THE CITY OF EDINBURGH COUNCIL

SCHEME FOR COMMUNITY COUNCILS

1. Introduction

1.1 Community Councils were first established in Scotland by the Local Government (Scotland) Act 1973, with the Local Government etc. (Scotland) Act, 1994, which creating the current system of unitary local authorities, and providing, under Section 22, for the continuation of community councils. These acts provide the legal framework for community councils.

1.2 The City of Edinburgh Council Scheme for Community Councils (the Scheme)

(1) Establishes the governance framework under which community councils in the City of Edinburgh Council local authority area are to comply, and

(2) Forms the constitution of each community council.

2. Statutory purposes

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

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

3. The role and responsibilities of community councils

3.1 The general purpose of community councils is to act as voices for their local areas, articulating the views and concerns of individuals and groups on a wide range of issues of public concern, including making representations to the City of Edinburgh Council, other public sector bodies and private agencies on matters within their sphere of interest.

3.2 Community councils have a statutory right to be consulted on planning applications.

3.3 Community councils are competent objectors to all licence applications lodged with the City of Edinburgh Council in terms of the Civic Government (Scotland) Act 1982, which includes applications for House in Multiple Occupation licences.

3.4 Community councils are the key community representative bodies within the local community planning arrangements across the city of Edinburgh.

3.5 Community councils may carry out other activities that are in the general interests of the communities they represent, provided these activities fall within Section 3 of the Scheme.

3.6 Community councils should engage widely with their local communities to represent their views when engaging with the City of Edinburgh Council. It is essential that these views are demonstrated to be representative, and each community council should expect to be able to explain why it has taken a particular position. Strategies should be devised to secure greater involvement by all sectors of their communities.

3.7 Community councils should be able to demonstrate how they are fulfilling their responsibilities as representative bodies by provision of an annual report and other forms of engagement such as newsletters, surveys, websites and use of social media.

3.8 In order to fulfil their responsibilities as effective and representative, community councils shall:

a. Inform the community of the work and decisions of the community council by posting agendas and minutes of meetings in public places, such as libraries, online and notice boards; and (subject to provisions contained within data protection legislation) provide contact details of community council members.

b. Circulate agendas and whenever possible draft minutes of community council meetings at least seven days prior to the date of a meeting to facilitate access by the community and circulation to the local authority, relevant elected members, relevant council officers and relevant parties.

c. Seek to broaden both representation and expertise by enlisting associate members onto the community council for specific projects/issues.

d. Make particular efforts to encourage young people and other under-represented groups to attend/participate in community council meetings and activities to ensure equality of opportunity in the way the community council carries out its functions.

e. Maintain proper financial records and present financial reports at community council meetings.

f. Liaise closely with the City of Edinburgh Council on any change of membership (e.g. resignations, co-option) and circumstances.

3.9 Overall, community councils should engage with and establish positive working relationships with the City of Edinburgh Council and other agencies. In carrying out their activities community councils must at all times adhere to the law and the Community Councillors' Code of Conduct, detailed in Schedule 3 to this scheme.

3.10 A community council shall be non-party political in all its activities.

4. Community council areas

4.1 Edinburgh is divided up into 46 community council areas and community councils may be established to serve and represent these areas identified in Schedule 1 to the Scheme.

5. Membership of Community Councils

Elected and nominated representatives

5.1. The maximum numbers of elected and nominated representatives for each community council is specified in Schedule 1 to the Scheme. Provisions detailing eligibility of elected and nominated representatives are detailed at Section 6 below.

5.2. Elected and nominated representatives shall be entitled to vote, move motions or amendments and hold office.

5.3. An individual shall not be permitted to hold elected membership and nominated membership concurrently.

Ex-officio representatives

5.4. Local Authority Councillors, MPs, MSPs, MEPs and **SYPs** whose wards fall wholly or partly within the geographical area of the community council area shall be ex-officio members of the community council.

5.5. Ex-officio representatives shall not be eligible to be elected or nominated representatives and shall have no entitlement to vote, move motions or amendments or hold office.

Associate representatives

5.6 Associate representatives may be appointed by a community council where a need for individuals with particular skills or knowledge has been identified and agreed. Associate representatives have no entitlement to vote, move motions or amendments or hold office. They may serve for a fixed period as determined by the community council or for the term of the community council which has appointed them. Associate representatives may include, for example, someone with expertise in IT, communication or environmental issues.

6. Community council elections

Eligibility of Elected Members

6.1 Candidates wishing to stand for election to a community council must reside in the local area and be named on the Electoral Register for that area. The same criteria will apply to voters in a community council election.

6.2 16 and 17 year olds residing in the community council area and named on the Electoral Register for that area and subject to the provisions in Clause 5 above, are also entitled to both stand for the community council and vote in any election.

Young people under the age of 16 ¾ may not appear on the electoral register so residency can be confirmed by other means such as school registration.

6.3 Any elected community council member who no longer resides within the community council area will have their membership terminated from the date their residency ceases.

6.4 Any individual who is elected to serve on the City of Edinburgh Council, or the Scottish, UK or European parliament shall be ineligible to be a member of a community council from the date of election.

Nominations and elections

6.5 The first election for representatives of a community council shall be held in the event of 20 or more local electors submitting a written request to the City of Edinburgh Council for the establishment of a community council.

6.6 The second and subsequent elections shall be held on a four-yearly-cycle, outwith local government election years, on dates to be determined by the Council.

6.7 The Council may defer a requested election until the next community council election cycle, if this falls within the subsequent 12-month period.

6.8 Should the community councils' election cycle fall in the year of Scottish local government or parliamentary election, the electoral proceedings can be deferred by the Council to the following year.

6.9 All elections will be administered by the City of Edinburgh Council.

Returning officer

6.10 The City of Edinburgh Council will approve an independent Returning Officer for community council elections. The independent Returning Officer must not be a current elected or nominated member of the community council and once appointed shall be ineligible to stand for election to the community council.

Nominations for elected representatives

6.11 Individuals seeking election to a community council should be nominated by a proposer and seconder, both of whom must be on the electoral register for the community council area. Each elector may propose one nominee and second one nominee. Nominations require to be submitted with the candidate's consent. Self-nomination is not permitted.

6.12 A nomination form should be completed and submitted on the date set down in the election timetable. No forms submitted after that date will be accepted.

Election process

6.13 At the end of the nomination period:

1. If the number of candidates is more than half but less than the maximum permitted elected membership, as specified for the community council area in Schedule 1 of this scheme, the candidates will be declared elected and no ballot will be held.

2. If the number of candidates exceeds the number of available places a ballot will take place. At the ballot each voter shall be entitled to vote for candidates up to the number of vacancies for elected members on the community council, but cast no more than one vote for each candidate. For example, if there are 26 candidates and 18 vacancies for elected members each voter can vote for up to 18 candidates but cast only one vote for each candidate.

3. If the number of candidates elected is below half of the total maximum permitted membership, as specified for the community council area, no community council will be established at that time. A further request from 20 or more electors to the City of Edinburgh Council to make arrangements for the establishment of a community council under the terms of Section 52 (7) of the Local Government (Scotland) Act 1973 can be submitted after a standstill period of six months.

Method of election

6.14 Elections shall be conducted by secret ballot of local electors, organised by the Returning Officer approved by the City of Edinburgh Council in accordance with the Scottish Local Government Election Rules but subject to modification and simplification as deemed necessary by the City of Edinburgh Council.

Eligibility, appointment and role of nominated representatives

6.15 Nominated representatives may be appointed by local interest groups registered with the City of Edinburgh Council. Nominated representatives need not live within or appear on the electoral register for the community council area provided that they remain voluntary active members of the nominating group.

6.16 The organisation must be a voluntary group whose governing body has a majority of unpaid (volunteer) members which does not distribute profit among its members and which provides services for public benefit not restricted to its members. The first appointments shall be made at a joint meeting of the interest groups organised by the Returning Officer in accordance with the procedures set out in Schedule 2 to this Scheme.

6.17 Nominated representatives shall cease to be members of the community council if they cease to be a member of the nominating interest group.

6.18 Nominated representatives are appointed to represent the interests of their group on the community council and to reflect the views of the community through the community council.

6.19 If a community council member has any private and/or personal interests in a matter before the community council they have a duty to declare this and withdraw from discussions and the decision-making process with regard to that matter.

Filling of casual places/vacancies for elected members between elections

6.20 Casual vacancies on a community council may arise when an elected community council member:

a. Dies;

b. Submits their resignation;

c. Ceases to be resident within the community council area;

d. Is suspended for a period exceeding a year or is expelled.

e. Unreasonably does not attend meetings for a period of six months.

6.21 A temporary suspension of a community councillor for a period not exceeding one year will not result in a casual vacancy on the community council.

6.22 If vacancies arise on a community council between elections, which do not result in the number of community council members falling below the minimum as specified in Section 6 (paragraph 6.29) of the Scheme, it will be at the discretion of the community council whether to fill the vacancy.

6.23 Filling a vacancy can be undertaken either through the process of co-option to a maximum of one third of the total membership of the community council as governed by Section 6 of the Scheme. An extraordinary general meeting can also be held in order that the vacancy (and any other outstanding vacancies) can be filled, on the basis that such vacancies would be publicised, nominations invited and an election held where the number of candidates exceeded the number of places available. Such interim elections will be administered with permission and guidance from the City of Edinburgh Council.

6.24 Should circumstances arise that lead to the number of elected community council members to falling below half of the maximum permitted elected membership, the City of Edinburgh Council shall be informed and shall determine whether an interim election is required to be held. **Such an election will not be held within six months of a planned community council election.**

Co-opting members through the casual vacancy process

6.25 Members who are co-opted through the casual vacancy process must be eligible for membership of the community council as detailed in Section 5. They must be elected to the community council by a two-thirds majority of the elected and nominated community council members present. Such co-opted members shall have full voting rights, with the exception of voting on co-option of new members, and will serve until the next round of elections.

6.26 **If the number of co-opted members is to exceed a third of the maximum permitted elected community council membership approval must be granted by the City of Edinburgh Council.**

Election of office-bearers

6.27 At the first meeting of the community council after elections in the year when elections are held and at the Annual General Meeting in May or June in years when elections are not held, the community council shall appoint a Chair, Secretary, Treasurer **and Engagement Officer**.

6.28 All office-bearers shall be elected for one year but shall be eligible for re-election without limitation of time.

6.29 Without the express approval of the City of Edinburgh Council, a member shall hold no more than two of the following offices at any one time: Chairperson, Secretary or Treasurer and shall not hold office on more than one community council.

6.30 Community councils may appoint employees from time to time provided that no member of a community council shall hold any paid office.

6.31 Community councils may reimburse office bearers, other members and employees for any reasonable expenses incurred in the performance of their duties.

7. Equality and diversity

7.1 Community councils must ensure that in all their activities they seek to eliminate discrimination and promote equality of opportunity and good relations between all people within their community in accordance with the guidance provided to community councils.

8. Disqualification of membership

8.1 Disqualification of membership is automatic under the following circumstances:

- Relocation which renders invalid the residency qualification for membership.
- Failure to attend any community council meeting, with or without submitting apologies, throughout a period of six months.

8.2 If absence is due to ill health or any other reasonable circumstance e.g. planned holidays, work shift patterns etc, a leave of absence not exceeding six months may be approved at the discretion of the community council.

8.3 Registered interest groups shall ensure that their nominated representatives conform to the attendance clause above and must remain voluntary, active members of the group.

8.4 The Independent Complaints Panel with ratification by the Council may take the decision to suspend or expel an individual from the position of community council member. This is governed by the Community Council Complaints Procedure.

9. Meetings

9.1 The first meeting of a community council following election and establishment of a community council will be called by the Returning Officer or by a Depute Returning Officer approved by the City of Edinburgh Council. The meeting will take place within 21 days of that date, or as soon as practicable thereafter. The frequency of meetings will be determined by each community council, subject to a minimum of one Annual General Meeting and six ordinary meetings being held each year.

9.2 The quorum for community council meetings shall be at least one third of the current voting membership of a community council or three voting members, whichever is the greater.

9.3 Dates, times and venues of regular meetings of the community council shall be fixed at the first meeting following ordinary elections and thereafter at its annual general meeting. Special meetings shall require at least 10 days public notice, either called by the Chairperson or on the request of not less than one-half of the total number of community council members. An officer of the City of Edinburgh Council has the discretion to call a meeting of the community council.

9.4 Notices calling meetings of the community council and its committees shall be posted prominently within the community council area before the date of any such meeting and, where possible, be advertised by other such suitable means.

9.5 Should the community council receive a common written request (petition), signed by at least 20 persons resident within the community council area, to convene a special meeting for a particular matter or matters to be debated, it shall hold such a meeting within 21 days of receipt of such a request and advertise it in the manner prescribed for special meetings called by the community council.

9.6 Copies of all minutes of meetings of the community council and of committees thereof shall be approved at the next prescribed meeting of the community council but the draft minute shall be circulated at least 7 days before the date of the meeting to community council members and the City of Edinburgh Council.

9.7 All meetings of the community council and its committees (subject to paragraph 9.8 below) shall be open to members of the public. Proper provision is to be made for the accommodation of members of the public and the opportunity should be afforded at each meeting to permit members of the public to address the community council under the guidance of the Chairperson.

9.8 The community council can meet to discuss items of business in private where it considers it appropriate to do so. The decision to meet in private will be agreed in advance and decided by a majority vote. Notice of such a meeting will be given to the public in the usual way. However, the Notice will record that the meeting, or a part thereof, shall be held in private.

9.9 The annual meeting shall be held in the month of May or June with the exception of an election year when the appointment of office-bearers shall be deferred until the first meeting of the community council following the nomination and election period. The annual general meeting will have the purpose of receiving and considering the annual report of the community council, the appointment of office bearers, and the submission of the independently examined annual statement of accounts.

9.10 The City of Edinburgh Council shall be sent an annual calendar of the community council's prescribed meeting dates, times and venues, minutes of all meetings, the annual report, the annual financial statement and any other such suitable information, as may from time to time be agreed between the community council and the City of Edinburgh Council. When special meetings of the community council are to be held, the City of Edinburgh Council should be advised of the date, time, venue and subject(s) of debate of such meetings, at least 10 days in advance of the meeting date.

9.11 Procedural rules that community councils should adhere to when holding ordinary, special and annual general meetings are contained within the Model Standing Orders (Schedule 4).

10. Liaison with the City of Edinburgh Council

10.1 In order to help facilitate the effective functioning of community councils, the Council will provide a point of contact for community councils.

10.2 Community councils may make representations to the Council and other public and private agencies on matters for which they are responsible and which the community council considers to be of local interest. Representations in the case of statutory objections, such as planning or licensing matters should be made to the appropriate Council officer. On issues where a Council directorate/service area is consulting with community councils, representations should be made to the appropriate council officer.

10.3 Community councils shall provide copies of their agendas, minutes, signed annual accounts, **an annual report on engagement activities** and details of changes in membership to the Council via the Council's provided point of contact. **Failure to submit the above may lead to a withholding of the community council's annual administrative grant.**

10.4 The Council and community councils shall actively seek to keep each other well-informed on matters of mutual interest.

11. Resourcing a community council

11.1 The Council shall provide administrative grants to community councils to assist with their operating costs. Grants are based on a standard lump sum payment plus an additional per capita contribution proportional to the population for that area.

Community councils are discouraged from accumulating surpluses at the end of the financial year amounting to twice the amount of annual grant from the Council, unless such surpluses are dedicated to specific projects designed to elicit community opinion on local issues or otherwise support community needs.

11.2 Each community council shall appoint a suitably qualified person to audit the community council's accounts. (This should be someone who is independent from the community council with a financial background, though not necessarily a qualified accountant).

11.3 The financial year of community councils shall be the same as that of the Council (i.e. 1 April to 31 March) and the audited accounts of the community council shall be submitted for approval to the Annual General Meeting.

11.4 Each community council shall establish a bank account, **run a balanced budget** and shall submit its audited accounts to the Council by 1 November each year, in respect of the previous financial year, and **no administrative grant will be paid until that community council has submitted its annual accounts. The Council has the right to waive this requirement in extenuating circumstances.**

11.5 Any two of three authorised signatories, who must be office-bearers of the community council, may sign cheques on behalf of the community council. Authorised signatories may not be co-habitees or family members.

11.6 The annual accounts of each community council shall be independently examined by at least one examiner appointed by the community council but who is not a member of the community council. A copy of the independently examined statement of accounts/balance sheet shall be forwarded, as soon as the statement is approved, to a named officer of the City of Edinburgh Council who may, at their discretion and in consultation with the Council's Chief Financial Officer, request the community council to produce such records, vouchers and account books as may be required.

11.7 Each community council shall have the power to raise its own financial resources for schemes, projects and all other purposes consistent with its functions.

11.8 Each community council shall be eligible to apply for grants for suitable projects through the City of Edinburgh Council's grant system.

11.9 The City of Edinburgh Council shall determine any additional support services/resourcing, such as: photocopying and distribution of community council minutes and agendas; and free lets of halls for community council meetings, to suit local requirements.

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

11.11 The Council shall facilitate advice and assistance to community councils and arrange for the establishment of a training programme for community councils on: the duties and responsibilities of community council office bearers; the role of community councils; the functions of the Council; and other relevant topics.

12. Code of conduct

12.1 The Code of Conduct in Schedule 3 to the Scheme sets out the standards and principles of conduct that individual community council members are required to adhere to in performance of their duties.

12.2 Failure of any individual to comply with the Code will be dealt with according to the Community Councillor Complaints Procedure.

12.3 Breaches of the Code should be reported to the Council's provided point of contact.

13. Community council boundaries

13.1 Any request to change the boundaries and names of community councils must be made in writing to the Council Elections Manager who will arrange for the request to be submitted to the appropriate City of Edinburgh Council committee.

14. Dissolution of a community council

14.1 A community council may take the decision to dissolve in extraordinary circumstances. This decision will be decided by a simple majority of those eligible to vote and present and voting.

14.2 In the event of a vote of the community councillors that results in a majority not being achieve, the Chairperson shall have a casting vote.

14.3 If a community council fails to hold a meeting for a period of three consecutive prescribed meeting dates; or its membership falls below the prescribed minimum for a period of three consecutive prescribed meeting dates, during which time the community council fails to address the situation, the City of Edinburgh Council may take action to dissolve that community council.

THE CITY OF EDINBURGH COUNCIL - COMMUNITY COUNCILS

	Name of Council	Maximum Members	Elected Members	Nominated Members
1	Balerno	18	12	6
2	Colinton	18	12	6
3	Corstorphine	24	16	8
4	Craigentinny/ Meadowbank	21	14	7
5	Craigleith/ Blackhall	18	12	6
6	Craiglockhart	15	10	5
7	Craigmillar	24	16	8
8	Cramond and Barnton	22	15	7
9	Currie	15	10	5
10	Drum Brae	21	14	7
11	Drylaw/Telford	15	10	5
12	Fairmilehead	15	10	5
13	Firrhill	18	12	6
14	Gilmerton/Inch	24	16	8
15	Gorgie/Dalry	21	14	7
16	Grange/ Prestonfield	24	16	8
17	Granton and District	18	12	6
18	Hutchison/ Chesser	15	10	5
19	Juniper Green/**Baberton Mains**	15	10	5
20	Kirkliston	15	10	5
21	Leith Central	24	16	8

22	Leith Harbour and Newhaven	18	12	6
23	Leith Links	18	12	6
24	Liberton and District	18	12	6
25	Longstone	21	14	7
26	Marchmont and Sciennes	21	14	7
27	Merchiston	24	16	8
28	Morningside	21	14	7
29	Muirhouse/ Salvesen	18	12	6
30	Murrayfield	18	12	6
31	New Town/ Broughton	24	16	8
32	Northfield/ Willowbrae	21	14	7
33	Old Town	18	12	6
34	Portobello	21	14	7
35	Queensferry and District	15	9	6
36	Ratho and District	15	10	5
37	Sighthill, Broomhouse and Parkhead	22	15	7
38	Silverknowes/**Davidson Mains**	15	10	5
39	Southside	18	12	6
40	Stenhouse, Saughton Mains and Whitson	18	12	6
41	Stockbridge/ Inverleith	21	14	7
42	Tollcross	18	12	6
43	Trinity	18	12	6
44	West End	15	10	5
45	West Pilton/ West Granton	18	12	6

46	Wester Hailes	18	12	6

Schedule 2

The City of Edinburgh Council

Community Councils

Procedure for the Appointment of Community Council Nominated Members

1. The maximum number of nominated members for each community council is listed in Schedule 1.

2. Local interest groups must first apply to be registered with the City of Edinburgh Council (the Council) on the approved forms which will be available from the Council's provided point of contact.

   Registration for community council purposes will be accepted from any local interest group provided it complies with the following criteria:

   - The organisation must be a voluntary group that has been in operation for at least 12 months prior to the notice of election.
   - The organisation must be a properly constituted group with a publicly available constitution, the objects of which explains how it provides services for public benefit not restricted to its members.
   - The organisation must have a committee that (after the first year) is elected at an AGM and has a minimum of three members.

   The Council will determine the eligibility of the groups seeking registration. Where registration is refused, reasons will be provided.

   Where a group's local interest extends into more than one community council area, it may apply to be registered as local interest groups in each area. This application will be considered by the Council.

3. Local interest groups may register with the City of Edinburgh Council at any time of the year. The Council will notify the relevant community council(s) when an application for registration has been received and will inform the community council(s) when an appointment has been approved.

4. Before an election local interest groups must reapply to be registered as approved groups. After the Notice of Election has been published only those applications from local interest groups registered by the closing date for delivery of nomination papers for elected members, and subsequently approved by the Council, will be accepted.

5. Should the number of nominations exceed the number of places for nominated members on the community council, then a joint meeting for the appointment of nominated members will be held.

6. The date, time and place of the meeting of registered local interest groups will be fixed by the Returning Officer subject to the meeting taking place before the first meeting of the community council following the nomination and election period.

7. The Chair of the Joint Meeting will be the Returning Officer duly appointed by the Council.

8. Each registered local interest group will be entitled to send one voluntary representative to the Joint Meeting.

9. Each registered local interest group will be entitled to nominate one person for election as a nominated representative for the community council. This person must be a named individual. No political party or sectarian affiliations may appear on the nomination paper or on the voting paper.

   The representatives of the local interest groups and the elected members of the community council will vote by ballot up to the number of places to be filled; e.g. 12 nominations for 7 places - each representative may vote for 7 persons out of 12 nominations, with only one vote for each individual.

10. Should the number of registered local interest groups be less than the maximum number of places for nominated members then the community council can subsequently approve further eligible groups, registered and approved by the Council until the full quota has been achieved.

11. The named representatives from local interest groups subsequently elected will become full members of the community council, with entitlement to hold office and vote in business and constitutional matters.

    Any casual substitution of a named representative by another representative from the local interest group will not have entitlement to hold office and vote on community council business and will have an observer status.

    Any request for permanent substitution by the local interest group should be made in writing to the Council with details of the named individual who is to become the new group representative. Such members will have entitlement to vote and hold office.

12. If it comes to the attention of the Council that the following may apply:

    (a) a local interest group has ceased to operate,

    (b) a local interest group has ceased to meet the criteria for registration, or

    (c) the purposes for which a local interest group was set up are no longer relevant or no longer apply,

    the local interest group may be required to resubmit its registration forms and accompanying documents. In the event that the Council concludes that any of the above provisions (a) to (c) apply, or the local interest group fails to resubmit relevant documentation on request, the local interest group may be de-registered by the Council, in which case its nominated representative will cease to be a member of the community council.

The City of Edinburgh Council

Code of Conduct for Community Councillors

1. Introduction and enforcement

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

1.2 Community councillors, as representatives of their communities, have a responsibility to make sure that they are familiar with, and that their actions comply with, the principles set out in the Code. The Code and its principles, shall apply to all community councillors and those representing the community council.

1.3 The practical application of these rules is a matter for your judgement but if in any doubt as to how they should be applied you should seek advice from the Chairperson or other office bearer of the community council or from an officer of the City of Edinburgh Council (the Council).

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

1.5 The Community Councillor Complaints Procedure sets out provisions for dealing with alleged breaches of this Code and for the sanctions that can be applied in such an event.

2. Duties

2.1 The following general principles are those upon which the Code is based. These should be used for guidance and interpretation by community councillors in all community council activities.

Service to the community

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

2.3 Wherever possible you should establish and reflect, through the community council, the views of the community as a whole on any issue, irrespective of personal opinion.

2.4 You should ensure that you are, within reason, accessible to your local community and local residents. Various mechanisms to allow the general

community to express their views, i.e. websites, suggestion boxes, surveys, opinion polls, should, where possible, be made available.

Selflessness

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

Honesty and Integrity

2.6 You have a duty to act honestly. If you have any significant private and/or personal interests in a matter for the community council, you have a duty to declare this and withdraw from discussions and the decision-making process with regard to that matter.

2.7 You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in your representation of your community.

Gifts and Hospitality

2.8 You should not accept gifts or hospitality that may be seen to influence or be intended to influence your opinion or judgement. The offer and/or receipt of any gifts or hospitality with a value above £10 should always be reported to and noted by the secretary of the community council.

Objectivity

2.9 In carrying out public business, including award of grants or decisions regarding planning applications, you should make decisions on merit and on the basis of information which is publicly known.

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

Accountability

2.11 You are accountable for the decisions and actions that you take on behalf of your community through the community council. You must ensure that the community council uses its resources prudently and in accordance with the law. Any expenses, allowances, or facilities provided for use in your duties as a community councillor must be used strictly for those duties and no other purpose.

2.12 Community councillors will individually and collectively ensure that the business of the community council is conducted according to the Scheme and the Code.

2.13 Any breach of the Scheme and Code may be reported to the City of Edinburgh Council to determine what action, if necessary, should be taken. This may include referral to the Community Councillor Complaints Panel.

Openness

2.14 You have a duty to ensure that your decisions, actions and representations reflect the wishes and views of the community you represent. You should be open and able to justify your decisions, actions and representations when acting as a member of a community council.

Leadership

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

Respect and General Conduct

2.16 You should behave openly and honestly, treating another community council members in a positive, respectful and non-discriminatory manner. Similarly, you should treat ex-officio community council members, staff from City of Edinburgh Council and other agencies as well as members of the community with respect.

2.17 Recognition should be given to the contribution of everyone participating in the work of the community council. Equality of opportunity should be given to every participant to have their knowledge, opinions, skills and experience taken into account with all barriers to participation removed.

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

2.19 You should be supportive of the office bearers on the community council and refrain from trying to undermine their confidence or authority. It is unacceptable for community councillors to make personal remarks, make personal attacks or otherwise humiliate other members either at meetings or non-members or in other settings such as internet forums and social media.

3. Conduct and behaviour

Conduct at meetings

3.1 You must respect the Chair, fellow community councillors and any members of the public or partnership organisations that are present during meetings of the community council and its sub-committees or of any bodies where you have been appointed by, or are representative of your community council or community councils in general. You must comply with rulings from the Chair in the conduct of the business of these meetings.

Conduct in public

3.2 **In conducting yourself in public (including online) you must respect community councillors and key stakeholder organisations (such as the Council and Police Scotland). Community councillors should take note that their activity in public may be a breach of the provisions of this code if they are identifiable as a community councillor.**

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

3.4 **You should not act in such a way as to bring yourself or the community council into disrepute through your actions, discussion or communications.**

3.5 **Furthermore, any individual found to be responsible for anonymous activities (such as letter writing, blogging or other online activities) that would otherwise be a breach of the provisions of this Code will consequently have breached the Code.**

Bullying and harassment

3.6 **Bullying or harassment is completely unacceptable and will be considered to be a breach of the Code.**

3.7 **Harassment is any unwelcome behaviour or conduct which has no legitimate purpose and which makes someone feel offended, humiliated, intimidated, frightened and/or uncomfortable. Harassment can be experienced directly or indirectly and can occur as an isolated incident or as a course of persistent behaviour.**

3.8 **Harassment can take the form of unwelcome physical contact; inappropriate remarks or questioning; intrusive questioning; and the sending of unwelcome emails, messages or notes. This is by no means an exhaustive list.**

3.9 **Bullying is inappropriate and unwelcome behaviour which is offensive and intimidating, and which makes an individual or group feel undermined, humiliated or insulted. It is the impact of the behaviour rather than the intent which is the key.**

3.10 **Bullying can arise as a result of an individual misusing their power and can occur through all means of communication. Bullying can be a pattern of behaviour or a one-off serious incident that becomes objectionable or intimidating. This can include the unwelcome physical, verbal or non-verbal conduct; intimidatory behaviour; disparaging, ridiculing or mocking comments and remarks; physical violence; deliberately excluding an**

individual from conversations or activities in which they have a right or legitimate expectation to participate. This list is not exhaustive.

4. Financial probity

4.1 High standards of financial probity should be demonstrated by all those who are responsible for administering or receiving funds on behalf of the community council.

4.2 Office bearers must ensure that proper accounting records are kept for the community council bank account(s).

4.3 Inability to demonstrate proper stewardship of funds or operate in a transparent manner will be deemed a breach of the Code.

5. Interests which require declaration

5.1. The key principles of the Code are given practical effect by the requirement for you to declare interests at meetings which you attend.

5.2. Interest which require to be declared may be financial or non-financial. Most of the interests to be declared will be your personal interests but, on occasion, you will have to consider whether the interests of other persons require you to make a declaration.

5.3. It is your responsibility to make decisions about whether you have to declare an interest or make a judgement as to whether a declared interest prevents you from taking part in any discussions or voting. You are in the best position to assess your personal circumstances and to judge how these circumstances affect your role as a community councillor in regard to a particular matter.

5.4. **In deciding whether to declare an interest you should always comply with the *objective test* which is *whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision making in your role as community councillor.***

5.5. After declaring an interest you must withdraw from the meeting room until discussion of and voting on the relevant item where you have a declarable interest is concluded, other than in the following circumstances:

i) The interest is in relation to your appointment as an associate member of the community council or nominated member of a local interest group. In this case an exemption applies.

ii) The interest is so remote or insignificant that it could not reasonably be taken to fall within the objective test.

October 2019

Schedule 4

MODEL STANDING ORDERS

1. Meetings (all held in public)

(a) Ordinary meetings of the COMMUNITY COUNCIL shall be held in the months of ..... [to be entered]. Special Meetings may be called at any time on the instructions of the Chairperson of the community council; on the request of not less than one-half of the total number of COMMUNITY COUNCIL members; or the receipt of a common written request (petition), signed by at least 20 persons, resident within the COMMUNITY COUNCIL area, to convene a special meeting for a particular matter or matters to be debated, it shall call such a meeting, which special meeting shall be held within 21 days of the receipt of the request made to the Secretary of the COMMUNITY COUNCIL. Annual general meetings are held annually.

(b) The notice of ordinary and annual general meetings of the COMMUNITY COUNCIL, featuring the date, time and venue, shall be provided to each COMMUNITY COUNCIL member and the local authority's named official by the Secretary of the COMMUNITY COUNCIL, at least 7 days before the date fixed for the meeting.

2. Minutes

Minutes of the proceedings of a meeting of the COMMUNITY COUNCIL should be circulated at least seven days before the date of the meeting and distributed in accordance with Section 3 of the Scheme of Community Councils and shall, following their approval, be signed at the next meeting of the COMMUNITY COUNCIL by the person presiding thereat and retained for future reference.

3. Quorum

A quorum shall consist of one-third of the current membership of the COMMUNITY COUNCIL or 3 voting members, whichever is the greater.

4. Order of Business

(i) Ordinary Meeting

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

(a) Recording of membership present and apologies received.

(b) The minutes of the last meeting of the COMMUNITY COUNCIL shall be submitted for approval.

(c) Any other item of business, which the Chairperson has directed, should be considered.

(d) Any other competent business.

(e) Questions from the floor.

(f) Chairperson to declare date of next meeting and close meeting.

(ii) Annual General Meeting

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

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

(a) Recording of membership present and apologies received.

(b) The minutes of the last annual general meeting of the COMMUNITY COUNCIL shall be submitted for adoption.

(c) Chairperson's Annual Report (and questions from the floor).

(d) Secretary's Annual Report (and questions from the floor).

(e) Treasurer's submission of Balance Sheet and Annual Accounts duly independently examined and certified correct (and questions from the floor).

(f) Engagement Officer's Annual Report (and questions from the floor)

(g) Demit of current office bearers/election of office bearers.

(h) Chairperson to declare date of next annual general meeting and close meeting.

(iii) Extraordinary General Meeting

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

(a) Recording of membership present and apologies received.

(b) Business for debate, as described in the calling notice for the special meeting.

(c) Chairperson to close meeting.

5. Order of Debate

(a) The Chairperson shall decide all questions of order, relevancy and competency arising at meetings of the COMMUNITY COUNCIL and his/her ruling shall be final and shall not be open to discussion. In particular, the Chairperson shall determine the order, relevancy and competency of all questions from the public in attendance at meetings of the COMMUNITY COUNCIL raised at 4. i (e) above. The Chairperson in determining the order, relevance and competency of business and questions shall have particular regard to the relevance of the issue to the community and ensure that the discussion and proceedings are conducted in such a manner that decisions are reached in a democratic manner. The Chairperson shall have the power, in the event of disorder arising at any meeting, to adjourn the COMMUNITY COUNCIL meeting to a time he/she may then or afterwards fix.

(b) Every motion or amendment shall be moved and seconded.

(c) After a mover of a motion has been called on by the Chairperson to reply no other members shall speak to the question.

(d) A motion or amendment once made and seconded shall not be withdrawn without the consent of the mover and seconder thereof.

(e) A motion or amendment which is contrary to a previous decision of the COMMUNITY COUNCIL shall not be competent within six months of that decision unless notice has been given of the proposed item in the summons for the meeting and the COMMUNITY COUNCIL agrees the decision was based on erroneous, incorrect or incomplete information.

6. Voting

(a) Voting shall be taken by a show of hands of those present and eligible to vote, with the exception that, at an annual general meeting, the election of office bearers may be held by secret ballot.

(b) The Chairperson of a meeting of the COMMUNITY COUNCIL shall have a casting vote as well as a deliberative vote.

7. Alteration of Standing Orders

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

8. Committees

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

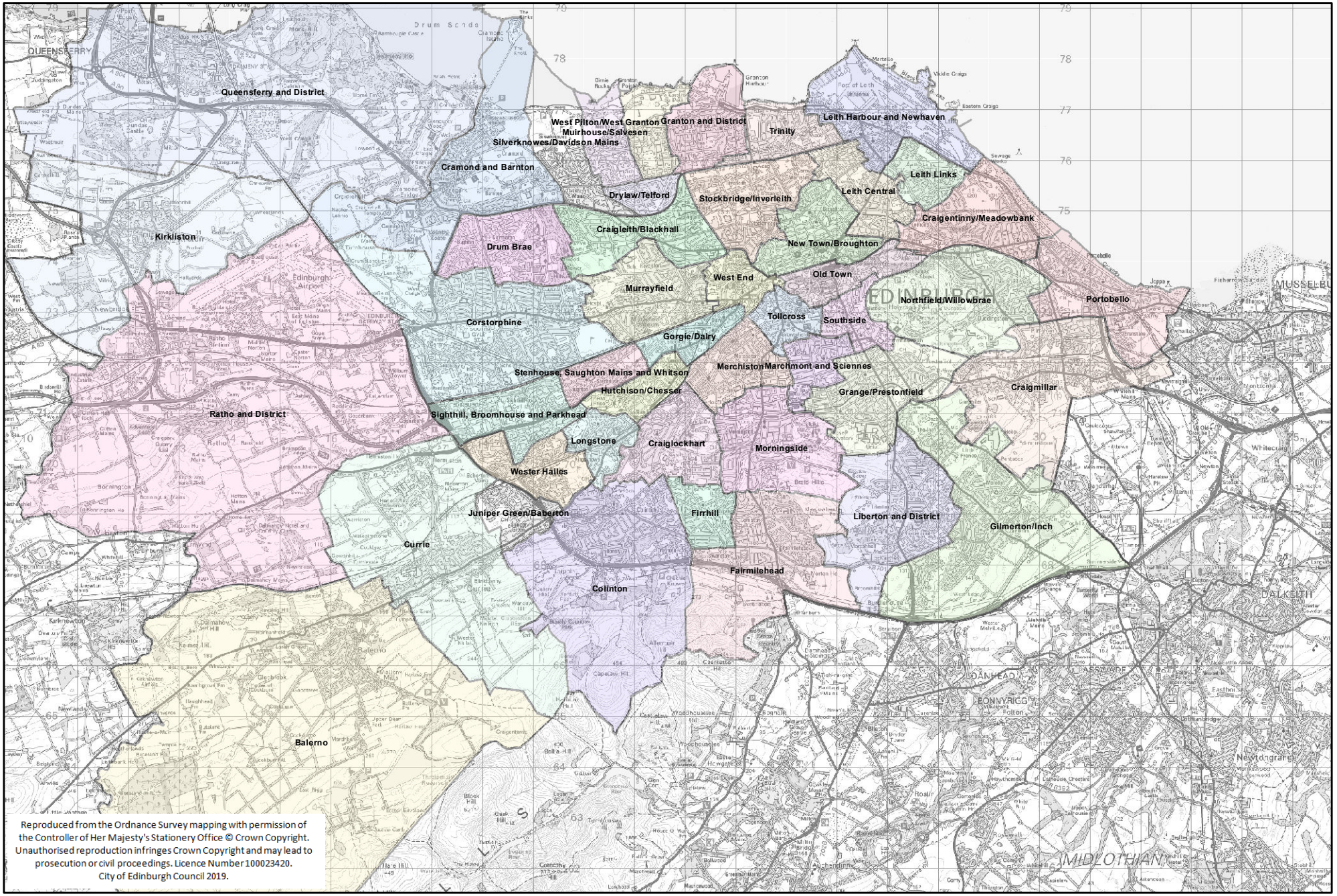
Any committees formed by the COMMUNITY COUNCIL will be subject to Standing Orders 1, 2, 3, 5, 6 and 7.

9. Suspension of Standing Orders

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

Community Council Boundaries - October 2019

Appendix 1.2



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Community Councillors Complaints Procedure

October 2019

Foreword

Community councils in Edinburgh are established under the City of Edinburgh Council's (CEC) Scheme for Community Councils (the Scheme), as provided for under the Local Government (Scotland) Act 1973 and thereafter, the Local Government etc (Scotland) Act 1994. The Scheme sets out the roles and responsibilities of community councils and councillors. Furthermore, the Scheme contains a Code of Conduct for Community Councillors which must be adhered to by all those who hold the position.

From time to time complaints will be made about the conduct of individual community councillors. These complaints will be dealt with through the Community Councillor Complaints Procedure.

Please note that CEC has a separate procedure to record and manage complaints by members of the public about CEC services and this should not be confused with the Community Councillor Complaints Procedure.

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1. How to use this procedure

1.1 This procedure explains how complaints regarding Community Councillor's conduct should be handled by the City of Edinburgh Council and subsequently the community council or Investigation Officer tasked with dealing with the complaint. Information for complainants is available on the CEC website.

1.2 When using this document please also refer to the Scottish Public Services Ombudsman (SPSO) Statement of Complaints Handling Principles' and best practice guidance on complaints handling, from the Complaints Standards Authority at the SPSO (www.valuingcomplaints.org.uk).

2. What is a complaint?

2.1 Complaints must relate to alleged breaches of the Code of Conduct for Community Councillors, contained within the City of Edinburgh Council Scheme for Community Councils.

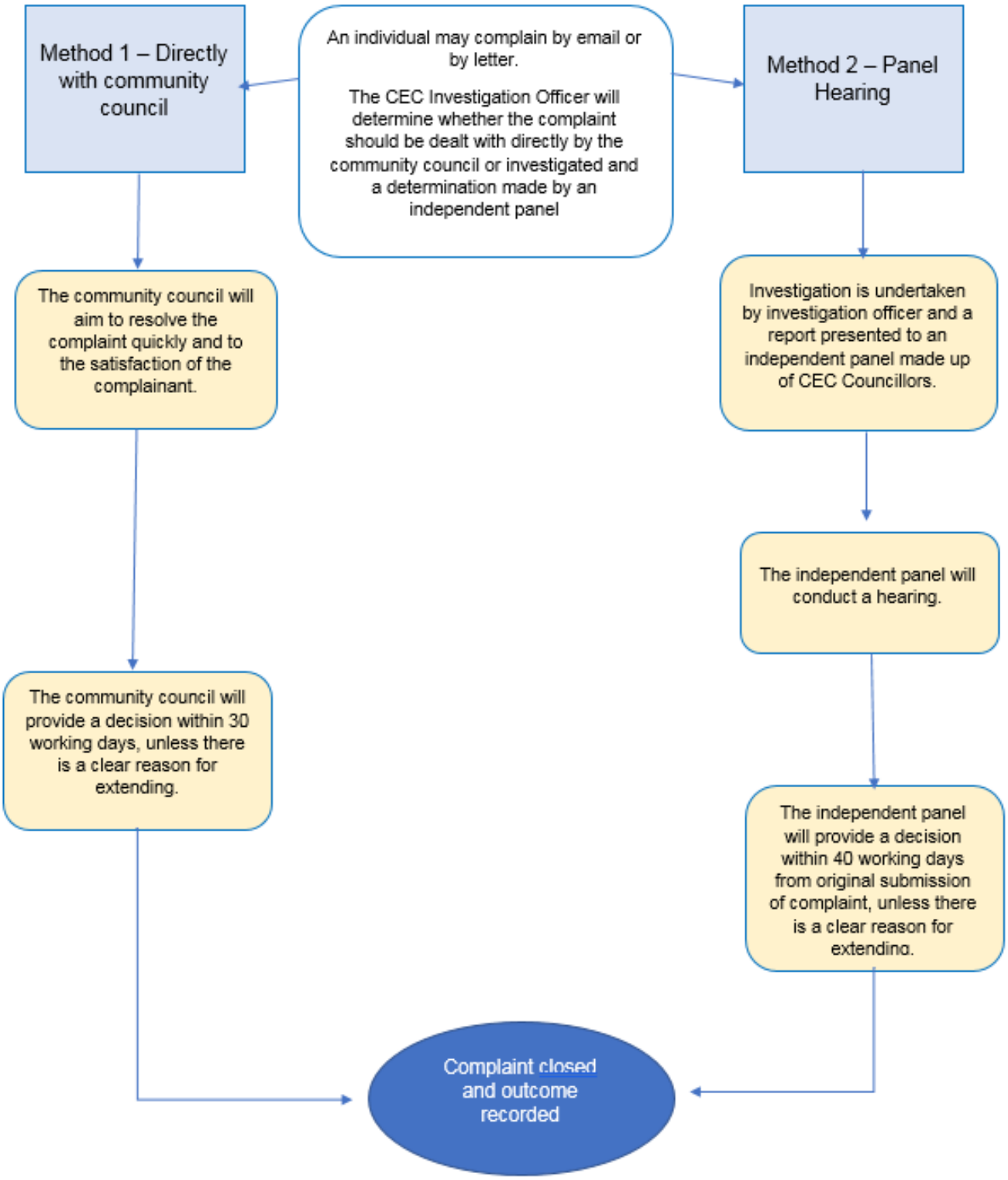
2.2 A complaint is not:

- A dispute of a personal nature which does not encompass an individual's role as a community councillor.
- An issue that is in court or has already been heard by a court or a tribunal.
- A disagreement with a decision, where a statutory right of appeal exists.
- An attempt to reopen a previously concluded complaint or to have a complaint reconsidered, where a final decision has been reached.

2.3 This list is not exhaustive.

2.4 These issues will not be treated as complaints but individuals will be directed to the appropriate procedures.

3. Complaints procedure flowchart



4. The complaint handling process

4.1 The procedure provides two routes for the resolution of complaints:

a. **Directly with Community Council (Method 1)**, and

b. **Panel Hearing (Method 2)**

4.2 The CEC Investigation Officer will determine which method should be utilised on receipt of a complaint.

4.3 Method 1 aims to provide a quick simple and streamlined process for resolving complaints directly with the community council concerned. Method 2 allows for more detailed investigation and an independent determination by the Community Council Complaints Panel in instances where complaints are more complex or serious.

	Method 1 – Directly with community council	**Method 2 – Panel Hearing**
Type of complaint	Simple, straightforward complaint requiring little or no investigation	Complaints that are complex or serious and require an investigation (to be determined by the CEC Investigation Officer)
Timescale to respond	30 working days (to be acknowledged within 3 working days)	40 working days (to be acknowledged within 3 working days)
Extensions	Must be authorised by the CEC Investigation Officer.	Must be authorised by the CEC Investigation Officer.
Investigation	The community council concerned	CEC Investigation Officer
Who responds	The community council concerned	The Community Council Complaints Panel
Response format	Verbal or written – whichever is appropriate (good practice to follow up a verbal response in writing)	Written

5. On receipt of a complaint

5.1 A complaint can be made in writing or by email.

5.2 A complainant may nominate a third-party representative to make a complaint on their behalf.

5.3 More than one complaint about the same incident or issue will be considered together.

5.4 All complaints must be submitted to the CEC Investigation Officer. Representations submitted elsewhere, including directly to community councils or other CEC officers, will not be formally considered as complaints.

5.5 On receipt of a complaint the CEC Investigation Officer will acknowledge, record and determine which method shall be utilised.

5.6 **Record**

- The individual shall be asked for all necessary information to get a full understanding of their complaint.
- Clarification shall be sought regarding what the individual wants to achieve by complaining and what provisions of the code of conduct have been breached.
- The following details shall be recorded as a minimum:
    - complainant details;
    - date complaint was received;
    - nature of the complaint; and
    - the community councillor to which the complaint refers.

5.7 **Acknowledge**

- All complaints must be acknowledged on receipt. Acknowledgement will include details regarding the method to be utilised and expected response period.

6. Method 1: Directly with Community Council

6.1 Method 1 aims to quickly resolve straightforward complaints, which require little or no investigation. On receipt the CEC Investigation Officer will direct such complaints to the office-bearers of the parent community council for the community councillor subject to the complaint (excluding office-bearers subject to complaints themselves). They will be responsible for resolving and responding to the complaint.

6.2 **Resolve**

- On the spot if possible – if an apology is appropriate the guidance as set out by the SPSO should be followed.
- A meeting of the community council may be required to consider the complaint and appropriate course of action.

6.3 **Respond**

- Respond within 30 working days.
- Responses to complaints can be verbal or in writing – whichever is most appropriate. It is good practice to follow up a verbal response in writing for clarification. Templates are available on request from the CEC Investigation Officer.
- It is important to keep a full and accurate record of the decision reached and given to the complainant. As a minimum, the following information should be recorded:
    - detail of the complaint;
    - date closed (the date the verbal response is provided or the letter/email is sent); and
    - outcome of complaint (upheld, not upheld or partially upheld).
- The CEC Investigation Officer must be informed as to how the community council has dealt with the complaint once this has been closed.

7. Method 2: Panel Hearing

7.1 Complaints handled via the Panel Hearing Method are typically complex, serious or require detailed examination before a position can be stated. These complaints will be identified on receipt by the CEC Investigation Officer.

7.2 The Investigation Officer will conduct the investigation or appoint a suitable individual to do so on their behalf. This individual will carry out an investigation which aims to establish all the facts relevant to the points made in the complaint.

7.3 The CEC Investigation Officer will also establish an independent complaints panel (Community Council Complaints Panel) made up of no less than three CEC Councillors. Care shall be taken to ensure that the Panel is sufficiently independent.

7.4 The CEC Investigation Officer will submit a report with recommendations to the Panel for determination.

Resolution of complaint

Independent Complaints Panel (Community Council Complaints Panel)

7.5 A hearing will be held to consider the report submitted by the CEC Investigation Officer. This shall be subject to CEC Standing Orders.

7.6 The Panel will make a final determination on the complaint.

7.7 The following sanctions can be applied in the case of an individual community councillor:

- Censure of behaviour and a written undertaking to behave in accordance with the Scheme's Code of Conduct.
- Suspension from community council meetings and activities for a period of time to be agreed by a majority of the Panel.
- Request by a majority of the panel members for the named community councillor to step down.
- In serious cases, an expulsion from the community council, approved by a unanimous vote of the Panel.

7.8 The decision of the Panel will be communicated by letter within 40 working days of receipt of the initial complaint to:

- The complainant.
- The community councillor subject to the complaint.
- The office bearers of their community council.

7.9 All Panel meetings will be held in private (as provided for under Schedule 7A of the Local Government (Scotland) Act 1973) and all materials relating to the complaint/investigation will be sent to the CEC Investigation Officer on completion for archiving. This will be retained for three years as detailed by the CEC Retention Schedule (ref 20.004.003).

8. Extensions to timelines

8.1. In exceptional circumstances, where there are clear and justifiable reasons for doing so, the CEC Investigation Officer may authorise an extension to the timeline. Examples of when this may be appropriate include:

- individuals concerned being temporarily unavailable;
- essential accounts or statements, required to establish the circumstances of the case, are needed from individuals, but they cannot help because of long-term sickness or leave;
- where it is not possible to obtain further essential information within normal timescales;

- when operations are disrupted by unforeseen or unavoidable circumstances, for example severe weather conditions; and
- the individual has agreed to mediation as a potential route for resolution.

8.2. This list is not exhaustive.

8.3. An extension to the timescale must be considered as soon as it becomes apparent that this is required. All parties will be informed if permission for an extension is given. The complainant shall be made aware of delays or complexities that may impact progress.

9. Time limit for making complaints

9.1. Complaints should be made within six months of the incident occurring, unless there are special circumstances for granting an extension. Any such circumstances will be considered on a case by case basis by the CEC Investigation Officer.

10. Maintaining confidentiality

10.1 The complainant and subject's confidentiality should be maintained at all times. All complaints will also be subject to legal requirements including data protection legislation.

11. Who can make a complaint?

11.1 Anyone who is affected by the community council can make a complaint. Sometimes an individual may be unable or reluctant to make a complaint on their own. Complaints brought by third parties will be accepted where personal consent has been given.

11.2 Individuals under 16 may complain themselves or can ask a trusted adult such as a parent, older brother or sister, or a guardian to complain on their behalf.

11.3 If an individual considers themselves to be a vulnerable adult they can complain directly, or they can ask a trusted person to complain on their behalf.

11.4 Anonymous complaints are not permitted under this procedure, however, if the complaint relates to a sensitive incident or issue, the CEC Investigation Officer can allow the name of the complainant to be withheld in such limited circumstances.