

EAST AYRSHIRE COUNCIL - 25 OCTOBER 2001

EAST AYRSHIRE COUNCIL COMMUNITY COUNCIL SCHEME - OUTCOME OF REVIEW OF SCHEME

Report by the Depute Chief Executive/Director of Corporate Resources

1. PURPOSE OF REPORT

- 1.1 To report on the outcome of the final formal consultation process on the review of the East Ayrshire Council Community Council Scheme and to seek authority to give public notice of the adopted scheme in accordance with Part 1, Section 22 of the Local Government, Etc (Scotland) Act 1994.

2. BACKGROUND

- 2.1 The Policy and Resources Committee on 30 November 2001 agreed to undertake a review of the East Ayrshire Council Community Council Scheme in consultation with Community Councils, the public and Elected Members.
- 2.2 Council, on 28 June 2001, agreed to approve for the purposes of a final formal period of consultation the amendments to the East Ayrshire Council Community Council Scheme as recommended by Officers and to undertake the necessary statutory public notification in terms of Section 53(3) of the Local Government (Scotland) Act 1973, inviting final comments upon the proposed amendments.
- 2.3 In addition, Officers were required to facilitate a number of further consultative meetings between Community Councils and interested parties in connection with a number of particular boundary and related issues.
- 2.4 The statutory notice in respect of the final formal period of public consultation on the review of the Scheme from 31 August to 28 September 2001 was published in the local press and a note of proposed amendments to the Scheme and maps were available for consultative purposes in Local Council Offices and Libraries.

3. SUBMISSIONS

- 3.1 Summarised in Appendix I to the report are the submissions received from Community Councils and members of the public. Each is followed by an emboldened italicised commentary on the submissions.

4. CONCLUSIONS

- 4.1 Having considered the proposals recommended by Officers as contained within Appendix I to the report, it is considered that the amended Scheme as detailed in Appendix II, be adopted by the Council.

5. LEGAL AUTHORITY/IMPLICATIONS

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 review will be met from within existing budgets and the issue of future financial support to Community Councils will be subject to review in terms of the annual Council Budgetary Review process.

7. RECOMMENDATIONS

7.1 It is recommended:-

- (i) that the Council adopt the amended Scheme as contained within Appendix II to the report, including the boundaries as detailed within the maps displayed at the meeting in terms of Part 1, Section 22 of the Local Government (Scotland) Act 1994;
- (ii) that the adopted Scheme be sealed with the Common Seal of the Council; and
- (iii) that the Depute Chief Executive/Director of Corporate Resources undertake the necessary statutory notification of the adopted Scheme in terms of Part 1, Section 22 of the Local Government, Etc (Scotland) Act 1994.

Fiona Lees
Depute Chief Executive/Director of Corporate Resources

15 October 2001

MA/LR

LIST OF BACKGROUND PAPERS

- 1.** East Ayrshire Council Community Council Scheme.
- 2.** Boundary Plans of Community Councils affected by the consultation responses.
- 3.** Submissions received in the final period of consultation.

Any person wishing to inspect the background papers relative to this report should contact Melanie Anderson, Administrative Officer, on telephone number (01563) 576094. Any person wishing further information on this report should contact Bill Walkinshaw, Administration Manager on telephone number (01563) 576135.

Implementation Officer: Bill Walkinshaw, Administration Manager

APPENDIX I

ANALYSIS OF SUBMISSIONS

Members should note that copies of the full submissions are available for examination within the Elected Members Information Point.

1. DESCRIPTION OF AREA (SCHEME PARAGRAPHS 5 AND 6)

1.1 Drongan Community Council

The Community Council 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.

No adverse comments have been received within the third period of consultation and it is, therefore, recommended that the Scheme be amended accordingly in this regard.

1.2 Bonnyton & Woodstock Community Council

The proposal involves a change of name requested by the Community Council, from “Bonnyton and Woodstock” to “Bonnyton Community Council”. It was reported to Council on 28 June 2001 that this was the unanimous view of the Community Council and expressed in individual letters by Community Councillors. The Council also noted that individual submissions (2), a petition (33 signatories) and pro-forma letters (10) supported the retention of the existing name of “Bonnyton and Woodstock Community Council”.

The Council, following recommendation by Officers, agreed to change the name to “Bonnyton Community Council” with a final decision to be made following the third period of consultation.

As a result of the third period of consultation, further submissions (**available for examination within the Elected Members’ Information Point**) have been received from (i) the Community Council; (ii) an individual Community Councillor; and (iii) one of the original respondents, including a petition (102 signatories) in favour of the retention of the name “Bonnyton and Woodstock Community Council”.

The submissions focus on the appropriateness, or otherwise, of including “Woodstock” in the name of the Community Council and, as such, the arguments presented by the relevant parties are, in many respects, a rebuttal of each other’s position. The Community Council has unanimously agreed and re-affirmed that it wishes to be called “Bonnyton Community Council”. The Community Council has commented that it does not consider the name “Woodstock” to constitute a widely recognised area of Kilmarnock.

The original respondent in favour of retaining the name “Bonnyton and Woodstock Community Council” has provided some historical evidence and

has made reference to the use of the name in relation to the identification of an area with regard to wards, housing areas, retail facilities and an educational establishment. A view is also expressed that, in not using the name "Woodstock" in the Community Council title the Council would be eliminating any recognition of the area.

It is the view of Officers that it is quite clear that there is an area known as "Woodstock". This is confirmed by the Council's own use of the name. However, the fact that an area is not in a Community Council's title, does not mean that the area ceases to exist as has been clearly demonstrated by the respondent in his reference to the various uses of the name. By the same token, recognition of the area "Woodstock" does not automatically require that area to be included in the name of the Community Council, otherwise such an argument might require Grange Howard Community Council to be named instead "Grange Howard and Gargieston" and would certainly have implications for Community Councils such as Northwest.

It is quite obvious from the submissions received that the subject of the Community Council's name is an emotive one and that there will always be differing views on the matter. However, the Community Council is of the view that the name "Bonnyton Community Council" be contained within the finalised Scheme and accordingly it is recommended that the Community Council's request be acceded to.

2. COMMUNITY COUNCIL BOUNDARIES/NEW COMMUNITY COUNCILS

Maps referred to within this paragraph will be displayed in the Main Meeting Room from Monday 22 October 2001. Please note that a full series of maps (from map A to map G) were originally displayed for the purposes of the 28 June 2001 meeting of Council. However, on this occasion only those maps which were the subject of further consultation responses within the third period of public consultation now required to be displayed.

2.1 Catrine/Mauchline Community Councils

Catrine Community Council had proposed that Ballochmyle Estate be included within Catrine Community Council area. Full details of the proposal and submissions were reported to Council on 28 June 2001. The Council, having considered the submissions at its meeting on 28 June 2001, proposed that, for the third period of consultation, the boundaries remain un-altered. The Council also recognised as valuable an informal arrangement proposed by Mauchline Community Council to consult with Catrine Community Council on any planning matters to the relevant area.

No further submissions have been received and, accordingly, no amendments to the boundary are now proposed.

2.2 Catrine/Sorn Community Councils

Catrine Community Council had proposed that Daldorch be included within its Community Council boundary. Following consideration of the matter, the Council of 28 June 2001 agreed that, without prejudice, the status quo relating to the boundary between Catrine and Sorn Community Council be maintained for the purposes of the third and final period of consultation.

Thereafter, Officers of the Council facilitated a meeting held on 29 August 2001 between interested parties to discuss the proposal. Catrine Community Council Representatives re-emphasised earlier submissions (which were reported and detailed to the Council on 28 June 2001) supporting the inclusion of Daldorch within their Community Council area, including geographical and historical links, and made reference to the occupants of Daldorch who used the facilities of Catrine village. The Community Council stated that any potential development within the area in question and, in particular, the area of land located to the north, would have a greater visual impact on the village of Catrine. Finally, the Community Council stated that, in particular, Nimmos Woods should be included within the Catrine area as it was under the Catrine Voes Trust.

Sorn Community Council submitted that Daldorch had a history linked with Sorn and made reference to links with Sorn Castle. The Community Council reported that it had discussed the proposal with people within the area, in particular farmers and these have indicated that they would wish to remain within the Sorn Community Council area. Further, the Community Council considered that the area to the north, in particular Crofthead and Hillhead Farms, did not have a great visual impact on Catrine and that the children from Daldorch also utilised Sorn facilities on a daily basis.

A representation has also been received from a local farmer intimating that he speaks for 3 other local farms in opposing the boundary change. It is reported that the individuals concerned feel that they belong to a rural community and have always been associated with Sorn. They would wish to remain so as members (or former members) of organisations within Sorn, such as Sorn Church, Sorn Action Group, Sorn Community Council and Sorn WRI.

A further response has also been submitted from the Chair of the Service Support Committee, for Daldorch House School in which he indicates, on behalf of the Service Support Committee that the status quo should remain.

Sorn Community Council has indicated that it speaks for local residents in supporting the maintenance of the status quo and this view is supported by independent submissions. It is, therefore, recommended that the status quo be maintained with regard to the Community Council boundary (map A).

2.3 Cumnock Landward/Ochiltree Community Councils

This proposal involved the inclusion of Skares and the surrounding area within Ochiltree Community Council's boundary. Both Community Councils, namely Cumnock Landward and Ochiltree are agreeable to the proposal.

No adverse comments have been received during the third period of consultation and it is recommended that the boundary between the two Community Councils as amended be incorporated within the finalised Scheme.

2.4 Fenwick Community Council

This proposal involved the realignment of the Community Council's boundary to exclude Southcraigs, together with a proposed area of industrial development.

No adverse comments have been received during the third period of consultation and it is recommended that the boundary between the two Community Councils as amended be incorporated within the finalised Scheme.

2.5 New Farm Loch/Fenwick Community Councils

Minor boundary changes were proposed by New Farm Loch and Fenwick Community Councils.

No adverse comments have been received during the third period of consultation and it is recommended that the boundaries as amended be incorporated in the finalised Scheme.

2.6 Southcraigs/Wardneuk/Beansburn/Dean Area and New Farm Loch Community Council

At the meeting of Council on 28 June 2001 it was reported that both Fenwick and Northwest Community Council had recognised Southcraigs as an evolving independent geographical area of Kilmarnock.

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

Following the meeting of Council on 28 June 2001, a further consultation exercise was undertaken to seek comment regarding the name of the proposed Community Council. The name of Southcraigs-Dean was provided as a possible suggestion.

Also reported at Council on 28 June 2001, was a suggestion that part of the former Dean Community Council area be included in the New Farm Loch Area (outlined in green in map B). This was also included in paragraph 2.10 (Appendix I) of the report on the outcome of the second period of consultation submitted to Council on 28 June 2001.

A response has been received under the third period of consultation from New Farm Loch Community Council effectively requesting the Council to amend its boundaries to exclude the area outlined in green and revert to its original boundary proposal.

No further submissions have been received regarding the name of the proposed new Community Council and it is, therefore, recommended that the Scheme be amended to include a Community Council area identified in Map B called "Southcraigs-Dean".

In addition, with regard to New Farm Loch Community Council, it is recommended the boundary for New Farm Loch revert back to its original proposal (i.e. excluding the area outlined in green on Map B - which area will revert back to the Southcraigs-Dean Community Council).

2.7 Gatehead/Crosshouse Community Councils

This proposal involved a request to amend the boundary of Gatehead Community Council to include the Cochrane Inn and properties adjacent to it.

No adverse comments have been received during the third period of consultation and it is, therefore, recommended that the boundary between the two Community Councils as amended, be incorporate within the finalised Scheme.

2.8 Grange-Howard/Crosshouse Community Councils

This was a proposal by Grange Howard Community Council to include the Dales Park Roundabout to the west of Crosshouse within its boundary. The meeting of Council held on 28 June 2001 was advised that, following discussion, it was agreed by both Community Councils that the boundary remain unchanged and the status quo was, therefore, adopted for consultation in the third period.

No further comments were submitted during the third period of consultation and, accordingly, no amendments to the boundaries are now proposed.

2.9 New Farm Loch/Piersland Bentinck Community Councils

This was a proposal to include Strawberrybank Road and South Dean Road within the boundary of New Farm Loch Community Council. Having noted that residents were not in favour of a boundary change, the Council agreed to maintain the status quo and agreed that the Administration Service facilitate a meeting with New Farm Loch, Piersland Bentinck Community Council and affected residents to discuss the proposal.

Consequently, a meeting was held with representatives of both Community Councils and 20 of the 46 residents within the affected area. New Farm Loch Community Council re-affirmed its view that Strawberrybank Road and South Dean Road be included in its boundary, on the basis that these housing areas had a degree of affinity with the community of New Farm Loch. Piersland Bentinck Community Council proposed that the residents in question continue to be represented by that Community Council. On a show of hands, no affected residents supported the proposal to alter the boundary to include them within the New Farm Loch Community Council area. The meeting also agreed that a survey be undertaken of a total of 46 residents shown in the current Electoral Register. Of these, 34 responded and indicated that they would not support a proposal to alter the boundary between the two Community Councils.

It is clear that, not only does Piersland Bentinck Community Council support the status quo but, the vast majority of residents do not support a change. It is, therefore, recommended that the status quo in terms of the boundary between New Farm Loch and Piersland Bentinck Community Councils be maintained.

2.10 Northwest/Kilmaurs Community Councils

This proposal involved the western boundary of Northwest Community Council, encompassing local development sites, part of which are at present located within Kilmaurs Community Council. Based on Officer recommendation, the Scheme was amended to include the area in question within Northwest Kilmarnock Community Council for the purpose of the third period of consultation.

Kilmaurs Community Council had reserved judgement pending the third period of consultation. However, no adverse consultation responses were received during the third period in respect of this matter.

The view of Officers is that the site in question is more closely association with the Urban Conurbation of Kilmarnock rather than with the village of Kilmaurs. It is, therefore, recommended that the proposed amended boundary be incorporated in the finalised Scheme (map C).

2.12 Lugar and Logan/Cumnock/Auchinleck Community Councils

This proposal related to minor boundary anomalies. The Scheme was amended for further consultation in the third period.

No adverse comments have been received during the third period of consultation and it is, therefore, recommended that the boundaries be amended and incorporated within the finalised Scheme.

2.13 Ochiltree/Auchinleck Community Councils

This was a proposal by a resident of the Auchinleck House Estate to incorporate the Estate into Ochiltree Community Council. The Council, on 28 June 2001, agreed that a consultation exercise be facilitated by the Administration Service between Ochiltree Community Council, Auchinleck Community Council and residents relating to the proposal.

Further to the decision of Council, Officers from the Administration Section attempted to arrange a meeting between Auchinleck and Ochiltree Community Councils to discuss the issue. However, Auchinleck Community Council took the position that the boundary between the two Community Councils should remain as at present and did not, therefore, wish to meet with Ochiltree Community Council to discuss the issue. Auchinleck Community Council indicated that its view was that Auchinleck House Estate has strong historical links with the village of Auchinleck and should, therefore, remain within the boundary of Auchinleck Community Council.

Thereafter, a postal survey was carried out of residents within the area in question. A total of 29 survey forms were issued, of which 18 were returned and, of these, 9 were in favour of the proposal and 9 against. No other submissions have been received on this proposal during the third period of consultation either from the Community Councils or from individuals, although the Community Councils concerned were advised of the outcome of the survey. It should be noted that Ochiltree Community Council had previously indicated that it would be guided by the views of the residents within the area concerned.

There appears to be no clear indication from the residents that a change is required and, bearing in mind the position taken by both Community Councils (i.e. Auchinleck Community Council wishes no change and Ochiltree Community Council has agreed to be guided by the views of residents) it is the view of Officers that the status quo be maintained (Map D).

3. GENERAL

At its meeting on 28 June 2001, the Council agreed to amend a variety of areas of the Scheme for further consultation during the third period of public consultation. These are detailed within Appendix I to the report to the last meeting of Council.

No adverse comments have been received during the third period of consultation on any of these matters and it is, therefore, recommended that the amendments agreed by the Council at its meeting on 28 June 2001 and incorporated in the amended Scheme for consultation, be adopted and incorporated within the finalised Scheme.

APPENDIX II

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".

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

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, smaller communities outwith Kilmarnock will have Community Councils of their own.

Annexation I describes the Community Councils. The area maps 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.
- (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) 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) 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) 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, 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. 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.
- (i) 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.
- (j) The quorum 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.

(c) **Funding and Accommodation Allowance**

(i) 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 sum of Funding and Accommodation Allowance to Community Councils shall be based upon population.

(iii) The annual Community Council grant will be subject to 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. 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.

The foregoing draft Scheme made by the Council at its meeting on 28 June 2001.

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
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	5371	20
*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	To be finalised	
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 finalised upon receipt of the 2001 etc census data in accordance with the provisions of the Scheme.

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

*† 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

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, 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.

ANNEXATION I

10. The number of votes cast for each candidate shall be counted, recorded and exhibited to the Meeting.

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

28 June 2001 (approved draft)

AGENDA