings. Members of the public have **no** voting rights at any CC meeting – see section 10.5a. If a vote results in a majority not being achieved, the Chair shall have a casting vote. All motions or amendments shall be moved and seconded.
- (const'n 8.4)

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**10.5 Public attendance and their voting rights:**

**10.5a** All meetings of the CC and its committees shall be open to members of the public, including members of the Press where they wish to attend. Proper provision should be made for the accommodation of the public and they should have the opportunity to address the CC, under the guidance of the Chair. Members of the public have **no** voting rights at any CC meeting. Where the public cause disruption to a meeting of the CC the Chair has the right to ask the person(s) to leave. Should the person(s) fail to leave, the Chair has the right to adjourn the meeting.

(const'n 8.5a)

**10.5b Private meetings:** The CC can meet to discuss items of business in private where it considers it appropriate to do so. The decision to meet in private will be agreed in advance and decided by a majority vote. Notice of such a meeting will be given to the public in the usual way. However, the notice will record that the meeting, or a part of it, shall be held in private. Any decisions taken in private, together with the reason for taking the decision in private, shall be recorded in the minute and reported to the next meeting of the CC.

(const'n 8.5b)

**10.6 AGM agenda:** AGM agendas shall include items for receiving an annual report from the Chair; the appointment of office bearers; the independently examined and certified Statement of Accounts **After statement of accounts add "asset register"**; provisions for considering any amendments to the Constitution and/or Standing Orders (if necessary) and any other business which can be competently dealt with at an AGM. **Fourteen calendar days'** public notice is required before an AGM.

(const'n 8.6)

**10.7 Extraordinary General Meetings:** An EGM may be called:

- On the request of the Chair of the CC
- On the request of at least **one-third** of the current voting membership or
- On the request of **20** electors for the CC area.

(const'n 8.7)

The meeting shall be held within **21** calendar days of the Secretary's receipt of the request. The reason for holding the EGM must be clearly stated in the notice calling the meeting. It will only be necessary to call such a meeting if the subject matter of the request cannot be dealt with at the next ordinary meeting of the CC. **Fourteen calendar days'** public notice is required before an EGM.

**10.8 Committees:** A CC may arrange for the discharge of any of its functions by a committee. When a committee is established, details of the membership and terms of reference shall be included in the minutes of the CC. If a committee is appointed to discharge any of the functions of a CC, a majority of the committee members shall be elected members of the CC. Decisions may be made by the Committee and reported back to the next CC meeting. Meetings of such committees shall be open to the general public as observers. Where a working party is formed which has no decision making powers but rather will make recommendations to the CC, it will **not** be necessary to hold those meetings in public. **Move the last sentence to a new Para 10.8b Working Parties**

(const'n 8.8)

**10.9 Approval of minutes:** Ordinary meeting minutes shall be approved at the next ordinary meeting; AGM minutes shall be approved at the next AGM and EGM minutes shall be approved at the next OM (ordinary meeting). **Change "EGM minutes will be approved at the next General meeting either AGM or EGM"**.

(const'n 8.9)

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- 10.10** **Decisions:** A decision taken at any meeting of the CC or its committees may not be changed within 6 calendar months of the date of the meeting unless the Chair rules that there has been a material change of circumstances and notice has been given of the proposed change in the agenda for the meeting.  
(const'n 8.10)
- 10.11** **Conduct of meetings:** The CC shall abide by the Code of Conduct and its Standing Orders, if any, for the proper conduct of its meetings.  
(const'n 8.11)
- 11.0** **LIAISON WITH DUMFRIES & GALLOWAY COUNCIL**
- 11.1** In order to facilitate the effective functioning of Community Councils, DGC has identified an officer to act as Community Council Liaison Officer (CCLO). However, Community Councils should contact CCES as the first point of contact for all queries or assistance. It should be noted that other Council officials will contact Community Councils from time to time.
- 11.2** Community Councils may make representations to DGC and other public and private agencies on matters for which they are responsible and which they consider to be of local interest. In the case of statutory business (such as planning or licensing matters) representations should be made to the appropriate local authority official. On issues where a local authority department is consulting with CCs, representations should be made to the appropriate departmental officer.
- 11.3** **Community Council Enquiry Service (CCES):** This Service has been introduced to support and manage the vast and wide-ranging enquiries made by our CCs, and sets time limits for the acknowledgement of and response to enquiries.
- 12.0** **RESOURCING A COMMUNITY COUNCIL**
- 12.1** **Funds:** All monies raised by or on behalf of the CC or provided by DGC and other sources shall be used to further the statutory purposes, role and responsibilities of the CC and for no other purpose.  
(const'n 9.1)
- 12.2** **Financial year:** This shall be provided for in the Constitution of each CC and shall be from **1 April to 31 March** (or as agreed by the CC) to allow for the proper submission of independently examined accounts to the Community Council's AGM on a specified date.  
(const'n 9.2)
- 12.3** **Authorised signatories:** The Community Council shall nominate at least three unrelated office bearers to act as signatories to the CC bank account. For example, Chairperson, Secretary and/or Treasurer. All cheques and withdrawals should require a minimum of two from those appointed. Any changes to the authorised signatories should be approved and minuted by the Community Council.  
(const'n 9.3)
- 12.4** **Independently examined accounts:**
- 12.4a** The Treasurer shall keep proper accounts of CC finances, and annual accounts shall be examined (and certified) by a person appointed by the CC who is independent of the CC. A copy of the independently examined accounts shall be submitted for approval to the Community Council's AGM and forwarded to DGC within 7 calendar days of the AGM.  
(const'n 9.4a)

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- 12.4b** DGC can at their discretion and in consultation with the DGC's Head of Finance and Procurement, require a CC to produce such records, vouchers and accounts books as DGC considers are required. If there is suspected financial impropriety, DGC has the right to commission a financial governance audit of the CC (to be carried out by DGC's internal auditors) or other type of independent financial review of the CC (to be carried out by DGC's external auditors). DGC's internal/external auditors will require access to the CC's records, its accounts and financial arrangements so that the auditors may follow the trail of public money from DGC through the CC to its final destination.
- (const'n 9.4b)
- 12.5 Discretionary grant:**
- 12.5a** DGC shall provide an annual grant to Community Councils to be used at their discretion to further the CC's statutory purposes, role and responsibilities and for no other purpose. Where a CC dissolves and/or re-establishes part-way through a financial year, the grant will be reduced on a pro rata basis. The grant shall be fixed at a minimum flat rate (to be determined by DGC) with an additional minimal payment per 500 voters that are registered with the Assessor and Electoral Registration Officer plus an additional payment for annual attendance at 2 meetings of the local Federation or Association of Community Councils. The discretionary grant application should be submitted as early in DGC's financial year (1 April to 31 March) as possible, and must be submitted no later than the **last day of February** in each financial year. Late applications will not be processed.
- (const'n 9.5a)
- 12.5b** Agendas and minutes should be sent to DGC within these timescales: agenda and draft minutes no less than **7** calendar days before an ordinary meeting, **14** calendar days before an AGM or EGM; and approved minutes **7** calendar days after the meeting at which they were agreed. Failure to do so may result in all or part of the discretionary grant being withheld, or repayment of all or part of it. **Send draft minutes out to CC members, DGC and put on notice boards within 14 days of meeting.**
- (const'n 9.5b)
- 12.6 Other DGC grants:** Each CC shall be eligible to apply for grants for suitable projects through DGC's grant system, in accordance with local priorities and eligibility criteria.
- (const'n 9.6)
- 12.7 Community benefit funds:** Where the CC is responsible for the administration of Windfarm community benefit monies, or any other community funds, a complete audit trail should be kept of all such financial transactions. The receipts and payments should be included in the CC's annual financial statement and distinguished from other activities therein. If any question arises about the receipt or use of community benefit funds, the CC should seek to agree any proposed use of funds with the developer in advance or seek its own legal advice before committing itself financially.
- (const'n 9.7)
- 12.8 Support:** DGC shall determine a consistent level of support to CCs across the region within available resources.
- 12.9 Development:** The CCLO shall offer advice and assistance to Community Councils for development and training on such things as the duties and responsibilities of office bearers, the role of CCs, the functions of DGC and other relevant topics.



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**13.0 INSURANCE AND THE LIABILITY OF COMMUNITY COUNCIL MEMBERS**

**13.1** DGC shall ensure best value for CCs in relation to their public liability insurance cover. To put insurance liability cover into place, the CCLO needs to advise the insurance underwriter that this is required for individual Community Councils.  
(const'n 10.1) **Remove second sentence "To put insurance cover..."** Public liability insurance includes cover for the community resilience activities that are contained within the CC's **agreed** community resilience plan. Once the insurance underwriter has confirmed that insurance cover is agreed, the CC will be informed. Should a CC have any doubt as to the appropriateness of its insurance cover, it may decide to withdraw from the 'blanket' scheme and make arrangements for its own insurance - in this case the CC must inform DGC.

**13.2** It is for individual CCs to assure themselves over the level of cover that they have, and they must ensure they take out **additional insurance cover** for other activities not covered by the 'blanket' policy, either with the existing insurance provider or an alternative insurance provider.  
(const'n 10.2)

**14.0 DISSOLUTION**

**14.1 Community Council decision to dissolve:** If the CC decides (by a majority of the current voting membership) that it is necessary or advisable to dissolve, it shall agree a date for a public meeting to be held to discuss the proposed resolution to dissolve. Not less than **14** calendar days prior to the date of such meeting the CC must place a public Notice of Meeting in the local newspaper. If the resolution is supported by a majority of those persons present and eligible to vote, the CC shall be deemed to be dissolved and all assets (property and funds) [see note] as are held in trust or under the CC's control at the date of dissolution (**after** the satisfaction of any proper debts or liabilities) shall transfer to DGC who shall hold same in trust for a future CC representing that area. The liability of all members and office bearers of the former CC shall cease on the transfer of assets and the submission of satisfactory certified accounts for the final period of operation of the former CC to DGC.  
(const'n 11.1)

Note: All assets except where provision is made in the Constitution for assets to be managed or held by another constituted group.

**14.2** For the avoidance of doubt, should a new CC be established within 4 years of the date of dissolution, all such assets which had been transferred to and held in trust by DGC shall be transferred to the new CC along with the transfer of liability to all members and office bearers who have voting rights.  
(const'n 11.2)

**14.3** Should a CC fail to be re-established within **4** years of the date of dissolution all assets including money held in bank, building society etc. accounts may be disposed of by Dumfries & Galloway Council for such community or charitable purposes in the former CC area as DGC, in its sole discretion, decides.  
(const'n 11.3)

**14.4 Certified statement of assets and liabilities:** Following dissolution (for any reason) **and including at the end of the four year period of office)** the former CC must produce a certified statement of assets and liabilities and submit this to DGC within 4 calendar weeks of the date of dissolution.  
(const'n 11.4)

**14.5 Inadequate number of Community Councillors:** Where the number of CC members falls below the minimum specified in **section 5** of the Scheme, the CC

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- (const'n 11.5) must inform DGC in writing immediately. DGC shall, 'Shall' must be changed to **MAY**. This is too prescriptive and does not allow effort to be made to resolve issue. by suspending the CC's Constitution, cause the CC to be dissolved. On dissolution, all assets (property and funds) as are held in trust or under the control of the CC at the date of dissolution (**after** the satisfaction of any proper debts or liabilities) shall transfer to DGC which shall hold same in trust for a future CC representing that area. Sections **14.1 to 14.4** of the Scheme provide further information regarding assets and liability of members.
- 14.6 Failure to hold sufficient ordinary meetings:** Should a CC fail to hold a meeting for a period of **2** consecutive scheduled meeting dates, or its membership falls below the prescribed minimum for a period of **2** consecutive scheduled meeting dates, (during which time the Community Council and the local authority have taken action to **address** the situation), the local authority shall take action to dissolve the CC.
- (const'n 11.6)
- 14.7 Failure to hold an AGM:** Should a CC fail to hold an AGM in any financial year, DGC will investigate the reasons why an AGM has not been held and seek clarification as to how this will be remedied. Failure to hold an AGM **for 2** consecutive years **remove this part of the sentence** will result in the CC's discretionary grant being withheld or reclaimed, whichever is appropriate.
- (const'n 11.7)
- 15.0 TITLE TO PROPERTY**
- 15.1** Property and other assets belonging to the CC shall be vested in those office bearers who have voting rights and their successors in these offices.
- (const'n 12.1)
- 15.2** If a Community Council wishes to transfer its property to another individual or group, the CC should seek its own independent legal advice on this matter.
- (const'n 12.2)
- 16.0 AMENDMENT OF THIS SCHEME**
- 16.1** Dumfries & Galloway Council shall, from time to time, review this Scheme and its Schedules and, where it considers this Scheme and its Schedules ought to be amended or reviewed, it shall proceed in accordance with the provisions and procedure specified in Section 53 of the Local Government (Scotland) Act 1973. The appendices to the Scheme are working documents which may be amended by DGC as required and without recourse to a meeting of DGC.
- 16.2** This Scheme, its Schedules, Appendices and boundary maps, were approved and adopted by resolution of the Dumfries & Galloway Council on 26 June 2014.  
**SCHEDULES AND APPENDICES as per table of contents**