

EAST AYRSHIRE COUNCIL

SPECIAL COUNCIL MEETING – 24 FEBRUARY 2011

EAST AYRSHIRE COUNCIL COMMUNITY COUNCIL SCHEME OUTCOME OF SECOND PERIOD OF FORMAL PUBLIC CONSULTATION ON THE REVIEW OF THE SCHEME

Report by the Executive Director of Finance and Corporate Support

1. PURPOSE OF REPORT

- 1.1 To advise of the outcome of the second period of formal public consultation on the review of the East Ayrshire Council Community Council Scheme and to present, for consideration, the Scheme and associated documents for adoption.

2. BACKGROUND

- 2.1 Local Authorities are responsible for setting up Community Council Schemes which provide the framework for establishing Community Councils within each Local Authority area.
- 2.2 The report to Special Council, at its meeting held on 24 June 2010, explained that the Scottish Executive had concluded a review of Community Council's in 2009 with the production of model: Scheme of Establishment of Community Council's; Constitution; Standing Orders; and Code of Conduct for Community Councillors. These documents were jointly endorsed by the Scottish Government, COSLA and the Association of Community Councils. Thereafter all Scottish Councils had been encouraged to adopt these models. The report also explained the various stages of the review.
- 2.3 On 24 June 2010, Special Council therefore agreed to review the existing Scheme for the Establishment of Community Councils and authorised officers to undertake the review in consultation with Community Councils, Local Members and the public and undertake the necessary statutory public notification procedures.
- 2.4 On 4 November 2010, Special Council considered the submissions received during the first period of consultation which covered the period 6 August 2010 – 1 October 2010 inclusive. The Special Council meeting approved the proposals and recommendations as detailed within the report, Draft Scheme, Constitution, Standing Orders and Code of Conduct for the purposes of the second period of consultation.

3. SECOND PERIOD OF PUBLIC CONSULTATION

- 3.1 The second Consultation period commenced on 12 November 2010 and ended on 7 January 2011.
- 3.2 The draft documents for the second period of consultation which separately detailed the proposals, were issued to all Elected Members and each Community Council and were made available at various Local Offices and other venues and on the Councils website. A public notice was also placed in local newspapers giving details of the second period of public consultation. A random

sample of approximately 275 individuals from the Residents Panel were also contacted to seek their views.

4. SUBMISSIONS/ COMMENTS RECEIVED DURING THE SECOND STAGE OF THE CONSULTATION

4.1 The Appendices to the report incorporating the amendments are as follows:-

Appendix I – East Ayrshire Council’s Scheme for Community Councils

Appendix II – Constitution for Community Council’s

Appendix III – Standing Orders

Appendix IV – Code of Conduct

4.2 No comments were received from either Community Councils or individuals during the second period of consultation in respect of above mentioned Scheme and associated documents.

4.3 REQUEST TO CREATE A NEW COMMUNITY COUNCIL FOR CROSSROADS

4.3.1 In terms of the expression of interest to create a new Community Council for Crossroads, further information was received from the originators of this request on the suggested boundaries for the proposed Community Council. Initial analysis of the proposal revealed that a number of existing Community Council’s were affected. In addition it was also noted that an area within South Ayrshire had been included within the proposal. This was drawn to the attention of the originators and an opportunity was given for them to amend their boundary map. However, the final map as submitted (Appendix V) did not exclude the South Ayrshire area but had extended the boundary to include an area of Newmilns and Greenholm. Community Councils affected are therefore Hurlford and Crookedholm, Galston, Mauchline, Sorn and Newmilns and Greenholm.

4.3.2 Further information was sought from the Planning Division to determine the impact on neighbouring Community Councils as follows:-

Area	No. Of Residential Properties	Population Estimate**
Crossroads Proposals	254*	538

Comprising the following Community Council areas.

Area	No. Of Residential Properties	Population Estimate**
Hurlford and Crookedholm	37	78
Mauchline	89	189
Sorn	23	49

Galston	95	201
Newmilns and Greenholm	10	21

* South Ayrshire area excluded.

** Calculation based on a 2.12 occupancy ratio from Scottish Neighbourhood Statistics.

4.3.3 In recognition of the impact the proposal had on existing Community Councils, Officers arranged a meeting with the originators of the request and the affected Community Councils on Wednesday 15 December.

4.3.4 At the meeting officers clarified that the boundary map, as proposed, included an area within the boundary of South Ayrshire Council and that this area could not, therefore, be allowed.

4.3.5 The originators of the request thereafter set out their reasons for their request to create a new Community Council for Crossroads, their reason summarised as follows:-

- There is a strong community spirit within the area – this was demonstrated during proposals to close the local school;
- They viewed the local school as the focus for their community and with its loss there was a need to establish a replacement for this focus;
- Feedback from a sample of 74 households who were canvassed in the area provided good feedback to the proposal to establish a more local representative body; people didn't identify with existing Community Council's;
- It was important to have a voice for essentially what was a rural community who had different issues from town/ village areas.

4.3.6 The Community Council representatives had the opportunity to ask questions and clarify points in respect of the proposals. The main views expressed were

- The effect on their existing boundaries;
- No complaints had been received by them in respect of existing Community Councils ability to effectively represent their communities
- The impact on annual grant payments with the reduction in population; and
- No approach had been made by the residents of Crossroads during the school closure proposals to existing Community Councils for their assistance.

4.3.7 The Community Council representatives indicated they required to consult formally with their individual Community Councils and due to the festive recess for most Community Councils, the deadline for submissions on this proposal either by the Community Councils or the originators to the request was extended to Friday 14 January 2011.

4.3.8 The originations of the request were also requested to submit their reasons in writing in support of their proposal by this date.

4.3.9 Officers subsequently provided further information to all parties on current total population estimates for each Community Council area and the effect any changes in existing Community Council populations would have on their annual grant payments.

4.3.10 Thereafter, Mauchline Community Council confirmed that at their formal Community Council meeting held on 17 December they agreed unanimously to “reject” the proposal. Hurlford and Crookedholm Community Council at a meeting held on 7 January 2011 voted 6/1 against the proposal. Galston Community Council at their formal Community Council meeting held in January unanimously agreed to object most strongly to the proposals giving the following reasons:

1. Nothing in the circumstances surrounding the request warrants change to the current Community Council structure.
2. At no time did any person proposing the request have any interest in contacting either their own or adjacent Community Council for support; and
3. The residents who would be displaced from the Galston Community Council area have been represented for many years without complaint.

4.3.11 No further correspondence was received from either Newmilns and Greenholm Community Council, Sorn Community Council or the originators of the request.

4.4. OFFICER VIEWS/ RECOMMENDATIONS ON THE PROPOSALS

4.4.1 The reasons for the request to create a new Community Council for Crossroads are summarised in paragraph 4.3.5. A new Community Council for the area outlined in Appendix V would have an approximate population of 545. There is no prescribed minimum number of people required to create a Community Council. Indeed the “smallest” Community Council within East Ayrshire has a population of 262 (Gatehead). Others have similar size populations of 649 (Knockentiber) and 618 (Sorn).

4.4.2 The views of the affected existing operational Community Councils require to be given due consideration. The existing Community Councils cover rural, village and town areas. Other than in response to this review, there have been no issues raised in the past with regard to the operation of the existing Community Councils on their ability to effectively represent their communities.

4.4.3 With regard to the proposal, under the first period of consultation a list of 20 names were submitted in support of establishing a Community Council for Crossroads. In addition the originators of this request made reference at the meeting with existing Community Council Representatives, organised by Council Officers, to a sample of 74 households (Para 4.3.5 refers). However, no further submissions indicating support for the establishment of a Community Council within Crossroads have been received, either as a result of the second period of consultation or from the originators as requested by Officers following the meeting on 15 December 2010.

4.4.4 In light of:-

1. the existence of established and active Community Councils within the area of the proposed Crossroads Community Council;

2. the strong adverse views expressed by Community Councils whose boundaries would be affected;
3. the lack of evidence of significant demand from households within the area proposed; and
4. the fact that part of the area to be covered extends into South Ayrshire,

it is proposed that the request to establish a new Community Council be rejected.

5. OTHER SUPPORT MECHANISMS/ PROMOTION OF COMMUNITY COUNCILS

5.1 The Campaign to promote Community Councils funded by the Scottish Government, will take place over 2 weeks in February. A radio and advertisement campaign will be launched and will be supported by an East Ayrshire wide leaflet drop and Road Shows. Display material will be provided within local offices, supermarkets and other key locations throughout the area. Further promotion will be targeted via the Councils website and Digi TV. A number of Community Councillors are supporting the campaign with participation at the Road Shows and the provision of quotes for the publicity material.

5.2 Capacity building initiatives will be developed to build on existing skills, knowledge and capacity to carry out not only individual duties as effective Community Councillors but to provide an effective and efficient Community Council.

6. LEGAL AUTHORITY

6.1 Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government Etc (Scotland) Act 1994 which produced the current system of unitary Local Authorities, made provision for the continuation of Community Councils. Section 53(3) of the Local Government (Scotland) Act 1973, as amended, provides the relevant authority for reviewing the Scheme for Community Councils.

7. FINANCIAL IMPLICATIONS

7.1 The cost of the review, promoting the role of Community Councils and providing opportunities for developing Community Council capacity, can all be met from the Department's resources, supplemented from grant funding from the Scottish Government in respect of the promotional campaign.

8. POLICY IMPLICATIONS/ COMMUNITY PLANNING IMPLICATIONS

8.1 Community Councils are key participants within the wider community empowerment agenda. Effective community engagement is the key to the community planning process within East Ayrshire. Supporting and developing the role of Community Councils within East Ayrshire and providing them with the opportunity to build their capacity and to engage more effectively with both

East Ayrshire Council and the community they represent, will further strengthen the community planning process.

9. EQUALITY IMPACT ASSESSMENT IMPLICATIONS

9.1 A full Equality Impact Assessment was carried out on the Scheme and associated documents. The summary outcome document is available on the Council's website. The documents do not have any discriminatory impact. The document will be available, on request, in alternative formats and languages. An easy read format of each document will also be produced.

10. RECOMMENDATIONS

10.1 The Council is requested to:-

- (i) agree that no Community Council for Crossroads be established;
- (ii) adopt the documents as shown attached to the report namely (a) Appendix I Scheme (b) Appendix II Constitution (c) Appendix III Standing Order and (d) Appendix IV Code of Conduct;
- (iii) to remit to the Executive Director of Finance and Corporate Support to give public notice of the adoption of the Scheme and associated documents and that the documents be issued to existing Community Councils within East Ayrshire area; and
- (iv) otherwise, to note the contents of the report.

Alex McPhee
Executive Director of Finance and Corporate Support

17 February 2011
JMcG/SW

LIST OF BACKGROUND PAPERS

1. East Ayrshire Council Scheme of Establishment of Community Councils,
2. Submissions by Community Councils/individuals.

Any person wishing to inspect the background papers relative to this report should contact Julie McGarry, Administration Manager on Tel: (01563) 576147. Any person wishing further information on this report should contact Bill Walkinshaw, Head of Democratic Services on Tel: (01563) 576135.

Implementation Officer: Bill Walkinshaw, Head of Democratic Services.

APPENDIX I

EAST AYRSHIRE COUNCIL

SCHEME FOR COMMUNITY COUNCILS

1. Introduction

- 1.1 Community Councils were first established in Scotland following the Local Government (Scotland) Act 1973. Thereafter, the Local Government etc. (Scotland) Act, 1994, which produced the current system of unitary local authorities, also made provision for the continuation of Community Council. This legislation provides the legal framework for Community Councils.
- 1.2 This Scheme provides for the establishment of Community Council across East Ayrshire and is based on the national model scheme endorsed by the Scottish Government, COSLA and the Association of Scottish Community Councils. The scheme reflects local circumstances and has been produced following consultation with all active Community Councils and all other interested parties.
- 1.3 To accompany this scheme, and support Community Councils, there will be provided:
- Community Councillors' Code of Conduct;
 - A Model Constitution;
 - Model Standing Orders; and
 - Guidance Notes.

These will be updated regularly as required.

2. Statutory Purposes

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

“In addition to any other purpose which a community council may pursue, the general purpose of a community council shall be to ascertain, co-ordinate and express to the local authorities for its area, and to public authorities, the views of the community which it represents, in relation to matters for which those authorities are responsible, and to take such action in the interests of that community as appears to it to be expedient and practicable”

3. The Role and Responsibilities of Community Councils

- 3.1 The General purpose of Community Councils is to act as a voice for their local area. This will involve them articulating the views and concerns of local people in their area on a wide range of issues of public concern and make representations to East Ayrshire Council, other public sector bodies and private agencies on matters within their sphere of interest.
- 3.2 It is essential that these views be demonstrated to be accurately representative of the community. Accordingly, the Community Council will have in place appropriate

consultative mechanisms which will ensure that all sectors of their community can be informed, involved and represented.

- 3.3** Community Councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within the objects of their Constitution and the terms of the Council's Scheme for the Establishment of Community Councils.
- 3.4** Overall, Community Councils should engage with and establish positive working relationships with East Ayrshire Council and other agencies. In carrying out their activities Community Councils must at all times adhere to the law, the terms of the Council's Scheme for the Establishment of Community Councils and the **Community Councillors' Code of Conduct**.
- 3.5** Each Community Council is required to adopt a **Constitution, based upon the Model Constitution** which has been produced for national use, together with **Model Standing Orders**, to encourage and maintain consistency for all Community Councils and to facilitate their proceedings being properly structured and regulated, to ensure that items of business relevant to the community are properly debated and decisions reached in a democratic manner. The Community Council's Constitution is required to be approved by East Ayrshire Council.
- 3.6** Community Councils have a duty under statute to represent the views of their local community. It is vital therefore, that they reflect the broad spectrum of opinion and interests of all sections of the community. In order to fulfil their responsibilities as effective and representative, Community Councils shall:-
- Inform the community of the work and decisions of the Community Council by posting agendas and minutes of meetings in public places, such as libraries and notice boards and, subject to the provisions contained within the Data Protection Act 1998, provide contact details of Community Council members.
 - Minutes of Community Council meetings should be submitted to East Ayrshire Council's Administration Manager, Democratic Services, within 14 days of them being adopted by the Community Council. Agendas should be submitted at the same time as the minute of the meeting to which it relates.
 - Submit, to the Head of Democratic Services or his representative, a distribution list and method for circulating agendas and minutes to Community Council member, ex-officio members and other interested parties, that complies with the Community Council's Constitution and standing orders.
 - Seek to broaden both representation and expertise by promoting the Associate Membership of the Community Council of persons for specific projects/ issues.
 - Make particular efforts to encourage young people and other under-represented groups to attend/participate in Community Council meetings and to ensure equality of opportunity in the way the Community Council carries out its functions.
 - Maintain proper financial records and present financial reports at Community Council meetings.
 - Inform East Ayrshire Council's Head of Democratic Services or his representative of any change in membership (resignations, Associate Membership, etc.) and circumstances, as soon as it is practicable and record any such changes in membership within council minutes.

3.7 The general purpose of a Community Council is to act as a voice for its local area and to that end a Community Council requires to reflect the broad spectrum of opinion and interests of all sections of its community and should not in any way be influenced by any particular political group or ideology.

4. The Role of a Community Councillor

4.1 Community Councillors are required to represent the views of their local community. To do this Community Council members will have to ascertain the views of people in the community on particular topics. The views of the community may, from time to time, conflict with the personal views of individual Community Council members. When this situation arises a Community Council is required to ensure that the view of the community takes precedence over the personal views of individual members.

4.2 Community Councillors are also required to abide by the Code of Conduct for Community Councillors and adhere to the general principles contained in the code.

5. Community Council Areas

5.1 East Ayrshire Council is divided up into 35 Community Council areas and Community Councils may be established to serve and represent these areas as set out in the Annexation to the Scheme. The boundaries of the Community Council areas are detailed on maps which are available for inspection at Democratic Services, Council Headquarters, London Road, Kilmarnock, KA3 7BU, or on the Council's Website at www.east-ayrshire.gov.uk.

6. Membership of Community Councils

Elected and Co-opted Members

6.1 There shall be minimum and maximum membership numbers of elected Community Councillors in a Community Council. There shall be a minimum of 10 members to represent a population of up to 500 and 1 additional member per 500 of population.

6.2 The membership numbers of Each Community Council, including the maximum number that may be co-opted during any yearly elected cycle period of a Community Council, are as detailed in the Annexation to this Scheme.

6.3 The minimum age to stand for election as a Community Councillor is 16 years. Qualification for membership is by residency within the specific Community Council area. Community Councillors and candidates for Community Council membership must also be named on the Electoral Register for the Community Council area in which they reside. Some young people who are 16-17 years old may not appear on the Electoral Register so qualification can be confirmed by other means such as confirmation in writing from parent, guardian or school.

Ex Officio Members

- 6.4** East Ayrshire Councillors, MPs, MSPs and MEPs, whose wards or constituencies fall wholly or partly within the geographical area of the Community Council area shall be ex-officio members of the Community Council.
- 6.5** Ex-officio members shall not be eligible to be elected or co-opted representatives and shall have no entitlement to vote, move motions or amendments or hold office.

Associate Members

- 6.6** Associate members may be appointed by a Community Council where there may be a need for individuals with particular skills or knowledge. Associate members have no entitlement to vote, move motions or amendments or hold office. They may serve for a fixed period as determined by the Community Council or for the term of the office of the Community Council that has appointed them. Associate members may also include for example someone with experience on IT or environmental issues.

7. Community Council Elections

Eligibility

- 7.1** Candidates wishing to stand for election to a Community Council must reside in the local area and be named on the Electoral Register for that area. The same criteria shall apply to voters in a Community Council election.
- 7.2** Sixteen and seventeen year-olds residing in the Community Council area and named on the Electoral Register for that area and subject to the provision of paragraph 6 above, are also entitled to both stand for the Community Council and vote in any election. A supplementary Electoral Register may be compiled in circumstances relative to 16 and 17 year olds and new residents.
- 7.3** Any Community Council member who no longer resides within that Community Council area will have their membership terminated from the date their residency ceases from that Community Council.
- 7.4** Any individual who is elected to serve on East Ayrshire Council, or the Scottish, UK or European Parliament shall be ineligible to remain a Community Councillor, or to stand for election to a Community Council. Such persons, upon taking office, become ex-officio members of the Community Councils contained in whole or part of their electoral constituency.

Elections

- 7.5** The first elections to be held under the scheme shall be held on a date or dates to be determined by East Ayrshire Council's Head of Democratic Services.
- 7.6** Subsequent elections will be held on a four-yearly-cycle, outwith local government election years, on dates to be determined by East Ayrshire Council's Head of Democratic Services. Should Community Councils' election cycle fall in the year of Scottish Local Government or Parliamentary Elections, the electoral proceeding will be held the following year.

- 7.7 All elections will be administered by East Ayrshire Council.
- 7.8 The Chief Executive of East Ayrshire Council or her/ his nominees shall act as Returning Officer for elections administered by East Ayrshire Council and shall be responsible for regulating the conduct of these elections. The decision of the Returning Officer or her/his nominee on all matters of election and nomination procedures shall be final.

Nominations

- 7.9 Individuals seeking election to a Community Council require to be nominated by a proposer and seconder, both of whom must be on the Electoral Register for that Community Council area. Each elector may propose one nominee and second one nominee. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.
- 7.10 A nomination form should be completed and submitted by the date set down in the election timetable. No nomination forms submitted after that date will be accepted.

Process

- 7.11 At the end of nomination period:
1. Should the number of candidates validly nominated equal or exceed **HALF**, but be less than or equal to the total maximum permitted membership as specified for the Community Council area in Annexation of the Scheme, the said candidates will be declared to be elected and no ballot shall be held.
 2. Should the number of candidates validly nominated exceed the number of available places, a ballot will take place. At the ballot, each voter shall be entitled to vote for candidates up to the number of vacancies on the Community Council, but cast no more than one vote for each candidate. For example, if there are 21 candidate and 14 vacancies, each voter can vote for up to 14 candidates but cast only one vote for each candidate.
 3. Should the number of candidates elected, be below **HALF** of the total maximum permitted membership, as specified for the Community Council area, no Community Council will be established at that time. However, that does not preclude the Local Authority from issuing a second call for nominates for the Community Council area failing to meet the minimum membership requirement within six months of the closing date for the registration of the first call for nominations.

Method of Election

- 7.12 Elections shall be conducted by secret ballot of local electors, organised by East Ayrshire Council, as determined appropriate by East Ayrshire Council's Head of Democratic Services. Community Councils shall be elected on a simple majority basis.

Filling of Casual Places/ Vacancies between Elections

- 7.13 Casual vacancies on a Community Council may arise in the following circumstances:
- Death of an elected Community Council member;

- When an elected Community Council member submits her/his resignation
- When an elected Community Council member ceases to be resident within that Community Council area;
- When an elected Community Council member has her/his membership disqualified in accordance with paragraph 9 of this scheme.

7.14 Should a vacancy or vacancies arise on a Community Council between elections, it shall be a requirement that the Community Council undertake appropriate election arrangements, in consultation with East Ayrshire Council. Filling a vacancy can be undertaken either through the process of an interim election or by co-option. However, should circumstances arise that lead to the number of elected Community Councillors falling below **HALF** of the maximum permitted membership, East Ayrshire Council shall be informed and shall undertake arrangements for an interim election to be held, as described within the Guidance Notes.

Co-option to Community Councils

7.15 Co-opted members must be eligible for membership of the Community Council as detailed in Section 6 of the Community Council Scheme. They must be elected onto the Community Council by a two-thirds majority of the elected (general and interim) Community Councillors present and voting. Such co-opted members shall have full voting rights, **with the exception of voting on co-option of members**, and will serve until the next round of elections (general and interim). Notice of any proposed co-option procedure is required to be intimated to all of that Community Council's members at least 14 days prior to the meeting when the matter will be decided.

7.16 The number of co-opted members may not exceed a **THIRD** of the Community Council membership. Should the ratio of co-opted to elected Community Councillors become greater than one third, due to any circumstances, an interim election process shall be triggered.

Additional Membership

Associate Representatives

7.17 Associate members may be appointed by a Community Council where there may be a need for individuals with particular skills or knowledge. Associate representatives have no entitlement to vote, move motions or amendments or hold office. They may serve for a fixed period as determined by the Community Council or for the term of office of the Community Council that has appointed them. Associate representatives may also include for example someone with experience in IT, or environmental issues.

Ex-Officio Members

7.18 East Ayrshire Councillors, MPs, MSPs, and MEPs whose wards or constituencies fall wholly or partly within the geographical area of the Community Council area shall be deemed ex-officio members of the Community Council. Ex-officio members have no entitlement to vote, move motions, or amendments or hold office.

8. Equalities

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

9. Disqualification of Membership

- 9.1** Membership of a Community Council is invalidated should a Community Councillor's residency qualification within that Community Council area cease to exist.
- 9.2** If any member of a Community Council fails to attend any Community Council meeting, with or without submitting apologies, throughout a period of 6 months, the Community Council may terminate their membership. However, at the discretion of individual Community Councils and at the request of the individual member of the Community Council, a period of leave of absence of up to 3 consecutive months may be granted at any meeting of the Community Council.

10. Meetings

- 10.1** The first meeting of a Community Council following a Community Council election, will be called by the Returning Officer or her/his nominee and will take place within 21 days of the date of the election, or as soon as practicable thereafter. The business of that meeting will include adoption of a Constitution and Standing Orders, appointment of office bearers and any outstanding business matters from the outgoing Community Council.
- 10.2** The frequency of meetings will be determined by each Community Council, subject to a minimum of one annual general meeting and 6 ordinary meetings being held each year. The annual general meeting shall be held no later than 31 October each year to which the Annual Report and Financial Accounts of the Community Council for the previous year should be submitted.
- 10.3** The quorum for Community Council meetings shall be one third of the current voting membership of a Community Council or 3 voting members, whichever is greater.
- 10.4** An outline for the content of business that Community Councils should adhere to when holding ordinary special and annual general meetings is contained within the Model Standing Orders.

11. Liaison with the Local Authority

- 11.1** In order to facilitate the effective functioning of Community Councils, the local authority has identified that the Administration Manager, Democratic Services to act as a Liaison Officer with Community Councils. Unless there is a specific agreement or an issue is a specific departmental issue, all correspondence between the local authority and the Community Council should, in the first instance, be directed through that official.
- 11.2** Community Councils may make representations to the Council, its Community Planning Partners and other public and private agencies, on matters for which it is responsible and which it considers to be of local interest. Representations should

be made, in the case of statutory objections, such as planning or licensing matters, to the appropriate Council official. On issues where a Council department is consulting with Community Councils, representations should be made to the appropriate departmental officer.

- 11.3** Community Councils shall provide copies of their agendas and minutes within prescribed timescales to East Ayrshire Council's Administration Manager, Democratic Services.

12. Resourcing a Community Council

- 12.1** The financial year of each Community Council shall be provided for in the constitution of each Community Council and shall be from 1 April to 31 March in each succeeding year to allow for the proper submission of audited statement of accounts to the Community Council's Annual General Meeting.
- 12.2** The Annual Accounts of each Community Council shall be audited by a person or persons appointed by the Executive Director of Finance and Corporate Support. It shall be the duty of each Community Council to hand over to those person(s) appointed by the Executive Director as requested by him/her to allow the audit to be carried out.
- 12.3** The Head of Democratic Services, in consultation with the appointed auditors or the Council's Finance Service, may require the Community Council to produce such records, vouchers and account books, as may be required, to satisfy the Council that the financial affairs of the Community Council are in order.
- 12.4** Each Community Council shall have the power to secure resources for schemes, projects and all other purposes consistent with its functions.
- 12.5** Each Community Council shall be eligible to apply for grants for suitable projects through the Council's local grant system or other such sources as the Council may intimate from time to time.
- 12.6** East Ayrshire Council will provide an annual grant towards the administrative and general running costs of Community Council's to allow them to promote their activities, to be paid following satisfactory review of previous grant expenditure. Such funding cannot be used for any political purposes or for supporting any political activities. Guidance notes on expenditure of the annual grant will be provided by the Head of Democratic Services and will be subject to review from time to time.
- 12.7** East Ayrshire Council shall determine any additional support services/resourcing, such as: photocopying and distribution of Community Council minutes, agendas and free lets of halls for Community Council meetings, to suit local requirements.
- 12.8** East Ayrshire Council shall make available to Community Council an accommodation allowance in the form of up to 15 lets per annum of East Ayrshire Council premises free of charge to enable the Community Council to meet. If a Community Council can demonstrate a need for further lets for Community Council business, the Council may, through the appropriate department, consider an application for further free lets. Community Councils may access Council premises for other purposes, such as social functions, which would be charged at the appropriate rate.

12.9 The Head of Democratic Services shall facilitate advice and assistance to Community Council and arrange for the establishment of a training programme for Community Councils on the duties and responsibilities of Community Council office bearers, the role of the Community Councils, the functions of East Ayrshire Council and other relevant topics.

13. Dissolution of a Community Council

The terms for dissolution of a Community Council are contained within the Community Councils' Constitution.

If a Community Council fails to hold a meeting for a period of 3 consecutive prescribed meeting dates, or its membership falls below the prescribed minimum for a period of 3 consecutive prescribed meeting dates, during which time the Community Council has taken action to address the situation, East Ayrshire Council may take action to dissolve that Community Council.

ANNEXATION

<u>Names of Community Councils</u>	<u>Description</u>	<u>Population of Area</u>	<u>Maximum No of Members</u>	<u>Minimum No of Members</u>	<u>Maximum No of Co-opted Members</u>
(1)	(2)	(3)	(4)	(5)	(6)
Auchinleck	Auchinleck District	3971	17	9	5
Bellfield Kilmarnock	Bellfield	3972	17	9	5
Bonnyton	Bonnyton/Kilmarnock Central West	3067	16	8	5
Catrine	Catrine District	2209	14	7	4
Crosshouse	Crosshouse District	2558	15	8	5
Cumnock	Cumnock	6843	23	12	7
Dalmellington	Dalmellington District, including Bellsbank, Waterside, Dunaskin	3275	16	8	5
Dalrymple	Dalrymple District, excluding Polnessan	1823	13	7	4
Darvel and District	Darvel District	3921	17	9	5
Drongan, Rankinston & Stair	Drongan, Rankinston & Stair	4135	18	9	6
Dunlop and Lugton	Dunlop & Lugton District	1316	12	6	4
Fenwick	Fenwick District	1257	12	6	4
Galston	Galston District	5149	20	10	6
Gatehead	Gatehead District	262	10	5	3
Grange/Howard Kilmarnock	Grange/Howard	5695	21	11	7
*Hurlford and Crookedholm	Hurlford & Crookedholm District	5393	20	10	6
Kilmaurs	Kilmaurs District	3081	16	8	5
Knockentiber	Knockentiber District	649	11	6	3
Lugar and Logan	Lugar & Logan District	1509	13	7	4
Mauchline	Mauchline District	4427	18	9	6
Moscow and Waterside	Moscow & Waterside District	741	11	6	3
Muirkirk	Muirkirk District	1768	13	7	4
Netherthird & District	Netherthird & Skerrington	2499	14	7	4
New Cumnock	New Cumnock District	3481	16	8	5
New Farm Loch Kilmarnock	New Farm Loch	6661	23	12	7
Newmilns and Greenholm	Newmilns & Greenholm District	3258	16	8	5
Northwest Kilmarnock	Northwest Kilmarnock including Longpark	7510	25	13	8
Ochiltree	Ochiltree District & Skares	1373	12	6	4
Patna	Patna, Doonbank & Polnessan	2402	14	7	4
Piersland/Bentinck Kilmarnock	Piersland/Bentinck	4371	18	9	6
Riccarton Kilmarnock	Riccarton	3443	16	8	5
Shortlees Kilmarnock	Shortlees	3509	17	9	5
Sorn	Sorn District	618	11	6	3
Southcraigs/Dean	Southcraigs, Wardneuk, Beansburn & Dean	6356	22	11	7
Stewarton and District	Stewarton District	7598	25	13	8

Membership of Community Councils in the Scheme is based on the figures extracted from the 2008 small area population estimates issued by the General Register Officer for Scotland. Community Councils or other parties may approach the Council to request that population figures are reviewed, in light of perceived population change. Population statistics will be updated on a regular basis in accordance with the provisions of the Scheme.

Above descriptions are indicative of areas. However, definitive boundaries are provided in maps which are available for inspection at Council Headquarters, London Road, Kilmarnock, or on the Council's website at www.east-ayrshire.gov.uk.

* For electoral purposes Hurlford shall have 15 members and Crookedholm shall have 5. Where nominations from one community are under subscribed, the vacancies attributed to that community may be filled by any excess nominations from the other community up to the total available.

NB: The information featured in this Annexation is subject to change depending upon the outcome of the initial expression of interest received from residents of Crossroads to create a new Community Council for that area.

APPENDIX II

CONSTITUTION FOR COMMUNITY COUNCILS

1. Name

The name of the COMMUNITY COUNCIL shall be
(referred to as “the COMMUNITY COUNCIL” in this document).

2. Area of the Community Council

The area of the COMMUNITY COUNCIL shall be as shown on the map attached to East Ayrshire Council’s Scheme for Community Councils.

3. Objectives

The objectives of the COMMUNITY COUNCIL shall be:

- (a) to ascertain, co-ordinate and reflect the views of the community which it represents, to liaise with other community groups within the area, and to fairly express the diversity of opinions and outlooks of the people;
- (b) to express the views of the community to the local authority for the area to public authorities and other organisations;
- (c) to take such action in the interests of the community as appears to it to be desirable and practicable;
- (d) to promote the well-being of the community and to foster community spirit;
- (e) to be a means whereby the people of the area shall be able to voice their opinions on any matter affecting their lives, their welfare, their environment, its development and amenity.

4. Role and Responsibilities

In the discharge of their functions and the conduct of their business, the COMMUNITY COUNCIL and its membership shall have regard to their role and responsibilities as set out in paragraph 3 of East Ayrshire Council’s Scheme for Community Councils and the Community Councillors’ Code of Conduct.

5. Membership

The COMMUNITY COUNCIL’S membership is as governed by paragraph 6 of East Ayrshire Council Community Councils and as determined from time to time by East Ayrshire Council.

6. Method of Election

Election procedures shall be governed by the method of election laid down in paragraph 7 of East Ayrshire Council's Scheme for Community Councils.

7. Casual Vacancies on the Community Council

Where a vacancy arises which does not result in the number of COMMUNITY COUNCILLORS falling below the minimum number as specified in paragraph 6 of East Ayrshire Council's Scheme for the Establishment of Community Councils, and at least 6 months has passed since the last election, the COMMUNITY COUNCIL may, if it considers it to be desirable, agree to:-

- (a) an extraordinary general meeting be held in order that the vacancy (and any other outstanding vacancies) can be filled, on the basis that such vacancies would be publicised, nominations invited and an election held where the number of candidates exceeded the number of places available. Interim elections will be administered by East Ayrshire Council.
- (b) the filling of a vacancy by co-option with voting rights to a maximum of one third of the total membership of the community council as governed by paragraph 7 of East Ayrshire Council's Scheme for Community Councils.
- (c) the vacancy to be left unfilled until local public interest is expressed or until the next set of regular elections.

8. Voting Rights of Members of the Community Council

The right to vote at any meeting of the COMMUNITY COUNCIL or any committee thereof, shall be held by all COMMUNITY COUNCILLORS whether elected or co-opted, but not by Associate Members appointed for specific issues on a temporary basis, or *ex-officio* members. With the exception of circumstances which may arise under East Ayrshire Council's **Scheme for Community Councils**: Paragraph 7.17 – Community Council Elections [Co-option]; and **Constitution**: Clause 16 – Alterations to the Constitution and its Clause 17 – Dissolution, all decisions of the COMMUNITY COUNCIL will be decided by a simple majority of those eligible to vote and present and voting.

In the event of a vote of the community councillors that results in a majority not being achieved, the chairperson shall have a casting vote.

9. Election of Office-Bearers

- (a) At the first meeting of the COMMUNITY COUNCIL after elections in the year when elections are held and at the Annual General Meeting in **(to be determined locally in accordance with East Ayrshire Council's Scheme for Community Councils)** in the year when elections are not held, the COMMUNITY COUNCIL shall appoint a Chair, Secretary,

Treasurer and other such office-bearers as it shall from time to time decide.

- (b) All office-bearers shall be elected for one year, but shall be eligible for re-election, without limitation of time.
- (c) Without the express approval of the local authority, no one member shall hold more than one of the following offices at any one time: Chairperson, Secretary or Treasurer.

10. Committees of the Community Council

The COMMUNITY COUNCIL may appoint representatives to committees of the COMMUNITY COUNCIL and shall determine their composition, terms of reference, duration, duties and powers.

11. Meetings of the Community Council

- (a) The quorum for COMMUNITY COUNCIL meetings shall be one third of the current voting membership of the Community Council or 3 voting members, whichever is the greater.
- (b) Once in each year, no later than 31 October, the COMMUNITY COUNCIL shall convene an annual general meeting for the purpose of receiving and considering the Chairperson's annual report on the COMMUNITY COUNCIL, the submission and approval of the independently examined annual statement of accounts and the appointment of office bearers.
- (c) Including the annual General meeting, the COMMUNITY COUNCIL shall meet not less than 7 times throughout the year.
- (d) Dates, times and venues of regular meetings of the COMMUNITY COUNCIL shall be fixed at the first meeting of the COMMUNITY COUNCIL following ordinary elections and thereafter at its annual general meeting. Special meetings shall require at least 10 days public notice (unless there are extenuating circumstances), either called by the Chairperson, or on the request of not less than one-half of the total number of COMMUNITY COUNCIL members.
- (e) Copies of all minutes of meetings of the COMMUNITY COUNCIL and of committees thereof shall be approved at the next prescribed meeting of the COMMUNITY COUNCIL.
- (f) The COMMUNITY COUNCIL shall abide by its Standing Orders for the proper conduct of its meetings.
- (g) The COMMUNITY COUNCIL has a duty to be responsive to the community it represents. Should the COMMUNITY COUNCIL receive a written request (petition), signed by at least 20 persons resident within the COMMUNITY COUNCIL area to convene a special meeting for a

particular matter or matters to be debated, it shall call such a meeting within 14 days of receipt of such a request and advertise it in the manner prescribed locally for special meetings called by the COMMUNITY COUNCIL.

- (h) The COMMUNITY COUNCIL can discuss items of business in private where it considers it appropriate to do so. Where time permits, notice of the meeting along with items to be discussed will be given to the public in the usual way, and the Notice will recommend that the meeting, or part thereof, shall be held in private.

12. Public Participation in the Work of the Community Council

- (a) All meetings of the COMMUNITY COUNCIL and its committees (subject to 11(h), above) shall be open to members of the public. Proper provision is to be made for the accommodation of members of the public and the opportunity should be afforded at each meeting to permit members of the public to address the COMMUNITY COUNCIL, under the guidance of the Chairperson.
- (b) Notices calling meetings of the COMMUNITY COUNCIL and its committees shall be posted prominently within the COMMUNITY COUNCIL area for a minimum period of ten days before the date of any such meeting, and, where possible, be advertised by other suitable means.

13. Information to East Ayrshire Council

East Ayrshire Council's Administration Manager: Democratic Services shall be sent an annual calendar of the COMMUNITY COUNCIL'S prescribed meeting dates, times and venues, which should be agreed at the COMMUNITY COUNCIL'S annual general meeting, minutes of all meetings, the annual report, the annual financial statement and any other such suitable information, as may from time to time be agreed between the COMMUNITY COUNCIL and East Ayrshire Council. When special meetings of the COMMUNITY COUNCIL are to be held, East Ayrshire Council's Administration Manager: Democratic Services should be advised of the date, time venue and subject(s) of debate at such meetings, where possible, at least 10 days in advance of the meeting date.

14. Control of Finance

- (a) All monies raised by or on behalf of the COMMUNITY COUNCIL or provided by East Ayrshire Council and other sources shall be applied to further the objectives of the COMMUNITY COUNCIL and for no other purpose. The monies provided by East Ayrshire Council in the annual Administrative Grant for administrative and other approved purposes shall be used only as prescribed. Monies raised from other sources may be used in accordance with the terms of this provision (so long as they are consistent with the objectives of the community

council), or in the absence of such terms, for the furtherance of the objectives of the COMMUNITY COUNCIL.

- (b) The treasurer shall undertake to keep proper accounts of the finances of the community council.
- (c) Any two of three authorised signatories, who would normally be office-bearers of the community council, may sign cheques on behalf of the COMMUNITY COUNCIL. Authorised signatories may not be co-habitees.
- (d) A statement of accounts for the last financial year, shall be examined in accordance with arrangements established by East Ayrshire Council and shall be submitted to an annual general meeting of the COMMUNITY COUNCIL and shall be available for inspection at a convenient location.
- (e) The financial year of the COMMUNITY COUNCIL shall be from 1 April to 31 March the succeeding year. Examined accounts as received and approved by the COMMUNITY COUNCIL at the annual general meeting shall be submitted East Ayrshire Council following approval at the community council's annual general meeting.

15. Title to Property

Property and other assets belonging to the COMMUNITY COUNCIL shall be vested in the Chair, Secretary and Treasurer of the COMMUNITY COUNCIL and their successors in these respective offices.

16. Alterations to the Constitution

Any proposal by the COMMUNITY COUNCIL to alter this Constitution must be first considered by a meeting of the COMMUNITY COUNCIL and the terms of the proposal to alter the Constitution shall be stated on the notice calling the meeting, which shall be issued not less than ten days prior to the meeting. Any proposed alterations may not prejudice the terms and objectives contained within the Scheme for the Establishment of Community Councils.

If the proposal is supported by two-thirds of the total voting membership of the COMMUNITY COUNCIL and is approved in writing by East Ayrshire Council, the alteration shall be deemed to have been duly authorised and can then come into effect.

17. Dissolution

If the COMMUNITY COUNCIL by a two-thirds majority of the total voting membership decides at any time that it is necessary or advisable to dissolve, it shall agree a date for a public meeting to be held to discuss the proposed resolution to dissolve. It is a requirement that not less than ten days prior to the date of such meeting a public notice be given by means of notification in

the local newspaper. If the resolution is supported by a majority of those persons present and qualified to vote and is approved by East Ayrshire Council, the COMMUNITY COUNCIL shall be deemed to be dissolved and all assets remaining, subject to the approval of East Ayrshire Council, after the satisfaction of any proper debts or liabilities shall transfer to East Ayrshire Council who shall hold same in Trust for a future COMMUNITY COUNCIL representing that area.

In the event that the COMMUNITY COUNCIL is dissolved under the above procedure, and twenty or more electors subsequently wish the re-establishment of a COMMUNITY COUNCIL for the area, these electors shall submit a requisition to East Ayrshire Council in accordance with Section 52(7) of the Local Government (Scotland) Act 1973, on receipt of which the Returning Officer shall arrange for elections to be held in accordance with the Scheme for the Establishment of Community Councils.

Where for any reason, the number of COMMUNITY COUNCIL members falls below the minimum specified in the East Ayrshire Council Scheme for Community Councils, East Ayrshire Council may, by suspending the Constitution of the COMMUNITY COUNCIL, cause the COMMUNITY COUNCIL to be dissolved and in this event, the procedures for the establishment of a new COMMUNITY COUNCIL being those identified in the immediately preceding paragraph hereof, shall be initiated.

18. Approval and adoption of the Constitution

This Constitution was adopted by
COMMUNITY COUNCIL, on

.....

Signed: Chairman

.....

Member

.....

Member

.....

Date

.....

and was approved on behalf of East Ayrshire Council on

.....

Signed

.....

Date

.....

APPENDIX III

STANDING ORDERS

1. Meetings (all held in public)

- (a) Ordinary meetings of the COMMUNITY COUNCIL shall be held in the months of [to be entered]. Special Meetings may be called at any time on the instructions of the Chairperson of the community council on the request of not less than one-half of the total number of COMMUNITY COUNCIL members; or the receipt of a common written request (petition), signed by at least 20 persons, resident within the COMMUNITY COUNCIL area, to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting. A special meeting shall be held within 14 days of the receipt of the request made to the Secretary of the COMMUNITY COUNCIL. Annual general meetings are held annually.
- (b) 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 and the local authority's named official by the Secretary of the COMMUNITY COUNCIL, at least 10 days before the date fixed for the meeting.

2. Minutes

Minutes of the proceedings of a meeting of the COMMUNITY COUNCIL shall be drawn up and submitted to the next meeting of the community council for approval and shall, following their approval, be signed at the next meeting of the COMMUNITY COUNCIL by the person presiding thereat and retained for future reference.

3. Quorum

A quorum shall be one-third of the current voting membership of the COMMUNITY COUNCIL or three voting members, whichever is the greater.

4. Order of Business

(i) Ordinary Meeting

The order of business at every ordinary meeting of the COMMUNITY COUNCIL shall be as follows: -

- (a) Recording of membership present and apologies received.
- (b) The minutes of the last meeting of the COMMUNITY COUNCIL shall be submitted for approval.

- (c) Any other item of business, which the Chairperson has directed, should be considered.
- (d) Any other competent business.
- (e) Questions from the floor.
- (f) Chairperson to declare date of next meeting and close meeting.

(ii) Annual General Meeting

It will not be uncommon that the COMMUNITY COUNCIL has arranged for an ordinary meeting of the COMMUNITY COUNCIL to begin at the close of the annual general meeting, to enable any outstanding reporting on business matters to be heard; and for COMMUNITY COUNCIL members and members of the public to have an opportunity to bring matters to the attention of the COMMUNITY COUNCIL, possibly for inclusion on a future agenda.

The order of business at every annual general meeting of the COMMUNITY COUNCIL shall be as follows: -

- (a) Recording of membership present and apologies received.
- (b) The minutes of the last annual general meeting of the COMMUNITY COUNCIL shall be submitted for adoption.
- (c) Chairperson's Annual Report (and questions from the floor).
- (d) Secretary's Annual Report (and questions from the floor).
- (e) Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).
- (f) Demit of current office bearers/election of office bearers.
- (g) Chairperson to declare date of next annual general meeting and close meeting.

(iii) Extraordinary General Meeting

The order of business at every extraordinary general meeting of the COMMUNITY COUNCIL shall be as follows: -

- (a) Recording of membership present and apologies received.
- (b) Business for debate, as described in the calling notice for the special meeting.
- (c) Chairperson to close meeting.

5. Order of Debate

- (a) The Chairperson shall decide all questions of order, relevancy and competency arising at meetings of the COMMUNITY COUNCIL and her/his ruling shall be final and shall not be open to discussion. In particular, the Chairperson shall determine the order, relevancy and competency of all questions from the public in attendance at meetings of the COMMUNITY COUNCIL raised at 4, above. 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. The Chairperson shall have the power, in the event of disorder arising at any meeting, to adjourn the COMMUNITY COUNCIL meeting to a time he/she may then, or afterwards, fix.
- (b) Every motion or amendment shall be moved and seconded.
- (c) After a mover of a motion has been called on by the Chairperson to reply, no other members shall speak to the question.
- (d) A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.
- (e) 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 except when 2/3rds of the voting Members present agree otherwise.

6. Voting

- (a) Voting shall be taken by a show of hands of those present and eligible to vote, with the exception that, at an annual general meeting, the election of office bearers may be held by secret ballot.
- (b) The Chairperson of a meeting of the COMMUNITY COUNCIL shall have a casting vote as well as a deliberative vote.

7. Alteration of Standing Orders

A proposal to alter these Standing Orders may be proposed to the local authority to be altered or added to at any time by the COMMUNITY COUNCIL, provided that notice of motion to that effect is given at the meeting of the COMMUNITY COUNCIL previous to that at which the motion is discussed. The local authority shall have final discretion on any proposed change.

8. Committees

The COMMUNITY COUNCIL may appoint such committees as it may from time to time decide and shall determine their composition, terms of reference, duration, duties and powers.

9. Suspension of Standing Orders

These Standing Orders shall not be suspended except at a meeting at which three-quarters of the total number of COMMUNITY COUNCIL members are present and then only if the mover states the object of his motion and if two-thirds of the COMMUNITY COUNCIL members present consent to such suspension.

APPENDIX IV

EAST AYRSHIRE COUNCIL

CODE OF CONDUCT FOR COMMUNITY COUNCILLORS

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

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

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

Service to the Community

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

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

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

Selflessness

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

Integrity

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

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

Objectivity

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

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

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

Accountability and Stewardship

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

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

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

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

Any breach of the Council's Scheme for the Establishment of Community Councils as set out by your local authority under the terms of the Local Government (Scotland) Act 1973 may be reported to your local authority to determine what action, if necessary, should be taken.

Openness

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

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

Honesty

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

Leadership

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

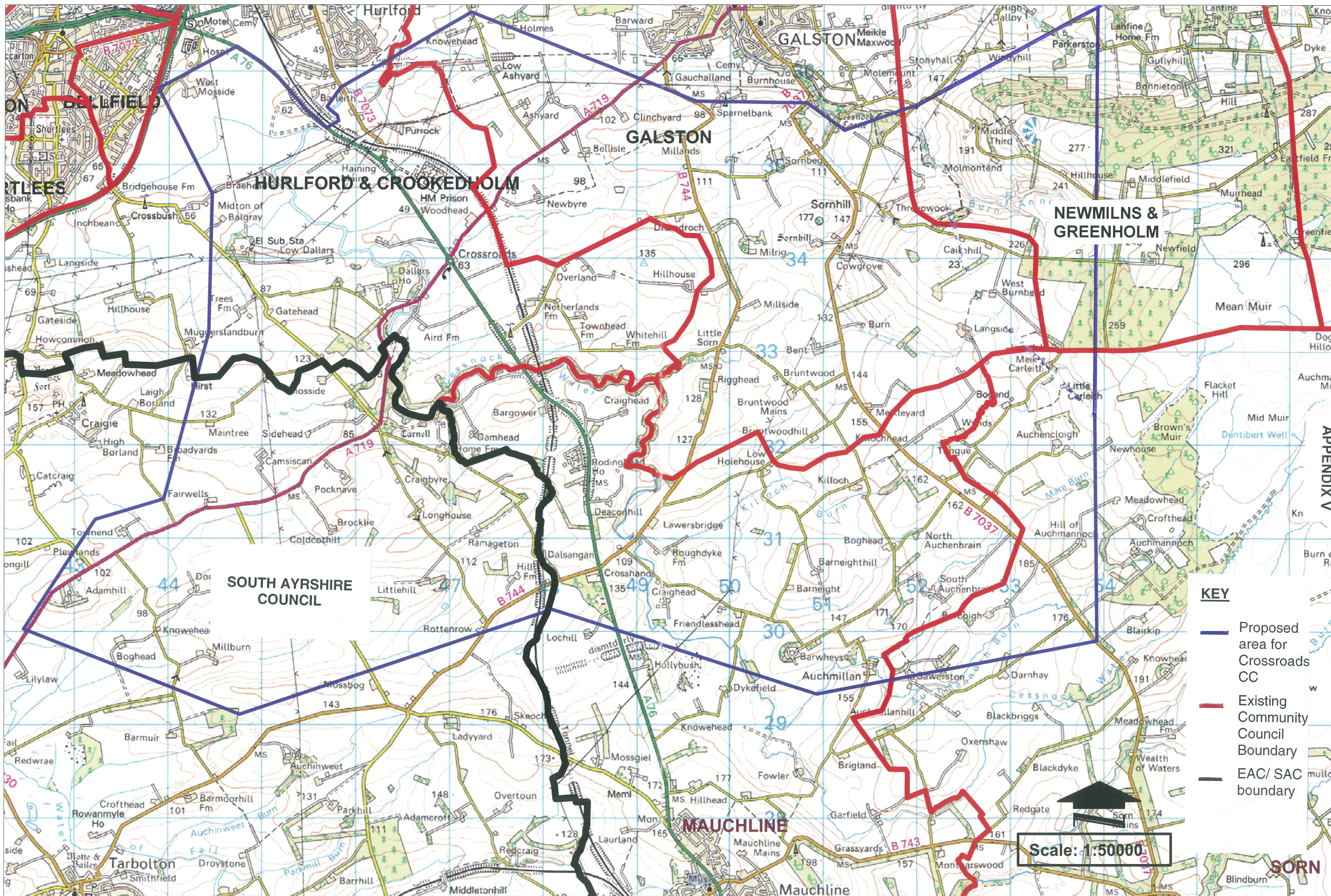
You should act to assist the Community Council, as far as possible, in the interest of the whole community that it serves. Where particular interest groups' concerns are in conflict with those of other groups or other areas you should help to ensure that the Community Council is aware of them.

Respect

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

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

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



APPENDIX V

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FORM 5: EAST AYRSHIRE COUNCIL EQIA: SUMMARY OF OUTCOMES

a) BRIEFLY DESCRIBE THE PROCESS USED FOR THIS IMPACT ASSESSMENT.

State what steps were undertaken to reach the decision to carry out a full EQIA and where relevant documentation can be found as well as stating how the full EQIA was carried out and what evidence was used in coming to the conclusions shown below.

The operation of Community councils impacts on all the community. The model documents to be adopted were the result of a national initiative undertaken by the Scottish Government. All of these documents and the conclusions and recommendations from the full review are contained within 4 November 2010 and 10 February 2011 council reports

b) BRIEFLY DESCRIBE ANY CONSULTATION UNDERTAKEN (WHO, HOW) AND THE OUTCOMES OF THE CONSULTATION.

The consultation process was carried out in 2 stages. The first period of consultation commenced on 6 August and ended on 1 October 2010. After the approval by Special Council on 4 November 2010, the second period of consultation commenced on 12 November 2010 and ended on 7 January 2011. The consultation was managed by the Administration Manager

c) BRIEFLY DESCRIBE WHO IS AFFECTED BY THE POLICY

all community councils and the community they serve		
d) POTENTIAL OR ACTUAL DISCRIMINATION FOUND?	e) OTHER ADVERSE EFFECTS FOUND	f) HAS POLICY OR FUNCTION OR SERVICE REVIEW BEEN AMENDED TO STOP DISCRIMINATION OR REDUCE ADVERSE EFFECTS g)
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please describe.	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please describe.	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> Please explain your response.
h) BRIEFLY DESCRIBE AMENDMENTS TO REDUCE ADVERSE IMPACTS OR PROVIDE EXPLANATION IF NONE WERE POSSIBLE.		
The documents will be made available on request in different formats. An easy read version will be produced		
i) POSITIVE EFFECTS FOUND	j) IS THE POLICY TARGETED TO AFFECT SPECIFIC EQUALITY GROUP(S) AS A POSITIVE ACTION MEASURE?	k) HAS POLICY OR FUNCTION OR SERVICE REVIEW BEEN AMENDED TO ENHANCE EQUALITY?
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please describe. See sections 3.6 and 8.1	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If yes, please state which groups.	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
l) BRIEFLY DESCRIBE THESE AMENDMENTS OR PROVIDE EXPLANATION IF NONE WERE POSSIBLE		
See (h) above		

m) BRIEFLY DESCRIBE THE MONITORING ARRANGEMENTS.	n) WHAT IS THE PLANNED REVIEW DATE?
. Regular monitoring will take place as minutes and agenda of meetings require to be submitted to the council to ensure compliance. This will be done by the admin officer team	The next review will take place as and when required
o) PLEASE DESCRIBE ANY RESOURCE IMPLICATIONS OF THIS POLICY OR FUNCTION OR SERVICE REVIEW? (TAKE INTO ACCOUNT ANY PEOPLE, BUDGET AND PROPERTY ISSUES	
nil	
p) IS THERE AN ASSOCIATED ACTION PLAN TO IMPLEMENT ANY RECOMMENDATIONS?	
YES <input type="checkbox"/> (THIS SHOULD BE ATTACHED).	
NO <input type="checkbox"/> ✓	
IF YOU HAVE SAID NO, PLEASE EXPLAIN HOW THE RECOMMENDATIONS WILL BE CARRIED OUT.	

q) HAVE STEPS TO MAKE AMENDMENTS COMMENCED?		
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
IF YOU HAVE SAID NO, PLEASE STATE WHEN IT IS PROPOSED THAT THE AMENDMENTS WILL BE MADE.		
r) BRIEFLY DESCRIBE ARRANGEMENTS FOR PUBLISHING THE OUTCOMES OF THIS EQUALITY IMPACT ASSESSMENT STATING WHERE DOCUMENTS CAN BE FOUND.		
This section will be placed on the council website		
NOTE: THIS SUMMARY OF OUTCOMES FORM WILL BE PUBLISHED FOR ALL FULL EQUALITY IMPACT ASSESSMENTS.		
		DETAILS/LOCATION
IS THERE A FULL NARRATIVE REPORT?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	Council reports on the website
IS THERE A SEPARATE SUMMARY REPORT?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
IS THERE A SEPARATE REPORT ON THE CONSULTATION PROCESS AND OUTCOMES?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
IS THE EVIDENCE BEING PUBLISHED SEPARATELY?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
IS THE FULL EQIA FORM TO BE PUBLISHED SEPARATELY?	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
<i>If the answer to all of the questions above is NO, then this summary form will be the only published record of the full EQIA and you should take care to ensure that there is sufficient information as part of this record.</i>		
WHERE WILL THIS SUMMARY OF OUTCOMES BE	WEBSITE	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

PUBLISHED? PLEASE DESCRIBE.		
	OTHER	YES <input type="checkbox"/> NO <input type="checkbox"/> please describe.
WILL PEOPLE AFFECTED BE CONTACTED DIRECTLY ABOUT THE OUTCOMES? (PLEASE SPECIFY HOW THIS WILL BE DONE)	YES <input type="checkbox"/> NO <input type="checkbox"/>	

ARE ALTERNATIVE FORMATS AVAILABLE FOR ANY WRITTEN DOCUMENTS?	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> PLEASE DESCRIBE	On request
(p) ANY OTHER COMMENTS ABOUT THIS EQUALITY IMPACT ASSESSMENT.		

SIGNED (LEAD FOR EQUALITY IMPACT ASSESSMENT)



January 2011

COUNTERSIGNATURE (HEAD OF SERVICE OR DIRECTOR)



January 2011