

APPENDIX II

27 March 1997

24 September 1998 (amended)

28 June 2001 (draft Scheme amended)

EAST AYRSHIRE COUNCIL

COUNCIL MEETING - 28 JUNE 2001

EAST AYRSHIRE COUNCIL COMMUNITY COUNCIL SCHEME

OUTCOME OF SECOND PERIOD OF FORMAL PUBLIC CONSULTATION ON THE REVIEW OF THE SCHEME

Report by Depute Chief Executive/Director of Corporate Resources

1. PURPOSE OF REPORT

- 1.1** The purpose of this report is to advise on the outcome of the second of three periods of formal public consultation on the review of the East Ayrshire Council Community Council Scheme, and to present for consideration a proposed Draft Scheme for further consultation.

2. BACKGROUND

- 2.1** The East Ayrshire Council Community Council Scheme, was established on 27 March 1997 and subsequently revised by the Council, following consultation, on 24 September 1998.
- 2.2** In the period since the last review of the Scheme, the Council received a number of informal submissions in relation to proposed amendments. As a result, the Policy and Resources Committee on 30 November 2000 authorised a further review of the Scheme comprising three formal periods of public consultation.
- 2.3** Policy and Resources Committee, at the meeting held on 5 April 2001, considered a report on the outcome of the first period of consultation and agreed the recommendations for the second period of consultation.

3. SECOND PERIOD OF PUBLIC CONSULTATION

- 3.1** The second consultation period ran from 6 April to 1 June 2001. In order to provide additional support to Community Councils in responding to the second stage of the consultation exercise, Officers attended specific Community Council meetings upon request.
- 3.2** The visits to these Community Council meetings were very positively received and assisted greatly in refining submissions in the second consultative period.

4. SUBMISSIONS

- 4.1** Submissions received during the consultation period are summarised in Appendix I which also provides on a point by point basis Officer recommendations which are emboldened and in italics and the relevant Community Council Scheme paragraph reference. Submissions received

outwith the second consultative period will be taken forward to the third consultative stage.

5. LEGAL AUTHORITY

5.1 Section 53(3) of the Local Government (Scotland) Act 1973.

5.2 Part 1, Section 22 of the Local Government Etc (Scotland) Act 1994.

6. FINANCIAL IMPLICATIONS

6.1 The cost of undertaking the next period of public consultation will be met from within existing budgets.

7. POLICY IMPLICATIONS

7.1 Regular review of the Scheme supports the Council's Decentralisation Scheme which recognises the important role of Community Councils in partnership with the Council.

8. RECOMMENDATIONS

8.1 The Committee is requested:-

- (i) to consider the recommendations contained within the Appendix I to the report for the purposes of the third period of public consultation;
- (ii) to approve the Draft Scheme (Appendix II) for consultation; and
- (iii) to remit to the Depute Chief Executive/Director of Corporate Resources to undertake the necessary statutory public notification of this decision in terms of Section 53(3) of the Local Government (Scotland) Act 1973.

Fiona Lees
Depute Chief Executive/Director of Corporate Resources

15 June 2001
AH/MM/SR

LIST OF BACKGROUND PAPERS

1. East Ayrshire Council Scheme for the Establishment of Community Councils, 1997.
2. Submissions by Community Councils, individuals and Elected Members.

Any person wishing to inspect the background papers relative to this report should contact Alex Hewetson or Melanie Macleod, Administrative Officers, on telephone numbers (01563) 576093 or 576094 respectively. Any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager on telephone number (01563) 576135.

Implementation Officers: Melanie Macleod and Alex Hewetson, Administrative Officers.

APPENDIX I

ANALYSIS OF SUBMISSIONS

1. DESCRIPTION OF AREA (PARAGRAPHS 5/6)

1.1 Drongan Community Council

The Community Council had submitted a request that the name of the Community Council should be changed to “Drongan, Rankinston and Stair” to more accurately reflect the local community.

As no objections have been received in respect of this issue during the second period of consultation, it is recommended that the Scheme be amended as described above for consultation within the third period.

1.2 Bonnyton & Woodstock Community Council

Community Council has re-asserted the proposed change of name to “Bonnyton Community Council”, this being the unanimous decision reached by the Community Council and expressed in individual letters by Community Council Members. Individual submissions (2), petition (33) and pro forma letters (10) support retention of existing name: ‘Bonnyton and Woodstock Community Council’.

The submissions referred to above form part of the background papers and any Member who so wishes may access these. The arguments submitted broadly relate to issues of a local historical and geographical nature.

It is recognised that the sitting Community Council wishes to amend its name to reflect what it considers a more accurate description of the area. At the same time, there has also been substantial support for retaining the current name. As the Council is required to approve a draft Scheme for the purposes of consultation in the third period, it is the recommendation of Officers that the views of the existing Community Council be respected and that the Community Council’s name be changed to “Bonnyton Community Council”, with a final decision to be made following the third period of consultation.

2. COMMUNITY COUNCIL BOUNDARIES/NEW COMMUNITY COUNCILS

All maps referred to in this Paragraph will be displayed in the Main Meeting Room from Monday 25 June 2001.

2.1 Catrine/Mauchline Community Councils

Officers invited representatives of the Community Councils in question to meet to discuss a request by Catrine Community Council that its boundary be amended to include Ballochmyle Estate, on the grounds that (i) in geographical terms, the Ballochmyle Estate is located closer to Catrine than to Mauchline; (ii) any development on the Ballochmyle Estate, particularly for residential purposes, is likely to have a greater impact upon Catrine than Mauchline in terms of access to services and community facilities, etc; (iii) the road or former road which separates the former Ballochmyle Hospital and Ballochmyle Golf Course could be considered as an informal boundary between the two communities of Catrine and Mauchline; (iv) the former Ballochmyle Hospital which is located in the Ballochmyle Estate was closely associated with Catrine and, indeed, may also have had a Catrine postal address; and (v) Ballochmyle House was the home of Sir Claude Alexander who was responsible for the development of the Mill in Catrine which, in many ways, is responsible for the development of the community of Catrine.

Catrine and Mauchline Community Councils attended a meeting arranged by Officers to discuss the matter. Mauchline Community Council subsequently submitted its case, that no boundary change to Mauchline Community Council be made on the grounds that (i) the area in question has historical links with both communities; (ii) in purely geographical terms, the Ballochmyle Estate is closer to Mauchline than to Catrine; and (iii) any new development in Ballochmyle Estate would have an impact on the community of Mauchline, in particular vehicular movements to and from the Estate would be via Mauchline and schooling would be zoned for Mauchline. Mauchline Community Council, however, acknowledged the historical links between Catrine and Ballochmyle and would welcome Catrine Community Council as a partner in any consultation process that may arise from proposed developments at Ballochmyle.

In respect of the proximity of Ballochmyle Estate to these areas, it is marginally closer to Catrine, as the crow flies, but closer to Mauchline in terms of road miles. It is evident that both Catrine and Mauchline Community Councils have strong connections with the area in question. It is recommended that the present boundaries remain unaltered, but the Council recognises the informal arrangement proposed by Mauchline Community Council to consult with Catrine Community Council on any planning matters relating to the relevant area (Map A).

2.2 Catrine/Sorn Community Councils

Officers invited representatives of the Community Councils in question to meet to discuss a request by Catrine Community Council that its boundary be amended to include Daldorch on the grounds that:- (i) in geographical terms, Daldorch is in closer proximity to Catrine than to Sorn; (ii) the Daldorch Estate has a greater impact upon the community of Catrine than Sorn, since pupils, staff, etc at Daldorch tend to access services, community facilities, etc in Catrine; (iii) Daldorch has a Catrine postal address; (iv) in historical terms, the

Manager of the Mill in Catrine, owned by Sir Claude Alexander, lived at Daldorch House; (v) with regard to the area of land located to the north, including Crofthead and Crofffoot, etc, the farm and rights of way in this area are more closely associated with Catrine than Sorn and, in addition, together with the Community Council's proposal to amend its boundary to include the Ballochmyle Estate, the inclusion of this area would create a sense of geographical balance to the area covered by Catrine Community Council with the village itself at the centre.

Sorn Community Council did not attend the consultative meeting arranged by Officers and is reserving judgement on the matter until its next meeting, which would allow it to consider the issue in terms of the third stage of consultation.

Based on information provided and the geographical location, there seem to be arguments in favour of amending the boundary in question to include the Daldorch Estate and the area including Crofthead and Crofffoot within Catrine Community Council. Accordingly, it is recommended, for the purposes of the third period of consultation, that the Scheme be changed accordingly (Map B).

2.3 Cumnock Landward/Ochiltree Community Councils

Officers met with representatives from the two Community Councils in question to discuss the proposed inclusion of Skares in Ochiltree Community Council area. Cumnock Landward Community Council had previously indicated a willingness to be guided by the views of Skares residents who had, in the past, suggested the proposed revision. Subsequently, a letter was received from Ochiltree Community Council to confirm its agreement on the basis that, historically, residents from the area in question have always attended the local school in Ochiltree and used the village's amenities.

Since both Community Councils are agreeable to the proposed change, it is recommended that the Scheme be amended to include Skares within Ochiltree Community Council area (Map C).

2.4 Fenwick Community Council

Fenwick Community Council had proposed that its boundary be re-aligned to exclude the Southcraigs area, together with the proposed area of industrial development, on the grounds that the area constituted a new conurbation in North Kilmarnock which was not compatible with the rural area represented by Fenwick Community Council.

Fenwick Community Council has concurred with the proposed boundary submission referred to later in this Appendix in respect of Southcraigs/Wardneuk/Beansburn area.

During the second period of consultation, there were no objections to this proposal and it is, therefore, recommended that the Scheme be

amended accordingly for the purposes of consultation in the third period (Map D).

2.5 New Farm Loch/Fenwick Community Councils

New Farm Loch Community Council had submitted a request that minor changes be made to its boundary with Fenwick Community Council. Fenwick Community Council has expressed no objection to the proposed changes, to be incorporated into the proposed new Community Council area referred to later in this Appendix.

It is recommended that the Scheme be amended accordingly for consultation in the third period (Map E).

2.6 Southcraigs/Wardneuk/Beansburn Area

Following the first period of consultation, Members noted that both Fenwick and Northwest Community Councils recognised Southcraigs as an evolving independent geographical area of Kilmarnock. A letter from local residents intimating interest in establishing a Community Council for the area or examining other options had been received.

At a public meeting between interested parties, the proposal that the Southcraigs area become a Community Council, was welcomed, its boundary to include Southcraigs, Wardneuk (currently part of Northwest Community Council) and Beansburn (formerly part of the now disestablished Dean Community Council).

It is recommended that the Scheme be amended to include a new Community Council for the above area (Map F), called Southcraigs-Dean. (The name of the Community Council will be open to public comment during the third stage of consultation).

2.7 Gatehead/Crosshouse Community Councils

No objections were received during the second consultation period in respect of the proposed boundary change to include the Cochrane Inn and properties adjacent to it within the Gatehead Community Council boundary, the new boundary to run round the line of the gardens to the rear of these properties. Gatehead Community Council had consulted with the neighbouring Community Council of Crosshouse during the first consultation period and obtained its agreement in respect of the proposed amendment to the boundary and, in its own submission, Crosshouse Community Council had confirmed that it had no objection to the proposed boundary change.

During the second period of consultation, there were no objections to this proposal and it is, therefore, recommended that the Scheme be amended accordingly for consultation in the third period (Map G).

2.8 Grange-Howard/Crosshouse Community Councils

Officers met with representatives of both Community Councils to discuss a request by Grange-Howard Community Council that its boundary be extended to include Dalespark Roundabout to the west of Crosshouse. Following discussion, it was agreed by both Community Councils, however, that the boundary remain unchanged.

During the second period of consultation, there were no objections to this proposal and it is, therefore, recommended that the Scheme remain unchanged for consultation in the third period (Map H).

2.9 New Farm Loch/Piersland Bentinck Community Councils

New Farm Loch Community Council has re-affirmed its view that Strawberrybank Road and South Dean Road be included in its boundary, on the basis that these housing areas have a degree of affinity with the community of New Farm Loch. In contrast, Piersland-Bentinck Community Council undertook a survey which revealed that residents within the affected area were not in favour of a boundary change.

Piersland/Bentinck Community Council has clearly demonstrated that the area does not have an affinity with the New Farm Loch Community Council area and it is, therefore, recommended that the Scheme remain unchanged for the purposes of consultation in the third period (Map E).

2.10 New Farm Loch/The Dean Community Councils

New Farm Loch Community Council had submitted a request that minor changes be made to its boundary with the former Dean Community Council. As Council will know, the Dean Community Council is not currently active. However, two public meetings were held to discuss the future of the Dean Community Council area and the proposal in respect of the boundaries of surrounding Community Councils areas (New Farm Loch, Northwest and a proposed new Community Council area). With regard to New Farm Loch, it was agreed at the meeting that the area identified in Map E be contained within the New Farm Loch area.

It is recommended that the Scheme be amended accordingly (Map E) for the purposes of the third period of consultation.

2.11 Northwest/Kilmaurs Community Councils

Northwest Community Council had intimated its willingness to amend its boundary to incorporate the Longpark area of Kilmarnock which, at present, lies within the boundary of the currently dissolved Dean Community Council. No adverse consultation responses were received in the second period of consultation in respect of this matter.

As part of the consultation process, Northwest Community Council submitted proposals to further amend its boundary, which affected the Dean Community

Council area. A Public Meeting was held to discuss this initiative, at which it was agreed to accept the proposal contained within Map I.

The proposal involves the western boundary of Northwest Community Council, encompassing local development sites, part of which are at present located within Kilmaurs Community Council. It is the view of Officers that the sites are more closely associated with the urban conurbation of Kilmarnock rather than the village of Kilmaurs. Kilmaurs Community Council has reserved judgement on this proposal pending the third period of consultation.

Based on the above, it is recommended that the Scheme be amended to reflect the boundaries detailed (Map I) for the purposes of the third period of consultation.

2.12 Lugar and Logan/Cumnock/Auchinleck Community Councils

During the first stage of the review, the above boundary was identified in terms of minor boundary anomalies. Officer consultation with the above Community Councils took place. A consensus was reached in respect of amendments to the boundary as indicated in Map J.

It is recommended that the Scheme be amended accordingly (Map J) for consultation in the third period.

3. QUALIFICATIONS FOR NOMINATION, ELECTION AND HOLDING OFFICE OF A MEMBER OF A COMMUNITY COUNCIL (PARAGRAPH 8(a)(ii) AND PARAGRAPH 8(b))

- 3.1** No further submissions have been received in relation to the recommendation that Paragraphs 8(a)(ii) and 8(b) be amended to reflect that candidates, proposers and seconders should either have their name recorded within the Register of Electors for the area of the Community Council or otherwise prove to the satisfaction of the Council that they are resident within the Community Council area in question.

It is recommended that the Scheme be amended accordingly for the third period of public consultation.

- 3.2** No further submissions have been received in relation to the proposal by Hurlford and Crookedholm Community Council that five places on the Community Council be reserved for the Crookedholm area (with any under-subscription from one area to be filled by any excess nominations from the other community up to the total membership available).

It is recommended that the Scheme be amended accordingly for the third period of public consultation.

- 3.3** No further submissions have been received in respect of the proposal by Dalmellington Community Council that the current requirement for 8 members

to be drawn from residents of Dalmellington, Waterside and Dunaskin and 9 members from Bellsbank, be discontinued.

It is recommended that the Scheme be amended accordingly for the third period of public consultation.

4. METHOD OF ELECTION (PARAGRAPH 9)

- 4.1 No further submissions have been received regarding the proposal that Paragraph 9(c) be amended to include reference to Community Councils organising ordinary Elections “in association with the Council”. Similarly, no submissions have been received regarding the proposed amendment to Paragraph 10(2) to include reference to the Council providing “appropriate support and guidance in relation to the running of ordinary Elections”, nor in respect of the proposed amendment to Paragraph 10(2)(a) to include a requirement for Community Councils to intimate to the Council the date of their proposed ordinary Election.

It is recommended that the Scheme be amended accordingly for the third period of public consultation.

5. CONSTITUTIONAL REQUIREMENTS (PARAGRAPH 11)

- 5.1 No consultation responses have been received regarding the proposal that (i) those co-opted with voting rights to form part of the membership of the Community Council be referred to as “co-opted members” and those co-opted without voting rights be referred to “appointed persons”; (ii) clarification be provided within the Scheme of appointed persons, defining them as “people with particular knowledge in respect of possible Community Council projects or initiatives/younger people residing within a Community Council area not eligible to become full members of the Community Council by reason of age/groups or other organisations active within the Community Council area”; and (iii) the inclusion of younger people as possible “appointed persons” would fulfil the principle contained within Paragraph 11(h) in terms of the establishment of junior Community Councils.

It is recommended that the Scheme be amended accordingly for the third period of public consultation.

- 5.2 A number of Community Councils had observed that the current requirement under Paragraph 11(i) for half the maximum membership of a Community Council to be in attendance at one meeting in every four, can be problematic and had requested that the requirement be relaxed or discontinued.

It was noted after the first period of consultation that:- (i) the Council’s own quorum for meetings is one quarter and it was recommended that the request for a quorum of one quarter for all Community Council meetings be accepted for consultation during the second period of public consultation (Paragraphs 11 (i) and (k)) to be amended accordingly; (ii) that the current requirement of 50% to meet the quorum requirements for one Community Council meeting in four should be amended to 50% of the current membership; (iii) in some circumstances, Community Councils may experience difficulty in maintaining the minimum of 50% membership and it was clearly in the interest of both Community Councils and the Council to avoid, as far as practicable, the dissolution of Community Councils, to which end it was proposed that Community Councils be given a period of four months, where membership

difficulties have been identified, to address this issue without being required to dissolve.

No further consultation responses were received during the second period of consultation in respect of this matter. It is the view of Officers that, with regard to (ii) above, however, this proposal would not assist Community Councils to any great extent in meeting the quorum requirement. Accordingly, it is recommended that the 50% quorum requirement be removed and that (i) and (iii) above be incorporated into the Scheme for the purpose of consultation within the third period.

6. FINANCIAL AND OTHER ASSISTANCE (PARAGRAPH 12)

6.1 It was recognised after the first period of consultation that the current system had the effect of restricting Community Councils and, in recognition of this, it was proposed that the following amendments be made:-

- (i) Title of allowance (Paragraph 12(c)) to be amended from “Administrative and Accommodation Allowance” to “Funding and Accommodation Allowance”;
- (ii) Paragraph 12(b) to be amended to refer to funding to “promote and assist Community Councils to pursue their objectives” as opposed to a purely administrative allowance;
- (iii) Paragraph 12(c)(i) to be amended to refer to an annual grant towards the administrative and general running costs of Community Councils, to allow them to promote their activities, to be paid following satisfactory audit and assessment of Community Councils accounts/funds by the Council. It was recommended that a stipulation be contained within the Scheme that such funding would not be used for any political purposes or for supporting any political activities. Guidance notes on expenditure of the annual grant would be provided by the Council, subject to review from time to time.

It was further recognised that the current “top-up” system of funding Community Councils (Paragraph 12(c)(iii)) was somewhat restrictive and that consideration be given to the award of an annual grant based on population to be the subject of review from time to time.

The current funding arrangements were based upon the population of Community Council areas converted to membership numbers. This in turn determined a Community Councils placing within the banding system and the amount of administrative allowance it might claim. However, it was considered, that given a difference of one member between Community Councils can place an almost identical Community Council at a financial disadvantage, that the banding system was inherently unfair and an allowance based primarily on population would be more equitable.

No further consultation responses were received during the second period of consultation in respect of this matter.

It is recommended that the Scheme be amended in accordance with the above points for the purpose of consultation within the third period.

7. MISCELLANEOUS AMENDMENTS

7.1 Description of the Area

As a consequence of potential name changes of Community Councils, permanent dis-establishment and creation of a new Community Council, in the first and second periods of this consultation exercise, Officers were of a view that the `description of the area' (Paragraph 5) should be simplified to avoid confusion with the `names of Community Councils' as described in Annexation I to Appendix II of the report.

It is recommended that the Scheme be amended in accordance with the above points for the purpose of consultation within the third period.

7.2 Composition of Community Councils

Paragraph 7b(i) required updating.

It is recommended that the Scheme be amended in accordance with the above points for the purpose of consultation within the third period.

7.3 Rules for Election of Elected Community Councillors (Annexation III)

It was recognised after the first period of consultation that the requirement for Community Councils to advertise ordinary Elections in the local press could be discontinued without impairing public awareness, given that notices would still require to be exhibited on public notice boards within the area.

No further consultation responses were received during the second period of consultation in respect of this matter.

It is recommended that the Scheme be amended in accordance with the above points for the purpose of consultation within the third period.

15 June 2001

AH/MJM/SR

EAST AYRSHIRE COUNCIL

LOCAL GOVERNMENT ETC (SCOTLAND) ACT 1994

SCHEME FOR THE ESTABLISHMENT OF COMMUNITY COUNCILS

In terms of Part 1 of the Local Government, etc (Scotland) Act 1994 (hereinafter referred to as "the Act"), East Ayrshire Council (hereinafter referred to "the Council"), having given public notice under Section 22 (3) of the Act of the intention to frame a Scheme for the Establishment of Community Councils in this Area and having considered the suggestions submitted by the public as to the areas and compositions of Community Councils in the Area, hereby make the following Community Council Scheme (hereinafter referred to as "the Scheme"):-

1. TITLE OF SCHEME

This Scheme shall be cited as the "East Ayrshire Council Community Council Scheme, 1997".

2. COMMENCEMENT OF SCHEME

The Scheme shall come into force on the day on which it is adopted by East Ayrshire Council. Notice of said date will be published in accordance with Section 22 (3) (e) of the Act.

3. GENERAL PURPOSES OF COMMUNITY COUNCILS

The general purpose of a Community Council, in addition to any other purpose which a Community Council may pursue, shall be to ascertain, co-ordinate and express to the Local Authority for its area, to other public authorities and other interested bodies, the views of the community which it represents in relation to such 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.

4. INTERPRETATION OF SCHEME

The Interpretation Act, 1978, shall apply to the interpretation of the Scheme as it applies to the interpretation of an Act of Parliament.

5. DESCRIPTION OF THE AREA

~~The area consists of (a) the communities of Auchinlock, Catrine, Craighs, Crookedholm, Crosshouse, Cumnock, Dalmellington including Bellsbank and Dalrymple, Darvel, Drongan, Dunlop, Fenwick, Galston, Gatehead, Hurlford, Kilmarnock, Kilmaurs, Knockentiber, Logan, Lugar, Lugton, Mauchline, Moscow, Muirkirk, Netherthird, New Cumnock, Newmilns and Greenholm, Ochiltree, Patna, Polnessan, Priestland, Rankinston, Skares, Skerrington, Sorn, Stair, Stewarton, Waterside and Waterside, Dunaskin; and (b) the surrounding areas in each case.~~

~~The area administered by the Council for Local Government purposes can be described as East Ayrshire Council contains~~ both urban and rural and as a general rule, therefore, Kilmarnock, on the one hand, will be divided into communities with a common interest while, on the other hand, ~~each~~ smaller communities outwith Kilmarnock will have a Community Councils of **their** own.

Annexation I **describes the Community Councils.** ~~provides a more detailed description of the above communities as they relate to Community Councils.~~ The area maps (~~Annexation II~~) **is are** definitive regarding the Community Council boundaries.

6. DESCRIPTION OF AREA SELECTED

The Council has considered carefully the results of the public consultation process and has determined that the Community Council requirements for the Area will best be served by the establishment of Community Councils as set out in Annexation I to the Scheme.

7. COMPOSITION OF COMMUNITY COUNCILS

Subject to the provisions of sub-paragraphs (a), (b), (c) and (d) of this clause, the membership of the Community Councils shall be as provided for in Annexation I to the Scheme and each Community Council shall be composed as follows:-

- (a) persons elected at a public meeting held for the purpose in accordance with Clause 9 of the Scheme;
- (b)(i) a minimum of 10 members to represent a population of up to 500 and 1 additional member per 500 of population. ~~As an interim measure, in cases where a Community Council formed under the former Cumnock and Doon Valley or Kilmarnock and Loudoun Scheme, has a greater number of members than provided for in the new Scheme upon its adoption, such members shall be retained meantime until such time as members complete their term of office or otherwise choose to withdraw from the Community Council.~~
- (ii) in Community Council areas where the population exceeds five thousand, the Community Council *may* adapt the formula referred to in 7(b)(i) above, to allow one further member per two hundred and fifty of population above five thousand, subject to approval by the Council.
- (iii) the membership figures contained within Annexation I, Column 4 are based upon the 1991 Census figures. In subsequent years, where it can be demonstrated that population figures have changed significantly, membership figures for Community Councils shall be adjusted accordingly.
- (c) up to four co-opted members selected by the Community Council to serve in accordance with Clause 11(g)(i) of the Scheme; and

- (d) the Elected East Ayrshire Council Member(s) for the Council ward(s) appointed as (an) *ex officio* member(s) of the Community Council, the area of which forms all or part of the Council ward in question.

8. QUALIFICATIONS FOR NOMINATION, ELECTION AND HOLDING OFFICE AS A MEMBER OF A COMMUNITY COUNCIL

- (a) In order to qualify for nomination as a candidate for election as, or to be elected to, or to be, a member of a Community Council, a person shall:
 - (i) have attained the age of 18 years and be not subject to any legal incapacity; and
 - (ii) be, on the date on which he or she is nominated as a candidate, a Local Government Elector and their name recorded within the Register of Electors for the area of the Community Council **or otherwise prove to the satisfaction of the Council that they are resident within the Community Council area in question;**
- (b) Proposers and seconders nominating a person for election shall be Local Government Electors and their name recorded within the Register of Electors for the area of the Community Council **or otherwise prove to the satisfaction of the Council that they are resident within the Community Council area in question;**
- (c) The Returning Officer shall make regulations as to the procedure for voting and shall cause the same to be published.

9. METHOD OF ELECTION

- (a) Elections for Community Councillors shall be at a public meeting of Local Government Electors held in the Community concerned and the persons elected shall be those for whom the majority of votes shall be given. The method of voting will be as detailed in Annexation 3.
- (b) When 20 Electors have made application in writing, the initial election of Community Councillors shall be organised by the Council in accordance with the provisions of Clause 10(1) below.
- (c) Otherwise, the ordinary elections of Community Councillors shall be organised by each Community Council **in association with the Council** in accordance with Clause 10(2) below.
- (d) All expenditure properly incurred in relation to the holding of the initial election of members of Community Councils shall be paid by the Council under the terms of the adoption of the Scheme.
- (e) The Returning Officer for the first election for any Community Councillors shall be the Chief Executive, who may appoint one or more Depute Returning Officers to undertake election procedures under the Scheme. For the removal

of doubt, it is confirmed that the Returning Officer will, where appropriate, adopt the provisions of the Representation of the People Acts regarding Electors, Candidates and procedure at Elections in respect of Elections to Community Councils.

10. TIMETABLE FOR AND PROCEDURE AT ELECTIONS OF ELECTED COMMUNITY COUNCILLORS

(1) Initial Elections: -

- (a) After the adoption of the Scheme by East Ayrshire Council and not less than 20 Electors have applied in writing to the Council for the establishment of a Community Council in accordance with the Scheme, the Council shall as soon as practicable and, in any event, not more than six weeks from the date of application, organise the initial Election of Community Councillors.
- (b) The Council shall arrange a meeting for Local Government Electors for the area of the Community Council in question, for the purpose of electing Community Councillors.
- (c) The Council at least 21 days before the meeting, shall cause notice to be exhibited on public notice boards in the area, giving particulars of the date, time and place at which the meeting is to be held and inviting the Local Government Electors of that Community Council Area to attend.
- (d) Written nominations for election of members to the Community Council shall close seven days prior to the date of the Election.
- (e) At the meeting, the Chair shall be as follows: - either (i) the local Elected East Ayrshire Councillor for the whole area covered by the Community Council, or appropriate substitute; or (ii) where there is more than one Elected East Ayrshire Councillor for the area covered by the Community Council, the Chair for the initial Election will be the Chair of the relevant Local Committee, or his/her substitute who is not. The Election shall be in accordance with the Rules determined by the Council.
- (f) The first meeting of each new Community Council shall be held within 21 days immediately following the day of the Election. The Returning Officer shall convene the first meeting at such place and time as he or she may appoint. Until the completion of the Election of a Chair, a Secretary and a Treasurer, which shall be conducted by secret ballot, the Returning Officer or Deputies shall exercise any functions falling to be exercised by the Chair, Secretary or Treasurer of the Community Council.

(2) **Ordinary Elections:-**

- (a) In the year in which the Elected Community Councillors for any area, elected at an initial Election, retire, and in **at least** each third year thereafter, each Community Council shall organise an Ordinary Election of Elected Community Councillors. Actual election dates for new Community Councils will vary **and must be intimated to the Council by the due date.**
- (b) The Community Council shall arrange a meeting for Local Government Electors for the purpose of electing Community Councillors, **with appropriate support and guidance provided by the Council in relation to the running of Ordinary Elections.**
- (c) The Community Council, at least twenty one days before the meeting, shall cause a notice to be exhibited on public notice boards in the area, giving particulars of the date, time and place at which the meeting is to be held, and inviting the Local Government Electors for the Community Council area to attend.
- (d) Written nominations for election of members to the Community Council shall close seven days prior to the date of the Election.
- (e) At the meeting, the Chair shall be taken by the Chair of the Community Council, and the Elections will be held in accordance with the Rules determined by the Council.

11. CONSTITUTIONAL REQUIREMENTS

- (a) Each Community Council shall adopt a constitution within the terms of this Scheme as soon as practicable and in any event within six months of the first meeting of the Community Council, which constitution shall be submitted to a public meeting for ratification before it becomes effective. The Community Council shall make provision therein for the matters mentioned in (b) (c), (d), (e), (f), (g), (h), (i), (j), (k) and 12(a) below. Until a Community Council adopts a constitution, it shall act in accordance with (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) and 12(a) below of this Scheme and shall conduct its meetings in accordance with the generally accepted practice for debating, voting, and so on.
- (b) The Elected East Ayrshire Council Member(s) for the area of the Community Council or any part of it shall *ex officio* be members of that Community Council but shall not be entitled to vote.
- (c) Members of a Community Council other than *ex officio* members shall hold office for a maximum period of three years or such shorter period as may be specified in the constitution. Retiring members may seek re-election or re-nomination.

- (d) Each Community Council shall appoint a Chair, Secretary and Treasurer from its members and may appoint other Office Bearers as it sees fit.
- (e) Each Community Council shall meet at least at three monthly intervals and on such other occasions as it sees fit, and shall hold a public meeting at least once per calendar year.
- (f)
 - (i) Each Community Council shall keep accounts and records of all financial transactions;
 - (ii) All accounts shall be made up in respect of each financial year which shall be from 1 January to 31 December and immediately prior to the election of a Community Council as provided for in paragraph 10(1); and
 - (iii) The accounts of each Community Council shall be audited by the Director of Finance of the Council or a person or persons approved by him or her, and it shall be the duty of each Community Council to hand over to the said Director such records and vouchers by 31 January each year as requested by him or her to allow the audit to be carried out or at a reasonable time prior to an Election in terms of 10(2), above.
- (g)(i) Each Community Council shall fill casual vacancies by election or co-option. Members co-opted to fill casual vacancies shall be entitled to vote **and shall be referred to as “co-opted members”**.
- (ii) Each Community Council may also co-opt other persons for such other purposes as it deems appropriate, **for example, people with particular knowledge in respect of possible Community Council projects or initiatives/younger people residing within a Community Council area are not eligible to become full members of the Community Council by reason of age/groups or other organisations active within the Community Council area**. Such persons, **referred to as “appointed persons”**, are not Members of the Community Council and shall not be entitled to vote, nor should they be eligible for Office Bearer posts or counted to form a quorum at any meeting of the Community Council. Details of persons co-opted will be notified promptly to the Council.
- (h) ~~Each Community Council shall consider establishing a Junior Community Council for its area, consisting chiefly of younger people who are not entitled to membership or to take part in the election of Community Councillors because of their age and, if they so agree to the establishment of such a Junior Community Council, the Community Council shall prescribe the composition and method of election or appointment of the Junior Community Council.~~
- (i) When membership of a Community Council falls below one half of the figure (in the event that Community Council membership, based upon local population be odd, eg. 17, one half shall be deemed to be 9, ie. rounded up to

the next highest whole number) shown in Column (4) of Annexation 1 in respect of Clause 7, ~~or when the attendance at four successive meetings of a Community Council falls below such figure~~, the Community Council concerned shall cease to exist. **However, Community Councils shall be given a period of four months, where membership difficulties have been identified, to address this issue without being required to dissolve. At such point, In the event of dis-establishment,** the Council may arrange for the election or nomination of a new Council in accordance with Clause 10 (1) above.

- (j) When a member of a Community Council fails to attend meetings for a period of six months, he or she shall cease to be a member of the Community Council, unless prior approval of his or her absence is given by the Community Council.
- (k) ~~A quorum at the first meeting shall be one half of the figure (in the event of Community Council membership, based upon local population be odd, eg. 17, one half shall be deemed to be 9, ie. rounded up to the highest whole number) shown in Column (4) of Annexation 1. Thereafter, The quorum for future meetings shall be one quarter of the figure shown in Annexation I.~~

12. FINANCIAL AND OTHER ASSISTANCE

- (a) The Council shall provide a model for financial conduct and procedures and other such financial information to facilitate uniformity of reporting and auditing of Community Council accounts. Community Councils shall be required to adopt these financial procedures in full.
- (b) The Council shall, in each financial year set aside funds to enable it to make such contributions as it considers appropriate towards **promoting and assisting Community Councils to pursue their objectives** ~~the administrative expenses of Community Councils.~~
- (c) **Administrative Funding and Accommodation Allowance**
 - (i) ~~A basic administrative allowance to meet stationery, telephone, printing, advertising, photocopying, facsimile, postage expenses, insurance and elections, as deemed appropriate by the Council, as well as any other expenses deemed by the Council properly to constitute administration expenses, shall be made available by the Council to each Community Council following approval by the Council of its Annual Estimates, and upon receipt of Community Council annual accounts in accordance with Clause 11 (f) (iii) above.~~

An annual grant will be provided towards the administrative and general running costs of Community Councils to allow them to promote their activities, to be paid following satisfactory audit and assessment of Community Council accounts/funds, by the Council. Such funding should not 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 Council and will be subject to review from time to time.

- (ii) The ~~initial~~ sum of ~~administrative allowance~~ **Funding and Accommodation Allowance** to Community Councils shall be ~~variable~~, based upon **population** ~~the following system of banding, dependent upon the number of members, excluding ex officio members:-~~

~~Band 1 (small) - 10 members~~

~~Band 2 (medium) - 11-19 members~~

~~Band 3 (large) - 20+ members~~

- (iii) ~~In subsequent years, the sum of administration allowance shall match administrative expenditure incurred in the previous year, up to a maximum of the appropriate banding level of each~~ **The annual Community Council grant will be subject to review from time to time** ~~Community Council (sum of administrative allowance within bands may be the subject of review from time to time).~~

- (iv) The Council shall make available to Community Councils 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.

(d) **Project Funding**

- (i) Community Councils may bid for additional funding for specific projects or equipment by applying to the appropriate Local Committee or other such sources as the Council may intimate from time to time.
- (ii) Community Councils, in addition, may take such other steps as they consider appropriate to raise funds for their activities, by way of voluntary subscriptions, donations, promotion of functions and applications for grants from other public bodies.

13. ~~CODE OF PRACTICE FOR EXCHANGE OF INFORMATION~~

- (a) The Council and each Community Council shall exchange copies of the Minutes of their respective meetings.
- (b) The Council shall, when and where it considers it appropriate, without prejudice to the statutory obligations to Community Councils, and in the interest of the Council as a whole and/or the Community Council area in particular, consult with the Community Council, providing them with any relevant information.

- (c) ~~In addition to the above arrangements, following the establishment of Community Councils, the Council will initiate discussions with representatives of the Community Councils, other public bodies and other interested parties represented in the Area, in order to identify and agree upon a Code of Practice for the exchange of information between them.~~

The foregoing **draft** Scheme made by the Council at its meeting on **28 June 2001**. ~~is hereby sealed with the Common Seal of the Council as authorised at the said meeting.~~

ANNEXATION I

<u>Names of Community Councils</u> (1)	<u>Description</u> (2)	<u>Population of Area</u> (3)	<u>No of Members</u> (4)
Auchinleck	Auchinleck District	4281	18
Bellfield Kilmarnock	Bellfield	4714	19
Bonnyton	Bonnyton/Kilmarnock Central West	3078	16
Catrine	Catrine District	2331	14
Crosshouse	Crosshouse District	2684	15
Cumnock	Cumnock	7414	24
Cumnock Landward	Netherthird, Skerrington & Skares	2544	15
Dalmellington	Dalmellington District, including Bellsbank, Waterside, Dunaskin †	3784	17
Dalrymple	Dalrymple District, excluding Polnessan	1557	13
Darvel and District	Darvel District	3954	17
The Dean	The Dean	4603	19
Drongan, Rankinston & Stair	Drongan, Rankinston & Stair	3857	17
Dunlop and Lugton	Dunlop & Lugton District	1448	13
Fenwick	Fenwick District	2165	14
Galston	Galston District	5781	21
Gatehead	Gatehead District	249	10
Grange/Howard Kilmarnock	Grange/Howard	4904	19
*Hurlford and Crookedholm	Hurlford & Crookedholm District	5732	21
Kilmaurs	Kilmaurs District	3329	16
Knockentiber	Knockentiber District	530	11
Lugar and Logan	Lugar & Logan District	1615	13
Mauchline	Mauchline District	4484	18
Moscow and Waterside	Moscow & Waterside District	548	11
Muirkirk	Muirkirk District	2052	14
New Cumnock	New Cumnock District	4527	19
New Farm Loch Kilmarnock	New Farm Loch	7731	25
Newmilns and Greenholm	Newmilns & Greenholm District	3673	17
Northwest Kilmarnock	Northwest Kilmarnock including Longpark	7089	24
Ochiltree	Ochiltree District	1226	12
Patna	Patna, Doonbank & Polnessan	2661	15
Piersland/Bentinck Kilmarnock	Piersland/Bentinck	4430	18
Riccarton Kilmarnock	Riccarton	4067	18
Shortlees Kilmarnock	Shortlees	3866	17
Sorn	Sorn District	784	11
Southcraigs/Dean	Southcraigs, Wardneuk & Beansburn		
Stewarton and District	Stewarton District	7658	25

Membership of Community Councils in the new Scheme are based uniformly upon the 1991 census. 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 pending the 2001 etc census data.**

Above descriptions are indicative of areas. However, definitive boundaries are provided in the map contained within Annexation II.

~~† For electoral purposes Dalmellington and Waterside, Dunaskin communities shall have 8 members and Bellsbank shall have 9. 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.~~

***† For electoral purposes Hurlford shall have 16 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**

APPENDIX II

27 March 1997

24 September 1998 (amended)

28 June 2001 (draft Scheme amended)

ANNEXATION III

EAST AYRSHIRE COUNCIL

COMMUNITY COUNCIL SCHEME 1997

RULES FOR THE ELECTION OF ELECTED COMMUNITY COUNCILLORS

1. Nomination forms will be submitted prior to a Meeting of the Local Government Electors for the area of the Community Council in question which shall be held in the Local Community Centre or Village Hall, solely for the purpose of electing the nominated Community Councillors.
2. The Council, in the case of an initial election, ~~and otherwise the Community Council themselves~~, shall cause a notice to be inserted in the local press and exhibited on public notice boards in the area, not less than twenty-one days before the Meeting, giving particulars of the date, time and place at which the Community Meeting is to be held; and inviting Local Government Electors for the area to attend.
3. The Chair of the Meeting, will be as follows:- (a) in the case of an initial election - either (i) the local Elected East Ayrshire Councillor for the whole area covered by the Community Council or appropriate substitute; or (ii) where there is more than one Elected East Ayrshire Councillor for the area covered by the Community Council, the Chair for the initial Election will be the Chair of the relevant Local Committee, or his/her nominee. In the event that the Chair is an Elected East Ayrshire Councillor for the Community Council area in question, the Chair shall nominate an appropriate substitute who is not; and (b) for an ordinary election - the Chair of the Community Council.
4. Written nominations for election of members to the Community Council shall close seven days prior to the date of the Election.
5. No elector may nominate more than one candidate. Each nomination paper must be signed by the candidate and two sponsors.
6. If the number of candidates exceeds the number of vacancies for elected Community Councillors, a vote shall be taken at the Meeting in accordance with the procedure set out in the paragraphs below.
7. On a ballot being necessary, each Local Government Elector attending the Meeting shall be issued with a numbered voting slip, and shall indicate their preference up to the maximum of vacancies for the relevant Community Council.
8. The Returning Officer or Depute Returning Officer and the Chair shall appoint such number of enumerators and scrutineers as shall, in the opinion of the Chair, be required for the purpose of the ballot.
9. The electorate will then vote for candidates by marking a cross at their names and place the numbered voting slip into a sealed box.
10. The number of votes cast for each candidate shall be counted, recorded and exhibited to the Meeting.

ANNEXATION I

11. (a) In a contested election, when the result of the ballot has been ascertained, the Chair and the Returning Officer or Depute Returning Officer shall forthwith declare to be elected the appropriate number of candidates to whom the majority of votes has been given.
- (b) In the event of an equality of votes being cast for two or more candidates and where either or each of the candidates concerned would ordinarily, by virtue of the number of votes cast for him, have been elected to the Community Council, had there not been an equality of votes, there shall be taken a further ballot in respect of the candidates concerned, and the candidate or candidates for whom the majority of votes are given shall be declared elected. In the event of there being a further equality of votes following a second ballot, the matter shall be determined by the drawing of lots.
12. (a) On completion of the ballot the Chair and Returning Officer or Depute Returning Officer shall publish the names of the candidates elected and the total numbers of votes given to each candidate, whether elected or not.
- (b) Publication of the result of an election under this rule shall be effected by posting up a printed or written statement of the result at or near the main entrance to the Community Centre or Village Hall where the election was held.
- (c) In the case of ordinary elections, the Chair of the Community Council shall, as soon as practicable after the election, send to the Chief Executive of the Council, notice of the result of the election, in the form prescribed in (a) above.

East Ayrshire Council
Council Headquarters
London Road
KILMARNOCK KA3 7DG

27 March 1997
24 September 1998 (amended)
28 June 2001 (amended draft)

AGENDA